PARLIAMENTARY DEBATES

(HANSARD)

SIXTH SERIES—VOLUME 446 (Part 1)

HOUSE OF COMMONS

OFFICIAL REPORT

FIRST SESSION OF THE FIFTY-FOURTH PARLIAMENT
OF THE UNITED KINGDOM OF GREAT BRITAIN
AND NORTHERN IRELAND
FIFTY-FOURTH YEAR OF THE REIGN OF
HER MAJESTY QUEEN ELIZABETH II

SESSION 2005-2006

COMPRISING PERIOD
8 May—25 May 2006

£105
(Two parts not sold separately)

HER MAJESTY'S GOVERNMENT

MEMBERS OF THE CABINET

(Formed by the Rt. Hon. Tony Blair, MP, May 2005)

Prime Minister, First Lord of the Treasury and Minister for the Civil Service—The Rt. Hon. Tony Blair, MP

Deputy Prime Minister and First Secretary of State—The Rt. Hon. John Prescott, MP

Chancellor of the Exchequer—The Rt. Hon. Gordon Brown, MP

Leader of the House of Commons and Lord Privy Seal—The Rt. Hon. Jack Straw, MP

Secretary of State for Foreign and Commonwealth Affairs—The Rt. Hon. Margaret Beckett, MP

Secretary of State for Trade and Industry—The Rt. Hon. Alistair Darling, MP

Secretary of State for the Home Department—The Rt. Hon. John Reid, MP

Secretary of State for Health—The Rt. Hon. Patricia Hewitt, MP

Secretary of State for Culture, Media and Sport—The Rt. Hon. Tessa Jowell, MP

Minister for the Cabinet Office and Minister for Social Exclusion (Chancellor of the Duchy of Lancaster)—The Rt. Hon. Hilary Armstrong, MP

Secretary of State for Northern Ireland and Secretary of State for Wales—The Rt. Hon. Peter Hain, MP

Leader of the House of Lords and President of the Council—The Rt. Hon. The Baroness Amos

Secretary of State for Constitutional Affairs and Lord Chancellor—The Rt. Hon. The Lord Falconer of Thoroton, QC

Secretary of State for International Development—The Rt. Hon. Hilary Benn, MP

Secretary of State for Education and Skills—The Rt. Hon. Alan Johnson, MP

Secretary of State for Communities and Local Government—The Rt. Hon. Ruth Kelly, MP

Secretary of State for Environment, Food and Rural Affairs—The Rt. Hon. David Miliband, MP

Secretary of State for Work and Pensions—The Rt. Hon. John Hutton, MP

Secretary of State for Defence—The Rt. Hon. Des Browne, MP

Secretary of State for Transport and Secretary of State for Scotland—The Rt. Hon. Douglas Alexander, MP

Minister without Portfolio—The Rt. Hon. Hazel Blears, MP

Parliamentary Secretary to the Treasury—The Rt. Hon. Jacqui Smith, MP

Chief Secretary to the Treasury—Stephen Timms, Esq, MP

DEPARTMENTS OF STATE AND MINISTERS

Cabinet Office—

Minister for the Cabinet Office and Minister for Social Exclusion (Chancellor of the Duchy of Lancaster)—The Rt. Hon. Hilary Armstrong, MP

Minister without Portfolio—The Rt. Hon. Hazel Blears, MP

Parliamentary Under-Secretaries of State—
Pat McFadden, Esq, MP
Edward Miliband, MP

Communities and Local Government—

Secretary of State and Minister for Women—The Rt. Hon. Ruth Kelly, MP

Ministers of State—
Minister for Local Government—Phil Woolas, MP
Minister for Housing and Planning—Yvette Cooper, MP

Parliamentary Under-Secretaries of State—
Angela E. Smith, MP
Meg Munn (Minister for Women and Equality)
The Baroness Andrews, OBE

Constitutional Affairs—

Secretary of State—The Rt. Hon. The Lord Falconer of Thoroton, QC

Minister of State—
The Rt. Hon. Harriet Harman, QC, MP

Parliamentary Under-Secretaries of State—
The Baroness Ashton of Upholland
Bridget Prentice, MP
Vera Baird, QC, MP

Culture, Media and Sport—

SECRETARY OF STATE—The Rt. Hon. Tessa Jowell, MP

MINISTER OF STATE—

Minister of Sport—The Rt. Hon. Richard Caborn, MP

PARLIAMENTARY UNDER-SECRETARIES OF STATE—

Shaun Woodward, Esq, MP
David Lammy, Esq, MP

Defence—

SECRETARY OF STATE—The Rt. Hon. Des Browne, MP

MINISTER OF STATE—The Rt. Hon. Adam Ingram, MP

PARLIAMENTARY UNDER-SECRETARIES OF STATE—

Tom Watson, Esq, MP
The Lord Drayson

Education and Skills—

SECRETARY OF STATE—The Rt. Hon. Alan Johnson, MP

MINISTERS OF STATE—

Minister for Schools—Jim Knight, MP
Minister for Higher Education and Lifelong Learning—Bill Rammell, MP
Minister for Children and Families—The Rt. Hon. Beverley Hughes, MP

PARLIAMENTARY UNDER-SECRETARIES OF STATE—

The Lord Adonis
Phil Hope, MP
Parmjit Dhanda, Esq, MP

Environment, Food and Rural Affairs—

SECRETARY OF STATE—The Rt. Hon. David Miliband, MP

MINISTER OF STATE—

Minister for Climate Change and the Environment—Ian Pearson, MP

PARLIAMENTARY UNDER-SECRETARIES OF STATE—

The Baroness Ashton of Upholland
Ben Bradshaw, Esq, MP
Barry Gardiner, MP

Foreign and Commonwealth Affairs—

SECRETARY OF STATE—The Rt. Hon. Margaret Beckett, MP

MINISTERS OF STATE—

Minister for Europe—The Rt. Hon. Geoffrey Hoon, MP
Minister for Trade—The Rt. Hon. Ian McCartney, MP
Minister for the Middle East—Dr. Kim Howells, MP

PARLIAMENTARY UNDER-SECRETARY OF STATE—

The Lord Triesman

Health—

SECRETARY OF STATE—The Rt. Hon. Patricia Hewitt, MP

MINISTERS OF STATE—

Rosie Winterton, MP
Andy Burnham, MP
The Lord Warner

PARLIAMENTARY UNDER-SECRETARIES OF STATE—

Caroline Flint, MP
Ivan Lewis, Esq, MP

Home Office—

SECRETARY OF STATE—The Rt. Hon. John Reid, MP

MINISTERS OF STATE—

Minister for Policing, Security and Community Safety—Liam Byrne, Esq, MP
Minister for Criminal Justice and Offender Management—The Baroness Scotland of Asthal, QC
Minister for Immigration, Citizenship and Nationality—Tony McNulty, Esq, MP

PARLIAMENTARY UNDER-SECRETARIES OF STATE—

Joan Ryan, MP
Vernon Coaker, Esq, MP
Gerry Sutcliffe, Esq, MP

International Development—

SECRETARY OF STATE—The Rt. Hon. Hilary Benn, MP

PARLIAMENTARY UNDER-SECRETARY OF STATE—Gareth Thomas, Esq, MP

Law Officers' Department—

ATTORNEY-GENERAL—The Rt. Hon. The Lord Goldsmith, QC

SOLICITOR-GENERAL—Mike O'Brien, QC, MP

ADVOCATE-GENERAL FOR SCOTLAND—The Lord Davidson of Glen Cova, QC

Leader of the House of Commons—

LEADER OF THE HOUSE OF COMMONS AND LORD PRIVY SEAL—The Rt. Hon. Jack Straw, MP

DEPUTY LEADER OF THE HOUSE OF COMMONS—Nigel Griffiths, MP

Northern Ireland—

SECRETARY OF STATE—The Rt. Hon. Peter Hain, MP

MINISTERS OF STATE—

David Hanson, Esq, MP

The Rt. Hon. The Lord Rooker

PARLIAMENTARY UNDER-SECRETARIES OF STATE—

Maria Eagle, MP

Paul Goggins, MP

Paymaster General's Office—

PAYMASTER GENERAL—The Rt. Hon. Dawn Primarolo, MP

Privy Council Office—

LORD PRESIDENT OF THE COUNCIL AND LEADER OF THE HOUSE OF LORDS—The Rt. Hon. The Baroness Amos

Scotland Office—

SECRETARY OF STATE—The Rt. Hon. Douglas Alexander, MP

PARLIAMENTARY UNDER-SECRETARY OF STATE—

David Cairns, MP

Trade and Industry—

SECRETARY OF STATE—The Rt. Hon. Alistair Darling, MP

MINISTERS OF STATE—

Minister for Trade—The Rt. Hon. Ian McCartney, MP

Minister for Industry and the Regions—The Rt. Hon. Margaret Hodge, MP, MBE

Minister for Energy—Malcolm Wicks, MP

PARLIAMENTARY UNDER-SECRETARIES OF STATE—

The Lord Sainsbury of Turville (Minister for Science and Innovation)

Jim Fitzpatrick (Minister for Consumer Affairs and Competition Policy)

Transport—

SECRETARY OF STATE—The Rt. Hon. Douglas Alexander, MP

MINISTER OF STATE—

Dr. Stephen Ladyman, MP

PARLIAMENTARY UNDER-SECRETARIES OF STATE—

Derek Twigg, MP

Gillian Merron, MP

Treasury—

PRIME MINISTER, FIRST LORD OF THE TREASURY AND MINISTER FOR THE CIVIL SERVICE—The Rt. Hon. Tony Blair, MP

CHANCELLOR OF THE EXCHEQUER—The Rt. Hon. Gordon Brown, MP

CHIEF SECRETARY—Stephen Timms, Esq, MP

PAYMASTER GENERAL—The Rt. Hon. Dawn Primarolo, MP

FINANCIAL SECRETARY—John Healey, MP

ECONOMIC SECRETARY—Ed Balls, Esq, MP

PARLIAMENTARY SECRETARY—The Rt. Hon. Jacqui Smith, MP

LORDS COMMISSIONERS—

Dave Watts, Esq, MP

Alan Campbell, Esq, MP

Kevin Brennan, MP

Frank Roy, Esq, MP

Claire Ward, MP

ASSISTANT WHIPS—

Ian Cawsey, Esq, MP

Steve McCabe, MP

Liz Blackman, MP

Tony Cunningham, MP

Huw Irranca-Davies, MP

Jonathan Shaw, MP

Michael Foster, Esq, MP

Wales Office—

SECRETARY OF STATE—The Rt. Hon. Peter Hain, MP

PARLIAMENTARY UNDER-SECRETARY OF STATE—
Nick Ainger, Esq, MP

Work and Pensions—

SECRETARY OF STATE—The Rt. Hon. John Hutton, MP

MINISTERS OF STATE—
Minister for Employment and Welfare Reform—Jim Murphy, Esq,
Minister for Pensions Reform—James Purnell, MP

PARLIAMENTARY UNDER-SECRETARIES OF STATE—
Anne McGuire, MP
James Plaskitt, Esq, MP
The Lord Hunt of Kings Heath, OBE

Her Majesty's Household—

LORD CHAMBERLAIN—The Rt. Hon. The Lord Luce, GCVO, DL

LORD STEWARD—The Duke of Abercorn, KG

MASTER OF THE HORSE—The Lord Vestey

TREASURER—The Rt. Hon. Bob Ainsworth, MP

COMPTROLLER—The Rt. Hon. Thomas McAvoy, MP

VICE-CHAMBERLAIN—John Heppell, Esq, MP

CAPTAIN OF THE HONOURABLE CORPS OF GENTLEMAN-AT-ARMS—The Rt. Hon. The Lord Grocott

CAPTAIN OF THE QUEEN'S BODYGUARD OF THE YEOMAN OF THE GUARD—The Lord Davies of Oldham

LORDS IN WAITING—The Lord Bassam of Brighton, The Lord Evans of Temple Guiting, CBE, The Lord McKenzie

BARONESSES IN WAITING—The Baroness Crawley, The Baroness Farrington of Ribbleton, The Baroness Royall of Blaisdon

---

SECOND CHURCH ESTATES COMMISSIONER, REPRESENTING CHURCH COMMISSIONERS—Sir Stuart Bell, MP

HOUSE OF COMMONS

THE SPEAKER—The Rt. Hon. Michael J. Martin, MP

CHAIRMAN OF WAYS AND MEANS—The Rt. Hon. Sir Alan Haselhurst, MP

FIRST DEPUTY CHAIRMAN OF WAYS AND MEANS—Mrs. Sylvia Heal, MP

SECOND DEPUTY CHAIRMAN OF WAYS AND MEANS—Sir Michael Lord, MP

CHAIRMEN'S PANEL

David Amess, Janet Anderson, Hugh Bayley, Miss Anne Begg, Joe Benton, John Bercow, Sir John Butterfill, Martin Caton, Christopher Chope, Derek Conway, Frank Cook, John Cummings, Mrs. Janet Dean, The Rt. Hon. Eric Forth, Roger Gale, Mike Hancock, Jimmy Hood, Mrs. Joan Humble, Eric Illsley, Martyn Jones, David Marshall, Eric Martlew, Edward O'Hara, Bill Olner, Greg Pope, David Taylor, Mike Weir, Hywel Williams, David Wilshire, Ann Winterton, Sir Nicholas Winterton

HOUSE OF COMMONS COMMISSION

The Rt. Hon. The Speaker (Chairman), Sir Stuart Bell, MP, Nick Harvey, MP, The Rt. Hon. David Maclean, MP, The Rt. Hon. Mrs. Theresa May, MP, The Rt. Hon. Jack Straw, MP

SECRETARY OF THE COMMISSION—David Natzler

ASSISTANT SECRETARY—Geoffrey Farrar

ADMINISTRATION ESTIMATE AUDIT COMMITTEE

The Rt. Hon. Mrs. Theresa May, MP (Chairman), Nick Harvey, MP, Sir Thomas Legg, KCB, QC, David Taylor, FCA

SECRETARY OF THE AUDIT COMMITTEE—Tracey Garratty

BOARD OF MANAGEMENT

Roger Sands (Chief Executive), Helen Irwin (Clerk of Committees, Department of the Clerk of the House), Peter Grant Peterkin, CB, OBE (Serjeant at Arms), John Pullinger (Librarian), Andrew Walker (Director of Finance and Administration), Lorraine Sutherland (Editor of the Official Report), Sue Harrison (Director of Catering Services), Joan Miller (Director of Parliamentary ICT)

SECRETARY OF THE BOARD OF MANAGEMENT—Robert Twigger

SPEAKER'S SECRETARY—Angus Sinclair

SPEAKER'S COUNSEL—John Vaux

SPEAKER'S CHAPLAIN—Rev. Canon Robert Wright

MEDICAL ADVISER TO THE SPEAKER—Dr. Ron Zeegen, OBE, FRCP, MRCS, DObst, RCOG

PARLIAMENTARY COMMISSIONER FOR STANDARDS—Sir Philip Mawer

PARLIAMENTARY SECURITY CO-ORDINATOR—Peter Mason

THE PARLIAMENTARY DEBATES

OFFICIAL REPORT

IN THE FIRST SESSION OF THE FIFTY-FOURTH PARLIAMENT OF THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND
[WHICH OPENED 11 MAY 2005]

FIFTY-FIFTH YEAR OF THE REIGN OF
HER MAJESTY QUEEN ELIZABETH II

SIXTH SERIES VOLUME 446

THIRTEENTH VOLUME OF SESSION 2005-2006

House of Commons

Monday 8 May 2006

The House met at half-past Two o'clock

PRAYERS

[MR. SPEAKER *in the Chair*]

Oral Answers to Questions

WORK AND PENSIONS

The Secretary of State was asked—

State Pension

1. **Greg Mulholland** (Leeds, North-West) (LD): What plans he has to increase the level of and entitlement to the basic state pension. [68265]

The Secretary of State for Work and Pensions (Mr. John Hutton): We are currently considering all the recommendations of the second report of the Pensions Commission and will be publishing a White Paper on pension reform by the end of the month. The action that we have taken since 1997 has seen pensioner income rise across the board with the poorest pensioners benefiting the most.

Greg Mulholland: As the current Prime Minister seems to agree with the broad consensus in the Turner report, including its concerns about means-testing and the disincentive that that provides to saving, should we be worried that the Chancellor appears not to agree? Will we see a change of direction, a rejection of the Turner commission proposals and more proposals for means-testing some time in the next few weeks?

Mr. Hutton: The hon. Gentleman will have to wait and contain himself for the next couple of weeks, and all will be clear about the way forward. The Pensions Commission has identified several problems in relation to the current system that I agree need to be tackled so that we can we reach a consensus on a long-term sustainable pension settlement that will benefit not just today's pensioners but those in future generations.

Sarah McCarthy-Fry (Portsmouth, North) (Lab): The population is increasingly ageing, so the level of state pension is pertinent to many pensioners in my constituency, and the Department for Work and Pensions is currently undertaking a consultation about it. However, one of my constituents has sent me a copy of an advert asking for information, and the only way of responding to the consultation is via a website. Given that many pensioners do not have internet access, does my right hon. Friend agree that that is discriminatory? What plans are in place to increase uptake on that consultation?

Mr. Hutton: We certainly have not tried to discriminate against anyone or any section of society in conducting the extensive debate on the way forward in pensions reform. A number of undertakings and agreements exist with public libraries across the United Kingdom that will allow people who do not have internet access to take part in consultations. I assure my hon. Friend and the House that we have made great efforts to ensure that the consultation is as wide-ranging as possible, and we have had a positive response to it.

Peter Bottomley (Worthing, West) (Con): Are the Government prepared to consider the 500,000 state pensioners abroad, half of whom do not get inflationary increases while the other half do? Why is it

necessary to say that one does not get an increase in Vancouver but one does in Seattle, and that one does get an increase in Malibu but not in Melbourne? That seems incomprehensible to most people.

Mr. Hutton: We intend to continue the arrangements of successive Governments in relation to how pensioners living abroad receive their pensions. The arguments that we would put forward in favour of continuing those arrangements are exactly the same as those that the previous Conservative Government put forward.

Mr. Lindsay Hoyle (Chorley) (Lab): Obviously the Government have done a lot to help pensioners, and we know that the poorest of pensioners have had great support. Surely, however, the time has now come to consider the system again, as a third of pensioners who are entitled to pension credit do not take it up. Why not make the payment universal, and use the tax system to claw it back from those who are too wealthy?

Mr. Hutton: I agree with a lot of what my hon. Friend has said, and we certainly must tackle the problem of the growth and extension of means-testing in the pension system. Our proposals in the White Paper will address that. Pension credit in particular has been a huge success in tackling pensioner poverty. It was opposed, I am afraid, by the Liberal Democrats as well as the Conservatives, so there is no change there. My hon. Friend will have to wait until the White Paper is published, and I am sure that he will be pleased with the outcome. In relation to tax matters, those are very much the prerogative of my right hon. Friend the Chancellor, and I do not intend to intrude into that territory.

Mr. Mike Weir (Angus) (SNP): The Minister will know that there is a growing consensus in the country for a better pension provision by means of a citizen's pension. Why have the Government seemingly set their face so resolutely against even considering reform of the current system of pension tax relief, which could release much of the money required for such a citizen's pension?

Mr. Hutton: As I said, tax issues in relation to pensioner income are a matter for my right hon. Friend the Chancellor, not for the Department for Work and Pensions. I am sure that there will be a lively debate about that. In relation to the concept of a citizen's pension, for which the eligibility rules relate to residency rather than contributions, I have made clear that my strong preference is for the continuation of the contributory principle. The principle of something for something has been at the heart of state pension policy in this country for nearly 100 years; it was started by the great David Lloyd George when he was Chancellor of the Exchequer and continued in subsequent years. The challenge now is how to make the contributory principle much fairer to women and carers. The White Paper will certainly take up that challenge.

David Taylor (North-West Leicestershire) (Lab/Co-op): One of the meanest acts of the previous Government was to break the link between pensions and pay in the economy. As a result, single pensioners lost £33 a week before the 1997 election, and have lost £19.50 since. Is the Secretary of State aware that, three of four days ago, one of our colleagues on the Treasury Committee asked Lord Turner,

"after your proposals, we would still have one of the meanest pension systems in the OECD?"

"Yes," replied Lord Turner:

"We would still have a very basic system."

His set of proposals is not exactly ambitious or costly, is it?

Mr. Hutton: I followed the proceedings in the Treasury Committee closely, as my hon. Friend will know. Affordability, however, is a fundamental issue that must be addressed by not just the present Government but successive Governments when it comes to long-term pensions reform. It would be wrong to assume that there are no affordability issues; Turner himself recognised that in his report.

I agree with my hon. Friend on one point, however. I believe that if we can find the basis for long-term consensus on pensions reform—in my view, the Turner analysis is broadly right—we shall have an enormous prize within our grasp, and I hope that there will be consensus on the proposals that we shall present shortly.

Mr. David Laws (Yeovil) (LD): I congratulate the Secretary of State on surviving the bloodbath of last week's reshuffle. We are all very relieved not to have a fifth Secretary of State within a period of just 20 months. I also welcome the right hon. Gentleman's new ministerial colleagues.

The Secretary of State will recall that, a few weeks ago, the Chancellor said that there was 90 to 95 per cent. agreement on the Turner proposals. That is welcome, but can the Secretary of State say more about where the remaining disagreement lies? In particular, can he tell us whether the Treasury has now accepted Lord Turner's argument about a later state pension age, which the Secretary of State has already indicated that he supports?

Mr. Hutton: I am grateful—I suppose—for the hon. Gentleman's support for my continuation in this role. Perhaps he would like to put it in writing. That would be very welcome; indeed, it would be the first time anyone had written to me about anything nice.

With great respect to the hon. Gentleman, I must tell him that he will have to wait until the White Paper is published. There is, however, a large measure of agreement across Government on the way forward for pensions reform, and as I keep saying, I hope and trust that when we produce our proposals in the near future, they will command widespread support.

Mr. Philip Hammond (Runnymede and Weybridge) (Con): On pensions reform, is the Secretary of State still—in his own words on 31 January—

"looking for the widest possible cross-party consensus"?—[*Official Report*, 31 January 2006; Vol. 442, c. 246.]

Mr. Hutton: The hon. Gentleman cannot have been listening to what I have said this morning—or this afternoon, or whatever time it is. I think I have made clear on several occasions that that is my continuing ambition. I suspect that the hon. Gentleman's question was prearranged and he was not able to adjust it, but it is of course my intention to maintain as wide a consensus as possible.

Mr. Hammond: We have now established that the Secretary of State does not know what time it is, but I am glad to hear that he is still committed to the search for cross-party consensus. Pensions policy is a long-term issue, and it is essential, in the national interest, for us to try to forge that consensus. Conservative Members have looked forward to playing their part in that, because, as the Secretary of State has said, pensions policy must be sustainable over time and changes of Government.

With the pensions White Paper just a couple of weeks away, can the Secretary of State tell us why his search for that cross-party consensus has not led him to seek a single meeting with the Opposition parties on this subject, to attempt to establish the extent of agreement on the problems involved in pensions reform, or indeed to explore the scope for resolution of issues on which there is no agreement? In fact, can he tell us what exactly he has done to establish a cross-party consensus on this matter?

Mr. Hutton: As we all know, a week is a long time in politics. The hon. Gentleman should not assume that there will be no such meetings, and I look forward to having a meeting with him to discuss all these matters. If memory serves me right, I have sought to involve him and his party in some of the meetings that we have arranged, and I believe that he attended some of them. I remember him putting some points to the panel of speakers. I hope that he is not reading too much into this. We look forward very much to having discussions with him, and indeed with the hon. Member for Yeovil (Mr. Laws).

Income Support (Overpayment)

2. **Mr. Tobias Ellwood** (Bournemouth, East) (Con): What assessment he has made of the level of overpayment of income support; and if he will make a statement. [68266]

The Parliamentary Under-Secretary of State for Work and Pensions (Mr. James Plaskitt): Our latest estimate for 2004-05 is that £550 million was overpaid in income support through a combination of fraud, customer error and official error—equivalent to 5.3 per cent. of expenditure on that benefit. That is the lowest level of overpayment recorded to date, and a substantial improvement on the inherited 1997-98 level of 9.2 per cent. It is our firm intention to reduce overpayment levels even further.

Mr. Ellwood: I am grateful for that reply, but it does not disguise the fact that our benefits system is in a mess. Constituents now regularly come to my surgeries brandishing two letters: the first is dated last year and from the Inland Revenue, stating that they deserve x amount in benefits; the second is dated this year and from the Government, who are asking for half of it back. When will the Under-Secretary get a hold of this problem and help the very people who need our support?

Mr. Plaskitt: I hope that the hon. Gentleman is making matters clear to his constituents, because he seems to be confusing the Inland Revenue's responsibilities with those of the Department for Work and Pensions. My and the Department's responsibilities cover fraud and error in the system. I remind him that we have set ourselves some very tough targets to reduce losses through fraud and error, and we are on course to meet them. We aimed to get such losses down by 33 per cent. by March 2004; in fact, they were down by 37 per cent. Our next target is to reduce them by 50 per cent.; so far, they are down by 44 per cent.

Keith Vaz (Leicester, East) (Lab): But as my hon. Friend the Under-Secretary knows, there is a difference between a mistake of law and a mistake of fact. Like the hon. Member for Bournemouth, East (Mr. Ellwood), I have constituents coming to my surgeries saying that they have received demands for their income support to be repaid because of mistakes made by officials. What guidelines do Ministers give to officials to ensure that, where a mistake is made and a demand is issued for the repayment of the whole sum, time is given for those in need of such benefits to pay them back?

Mr. Plaskitt: My hon. Friend will of course know that there is existing social security law on this issue. Where it is clear that such overpayment is the result of an official error, we will not recover it. Where a request for recovery is made, we make it in sympathy with the individual's circumstances. The Department has no desire to cause any hardship, and arrangements can be made for repayment over time to suit the individual concerned.

Occupational Pensions

3. **John Robertson** (Glasgow, North-West) (Lab): What assessment his Department has made of the merits of introducing compulsory contributions by employers and employees to occupational pension schemes. [68267]

The Secretary of State for Work and Pensions (Mr. John Hutton): The Pensions Commission recommended the introduction of a new low-cost national pension saving scheme with automatic enrolment and compulsory employer contributions. We are giving careful consideration to those recommendations and we will publish our White Paper by the end of the month.

John Robertson: I realise that the issue of compulsory pensions is a very difficult nettle to grasp, particularly given that the Opposition are not assisting him in this regard, but I draw his attention to an

amendment to the Turner report, which suggests that a 5 per cent. contribution from each side would cover people's future needs. Is it not time seriously to look at compulsory pension contributions, for the good of those affected in years to come?

Mr. Hutton: I agree with my hon. Friend; Lord Turner's analysis is indeed very compelling. But if we are to establish a new national pension savings scheme along the lines suggested, we have to be absolutely sure that it will be safe automatically to enrol people in it, so that they will always be better off inside it than remaining outside it and relying on means-tested support from the state. The judgment that we have to make in deciding whether to proceed with employer contributions is a finely balanced one, and we must be mindful of the impact on the labour market, and particularly on small companies. But I can assure my hon. Friend and the House that we are looking closely at this very important element of Lord Turner's proposals.

Mark Pritchard (The Wrekin) (Con): My constituent, Mr. James Griffiths, paid into the Triplex Lloyd Components pension scheme for 25 years and expected to receive a pension of £160 per week. Unfortunately, that pension scheme has now been wound up. In the light of the proposals set out by the Secretary of State today, what assurances can he give to my constituents that there will be no more pension wind-ups?

Mr. Hutton: Obviously we do not want to see that happen, and we put in place a range of measures in the Pensions Act 2004 to provide proper protection when it does happen. There is also a financial assistance scheme for scheme wind-ups that predate 2004 and the introduction of those measures. I do not know the details of the hon. Gentleman's constituent's problem, but if he writes to me I will look into them.

Mr. Gordon Prentice (Pendle) (Lab): Does my right hon. Friend feel bad about rubbishing the ombudsman's report on occupational pensions within 24 hours of its publication when she specifically requested that the Government spend at least two months mulling it over? When will he give his final considered response to Ann Abraham's report?

Mr. Hutton: No, I do not feel bad. The Government's view is that there was no evidence for her finding of maladministration and I set out in my statement in the House the reasons why I came to that view. I will set out in greater detail the argument that underpins that essential assumption. I can certainly say that we are giving careful consideration to whether we can provide more financial assistance to people who are caught up in those situations. As my right hon. Friend the Prime Minister made clear in the House only a few weeks ago, that review has been expedited and when we publish our full response to the ombudsman's report in the next couple of weeks, I hope that those matters can all be addressed at the same time.

Mr. Graham Stuart (Beverley and Holderness) (Con): When pensions reforms are complete, does the Secretary of State want to see means-testing increased, reduced or kept at the same level?

Mr. Hutton: Like his hon. Friend, the hon. Member for Runnymede and Weybridge (Mr. Hammond), the hon. Gentleman must have missed the answer that I gave a few minutes ago, when I said that we have to control the spread of means-testing in the pensions system.

Post Office Card Account

4. **Mr. Simon Burns** (West Chelmsford) (Con): What recent representations he has received on the future of the Post Office card account; and if he will make a statement. [68268]

The Parliamentary Under-Secretary of State for Work and Pensions (Mr. James Plaskitt): The Post Office card account contract runs from 2003 to 2010. The card account will be funded by the Government until 2010 as always planned. Both my Department and the Post Office are now focusing on our shared contractual commitment to begin migrating customers to alternative accounts, such as the new savings account, just introduced by the Post Office. We will continue to ensure that if customers wish to access benefit payments via the post office they will be able to do so.

Mr. Burns: I am slightly puzzled by that answer, given that my question was about the representations that have been received on the issue. I got no answer to that. People such as Mrs. Knight, the postmistress at Roxwell post office, who presented a petition of 500 signatures that I sent to the Minister, are extremely concerned about the decision and the impact that it will have on clients and on post offices after 1910. Will the Minister, even at this late stage, consider reviewing the decision?

Mr. Plaskitt: The hon. Gentleman may wish to hark back to 1910, but I am interested in the future for the Post Office. We have had other representations, such as one recently from a postmaster in Plymouth who pointed out that since his customers have started migrating from POCAs to other accounts, his business has increased. He will not be the only one saying that. I have certainly received the hon. Gentleman's representation on the subject, because I have read his article in the *Westminster View*, which I commend to the House. He wrote:

"I am not arguing for the retention of the Post Office Card Account as it is"—

Mr. Burns: Read on.

Mr. Plaskitt: I am reading on. He continues:

"We must ensure that pensioners and lone parents...can access money in a post office setting and have the whistles and bells that we demand from our current accounts readily available to them in a user friendly way."

That is exactly what we are trying to do, in conjunction with the Post Office.

Mr. Frank Field (Birkenhead) (Lab): The Post Office card for pensioners has been the outstanding IT success for the Government. Is that why it is being abolished?

Mr. Plaskitt: I refer my right hon. Friend to the contract that we have with the Post Office, which makes it absolutely clear that the Government funding for the account was to run until 2010 and that we are both—the Post Office and the DWP— bound by that contract to help to migrate customers to accounts that are more appropriate to them. That is what we are doing.

Danny Alexander (Inverness, Nairn, Badenoch and Strathspey) (LD): If the Minister had listened at all to the views of postmasters in the highlands of Scotland, or to the general public, he would know that there is massive opposition and genuine anger about the decision to end the Post Office card account. Will he tell the House how he is getting on with the Post Office in his negotiations to develop a successor account to the card account after 2010, and can he assure the House that holders of Post Office card accounts will be easily migrated to the new account with no let or hindrance, of the form that people experienced when they tried to sign up to POCAs in the first place?

Mr. Plaskitt: I can assure the hon. Gentleman that we are having constructive discussions about that with the Post Office. I draw his attention to the comments of Alan Cook, the managing director of the Post Office, who referred to the Post Office in a recent interview as a highly trusted brand, which I think that we all accept. He went on:

"There is a great opportunity for us"—

the Post Office—

"providing that we come up with high integrity, simple, good value propositions for customers that build on the trust that people have".

The Post Office is starting to introduce new accounts, as I said earlier, and will introduce further accounts. As I have told the hon. Gentleman before, there are already up to 25 Post Office-accessible accounts to which individuals can switch and that have more services than the Post Office card account. If more customers switch to those accounts, the chances are that revenue for sub-postmasters will increase.

Mr. Russell Brown (Dumfries and Galloway) (Lab): Can my hon. Friend give the House an indication of the actual cost to the taxpayer of the use of Post Office card accounts rather than bank accounts? Can he also give an indication of the costs for the new instant saver accounts? The House was led to believe that the Post Office card account would cost significantly less than the old benefit books.

Mr. Plaskitt: I can assure my hon. Friend that the account is less costly than the old benefit books. Indeed, the transition from benefit books to the direct payment method now in use has been very successful, with an approval rate of more than 92 or 93 per cent. in surveys. The cost to the Government of supporting the Post Office card account runs at about £200 million a year. We have undertaken to continue that support, as we said at the outset, until 2010. We need now to begin the process of migrating people to other accounts in anticipation of 2010, so that the transition is smooth and successful.

Mr. David Ruffley (Bury St. Edmunds) (Con): Ditching the Post Office card account is causing great concern to many vulnerable people, especially in the absence of a clear announcement of what the successor account will be. According to the managing director of the Post Office, the revenue from the Post Office card account amounts to £200 million a year, which goes into a network that is desperately striving to keep sub-post offices open, so will the Minister get a grip, clear up the confusion and tell us today what account exactly will replace POCA and when he will tell us about it?

Mr. Plaskitt: The accounts that will emerge are primarily a matter for the Post Office. If the hon. Gentleman has been following developments, he will see that the Post Office recently launched a new account and is working on others. It is not for me to say what accounts it will come up with; that is a matter for the Post Office. I remind him that the new managing director of the network, Alan Cook, whom I quoted in an earlier answer and whom I meet reasonably regularly to talk about the situation, is looking for new products that will be attractive to the customer base. As I have also said in answer to previous questions, we are anxious to ensure that all our clients who want to continue accessing their benefit from the Post Office can do so.

I know that the hon. Gentleman likes to make as much fuss as he can and likes to whip up the concern that he was talking about, but the fact is that because of the extra support that the Government are putting into the rural network, the rate of post office closures, about which he purports to be worried, has slowed dramatically in rural areas, compared to the rate under the Conservative Government. On that issue, as on so many others, the hon. Gentleman is audible but not credible.

Pension Reform

5. **Richard Ottaway** (Croydon, South) (Con): What discussions he has had with the Chancellor of the Exchequer on pension reform; and if he will make a statement. [68271]

The Minister for Pensions Reform (James Purnell): My right hon. Friend the Secretary of State has regular discussions with the Chancellor on matters of mutual concern, and pension reform is one of those matters. We will be setting out the Government's response to the Pensions Commission's report in a White Paper by the end of the month.

Richard Ottaway: May I give a warm welcome to the Secretary of State's statement today that he seeks to control the spread of means-testing? From the Minister's discussions with the Chancellor, could he elaborate a bit on how that will be achieved?

James Purnell: Of course the immediate problem that we had to deal with was the pensioner poverty that we inherited from the Conservative Government, and the current policy has been extremely successful in that regard. It has taken 2 million people out of absolute poverty—we make absolutely no apology for that—but the Turner commission has very helpfully proposed a comprehensive case for future reform, which is exactly what we will bring forward proposals on by the end of the month.

Mr. Terry Rooney (Bradford, North) (Lab): My hon. Friend will know that 4.5 million people do not join the occupational pension schemes provided by their employers. Does he envisage that any legislative change might be necessary to encourage those people to take up the offer that is already on the table?

James Purnell: Of course that is one of the key parts of Lord Turner's proposals. He rightly identifies the fact that people outside those schemes suffer from a problem of inertia, which is what his proposals are intended to address. He does, of course, make proposals on occupational pension schemes, which are often the most attractive ones that people have to choose from, and it is important that we continue to support them.

Mr. James Clappison (Hertsmere) (Con): During the last Conservative Government, when he was the shadow Chancellor of the Exchequer, the present Chancellor of the Exchequer promised the elimination of means-testing. Can the hon. Gentleman tell us today whether the Government want fewer pensioners to be subjected to means-testing than is presently the case?

James Purnell: We have made it absolutely clear—in fact, my right hon. Friend the Secretary of State for Work and Pensions had just done so—that one of the aims of the Lord Turner proposals is to control the spread of means-testing, but the last Conservative Government were, of course, the ones who increased means-testing. I do not think that any party on either side of the House proposes to eliminate means-testing. The key question is how we can target the resources at pensioners in poverty—that is exactly what we have done—and how we can build a consensus around reform for the long term, and we look forward to working with Conservative party and the Liberal Democrats in doing exactly that.

Chris Bryant (Rhondda) (Lab): I welcome my hon. Friend to his new post. He spent a considerable period serving on the Work and Pensions Committee, so he knows many of these issues. May I urge him, contrary to what has been said, to look particularly at the situation for many women who do not achieve a full set of stamps and for whom simply increasing the basic state pension will do absolutely nothing? If we as a Government are not able to tackle that pensioner poverty, particularly for women, we will not be worth carrying on in government at all.

James Purnell: My hon. Friend is quite right that tackling pensioner poverty for women is an urgent priority. About 30 per cent. of women reach retirement with a full entitlement to a basic state pension, and my right hon. Friend the Secretary of State has made it clear that that will be one of the key things that we will consider in the White Paper. It is not acceptable that women should not have the same broad level of support as the rest of the population.

Miss Anne McIntosh (Vale of York) (Con): Speaking for the women, may I congratulate the Minister on his new position and his promotion? It will not have escaped his attention that, by 2010, with the retirement age for women being increased to 65, there will be a net saving for the Government of £10.1 billion a year. Do he and the Labour party agree with the Turner commission that that money should be ring-fenced and spent on pensions?

James Purnell: The hon. Lady is quite right of course that the proposals must be affordable. That is one of the key tests that we have set for the package of proposals. I am not going to give a running commentary on our proposals; we will bring them forward, as we said, by the end of the month, so she does not have long to wait, but I thank her, and my hon. Friend the Member for Rhondda (Chris Bryant), for their welcome. The Select Committee said in its report on pensions that it is important to develop a national consensus, and I now look forward to being able to play my part in implementing that.

Occupational Pensions

8. **James Duddridge** (Rochford and Southend, East) (Con): What recent discussions he has had with Treasury Ministers on occupational pension funds; and if he will make a statement. [68274]

The Parliamentary Under-Secretary of State for Work and Pensions (Mrs. Anne McGuire): The Secretary of State has regular meetings with ministerial colleagues in the Treasury to discuss a range of pensions issues, including occupational pension funds.

James Duddridge: Will the Minister confirm that more than 60,000 occupational pension schemes have been wound up or are in the process of being wound up, involving more than 1 million people? Furthermore, will she comment on press stories over the weekend that scheme members are being offered so-called bribes, so that schemes can close early?

Mrs. McGuire: I am not aware of the speculation that was in the press at the weekend about people being offered bribes. In response to the generality of the hon. Gentleman's question, the Government have taken significant measures to try to improve confidence in the pensions system and to give confidence to individuals to save for their retirement.

Mr. Jim Devine (Livingston) (Lab): Has my hon. Friend given any thought to taking action against the companies and local authorities that, when the

Conservative party was in power, took pension holidays and created many of the problems that we have today?

Mrs. McGuire: My hon. Friend speaks some words of wisdom and I know that they are based on the many years that he spent as a trade union officer dealing with public authorities under the Conservative Administration. What he says is quite right. The Finance Act 1986 almost actively encouraged employers to take pension holidays, which, in the long term, have proved disastrous for many pension schemes.

Sir Nicholas Winterton (Macclesfield) (Con): I thoroughly support the Minister in what she has just said about the stupidity of taking pension holidays, because there are good times for pension funds and there are bad times, and the good times will pay for the bad times. However, the original question was about discussions with Treasury Ministers on occupational pension funds. The Minister has already said, in answer to that question, that she wishes to encourage people to save for their retirement. In the discussions that she has had, has there been any talk about those who have saved for their retirement having their pension income taxed at a lower level than the standard rate of tax and the other marginal rates of tax?

Mrs. McGuire: I thank the hon. Gentleman for his candid comments about some of the pension holidays that were encouraged by the Conservative Administration. I hope that he will also appreciate that this Government have done a lot to support those pensioners who have saved for their retirement—by the introduction of the pension credit and the savings credit. For the first time ever, people are getting some value for the savings that they have made during their working lives.

Pensions (Maladministration)

9. **Mr. Peter Bone** (Wellingborough) (Con): If he will make a statement on the Government's response to the conclusion on pensions of the parliamentary ombudsman that she had found injustice in consequence of maladministration which the Government did not propose to remedy. [68275]

The Minister for Pensions Reform (James Purnell): In his statement to this House on 16 March, my right hon. Friend the Secretary of State undertook to publish a full response to the ombudsman's report. He also confirmed that the response, which we expect to publish shortly, would include an explanation of the Government's estimate of the cost of implementing the ombudsman's proposals. In addition, we have made it clear that we shall expedite our review of the financial assistance scheme.

Mr. Bone: An ombudsman is set up to protect people from large and powerful organisations. When maladministration is found, is it not fair, and a duty of that organisation, to compensate those who were wronged? Why have the Government not done that in the case of occupational pensions?

James Purnell: We have great respect for the work of the ombudsman and we sympathise very much with people who have lost out, which is exactly why the financial assistance scheme has been set up. However, we looked at the ombudsman's proposals in great detail and we reject her findings of maladministration and also find that she has not produced any causal link between what the Department did and the winding up of the schemes. Commentators would recognise that those schemes are affected by far bigger factors—in particular, the economic and demographic changes that have taken place.

Julie Morgan (Cardiff, North) (Lab): My constituents who worked at Allied Steel and Wire in Cardiff were very disappointed by the Government's response to the ombudsman's report. Is my hon. Friend aware that only 17 people out of a potential 2,000 pensioners from Allied Steel and Wire have benefited from the financial assistance scheme and what can he do about that if he rejects the ombudsman's recommendations?

James Purnell: My hon. Friend has a long record of campaigning on behalf of that group. We have great sympathy with them, as we have with other groups. That is why we not only set up the financial assistance scheme, but are currently reviewing it. It is important that we learn the lessons and look at the administration of the financial assistance scheme to make it easier for people to claim more quickly, which is exactly what we are going to do.

Tony Baldry (Banbury) (Con): Does the Minister accept that he and the Government are setting a dangerous precedent? When Parliament set up the ombudsman scheme, it was for the ombudsman to determine, as a finding of fact, whether there had been maladministration. The Government are now creating a completely new ministerial doctrine and saying that maladministration happened only if Ministers accept that it happened. That is something that affects us all, and every single one of our constituents, in relation to every future recommendation by the ombudsman. Will the Government please go away and rethink the matter? If they continue down this line and say, "Maladministration happens only if we agree with the ombudsman that there was maladministration," there will be no point in having an ombudsman at all.

James Purnell: With great respect, I am afraid that the hon. Gentleman has got the precedents wrong. There are several precedents, including, under the previous Government, the Barlow Clowes affair and the channel tunnel rail link. In both cases, the Government at the time rejected findings of maladministration. It is also worth saying that this Government have put in place the financial assistance scheme, and we will continue to work with his party and others on developing the right proposals. I think that people would agree that it would not be appropriate for the Government to write out a guarantee to underpin private sector saving in this

country, which is primarily the responsibility of the trustees of schemes and the individuals involved in the schemes. The information that we put out made it quite clear that it is their legal responsibility to do that.

Miss Anne Begg (Aberdeen, South) (Lab): My hon. Friend might be interested to know that my hon. Friend the Member for Aberdeen, North (Mr. Doran) and I recently held a meeting in Aberdeen to which 70 pensioners who had lost their pensions as a result of the collapse of the Richards pension scheme turned up to discuss the findings of the ombudsman's report. They said that they were looking not for compensation for hurt feelings, but for the money that they had lost. When the Minister examines the financial assistance scheme with fresh eyes—I welcome him to his post—will he find out whether it is possible to ensure that the scheme is at least at the level of the Pension Protection Fund, if not better? Ultimately, it does not matter who is to blame. Individuals have lost money that they thought was rightfully theirs and there is a responsibility for someone somewhere to ensure that they get the money that they were expecting in their old age.

James Purnell: My hon. Friend is quite right to raise the issue. It is devastating for anyone who saved all their life in good faith through an employer suddenly to find that the money is not there. That is exactly what the financial assistance scheme and the Pension Protection Fund are there for. It is worth saying that neither of those measures existed under the previous Government. We will, of course, consider the points that she makes during the review of the scheme that we have announced.

Mr. Nigel Waterson (Eastbourne) (Con): In welcoming the Minister to his new position, may I ask whether he accepts the principle that it is the ombudsman's job to decide what constitutes maladministration, not the Government's? Will he now agree to compensate the 85,000 people who have lost their pensions? Will he take this opportunity to disavow the absurd and misleading figure of £15 billion that has been bandied about as the cost of that compensation?

James Purnell: That is a real figure. It was used by my right hon. Friend the Secretary of State, and it was made clear all the way through that it was a cash figure. We have also made it absolutely clear that when we publish our formal and final response, we will set out the method for calculating it. However, we will not take any lectures from Conservative Members because they have no policy to make good on compensation. They cannot meet the promise, so we cannot take them seriously on the issue.

Lone Parents

10. **Kali Mountford** (Colne Valley) (Lab): What plans he has for further measures to encourage lone parents into work. [68277]

The Minister for Employment and Welfare Reform (Mr. Jim Murphy): There is a higher proportion of lone parents in work than ever before, but, of course, we want to go further still. Our welfare reform Green Paper builds on the highly successful new deal for lone parents. It sets out proposals for more regular work-focused interviews and the piloting of incentives for those with older children to prepare for a return to work.

Kali Mountford: I am grateful to my hon. Friend for that answer and glad to have the opportunity to be the first to congratulate him on his new post. When he was reading the briefs that he must have had to read this weekend, did he have the opportunity to read the report of the Westminster Hall debate on 2 March during which my right hon. Friend the Member for Barking (Margaret Hodge), then the Minister for Employment and Welfare Reform, and I agreed that a flexible approach for encouraging parents back into work was the best way of dealing with child poverty? If he reads the debate, will he look at the comments of the hon. Member for Yeovil (Mr. Laws) at column 162, and guard against an obligation to work, but allow parents to make proper choices for their families while encouraging them to make the choices that will be best for them?

Mr. Murphy: I thank my hon. Friend for her warm welcome. She is right that I had a number of papers and briefings to read, but I am delighted to discover that one challenge that I do not face is trying to work out the Liberal Democrat policy on this or any other matter. My hon. Friend is right—we must find a system that incentivises work for lone parents, as substantially more lone parents are in work than ever before. We must find the right mix of personal responsibility and support such as child care and incentives to encourage people into work. We must help to manage the transition from welfare to work for lone parents, as that will enable us to challenge the poverty endemic among too many families, particularly lone-parent families.

Mr. Philip Hollobone (Kettering) (Con): Lone parents are not alone in facing increasingly complicated benefit entitlement rules. In promising to simplify the system, will the Minister congratulate the volunteers at the Kettering welfare rights advisory service and the Kettering citizens advice bureau, as they are working ever harder to guide people through this increasingly complicated process?

Mr. Murphy: I am happy to congratulate individuals who work hard on behalf of those people, both in the hon. Gentleman's constituency and constituencies the length and breadth of the country. That is one reason why we are seeking new ways of delivering support for people on benefit to enable them to work, involving both the voluntary sector and the private sector. We are determined to work in partnership with everyone in society to deliver a better deal for people on benefit and to support many more people into work.

Roger Berry (Kingswood) (Lab): May I also congratulate my hon. Friend on his new post? Does he acknowledge that voluntary sector organisations,

whether they support lone parents, disabled people or others back into work, face the problem of one-year contracts for their work, which makes it difficult for them to plan quality provision and retain their staff as the contract comes to an end? Can he give an assurance that the Government will remedy that, because their laudable and ever more ambitious employment programmes will be jeopardised unless those one-year contracts become significantly more favourable?

Mr. Murphy: I absolutely agree with my hon. Friend. In my previous position at the Cabinet Office, that point was made very clearly by the National Council for Voluntary Organisations, which believed that one of the first responsibilities of a one-year contract was to renegotiate next year's contract. A large amount of the time was spent negotiating future contracts, so my hon. Friend is quite right. To achieve our ambition of getting ever more people off benefit and supporting them into work in partnership with the voluntary sector, we must provide stability of contract and financial support for the voluntary sector to enable them to deliver that effectively.

Turner Commission

11. **Mr. John Grogan** (Selby) (Lab): When the Government will respond to the final report of the Turner Commission; and if he will make a statement. [68278]

The Minister for Pensions Reform (James Purnell): The Pensions Commission has provided the right framework for delivering a long-term settlement for tomorrow's pensioners. The key to delivering sustainable reform is whether it promotes personal responsibility, and whether it is fair, affordable, and based on a real national consensus. We have taken steps to build that consensus through the national pensions debate, reaching out to people in communities across the country. We will bring forward a White Paper by the end of the month, setting out our proposals for pensions reform.

Mr. Grogan: I congratulate my hon. Friend on his appointment. The gain for the world of pensions is a loss for the world of liquor licensing. Is there a distinction between his welcome commitment to control the spread of means testing and the Turner Commission's ambition to make the system as non-means-tested as possible? Is there not much to welcome in the commission's proposal to link pensions with average earnings from 2010, as has been suggested, possibly financed by the planned increase in the pension age for women?

James Purnell: I thank my hon. Friend for his kind words—it certainly makes a change from being the Minister for all-day drinking. I agree that the Turner report set out a comprehensive and well-argued case. Without wanting to sound like a stuck record, we will introduce our proposals shortly.

Greg Clark (Tunbridge Wells) (Con): Does the Minister agree with the National Audit Office that the complexity of the benefit system deters people from saving for retirement?

James Purnell: We agree that a key test of our proposals is the requirement that they should be simple and sustainable. The current approach, however, is successful in targeting poverty. As I said, we make no apology for lifting 2 million pensioners out of poverty.

Dr. Vincent Cable (Twickenham) (LD): When the Government respond to Turner, will the Minister take account of something that apparently Lord Turner and current Ministers were not aware of—the revelation that when a majority of nationalised industries were privatised in the late 1980s and early 1990s, the Government entered into an open-ended and unlimited guarantee of their pension fund liabilities?

James Purnell: I do not think that that was unknown. There are individual issues with individual schemes arising from the way they were privatised by the Conservative Government. I believe that there are now no such guarantees built into privatisations.

Pensions Reform

13. **Stephen Hammond** (Wimbledon) (Con): What recent discussions there have been between his Department and the Treasury on pensions reform. [68280]

The Minister for Pensions Reform (James Purnell): DWP Ministers and officials meet regularly with Treasury colleagues on matters of mutual concern, and pensions reform is one of those matters. We will be setting out the Government's response to the Pensions Commission's report in a White Paper shortly.

Stephen Hammond: Has the Minister noted the comments of the deputy director of the CBI in response to the Turner Commission, that compelling firms to contribute to pensions would jeopardise jobs and growth and would be counterproductive to improving pensions savings in the long term? Is that the view of the DWP and the Treasury, and if not, why not?

James Purnell: That is certainly not the view of those on the Opposition Front Bench who, I understand, have said that they are looking favourably at backing the compulsion in the package. We look forward to working with them on building that consensus. It is a matter that the hon. Gentleman may want to raise with his own Front-Bench team.

Pension Credit

14. **Mr. Siôn Simon** (Birmingham, Erdington) (Lab): What steps he is taking to increase the take-up of pension credit. [68281]

The Parliamentary Under-Secretary of State for Work and Pensions (Mrs. Anne McGuire): We are writing to everyone who we believe may have an entitlement to pension credit, encouraging them to apply and advising how the Pension Service can help them do so. Over 2 million mailings are planned during 2006-07. The Pension Service visits around 20,000 people every week who are likely to be entitled to pension credit and provides advice on a wide range of benefits—not just pension credit.

Mr. Simon: There are 6,700 households in my constituency in receipt of some kind of pension credit, on average £70.70 per household. However, the uptake figure is lower now than it was in November last year. Can my hon. Friend tell me why? Could it be because the forms are too complicated?

Mrs. McGuire: No, I do not think that the forms are too complicated. I would encourage my hon. Friend not to look just at the figures for one quarter. There has been a slight drop of about 100 in his constituency, but we should look at the overall picture. Year on year we are supporting pensioners through the pension credit and we are taking proactive steps to ensure that they get their entitlement through pension credit. Where they are not claiming housing benefit or council tax benefit, we are encouraging them through our new systems to apply for that as well.

Tom Levitt (High Peak) (Lab): I am delighted to be able to tell my hon. Friend that last year or the year before a ward in my constituency had the highest take-up of pensioner benefits of any in the country. Pension credit take-up is too low nationwide, which is partly due to people not knowing what is available, and partly due to people not wanting what they regard as charity. We should take every opportunity to stress people's right to pension credit. Will my hon. Friend consider putting reminders in council tax demands, television licence reminders and so on, so that people will know it is their right?

Mrs. McGuire: My hon. Friend is right. Language is important, particularly with older people. We have constantly reaffirmed that pension credit is an entitlement, in the same way as council tax benefit and housing benefit are an entitlement. We are working in partnership with a range of voluntary organisations, particularly those that work with older people, to ensure that we get the right message across in the right language. We genuinely want people to claim their entitlement. Members of Parliament also have a key role. The highest uptake in the country in my hon. Friend's constituency is probably related to the fact that he is an active campaigner on these matters.

Mr. Brian Jenkins (Tamworth) (Lab): I applaud the Department for visiting 20,000 pensioners a week and trying to explain to them their entitlement, but those are people who opt in. Our big problem is those who do not opt in, who do not believe that there is something there for nothing, and who do not believe that pension credit is an entitlement. What research have my hon. Friend and the Department undertaken to overcome the problem, which leaves so many of our poorest pensioners out on a limb?

Mrs. McGuire: We are aware of the problem that my hon. Friend has highlighted, and we recognise that some people do not come forward to claim their entitlement. In addition to dealing with incoming calls, the new Pension Service has made 250,000 outgoing calls to older people who, according to data matching, look like they might be entitled to support. There have been some spectacular successes, where people who have been visited in their homes and who have had their benefits checked have found that they are entitled not only to more money every week, but to arrears, which sometimes run into thousands of pounds.

Post Office Card Account

17. **Jeremy Wright** (Rugby and Kenilworth) (Con): What recent discussions he has had on replacing the Post Office card account for recipients of benefits. [68284]

The Parliamentary Under-Secretary of State for Work and Pensions (Mr. James Plaskitt): I regularly meet officials, other Ministers and hon. Members to discuss our payment strategy. I met Alan Cook, the managing director of Post Office Ltd, in March, when we discussed the Post Office's plans to develop other savings and banking products, which are likely to be more attractive to many of its customers than the current Post Office card account. Post Office Ltd has already introduced its first new savings account.

Jeremy Wright: The Minister has expressed his confidence that the removal of the Post Office card account will have no noticeable impact on the business of, in particular, small and rural post offices. If that is so, why does he think that other hon. Members and I receive so many letters from postmasters and postmistresses who work in such post offices indicating their serious concern that that move will send them out of business?

Mr. Plaskitt: The hon. Gentleman and others should listen to the comments made by Tricia Jenkins, who is president of the National Federation of Sub-Postmasters and who has reminded colleagues in her federation that the Post Office card account has "a limited life". She went on to say that postmasters

"hope to convert existing POCA customers into using another"

Post Office Ltd service, which is starting to happen already. There is no reason to suppose that the end of Government funding for the Post Office card account in 2010 will jeopardise the existence of the Post Office in any way. As I have said, the income stream for sub-postmasters will continue if customers switch to using other post office-accessible accounts or to any successor account to the Post Office card account.

Pension Protection Fund

20. **Mr. Robert Goodwill** (Scarborough and Whitby) (Con): What discussions there have been between his Department and the Treasury on the cost of extending the Pension Protection Fund to schemes that failed before 6 April 2005. [68287]

The Parliamentary Under-Secretary of State for Work and Pensions (Mr. James Plaskitt): Extending the PPF to schemes that failed before 6 April 2005 has not been subject to discussion.

Mr. Goodwill: In rejecting the conclusions of the ombudsman, the Government have let down more than 85,000 people, including those who worked for the failed Scarborough coach builder Henlys, who have had their occupational pensions destroyed. If this is not a contradiction in terms, will the Minister examine Treasury-friendly ways of helping some, if not all, of those whose schemes failed before 2005? May I also ask the Minister to arrange a meeting with the Henlys action group?

Mr. Plaskitt: Other Ministers have already provided thorough answers to the question about the ombudsman, and I shall not repeat answers that have already been given. I remind the hon. Gentleman that the financial assistance scheme is different from the PPF—it is funded by the taxpayer; it does not take on members, as such; and it is retrospective. The financial assistance scheme assists those who are most vulnerable and who are most in need of financial support. It has £400 million of Government money behind it; it is under review; and it already supports 17 schemes.

Mr. David Kidney (Stafford) (Lab): Is it my hon. Friend's judgment that more money will be needed? When the Government provided £400 million of public money for the fund, did they announce that they were looking to the private sector to contribute, too? Was money sought or received from the private sector? If not, are there any plans to encourage the private sector to contribute?

Mr. Plaskitt: Certainly, prime responsibility for this rests with the private sector and the trustees of the fund, who are involved in supporting the Pension Protection Fund. We have introduced a financial assistance scheme to assist those people who are most vulnerable, most at risk and have most to lose, and who could not be brought within the coverage of the PPF because of its retrospective nature. We put up the £400 million of Government funding to support those people. We have undertaken to review that, and the review will be expedited as soon as possible.

Iraq (Basra Incident)

3.30 pm

The Secretary of State for Defence (Mr. Des Browne): With permission, Mr. Speaker, I would like to make a statement about the tragic crash of the Lynx helicopter in Iraq on Saturday and the immediate aftermath.

As the House will be aware, on Saturday 6 May at 1350 hours local time, a Lynx mark 7 helicopter on a routine flight came down in Basra city, crash-landing on the roof of an empty building. Five UK personnel on board the aircraft are missing believed killed: Wing Commander John Coxen; Lieutenant Commander Darren Chapman; Flight Lieutenant Sarah-Jayne Mulvihill; Captain David Dobson, Army Air Corps; and Marine Paul Collins. Their next of kin have been informed. I am sure that the whole House will join me in sending my deepest condolences to their families and friends. I also express my sympathy to the families of all those killed in Iraq over the weekend, including those from coalition forces.

I know that there is a natural tendency when such awful events occur to speculate about possible causes. I caution that such speculation is not only unhelpful but can be very distressing to the loved ones of those involved. As is routinely the case in such circumstances, a detailed technical and Royal Military Police investigation is under way. An air accident investigation team is in place, and a full board of inquiry is being conducted. I can, however, confirm at this stage that the helicopter was fitted with a defensive aids suite, as are all our helicopters in Iraq.

British Army units in Basra deployed immediately to the scene of the crash and secured the area with the help of the Iraqi army and the Iraqi police service. A crowd swiftly formed on the streets surrounding the crash site, and the House will have seen television coverage of the volatile situation that developed over the next few hours. I am very grateful to the Iraqi authorities for the assistance provided by the Iraqi army and police to bring the situation under control, including the imposition of a curfew by the provincial governor.

British troops and Iraqi security forces came under attack with a variety of weapons, including stones, gunfire, petrol and blast bombs, rocket-propelled grenades and mortars. It is entirely right that our troops take action to defend themselves in such circumstances. I can confirm that British personnel fired baton rounds and a limited amount of live ammunition. Seven UK personnel were injured as a result of the disturbance. According to the information that I have, none of those injuries was serious.

Local reports and our own sources indicate that five Iraqis may have died, and approximately 28 were injured during the civil disorder that followed the crash. The full extent of UK military responsibility for any of those casualties will be clarified in due course, following completion of the post-incident review. In circumstances such as these, such a review is normal.

I know that some commentators have concluded that the television footage that we saw on Saturday is evidence that southern Iraq is rising up against the British presence and that we should withdraw all troops immediately. I do not share that assessment, but, more importantly, nor do the commanders on the ground, including Major-General John Cooper in Basra.

To put that in its proper context, the disturbances on the ground involved a crowd of 200 to 300 people. Although magnified by the media images we saw, the incident was an isolated incident in a city of around 1.5 million people. Crucially, it was brought under control by the Iraqi security forces themselves in a few hours. Since then, the city has remained calm. That is testament to the commitment and bravery of the Iraqi personnel and to the work that we and other members of the coalition have been doing to train the Iraqis to prepare them for taking on responsibility for the security of their country, where more than 12 million Iraqis showed courage in voting for a new Government.

The House will be aware that relations with the Basra provincial council have been difficult over the past eight months or so. Yesterday, the governor of Basra announced a return to full co-operation and dialogue between the council and British forces. Indeed, members of the council expressed their profound regret for the incident and extended their condolences to the families. That reinforces our belief that the majority of the people of Basra want to work with us to develop governance and security in the region.

That is not to say we should be complacent—far from it. The crowd on Saturday appears to have included elements that were armed with mortars and rocket-propelled grenades, and were prepared to use them against British forces. Major-General Cooper has confirmed that he is content with the numbers and capability of the troops at his disposal but I assure the House that we keep force levels under constant review.

I am also aware that some have called for the Government to set out our exit strategy from Iraq. That strategy has been set out before the House many times, most recently on 13 March by my predecessor, now the Home Secretary. However, let me be clear. We are still committed to remaining in Iraq for as long as we are needed and the Iraqi Government want us to stay, and until the job is done. That job is to assist the Iraqi Government and their security forces to build their capabilities—military and civilian—so that they can take on full responsibility for the security of their country. Achieving that objective is the exit strategy—nothing more, nothing less.

Multinational forces continue to train and mentor the Iraqis to develop operating effectiveness. Currently, there are more than 250,000 Iraqis in their security forces, including 115,000 in the Iraqi army.

The incident was serious, but, despite that, we can draw some encouragement from the fact that local forces worked with us to restore order on Saturday.

I express again my deepest condolences for and sympathy to the families of those killed on Saturday and to the colleagues they leave behind in the Royal Navy and Royal Marines, the Army and the Royal Air Force, especially those who continue to serve with such bravery to help the people of Iraq build a secure and stable future for themselves.

Dr. Liam Fox (Woodspring) (Con): I echo the condolences that the Secretary of State expressed and

extend Conservative Members' sympathy to the families and friends of those who were killed.

This tragedy has seen our most senior servicemen so far and our first servicewoman killed in action in Iraq. It is worth remembering that they are not there as an army of occupation but represent hope for the majority of the Iraqi people, who want to live in a democratic system, with a fair rule of law and under a constitution that they designed. In paying tribute to those who were killed, we should remember that they were there fulfilling a noble purpose.

I welcome the Secretary of State to his new job but I am sorry that such a sombre occasion brings him to the House. I should like to ask him about four broad matters. Many of those who have been in Iraq recently say that the Army's footprint in Basra is so reduced that we seem more like visitors in the city than in control of it. The Secretary of State said that Major-General Cooper is happy with the number of troops at his disposal. Is he happy that sufficient reinforcements are available to deploy quickly to deal with the unexpected? Will the Secretary of State assure us that there will be no further troop withdrawals until he has satisfied himself on the point?

There was speculation over the weekend that the helicopter may have been brought down by a rocket-propelled grenade or similar device. Like the Secretary of State, I do not see any point in speculating further on that. Will he, however, look into the operational capability of the Lynx helicopter, especially its speed and its ability to operate in hot weather, as those factors could contribute to its vulnerability? Will he also look into the early procurement of more Lynxes to ensure that we minimise the risk to our servicemen and women not only in Iraq but in the read-across to Afghanistan?

The House will be pleased that the Secretary of State talked about the restoration of co-operation with the local authorities. Given that our servicemen are putting themselves at risk for the people of Iraq, however, most people in the United Kingdom would be horrified by the idea that they were not getting the full co-operation of those authorities. Will the right hon. Gentleman take the opportunity to ask the new Foreign Secretary to raise with the Iraqi Government the role of the governor of Basra, because maintaining security and safety on the ground is one of the ways of maximising the protection of those in the air?

The Secretary of State mentioned a number of weapons that are available to insurgents and terrorists in Iraq. Does he have any information on the origins of those weapons? His predecessor—now the Home Secretary—told the House that there was evidence that weapons were coming in from Hezbollah. I want to know whether there is further evidence of any weapons coming directly from Iran, either from the Government there or via Hezbollah, because that also has a major read-across to what is happening in Afghanistan.

Mistakes have been made in Iraq that have made our involvement there more difficult and probably longer than needed. However, I completely agree with the Secretary of State that early withdrawal is not a solution for the people of Iraq or for stability in the region. The Government have a duty to maximise the success of the mission in Iraq, and to minimise the risk to our servicemen and women. I hope that the Secretary of State will take advantage of his new position to look into the issues that I have raised today, and to ensure that he is confident that he is fulfilling both those tasks.

Mr. Browne: I thank the hon. Gentleman for his expressions of condolence. I also thank him for his manifest support for our objectives in southern Iraq and for his often-articulated appreciation of the dedication and courage of our armed forces. He has raised a number of issues, and I shall endeavour, within the state of my current knowledge, to respond to them. Incidentally, I also thank him for welcoming me to my new position. We shall have the opportunity to share the challenges that we face together at some time in the future, and I look forward to working with him.

The hon. Gentleman asked about the sufficiency of troops. He can be reassured that my first task on Saturday morning, as the tragic circumstances in Basra started to unfold on my television screen—as they did on others across the country—was to make inquiries about the sufficiency of our troops. Having spoken directly to those who command our troops in southern Iraq, and to the service chiefs, I have confirmed that none of them believes that our armed forces are insufficient for the operations with which we have tasked them in southern Iraq.

The hon. Gentleman also asked about support, should it be necessary. I commented on that issue in the media over the weekend, and I can reassure him that there are dedicated reserves available for Iraq, should they need to be deployed. The deployment of troops to Iraq, or to any other theatre, will depend on the advice of those who know best, namely those who lead our armed forces.

The hon. Gentleman mentioned the capabilities of our equipment, and in particular of the Lynx helicopter. As I said in my statement, a board of inquiry will ensue, and it will be informed by the investigation that is now taking place. I am not in a position to pre-judge that inquiry, and I would not seek to do so to any extent at the Dispatch Box. I will say to the hon. Gentleman, however, that we will respond to the recommendations of the board of inquiry in the same way that we have sought to respond to the recommendations of any such board in the past. I can also give him an assurance that we will implement the recommendations of any such board of inquiry. However, it would be speculation at this stage to suggest that anything relating to the capability of the equipment made a contribution to the circumstances of the incident. The hon. Gentleman asked about our relationships with the provincial authorities, and I am clearly able to say that they are improving. They were improving in any event, never mind the incident that took place on Saturday. It is of some reassurance to me that, despite the incident on Saturday, the meetings that were planned to progress those relationships took place in any event and had the outcome that I have described to the House.

The hon. Gentleman asked, in particular, whether my right hon. Friend the Foreign Secretary will raise with the Iraqi Government the issue of the provincial governor in Basra. I assure the hon. Gentleman that the former Foreign Secretary raised this very issue on more than one occasion with the provisional

[Mr. Des Browne]

Government in Iraq, and I have absolutely no doubt that my right hon. Friend the current Foreign Secretary will do exactly the same thing should she have the opportunity to do so.

Finally, the hon. Gentleman asked about the provenance of the weaponry that may have been in the hands of the crowd. We are still in the early stage of the review of the circumstances and, as I understand it, the troops who were present have not been fully debriefed, so I am not in a position to speculate on that issue. However, when my right hon. Friend the former Secretary of State for Defence discovered the provenance of improvised explosive devices, he told the House and the public of the United Kingdom of their provenance. I would intend to do the same if such information became available to me.

Nick Harvey (North Devon) (LD): I echo most sincerely the words of condolence to the families of those who have lost their lives. This is certainly the news that all families of personnel on active service must dread.

I entirely accept that it is unhelpful at this stage to speculate on the cause of the helicopter coming down. However, can the Secretary of State assure us that he will return to the House, when it has proved possible to find more information, so that we can have a greater discussion when we know the picture of what happened and the implications for our operations in southern Iraq? Can he tell us also whether it has been possible to secure the accident site satisfactorily in order to carry out the investigations necessary?

Helicopter operations are intrinsically hazardous, and I suppose that such an incident could have occurred at any point in the past. Given that helicopters will play a vital part in our operations in Iraq and in Afghanistan, could the Secretary of State acquaint himself with the problem of the shortage of transport helicopters and trained personnel? Is he aware that the Minister responsible for defence procurement, acknowledged the 15 per cent. shortfall and said in answer to a question in another place that it might take 18 months for decisions to be made? Given the fact that the likely attrition rate of helicopters cannot be ignored, will the Secretary of State take steps to accelerate consideration of that issue?

The Secretary of State referred to an exit strategy and he restated the objective. He said that the job is to assist the Iraqi Government and their security forces to build their capabilities so that they can take on responsibility for the security of their own country. I think that everyone shares and understands that objective. He said that achieving that objective is the strategy. With respect, a strategy needs to be rather more detailed and comprehensive than simply the desire to achieve the objective. If we do come back to discuss these matters again when a little more is known about them, will he undertake to bring a more detailed strategy so that Parliament can probe the progress that is being made, so that the British public can have an understanding of the progress that we think that we are making and so that the Iraqis understand it too?

I welcome the Secretary of State to his new post and congratulate him on his appointment. It is regrettable that his first duty in the House should be in such tragic circumstances but, when he has had a chance to assimilate more information about the issue, will he return to have a broader debate about the progress that we are making in Iraq?

Mr. Browne: I thank the hon. Gentleman for his welcome, but more importantly I thank him for his expression of condolences to the families who have lost their loved ones and the friends of those who have been killed.

The hon. Gentleman asks specifically whether the results of the investigation into the cause of the incident will become known. A full board of inquiry is in progress. At this stage, an investigation is taking place by a highly qualified team of expert investigators, and the results will inform the board of inquiry. As I understand it, the process is that its results will be made public, to the extent that they can be without undermining the security of our personnel in theatre. He has my assurance that the board of inquiry will proceed in a way that is no different from any other in such circumstances.

The hon. Gentleman can be reassured that thanks to the support of the Iraqi army and police force, which put themselves on the front line between those in the crowd who were intent on harming our forces and, indeed, did harm them, the accident site was secured. The information I have is that although it was a very difficult and complex site, the necessary investigations were able to take place. I am unable to inform the House whether investigation of the site has concluded, but in any event all that information will be brought together and inform the board of inquiry's determinations.

The hon. Gentleman raises a question on the sufficiency of equipment, in particular helicopters. I assure him that we keep the amount of equipment and the nature of equipment under review, and we will respond to requests from theatre. In the context of this statement and the circumstances that have brought me to the House, it is far too early to say what the implications of the incident are for equipment or indeed the operating procedures of that equipment. It would be pointless to speculate at this stage.

On the exit strategy, having succeeded the former Secretary of State for Defence, I come to the House at least with the assurance that nobody can suggest there is a lack of clarity about the communication of the Government's position, which he explained and repeated on a number of occasions. The response of the Iraqi forces, particularly the army and the police, on Saturday, in very difficult circumstances, is an indication not only of the direction of travel towards that exit, but of the progress that we have made, some of which would have been unthinkable only a matter of months ago.

Dr. Gavin Strang (Edinburgh, East) (Lab): I add my congratulations to those given to my right hon. Friend at this sombre time, when we have lost five more dedicated service personnel.

Accepting, as my right hon. Friend said, that more information is coming in on the confrontation that took place after the helicopter came down, is it none

the less the case that two Iraqi youths were shot? If so, should we be concerned about the effect those deaths might have on the attitude of the local population to the British forces?

Mr. Browne: I thank my right hon. Friend for his welcome. Certainly, it would not have been my wish to be welcomed to my new position in these circumstances.

On the specific point, I cannot confirm that a child or children were killed or wounded, and it would be unhelpful to speculate on such matters. Those who were at or about the scene in the immediate aftermath of the crash saw a large proportion of relatively young children in the crowd. However, I am not able to confirm at this stage that a child or children were killed or wounded.

Mr. Iain Duncan Smith (Chingford and Woodford Green) (Con): I welcome the right hon. Gentleman to his new position and wish him all the best.

The right hon. Gentleman was rather cynical about the coverage by broadcasters of the uprising that may or may not be taking place. I join him in that cynicism, but I draw his attention to one matter of concern. I hope that he will be able to comment on it, but if not, he will certainly be able to focus on it in the coming days. It is not the number of people on the streets, with which I am sure we can deal, that is the major concern, but the widespread use of anti-air missiles. Will he confirm that there have been previous attacks on helicopters using such weapons?

Mr. Browne: I thank the right hon. Gentleman for his welcome, and for his overt and often-expressed support for our troops.

I had not sought to raise the issue of cynicism in my remarks about the media coverage. The point that I wished to make was probably better expressed by General Cooper in his interviews on Saturday evening and late at night. He said to the BBC reporter interviewing him that the film being repeated in relation to the story was now some hours old. Basra city had been calm for some time, and as it turned out, it was calm overnight, calm yesterday and calm overnight again. My point was that those who are interested in these matters and who will pay attention to what I say at the Dispatch Box ought to know—this is no criticism of the media authorities—that the repetition of historical footage, even if only hours old, can give an impression of repeated and continuing disorder on the streets, when the fact is, as I understand it from our people on the ground, that everything was brought under control within about four hours.

The right hon. Gentleman asked me to confirm what he already knows. As I understand it, helicopters have been brought down in Iraq, although not in our area of operation, in the way that he describes. It would be inappropriate and unhelpful to speculate at this stage of the inquiry into the incident as to how this particular helicopter came to crash.

Jeremy Corbyn (Islington, North) (Lab): I echo the condolences offered by the Secretary of State to those who lost loved ones over the weekend. Is he aware that 109 British personnel, more than 2,000 Americans and tens of thousands of Iraqis have died since war was declared more than three years ago? Can he set out a timetable by which he expects British and American troops to withdraw from Iraq, as their continued presence seems increasingly to be part of the problem rather than the solution?

Mr. Browne: My hon. Friend puts into the public domain a figure that is burned into my mind, and that figure will be with me for all the time that I do this job and for the rest of my life. He does not need to remind me of that figure or of the tragic consequences of these circumstances. If he seeks to persuade me, in my new-found responsibilities, that early withdrawal from Iraq is an objective for which I ought to argue, he has not found an ally. As those whom we charge with the responsibility for doing this difficult job told us from southern Iraq this morning, in an interview through their representatives, they have a job to do and it needs to be seen through. In my view, we have a commitment to remain in Iraq as long as we are needed and the Iraqi Government want us there, and until the job is done. In my new-found responsibilities, I will do everything to support and help those whom we have asked to do the job at the front line.

Mr. David Heath (Somerton and Frome) (LD): Three of those missing came from royal naval air station Yeovilton in my constituency. The words of shock and loss expressed by the Secretary of State will be shared by those associated with the squadron, which I had the privilege of visiting only a few months ago, and by the entire Yeovilton community. He was kind enough to say to my hon. Friend the Member for North Devon (Nick Harvey) that he would report further to the House once he had the results of the board of inquiry. Will he also take testimony from those who know best the hazards of this sort of flying—the air crew who engage in it day in and day out, week in and week out, on behalf of this country—and make sure that their views are fed into any future action that he takes?

Mr. Browne: I welcome the opportunity to pay tribute to the hon. Gentleman's constituents based at RNAS Yeovilton for the work that they do. I fully understand the tremendous sadness that there will be at the loss of colleagues. However, what we expect of our armed forces, and what we have got over the past 24 hours, is a renewed commitment to continue to do the jobs with which they are tasked, even in these difficult circumstances. Although there is sadness, I have experienced over the past 24 hours a degree of dedication and courage that is a manifestation of why our armed forces are the envy of the world.

The hon. Gentleman asks who should give evidence to the board of inquiry, and my current state of knowledge is that it would be expected that evidence would come from the sort of sources that he indicates. I apologise for this, but I cannot at this stage tell him for certain whether his specific question about the procedures involved in the inquiries can be answered in either the affirmative or the negative. I would be astonished if the board of inquiry, whose procedure is not in my control, did not take evidence of that kind,

[Mr. Des Browne]

but I shall look into the matter. If there is any additional information that should be given to the hon. Gentleman or the House, I shall take the necessary steps to ensure that that is done.

Harry Cohen (Leyton and Wanstead) (Lab): May I associate myself with the condolences that have been expressed? My right hon. Friend described some of the Iraq casualties as youths, but two were reported to be children aged 10 and 11. Will that be considered by the inquiry, and will the Iraqis be able to contribute to it? The exit strategy announced by the Secretary of State was lamentable. If it is a question of whether the police are ready, it should be borne in mind that it was the British troops who, I am afraid, inflamed the crowd and the police who helped to quieten it. Unless there is a proper time scale, there can be no real exit strategy. May I ask the Secretary of State to think about that again?

Mr. Browne: My hon. Friend can be reassured that since I began this job, our commitment to Iraq has been at the forefront of my mind. It is constantly in my mind. Whatever our respective positions may be on whether we should have engaged in the war in the first place, the fact is that we are in Iraq now, under the terms of United Nations resolution 1637, and we have a specific job to do in that context, along with our allies. I look to my hon. Friend, and other Members, to support those whom we charge with the responsibility of carrying out that task in very dangerous circumstances.

The four elements of the exit strategy set out by my predecessor, the present Home Secretary, in the House and elsewhere appear to me to provide a template for an appropriate withdrawal, and not to lend themselves to demands, such as my hon. Friend's, for a specific timetable. I am sure I shall learn more about whether this is the case, but I suggest to my hon. Friend that it is arguable that we would put our troops in danger if we did what he has invited me to do.

With respect, I must correct my hon. Friend, in that I am not aware that any part of my statement reflected, in any sense, the ages of any possible casualties in the group who were involved in the disorder surrounding the incident. I give my hon. Friend the answer that I have given others: I am not in a position to confirm the age, or any other details, of anyone who may have been a casualty in that crowd.

Mr. James Arbuthnot (North-East Hampshire) (Con): In welcoming the Secretary of State to his new position, may I warn him that he has a hard act to follow? He has, however, made an excellent start, not only in coming to the House so quickly to make his statement but in his expression of the sympathy that we all feel for the families of those who have died. It is difficult to find the good news in statements such as this, but the news that the governor of Basra has resumed co-operation with the British authorities is undoubtedly good news. Will the Secretary of State tell us what form he expects that co-operation to take? Does he regard it as a signal that the Iraqi authorities are unlikely to wish to break off relations again, despite the challenges that he, we and they will face?

Mr. Browne: I thank the right hon. Gentleman for his welcome. I am all too aware of the comparisons that will be made between my predecessor and me, and of what will be said about the skill with which he carried out his duties. I am a great admirer of my right hon. Friend who is now the Home Secretary—as, obviously, is the right hon. Member for North-East Hampshire (Mr. Arbuthnot)—and I think that he did an admirable job as Secretary of State for Defence. Despite the challenge that that poses, there could be no better person to follow. I shall observe the template that my right hon. Friend established for the job as far as I can, but I shall try to be my own person as well. Even in these early days, it is clear to me that the working relationship between my right hon. Friend and the right hon. Gentleman and his Select Committee was productive and supportive, if challenging. I hope to continue that relationship.

The right hon. Gentleman asked me a question that, unfortunately, I cannot answer specifically, except to say that we are pleased that the relationship to which he referred has been remade against the plan that we had set out, despite the fact that this incident occurred in the past couple of days. That relationship will be a partnership, the whole purpose of which will be to sustain that relationship towards transition. I am sure that the challenges that the right hon. Gentleman set out are only too well known and accepted by those on the ground in Basra with whom we charge those responsibilities. The extent to which they have moved the position with the council and the governor, despite the pressures that must have been generated by the events of the past couple of days, is testimony to the robustness of that relationship.

Mr. Kevan Jones (North Durham) (Lab): I add my condolences to those expressed to the families concerned, and I welcome my right hon. Friend to his new post. As someone who has been to Iraq four times in the past three years, most recently in March, I concur with my right hon. Friend's view that southern Iraq is not on the brink of civil war, and I agree that the capacity of the Iraqi armed forces and police in southern Iraq has been increased. But can he assure the House today that British troops will not be withdrawn before those security services have the capacity to ensure that the security that local people need can be delivered?

Mr. Browne: I thank my hon. Friend for his welcome. His support for our forces in Iraq, which he has expressed by visiting that country, is very welcome and much appreciated. I can give him an unequivocal and positive response to his question; indeed, the answer to it is implicit in the conditionality set out by my predecessor—to which I adhere—concerning the transition and the draw-down of troops from Iraq. However, that is but one aspect of one of four conditions; the others will also have to be met before we proceed.

Mr. Desmond Swayne (New Forest, West) (Con): The Secretary of State referred to the television footage, but

notwithstanding the dreadful events and shocking scenes that we witnessed, does he not agree that the television camera is of necessity a distorting lens, and that for the most part, the huge majority of the people of Basra had an ordinary day?

Mr. Browne: The hon. Gentleman makes a very good point. If, in a city of 1.5 million, 200 to 300 people of a very obvious age range are involved in a disturbance, it is clear, by a process of elimination, that others are not. My understanding is indeed that the rest of the city was going about its normal business on that day. The hon. Gentleman's point about media coverage is partly true. I was brought up to believe that the camera never lies, which is probably right; it is how one deploys what the camera produces that may well give—sometimes inadvertently—a distorted picture in its totality. But we live in an age of 24-hour news and visual news, and it is incumbent on us to accommodate that fact when communicating information ourselves. I take this opportunity to express my personal thanks to General Cooper and others, who, in very difficult circumstances, made themselves available to the media in order to give an authoritative voice from the theatre and to explain what was happening on the ground. I had no doubt, as I watched the coverage unfold on Saturday, that that was very helpful in shaping the development of later coverage.

Sarah McCarthy-Fry (Portsmouth, North) (Lab): Like others in all parts of the House, I want to pay tribute to those who lost their lives this weekend and to welcome my right hon. Friend to his new position. I was in Basra in March, along with my hon. Friend the Member for North Durham (Mr. Jones), and I spoke to senior military officers, who agreed that there is a fine line between our presence there being part of the solution and being part of the problem. However, they are much of the opinion that our presence is still part of the solution, because we are training the Iraqi forces to manage their own security and thereby reducing the need for the British presence in the long term. Given the support given by the Iraqi forces to the British troops to quell the unrest after the crash, does my right hon. Friend agree that that is yet another indication that we are still part of the solution, not part of the problem?

Mr. Browne: I agree, and I am all too acutely aware—as are those who lead our armed forces—that there is a constant tension between being seen in a positive light and getting to the stage where that becomes a difficulty. It is the very appreciation of that tension that has instructed the way in which we approach the whole issue of transition.

Sir Malcolm Rifkind (Kensington and Chelsea) (Con): I congratulate the Secretary of State on his appointment. As a former Secretary of State for Defence, I have no doubt that he will find working in the Ministry of Defence and with the armed forces both a privilege and a pleasure. With regard to his statement, I am less impressed than he appears to be by the announcement by the governor of Basra that he is willing to resume co-operation with our security forces. Does the Secretary of State agree that it is intolerable that, at a time when our armed forces are not only risking their lives but—as we have sadly heard today—losing them, that the governor of Basra and his colleagues should consider it a matter of choice whether they co-operate with British security forces? Will the Government impress on the Government of Iraq at all levels that unless we get the fullest co-operation from the Iraqi security authorities as a matter of course, it will be impossible to sustain a British military presence in that country?

Mr. Browne: I thank the right hon. and learned Gentleman for his welcome. He can be assured that in the short time that I have been in the Ministry of Defence—and I have been in the Ministry itself for practically all the time that I have been the Secretary of State for Defence—I have already come to the same conclusion that he urges on me. In relation to the conclusion that he draws about the necessity of co-operation with the provincial authorities in reaching the joint objective of being able to hand over, he is right—and he can rest assured that we will take any opportunity to impress those arguments on the Iraqi authorities. I do not suggest that the steps that have been taken over the past few days are the eventual solution to the challenge, but they are certainly a step in the right direction. Because of the significant hard work by people on the ground in relation to the authorities, those steps are in a direction that would have been unthinkable a comparatively short time ago.

Mr. Elfyn Llwyd (Meirionnydd Nant Conwy) (PC): I add my personal condolences to all the families who lost dear ones, on behalf of myself, my party and the Scottish National party. I was in Basra last year and I picked up much anger and some resentment about the infrastructure that still needed repair, such as sanitation, clean water and electricity. I appreciate the fact that the right hon. Gentleman has only just come into his post, but I urge him to see whether more can be done to reinstate those necessary services.

Mr. Browne: I thank the hon. Gentleman for his expression of condolences on behalf of the parties for whom he speaks, and I accept and welcome them on behalf of those for whom they are intended. I am in no doubt that as well as the military objectives that we set ourselves, the reconstruction objectives are very important to pacification and the restoration of normality of life and opportunity for the people of Iraq. The hon. Gentleman does not need to remind me of that, but he makes a valuable point. I know that the long-term pacification of Iraq and the opportunity for its citizens to live a full life in a democratic society—as they want to do—depends on both coming together.

Mr. Boris Johnson (Henley) (Con): In paying tribute to the sacrifice of the Lynx crew, two of whom came from RAF Benson in my constituency, I wish to ask the Secretary of State whether he agrees that the risks to British forces seem to have increased considerably in the past year. If he does agree, could he give a political analysis of why that might be the case and what we can do about it?

Mr. Browne: I thank the hon. Gentleman for his contribution. Because of his constituency interest, I am aware that he will face some responsibilities in relation to the consequences of the incident. If we can give him any support, he need only ask. He asked me to make a comparative analysis of the level of risk. Given the time that I have been at the Ministry of Defence, it would be inappropriate for me to accept his invitation to do that. However, on the assumption that the assessment is correct, it would seem to me to be a reflection of the response of those who want to stop Iraq moving and making a transition to where we all want it to be, because the progress—albeit tentative—that I have been talking about from the Dispatch Box today must be as manifest to them as it is to us.

Dr. William McCrea (South Antrim) (DUP): I welcome the right hon. Gentleman to his new post and wish him well. On behalf of my right hon. Friend the Member for North Antrim (Rev. Ian Paisley) and my hon. Friends in the Democratic Unionist party, I express sincere sympathy and extend our condolences to all the families who have endured such loss. No one can understand the grief or pain that they are going through, and our hearts go out to them. I assure the Secretary of State that the people of Northern Ireland will stand four-square with our soldiers who have gone to the front line in defence of freedom, and assure them of our support while they fight the battle in Iraq.

Mr. Browne: All I can do is express my thanks to the hon. Gentleman for his contribution. Because of the tragic experiences in the all too recent past of the people whom he represents, there is a certain poignancy in his remarks. I know that they will be even more greatly appreciated by those for whom they are intended, because they are informed by the experiences of the hon. Gentleman and others in Northern Ireland.

Patrick Mercer (Newark) (Con): The Secretary of State will be aware that in the next few days the bodies of the dead will come back to RAF Brize Norton in Oxfordshire, where the Oxford coroner will have to carry out inquiries into the deaths. A coroner's inquiry has yet to be mounted in more than 60 cases, and it is no exaggeration to say that the families of the dead cannot complete the mourning process until those inquiries have been carried out. Will the Secretary of State assure the House that the coroner will have the assets that he requires to make sure that the families of those heroes and that heroine receive their due reward?

Mr. Browne: The hon. Gentleman raises an important matter, of which I have to confess that I was unaware when I came to the Dispatch Box; he brings it to my attention entirely appropriately. However, because of information that I received as he was asking his question, I am able to assure him that we have already identified additional resources and that we are actively looking at ways to achieve the objective that he sets out. I can understand the effect that such delay would have on those who are grieving, and from my period as Minister with responsibility for victims in Northern Ireland, I know how important it is for people suffering such losses to have closure for certain stages of the grieving process. The hon. Gentleman can rest assured that I shall look at the matter with some urgency.

Mr. Crispin Blunt (Reigate) (Con): Having marked the right hon. Gentleman in his first ministerial job, I give him my genuine personal congratulations on the assumption of a great office of state, while deploring the appalling circumstances that bring him to the House of Commons so early in his tenure. May I draw his attention to the fact that he did not challenge the assumptions underlying the question from my hon. Friend the Member for Henley (Mr. Johnson) about the deterioration of the security situation for our troops in southern Iraq? In an incident completed in four hours, rocket-propelled grenades, mortars and small arms were concentrated against our armed forces and the evidence suggests that the situation with regard to popular opinion towards our armed forces in southern Iraq has gone from relatively benign in 2003 to quite difficult. Will the Secretary of State bear that in mind, and apply the lessons to Afghanistan, where in Helmand province the situation is likely to be much more malign?

Mr. Browne: I thank the hon. Gentleman for his kind remarks; I know that his expressions of congratulation and support are genuine. With respect, he may have misunderstood my response to his hon. Friend's question, although they are genuinely in the same area. I sought not to respond to the question from a basis, effectively, of ignorance, I concede: his hon. Friend asked me to draw a comparison about the risk, and I do not feel able to do so—but what I can say, of course, having spoken to those who on the ground, is that, in the parlance that they use, we appear to be going though a spike of violence. Their assessment of that, however, was reflected in the answer that I gave his hon. Friend, which was that it is an expression of the determination of those who want to stop Iraq becoming a democratic and free country, because they can see the direction of travel that is going on. I am afraid that I must disappoint the hon. Gentleman in response to the peroration of his question, because he invites me into a whole other theatre of conflict, and if the House does not mind, I will restrict myself to questions about the incident and Iraq at this stage and not be drawn into discussing Afghanistan at the moment.

Mike Penning (Hemel Hempstead) (Con): As a former guardsman who served in a unit when one of my colleagues went missing in action, whose body has never been found, I am deeply concerned that the Secretary of State's statement said "missing believed killed". Can the Secretary of State let us know where the remains of our heroes are? Are they in the British Army's possession, so that we can bring them home and let them rest with their families and loved ones?

Mr. Browne: The hon. Gentleman draws me into a level of detail that I have been urged not to be drawn into by those who are responsible for the health and welfare of the families of those missing, presumed killed. Over the past 48 hours or thereabouts, I have been schooled in the vocabulary of these

announcements, but I can give the hon. Gentleman the assurance—he will know this from his own experience—that the armed forces are giving the families of those whom we believe were killed in the incident the level of support that would be expected. I have absolutely no doubt that there is a level of communication going on there that would be entirely inappropriate in public.

Mr. Peter Bone (Wellingborough) (Con): The loss of five brave servicemen and women is truly a terrible event. I should have thought that the immediate crowd on the ground would have been there to see whether they could help our servicemen. As the Secretary of State has stated, 200 to 300 people appeared to celebrate the downing of the helicopter. Will he explain or give some indication of what he thinks the motives of that crowd were?

Mr. Browne: With respect, I am probably the last person on earth to be asked about the motives of a crowd in Basra, but I can tell the hon. Gentleman about my own professional experience prior to my election to the House, when I practised for some time in the criminal courts in Scotland. Unfortunately, on occasion, serious violent incidents arose from the behaviour of mobs and/or crowds. The one thing that I learned during that time was that it was very difficult to try to get to the bottom of the behaviour of a crowd of people. Sometimes crowds of people come together for perfectly innocent reasons, and then behave in mob ways that are difficult to fathom. That was my experience. I was reinforced in that analysis by comments that have come directly from officers in Basra in communications and interviews over the weekend. I have heard, I think, Brigadier Everard—if I have identified the wrong officer, I apologise—express exactly the same emotions in response to a question that he was asked in an interview—on the BBC, I think. It would be unhelpful to speculate about why things may have happened—but one can hope that the investigations will reveal some information that will enable us to ensure that they do not happen again.

Mr. Tobias Ellwood (Bournemouth, East) (Con): I join the Secretary of State in echoing the condolences to the families. My local regiment was part of the response unit that went to help with the helicopter crash. However, wider questions are raised about how Iraq is progressing, as was mentioned by my hon. Friend the Member for Reigate (Mr. Blunt). What we endured here in the UK, in London on 7/7, would be an average day in Iraq. We lost about 50 civilians on that day. In Iraq, 1,300 civilians are lost every month; there is an average of 60 attacks a day, and about 30 bodies are found on the streets every day. How high must the death toll rise until the Secretary of State agrees that there is a state of civil war? How long must we endure the hostilities between the Shi'ites and the Sunnis before the Secretary of State acknowledges that Iraq might be better off if it were encouraged to divide peacefully into three separate states?

Mr. Browne: I think that the hon. Gentleman seeks to encourage me to give a figure—which, of necessity, would be arbitrary—for a point at which we would automatically change our position. I do not wish to repeat what I have already said in the House: I have made my position as Secretary of State for Defence clear, and it is entirely consistent with the Government's position and that expressed previously by my right hon. Friend the present Home Secretary when he was in this post. In my view, wherever we come from as regards the endeavour in the first place, we are there now, and we are mandated by the United Nations to carry out a job. That job needs to be done. My objective in this post is to support those whom we have tasked with that job. The issues that the hon. Gentleman raises have been responded to many times from the Dispatch Box, and I can add nothing to the clarity of answer that he has no doubt received in the past.

Points of Order

4.26 pm

Sir Nicholas Winterton (Macclesfield) (Con): On a point of order, Mr. Speaker. I seek your advice because of my concern for the reputation of the House. During Question Time the Minister for Pensions Reform mentioned Barlow Clowes, a company that operated in my constituency. I believe that he and the House should know that that company went bump, and that the Government paid out substantial sums of compensation to the investors, which was not the implication of his response to the question. I hope, Mr. Speaker, that you feel that it was appropriate to make the position clear, because of the matter relating to my constituency.

Mr. Speaker: That was not a point of order, but the hon. Gentleman has put the matter on the record.

Mr. Andrew Robathan (Blaby) (Con): On a point of order, Mr. Speaker. About an hour ago I approached the Table Office to find out about Deputy Prime Minister's questions on 17 May, and whether there had been a change. I was told that there had been no change, but one was expected. I seek your guidance on this matter, because I note that when Lord Heseltine was Deputy Prime Minister, without any other responsibilities, between 1995 and 1997, he came to the House to answer questions. The current Deputy Prime Minister will have Government responsibilities. Is it your opinion that he should therefore come to the House to answer to it for those responsibilities?

Mr. Speaker: These matters are about arrangements that have yet to come. As I have said to the hon. Gentleman and the House before, we are best to worry about today, and look after tomorrow when tomorrow comes.

Bob Spink (Castle Point) (Con): On a point of order, Mr. Speaker. Have you received notification of the Foreign Secretary's intention to make an urgent statement to the House and to answer questions on the extremely good news for the relatively safe and secure Kurdish region of Iraq? The Kurdistan Prime Minister Barzani today presented the region's new unified Government and Cabinet, who are pledged to protect and respect all citizens of the region with transparency and democratic accountability. With so much bad news, we should be able to make time for good news of such historic importance.

Mr. Speaker: The hon. Gentleman has given us the good news, and we will move on from there.

Civil Aviation Bill (Programme) (No. 2)

Motion made, and Question put forthwith, pursuant to Standing Order No. 83A(6) (Programme motions),

That the following provisions shall apply to the Civil Aviation Bill for the purpose of supplementing the Order of 27th June 2005 (Civil Aviation Bill (Programme)):

Consideration of Lords Amendments

1. Proceedings on consideration of Lords Amendments shall (so far as not previously concluded) be brought to a conclusion three hours after their commencement at this day's sitting.

Subsequent stages

2. Any further Message from the Lords may be considered forthwith without any Question being put.

3. The proceedings on any further Message from the Lords shall (so far as not previously concluded) be brought to a conclusion one hour after their commencement.—*[Tony Cunningham.]*

Question agreed to.

Orders of the Day

Civil Aviation Bill

Lords amendments considered.

Clause 1

AERODROME CHARGES: NOISE AND EMISSIONS

Lords amendment: No. 1.

4.29 pm

The Parliamentary Under-Secretary of State for Transport (Derek Twigg): I beg to move, That this House disagrees with the Lords in the said amendment.

Mr. Speaker: With this it will be convenient to consider Lords amendment No. 2 and the Government motion to disagree thereto, Lords amendment No. 3, and Lords amendment No. 4 and the Government motion to disagree thereto.

Derek Twigg: Lords amendment No. 1 was made by the Lords in the belief that aerodrome operators would not voluntarily make use of the provisions in the Bill to fix their charges by reference to the noise or emissions of aircraft. The Government take a different view. The power to charge by reference to noise has been available to airports since 1982 and many of the larger airports already use it, such as Heathrow, Gatwick, Stansted, Aberdeen and Edinburgh. The provisions of the Bill have been brought forward to provide clear powers for airports to fix their charges by reference to aircraft emissions as well as aircraft noise. I am confident that airports will, again, make use of these provisions when appropriate, with no need for compulsion from the Government.

The Government's policy for many years—not solely under the current Administration—has been that the local issue of the environmental impact of an airport should be resolved locally whenever possible. That policy reflects the diverse nature of airports and their operations. There are more than 140 licensed aerodromes in the United Kingdom to which the provisions of clause 1 will apply. They range from the busiest international airport in the world—Heathrow—to airports with only a handful of flights a day.

Lords amendment No. 1, which would place an absolute duty upon airport operators to fix their charges with reference to the noise or emissions of aircraft, would run the risk of placing an undue regulatory burden on some airports, especially small airports. Not all airports are located or used in such a way that nuisance is caused to others. It will not always be appropriate to charge by reference to noise, for instance if the airport is used by only one class of aircraft causing comparable amounts of noise.

Mr. Julian Brazier (Canterbury) (Con): I am grateful to the Minister for giving way so early in his speech, but astonished by what he has just said. He talks about an airport that is used by only one class of aircraft, but surely one of the reasons for giving the powers is so that airports can encourage operators to use more noise-efficient and emission-efficient aircraft in the longer term.

Derek Twigg: I was trying to make a comparison between larger and smaller airports and different classes of aircraft. Of course, we want airports to encourage the use of quieter aircraft. More modern aircraft are quieter than others.

Clause 1, as it stands, allows the flexibility to account for the cases that I outlined, just as it will allow larger airports, such as Heathrow or Manchester, to reflect in their charging schemes the environmental impact of the aircraft that use them. However, I understand that hon. Members may be worried that some airport operators might not wish to take up the powers, even if local circumstances meant there was a strong case for doing so. Proposed new subsection (4) of section 38 of the Civil Aviation Act 1982, which is contained in clause 1, gives the Secretary of State the power to direct, by order subject to the negative procedure, specified aerodromes to make use of the powers in the clause. That provision might be used in cases when the voluntary measures prove ineffective.

Mr. Edward Garnier (Harborough) (Con): I note that proposed new subsection (3) of section 38 of the 1982 Act refers to "taking off or landing". The noise or emissions requirements are thus concerned with aircraft taking off or landing at the aerodrome in question. Will the Minister tell me whether the expressions "taking off" and "landing" are defined anywhere in the Bill? For example, would they cover aeroplanes that were coming in to land, but some miles away from the airport—I am thinking of aircraft flying over my constituents as they come into Nottingham East Midlands airport—or aircraft that take off from Nottingham East Midlands airport and then climb into the skies above my constituents?

Derek Twigg: I do not think that that is the case, but I will confirm the correct position to the hon. and learned Gentleman.

I hope that my explanation of the Government's thinking behind making the provision a power, rather than a duty, will convince hon. Members to disagree with the Lords in Lords amendment No. 1.

Lords amendments Nos. 2 and 4 would affect the way in which the charges should be set. Although the Government agree that it is reasonable that airport operators should be expected to set noise charges that are proportionate, we do not agree that that is something that needs to be provided for in the Bill. Airports have been making use of the power to set noise-related charges for more than 20 years and there has been no suggestion that they have not done so in an appropriate or proportionate way. However, if there is a problem with the charging scheme, the Secretary of State will have the power that I mentioned to direct an airport operator regarding the manner in which its charges are to be fixed. The airport should be subject to the control scheme that it sets up to address the effects of its operations on the locality. There are other considerations on airport charging, such as international guidance that noise-related charges

[Derek Twigg]

should be non-discriminatory between users and should not be established at levels that are prohibitively high for the operation of certain aircraft. Again, we did not think it necessary to make those considerations statutory requirements. The existing provisions function well, and they do not need to be altered in any way.

Lords amendment No. 3 is a minor technical amendment to clarify the provisions of clause 1, which inserts a new section 38 into the 1982 Act. New subsection (3) defines noise and emissions requirements. The amendment simply ensures that cross-reference is made to mention of those requirements in both subsections (1)(d) and (2)(d), rather than solely to subsection (1)(d).

Mr. Garnier *rose—*

Derek Twigg: I am about to conclude, I am afraid. I urge hon. Members to accept Lords amendment No. 3.

Mr. Brazier: May I begin by welcoming the Under-Secretary of State for Transport, the hon. Member for Halton (Derek Twigg) to the Chamber and, indeed, the hon. Member for Lincoln (Gillian Merron)? I look forward to our exchanges across the Dispatch Box, although I do not know how many there will be, because few people think that the noise of 1,000 soundbites has settled anything for long.

Lords amendment No. 1, which the Government seek to overturn, replaces the word, "shall", with "may" in the provisions on charging on noise and emissions. As the Minister explained, Lords amendment No. 2 makes those charges proportionate to the noise made. The remaining Lords amendments are relatively minor amendments on noise. There is all the difference in the world between the compulsion expressed in the word, "shall", and the vague non-committal aspiration in "may". This is an almost completely empty Bill, and in tabling those amendments the House of Lords sought to tweak the Government's tail so that they would do something about the problem. The amendments try to tease out an explanation from the Government as to whether the Bill will, in fact, do something or is just another eye-catching initiative.

The Government recently admitted that their domestic target of reducing emissions by 20 per cent. by 2010 will not be reached. The Conservative Government cut emissions of carbon dioxide by 7 per cent. in their last seven years in office, but CO_2 emissions are higher now than they were nine years ago. Aviation on its own explains why they have risen since the Government came to power. *[Interruption.]* My right hon. Friend the Member for Wokingham (Mr. Redwood) has pointed to another possible source of rising emissions. The Bill, however, does not include any targets, sliding scales, rewards for airlines and airports for successfully tackling noise and emissions, or measures of success. Indeed, there is not even an obligation to measure, let alone report, progress or success. Above all, there is no compulsion at any point. In Committee, the hon. Member for Regent's Park and Kensington, North (Ms Buck), who then had ministerial responsibility for aviation, said that

"the provisions in the Bill have been introduced specifically in response to some airports—I name Manchester airport in particular—that have made it clear that they seek legal clarification of the powers that they wish to use. Manchester airport may want to fix its charges by reference to aircraft noise or emissions, and it seeks the cover of legislation to do so."

The Bill therefore aims to close a legal gap identified by Manchester airport's lawyers.

Clause 1, the main clause of the Bill, does not require anyone to do anything, but BAA has already introduced emissions charging schemes which it negotiated with the Civil Aviation Authority two years ago, and the Minister admitted that some airports have operated arrangements relating to noise for 20 years, so what are the Government introducing the measure for? Without an amendment requiring a degree of compulsion, as Lords amendment No. 1 does, the Bill does nothing, except remove the noise gap, which we will debate when we reach the next group of amendments.

The Government should not preach environmental concern, then waste a golden opportunity to do something about it. It is clear that the Government are not sure what the Bill is about. I feel for the hon. Member for Halton, who has had it dumped in his lap towards the end of its course. From the way that he delivered his speech, I suspect that he, too, is not certain what the Bill is for, and that is not an attack on the hon. Gentleman. He did not draft his speech and had nothing to do with the Bill's origins.

In Committee I said to the hon. Gentleman's predecessor, the hon. Member for Regent's Park and Kensington, North (Ms Buck):

"Surely one of the purposes of an emissions-related charging scheme would be to encourage operators to use aircraft which emit less emissions and noise at that aerodrome. I simply do not follow her logic on that."—[*Official Report, Standing Committee B*, 5 July 2005; c. 6-7, 28.]

The Minister chose to raise again today the idea that smaller airports will have only one class of aircraft operating from them. Surely the provisions should encourage airports to provide incentives for their operators to use aircraft that are quieter and which produce less NO_2 and less CO_2 emissions. The Government are uncertain what they are trying to achieve.

In December 2003 the Government produced a White Paper on the future of aviation in the UK. Summarising the purposes of the White Paper, the then Secretary of State said that

"we have to balance those benefits against the serious environmental impact of air travel, particularly the growing contribution of aircraft emissions to climate change, and the significant impact that airports can have on those living nearby. That is why the Government remain committed to ensuring that, over time, aviation meets the external costs"—

by which he meant environmental costs—

"that it imposes."—[*Official Report*, 16 December 2003; Vol. 415, c. 1434.]

In Committee the Minister said:

"There is no question that aviation has an impact in environmental terms, and we need to rise to the challenge that it presents. Those living close to airports have genuine anxieties, which the Government and I recognise absolutely and we must move forward in responding to it".

Mr. John Redwood (Wokingham) (Con): My hon. Friend has been following these matters with previous Ministers. Can he tell me what the Government are doing to try and get emissions and noise down? Most of my constituents would like something to happen on those counts.

Mr. Brazier: I would dearly love to be able to answer my right hon. Friend's question, but the answer is very little. I hope I have made it clear that clause 1, which the amendment seeks to beef up, offers nothing in its present form. It gives airports powers that they have been using for years.

The Environmental Audit Committee described Ministers as being "superficial and vague" about the environmental damage and the Government's unwillingness to tackle it. In Committee the hon. Member for Southport (John Pugh), speaking for the Liberal Democrats, pointed out that

"the Bill seems to allow even quite a large airport to have no scheme at all. Although there might be a case for some small airports that have very little traffic or very little international traffic not having a scheme, there is surely a good case for all big airports having some sort of scheme, but the Bill simply does not require that."—[*Official Report, Standing Committee B*, 5 July 2005; c. 6, 8.]

I see no reason why any airport should not operate a scheme, but the priority is obviously the bigger ones. The Minister responded by stating that the proposed new section of the Act in clause 1 gives the Secretary of State power to direct specified aerodromes to use the powers in the clause, yet not once has the Minister said when that will happen. It is not reassuring. For example, what is to stop an airport operator with multiple operators using, under the guise of environmentalism, emissions and noise charges at one airport to provide a hidden subsidy to subsidise another in its portfolio by offering lower charges?

We are opposed to cross-subsidy. For example, we know from extensive meetings within the airline industry that there is great unease about Stansted being the site for the next runway in the south-east.

4.45 pm

Mrs. Gwyneth Dunwoody (Crewe and Nantwich) (Lab): Has the hon. Gentleman noticed that it is usually the case that the bigger the airport, particularly if it is a designated airport, the lower the costs? Some of us think that it would be a good idea to spread around the United Kingdom some of the flights that currently go into the cheaper, larger, noisier airports. Is that his view, or is he suggesting that we should not undercut the financial viability of airports such as Heathrow?

Mr. Brazier: I agree with the hon. Lady on that point, but I am concerned about cross-subsidy between airports in the south-east, which, as she knows, is the big issue. The key point about the new runway at Stansted concerns cross-subsidy, and, in theory, the new power for the Secretary of State could be used to encourage further cross-subsidy—we already have a differential charging system. In practice, however, the Government have not pledged to use that limited power. The real issue is that clause 1 does so little, which means that the Government, who are committed to tackling emissions and noise, are doing almost nothing in this Bill.

My final point often comes up either on Report or in Lords amendments. The Government have made it clear that there are technical defects in the wording of the amendments. Indeed, House of Lords *Hansard* makes it clear that the drafter of the amendments knew that there were technical defects in the wording, which is why I shall not seek to press the matter to a vote. The amendments were tabled out of sheer frustration in the Lords, where there were no more answers on what the Government will do about environmental problems than we have received in this House. They seek to introduce an element of compulsion into clause 1, and when the Minister winds up the debate, I hope that he will indicate what the Government are actually going to do on noise around our airports and on emissions of oxides of nitrogen and of CO_2.

John McDonnell (Hayes and Harlington) (Lab): I welcome my hon. Friends the Members for Halton (Derek Twigg) and for Lincoln (Gillian Merron) to the Front Bench and to their new responsibilities. They deserved promotion, although they have been passed a poisoned chalice.

In the past few months, the political parties have vied with one other to prove their green credentials. I am pleased that this Bill has appeared so soon, because one does not need to sledge across the Arctic while looking up the tails of half a dozen huskies or convene a summit of world leaders to identify an environmental issue, when there is one within 13 miles of this House, namely the impact of Heathrow airport in terms of noise and emissions. What worries me about the Government's failure to accept the Lords amendment and the Minister's failure to elaborate how the Government's system would operate effectively is that nothing is being done on tackling noise emissions and NO_2 emissions.

I hoped that even if the Government were not to accept the amendment, they would explain how they would subsequently designate aerodromes which are not complying with a basic standard of emissions control, but we have received no information on that point. That is why the debates in the other place and in this place have moved further towards compulsion than some would have liked. It is often said that we have reached the stage with the aviation industry that we reached on the control of emissions from cars 30 years ago, when we had a long debate, which led us to incentivise research and development on improvements to engines and overall design and to control the usage of cars through either vehicle taxation levies or fuel duties. That is exactly where the amendment stands with regard to aviation.

We thought that there would be an opportunity to introduce legislation that placed a duty on aerodromes and then enabled them to adjust their charging policies if necessary. That would incentivise the aviation industry to reduce emissions by way of research and development, better engine design and improved flight practices. It would not only encourage good practice in the industry overall but incentivise individual companies by not placing a duty on them. The vague power that the Secretary of State will have, with no

[John McDonnell]

clarification of how it will be exercised, lets them off the hook. That means that we will progress no further and that areas will still be blighted by emissions from the aviation industry. From my own perspective, this proves that yet again the aviation industry has dominated the policy-making network that surrounds the Department for Transport, while the voices of environmentalists and of constituents who are suffering as a result of these emissions have not been heard.

It has been argued that the Secretary of State would be able to intervene at a future date. However, it would be invaluable if we could have a description of sorts as to how he would do so. What criteria would be used? How could representations be made to the Government to ensure that that mechanism was exercised by Ministers? What representations could be made by local communities? What would be the forum in which they would make those representations? What would be the role of individual MPs representing their constituents? At what stage would the consultation take place? How will these matters be brought before the House? At the moment, they are subject to the negative procedure, so there will be no opportunity for Members to trigger debate or even to comment on any decision that is made by the Government.

I am afraid that I fully support the Lords in this amendment, because compulsion is the only way forward, not only to bring the industry to a realistic assessment of the impact that it is having on our environment, but to force it to take some action. Without compulsion, we will go on for decades without having a real and direct impact. As a representative of the constituency in which Heathrow is sited, I am aware that even with existing legislation and voluntary agreements, my constituents' quality of life is directly affected by the noise and emissions that pollute the atmosphere. It was recently estimated that 5,000 of my constituents are being poisoned by air pollution from the airport.

The existing system is not working. The amendment would introduce an element of compulsion and put some pressure on the industry, and we would be able to move forward in a consensual way, since every party wants to be the greenest party in the land at the moment. I ask the Minister at least to describe how he envisages that the system will work and have an effect in the absence of the amendment.

Mr. Alistair Carmichael (Orkney and Shetland) (LD): I, too, welcome the Under-Secretaries to their new responsibilities. I have previously worked with them both in different roles. I am sure that our working together will be as fruitful in this role as it has been in the past.

Having said that, I am afraid that I do not have much positive to say about the Government's view on noise and emissions. They have talked a tough game, but their proposals in the Bill are timid, to say the least. The amendments made in the other place would go a long way towards putting spine into these measures, and they are exceptionally to be welcomed. I regret the fact that the Government are asking this House to disagree to them.

The mechanism of compulsion, for which the amendment provides, appears to be the only means whereby we can hope to achieve the sort of consistency that will be necessary to attain the meaningful controls that are needed on noise.

Mr. Redwood: What do the Liberal Democrats believe to be the minimum charge that one would have to impose on aircraft landing and taking off to make an impact on the problem that the hon. Gentleman identifies?

Mr. Carmichael: I am delighted to tell the right hon. Gentleman that I have no idea what the figure would be. As Ministers normally say in such circumstances, I shall make inquiries and write to him. However, the point is that, instead of setting a figure, we are considering establishing a structure.

When my noble Friend Lord Bradshaw moved the amendment on Report in the other place, he drew attention to the position that persists in Birmingham and Coventry airports. He explained that Birmingham has exceptionally good noise monitoring arrangements, which are vigorously enforced and benefit the nearby residents. On the other hand, Coventry, which shares the same airspace, has no such noise monitoring in place. Consequently, the older, noisier, principally freight-based aircraft use Coventry airport because it is not subject to the same controls. By resisting the amendment, the Government appear to be inviting us to visit that position on the rest of the country.

Lords amendment No. 2 proposes that the charges on noise should be proportional to the noise emitted. I cannot understand why the Government continue to resist that. It is a no-brainer. In the other place, Lord Davies of Oldham prayed in aid smaller airports and the regulatory burden that would be visited on them. He specifically mentioned Tiree airport. I am delighted that, at last, the so-called peripheral communities are getting their fair share of say in Government policy on the matter, but I do not believe that working out the charges for noise and emissions at Tiree airport would be especially onerous. It would take most people approximately five minutes. I know from the operation of flight information services at Tingwall airport in Shetland in my constituency that the Government have previously showed precious little regard for the regulatory burden on small aircraft and, frankly, small airports have more pressing concerns than what we are discussing.

Lembit Öpik (Montgomeryshire) (LD): Does my hon. Friend agree that the smaller airports are something of a red herring because it is obvious to one and all, including, I am sure, the Under-Secretary, that general aviation and general business aviation involving smaller aircraft, of, for example, five tonnes, do not cause the emissions and the noise about which he is concerned? He does not need to worry about them. He could discuss the points that my hon. Friend makes without threat to the small airports.

Mr. Carmichael: My hon. Friend is uncharacteristically restrained when he says "something of a red herring", because the matter is a total red herring. It shows the

general weakness of the Government's case that they resort to producing such examples in support of their arguments. I do not understand why they are so resistant to fairly simple, straightforward commonsense measures, which could make a genuine difference to the people who live near the major airports, especially those in the south-east of England whose lives are blighted by noise. The Government have a chance to act. The Under-Secretary must tell us why he chooses not to take it.

Kelvin Hopkins (Luton, North) (Lab): I shall speak briefly. I should declare an interest because London Luton airport brings considerable benefits to my constituency through employment and payments to the local authority, which contribute to local spending. The environmental effects do not affect my constituency so I could say that I do not mind what the impact is because I get all the benefits and none of the difficulties. However, that would be irresponsible and selfish.

I have spoken in favour of expanding London Luton airport, but largely on the basis that it might obviate the need to expand Heathrow. If Luton airport could be expanded, some medium-haul and short-haul flights could be transferred from Heathrow, which would benefit us and the constituents of my hon. Friend the Member for Hayes and Harlington (John McDonnell).

I am disappointed that the Government have chosen to reject the Lords amendments, although I shall acquiesce in their decision. Is it not time that we started to incentivise airport operators and others in the aviation industry to get their act together?

5 pm

Graham Stringer (Manchester, Blackley) (Lab): My hon. Friend and I have shared a similar point of view in many aviation debates. Does he accept, however, that the debate on this amendment lacks context—namely, that the noise contours around almost every airport are getting smaller, and that the noxious emissions from aircraft are reducing?

Kelvin Hopkins: I agree entirely; I simply want to offer the industry incentives to do better.

John McDonnell: Emissions might be decreasing where airports are not expanding. However, where airports are expanding, the increase in emissions is having a much greater impact.

Kelvin Hopkins: Indeed. Anyone who lives near an airport will suffer in that respect, and there is everything to be gained from making it as difficult as possible for the industry to spew out noxious emissions.

Mr. Brazier: Will the hon. Gentleman clarify his response to the previous intervention? Not only are the aggregate CO_2 emissions from aviation rising fast, as flight numbers rise much faster than the rate at which efficiency improves, but that rise has more than accounted for the rise in CO_2 emissions that is one of the sadder achievements of the past nine years of this Government.

Kelvin Hopkins: I thank the hon. Gentleman for his intervention. I wanted to respond to the intervention made by my hon. Friend the Member for Crewe and Nantwich (Mrs. Dunwoody). She mentioned the distribution effects of charges relating to emissions and noise. I welcome the Under-Secretary of State for Transport, my hon. Friend the Member for Halton (Derek Twigg) to his place. Has he looked at the impact of distributing traffic between airports? Such a distribution could have a significant impact on south-east England, especially on London Luton. I hope that traffic will shift from London Heathrow to London Luton, as that would benefit Luton and Heathrow. We know that there will be an increase in air traffic, although I think that it will be smaller than is being predicted, for all sorts of environmental and political reasons. Nevertheless, such a shift would be beneficial. Has the Department considered the distribution effects of such constraints on noise and emissions?

My hon. Friend the Member for Manchester, Blackley (Graham Stringer) mentioned noise footprints. A new generation of aircraft will soon come into existence. Some hon. Members might have seen the presentation on the so-called Dreamliner, which is made of composite rather than metal. It is much lighter, has a bigger payload and can fly much longer distances. Most significantly, however, it is much more fuel- efficient and has a much smaller noise footprint. If we can offer the industry incentives to move as quickly as possible towards adopting such aircraft—which I believe are the future—we shall do everyone a great service in regard to the environment. It would also make life easier for the industry, as it would be less under pressure than it would otherwise be.

We should also press what is left of the British aircraft manufacturing industry—there is not too much left, but what is left is Airbus—to go in that direction as well. It should follow Boeing in making aircraft that are much more fuel-efficient and generate far fewer emissions and less noise.

Having made those few remarks, I shall acquiesce in what the Government decide on this amendment.

Mr. Garnier: I am sorry that the hon. Member for Luton, North (Kelvin Hopkins) will acquiesce with what his Whips require. He is missing a point. The clause will do nothing to protect the interests of his constituents—whether they live right under the flight path or gain from the economic advantages that Luton airport brings them. None of us wants the economy to be damaged, but equally I think that all of us, including Labour Members, want the airline, aviation and airport industries to consider the interests and lives of those who live under flight paths and near airports.

I was interested to learn quite recently that 86 per cent. of all noise complaints about arriving aircraft relate to Heathrow or to Nottingham East Midlands airport. Heathrow is the country's premier airport for passengers and freight. Nottingham East Midlands airport is not covered by clause 2 because it is not a designated airport under the Civil Aviation Act 1982. My constituents do not live—to use the words of clause 1—"in the vicinity of" Nottingham East Midlands airport, which is not in Nottingham. Very few people from outside Britain know what the east

[Mr. Edward Garnier]

midlands is like as a destination, and the airport is wholly within Leicestershire but happens to have a Derbyshire postcode, and I see the hon. Member for South Derbyshire (Mr. Todd) in his place. I also see the hon. Member for Manchester, Blackley (Graham Stringer) in his place, and he is a former director of the Manchester Airport Group, which wholly owns the airport. We have the absurd situation in which more and more people are getting more and more cross with the way in which Nottingham East Midlands behaves towards its neighbours, but they can do less and less about it.

I thought that the new Civil Aviation Bill would give my constituents and the residents of greater Leicestershire some purchase on the decision making of an airport whose headquarters are in Manchester. That would have improved the quality of life of my constituents who live between 20 miles and 50 miles from the airport.

Kelvin Hopkins: The hon. and learned Gentleman seems to making a case for the municipalisation of all airports so that they are democratically owned and controlled by the people who live in their area.

Mr. Garnier: Not only was I not seeming to make that case, but I was not making it. I am asking the Government to get a grip and to understand the damage that, on the face of it, a beneficial operation could wittingly or unwittingly have on those who have least control over the operation.

Nottingham East Midlands airport might have much to recommend it. It sells itself as the freight hub of the east midlands and as a good place to do business from which freight carriers can distribute goods throughout England within four hours of their being landed. That is fine, and we are told how wonderful it will be that new jobs will be created in the Castle Donington area. However, we have no evidence of those jobs; they are simply assertions.

Furthermore, as a direct consequence of an increase in traffic aeroplanes will, over the next decade, land once every 90 seconds between 11 pm and 7 am—that is the aim and the way in which the airport is being sold—but we are never told that, because the airport is not designated under the 1982 Act, the Government and the Secretary of State can do nothing about it. The Bill does not address that point and, despite their warm words about wanting to be green, Ministers will do nothing to control aircraft movements. If people think that the Government are going to do something about that, they are sadly wrong because they want to have "may" instead of "shall", and I think that the constituents of the hon. Member for Hayes and Harlington (John McDonnell) will suffer as much as my constituents do. The only hope that my constituents who are affected by a non-designated airport have is that the management of the airport group, based in Manchester, would at least be compelled to enter into a regime to control the noise and air pollution aspects of the business.

Mr. Mark Todd (South Derbyshire) (Lab): Although I have a lot of sympathy with the hon. and learned Gentleman's point, does he agree that the clause does not suggest a way to achieve what he wants to achieve? It focuses essentially on a charging regime rather than a means of stopping certain aircraft using airspace over his constituency.

Mr. Garnier: The hon. Gentleman makes a different but none the less good argument. I am arguing that the Bill, unamended, with the word "may", does nothing to protect my constituents or his constituents in villages such as Melbourne and those areas that are under or near the flight path. To pick up on his argument, although Nottingham East Midlands airport—Manchester Airport Group—would be compelled under the Lords amendment to enter into arrangements that set up an effective charging regime, there is no template or scheme, designed by the Civil Aviation Authority, the Manchester Airport Group or, still less, the Secretary of State for Transport, to show an errant airport, lazy airport or uncaring airport, if one can have such a description of an inanimate object, how to treat its neighbours. The word "shall" could compel them to enter into a regime that creates a charging system, but which sets the charges at a ridiculously low level. My fear is that if we privatise the policing system so that an airport is enabled to set its own charging regime to fine its own customers, we are whistling in the wind—if it were possible to hear oneself whistle.

Nottingham East Midlands airport has gone on record as saying, "We want to attract lots and lots of aeroplanes all through the night because we want to sell ourselves as the freight hub of the midlands."

Graham Stringer *rose—*

Mr. Garnier: I see that the former director would like to intervene.

Graham Stringer: As ever, I am listening carefully to the hon. and learned Gentleman's argument, which seems to be based on the fact that there is a problem because Nottingham East Midlands airport is second in the pecking order when it comes to the number of complaints. Where would it come in the pecking order if the number of complainants were listed? Is not it the case that most of the complaints about the airport come from a very small number of people?

Mr. Garnier: I am not sure that that is true. It may well be that from the safety of Manchester, Blackley, the number of those who complain about the noise that affects the residents of Leicestershire is small beer.

Keith Vaz (Leicester, East) (Lab) *rose—*

Mr. Garnier: I will allow the hon. Gentleman to intervene briefly, before putting a point to the Minister and concluding.

Keith Vaz: The hon. and learned Gentleman is right: there is great concern in Leicester and Leicestershire about the expansion of Nottingham East Midlands airport. Perhaps people do not write in as much as they do in Manchester, but the problem has always been that the airport has failed to consult local people about its plans. We have been able to discover what it is doing

about night flights only because of the work done by the hon. and learned Gentleman and others to expose the airport's management in the House.

Mr. Garnier: As ever, I am grateful for any compliments from wherever they come. On such a subject, to have a compliment from the hon. Gentleman is welcome. He is right, although I confess that the airport has got better in its public relations. Indeed, as a result of the things that I and others have said over the past few years, it has had to appoint a public relations officer. It so happens that it has appointed the man from Birmingham International airport, who seems to send out exactly the same press releases, except that he chisels out "Birmingham International" and puts "Nottingham East Midlands" instead, so we get the same guff. There we are; that is what public relations is, I guess.

5.15 pm

The hon. Member for Leicester, East (Keith Vaz) is perfectly correct: there have been lots of justified complaints, not just from the "vicinity" of the airport—the word used in the clause—but from further away. Those of us who live further from the airport cannot have any confidence in the Bill dealing with the problem. Subsection (2)(c) refers to

"controlling the level of noise or atmospheric pollution in or in the vicinity of the aerodrome so far as attributable to aircraft taking off or landing".

That does not help the people living in Market Harborough or the villages and hamlets between Market Harborough and the city of Leicester, as aircraft come in or out of the airport and bend round the north of the city.

One does not have to live near a big airport such as Heathrow to understand what it is like. Noise is a relative, not absolute, concept. If an area that has traditionally had no ambient noise at night—rural Leicestershire—is to be faced with aeroplanes and freighters coming in every 90 seconds, that presents a completely different problem from the one of which the Minister is perhaps aware.

I shall use an analogy that I have used previously. If Nottingham East Midlands airport were a lorry freight company that wished to drive trucks through my villages every 90 seconds all night, somebody would do something about it. As the freight is up in the air, however, nobody does anything about it, and the Government will not take responsibility for the implications and consequences of their policy, through the White Paper, of creating this great freight hub in north-west Leicestershire. Were a factory emitting noxious fumes all night, somebody would do something about it, but the Government say that it is nothing to do with them, that they simply set the policy in the White Paper and that what happens next is down to local decision making. There is no local decision making of any value, because the Government will not give the local population any power over shareholders in Greater Manchester—the 10 local authorities that own the airport.

What do we do? I make the same speech week after week. I drive the Speaker of the House mad with the ingenious ways in which I try to ask questions about Nottingham East Midlands airport that, strictly, are probably out of order, but he is a tolerant man and I thank him for it. While he may be tolerant, however, my constituents are becoming increasingly intolerant of the way in which their lives are being ruined by the bad behaviour of the Manchester Airport Group and the way in which it addresses the issue.

The worst that could be done is for the Government feebly to say that Nottingham East Midlands airport "may" fix its charges in respect of an aircraft. They should say "shall", and a meaningful regime should be attached to make sure that, if the Government are prepared to allow Nottingham East Midlands airport to police its own activities, it does so in a sensible way that bites. The people who get the benefit should therefore also have to pay for the benefits that create burdens for my constituents. Unlike the constituents of the hon. Member for Luton, North (Kelvin Hopkins), my constituents get all the burden or disbenefit and none of the economic advantage.

It is high time that the Government took a grip. I appreciate that the Minister took over the aviation responsibility at a difficult time, but I have now watched half a dozen aviation Ministers push the problem into the wastepaper basket and hope that Manchester Airport Group will behave itself. It will not. It is therefore time that the Government paid a little attention to the people of this country before they finally fade away.

Alan Simpson (Nottingham, South) (Lab): I also congratulate my hon. Friend on the expansion of his ministerial remit. I hope that the additional duties do not get in the way of his approval of lines 2 and 3 of the Nottingham tram submission, which has been waiting for permission to land for quite a long time.

Not too long ago, the Prime Minister spoke at a press conference in New Zealand about climate change. He made the point that every aspect of Government policy—every aspect of government—would now be imbued with a duty to address the challenge of climate change. Yet when we have a chance to deal with one of the biggest contributors to climate change—aviation fuel—we have a sense that the Government have avoided the opportunity to intervene and place duties on the industry as a whole.

I ask the Minister to think again about the nature of the Lords amendments. I too could claim to have a particular interest in what is a local issue affecting Nottingham East Midlands airport, but in fact my concerns are wider. I do not want to diminish the legitimate complaints made by people who are directly affected by noise, but for me the significance of the amendments lies in the fact that they bolt emissions to noise. That is of enormous and crucial interest, not just to those who live in the immediate vicinity of airports but to everyone who lives in this country.

The fact is that permissive powers are largely ineffective and irrelevant when it comes to tackling the major issues that we face as a society. We know that from our experience of the issues of fuel poverty and housing. For years we said that the major energy suppliers had existing powers to intervene if they wished to eradicate fuel poverty. Many did something, but only at the most nominal level. When the major suppliers were asked why they did not go further, they

[Alan Simpson]

said "It is a mug's game. Why should anyone take on the additional costs of serious measures to eradicate fuel poverty when our competitors will undercut us in what is essentially a price-only market?"

Exactly the same now applies to aviation. Drawing a distinction between designated and non-designated airports and giving their managements a permissive entitlement will still leave them operating in, essentially, a price-only market. It is highly unlikely that any airport will take on major initiatives that would cut the carbon emissions that are associated with an expansion of airport activity.

Furthermore, we could find ourselves in a perverse situation—a lose-lose scenario—in which a relatively small reduction in noise impact had the effect of doubling the number of planes allowed to land during the period concerned. That would not mean that those living in the flight paths benefited from a better, less interrupted night's sleep, but it would mean a doubling of carbon emissions.

Justine Greening (Putney) (Con): The situation that the hon. Gentleman describes is not hypothetical. That is exactly what is being proposed in stage 2 of the night flights restriction consultation relating to Heathrow, Stansted and Gatwick.

Alan Simpson: Precisely. I did not want to speak at this stage about the next group of amendments, which refer specifically to schemes that will be in place, but that is where we are heading. It is not only possible but highly likely that the consequence of the proposals will be at least a doubling of night flights and the carbon emissions associated with them, and that we shall find ourselves in a perverse position. Climate change is at the heart of everything that we do as a Government, but we are proposing to take a step that will make our contributions to climate change-related damage worse.

A sensible piece of advice is the first law of holes: when we are in one, we should stop digging. That is the first stage in working out how to get out of the hole.

Mr. Redwood: The hon. Gentleman can see the problem very clearly, as can I and many of my right hon. and hon. Friends. How many of his right hon. and hon. Friends will join us in trying to sort it out?

Alan Simpson: I suspect that there is a broad consensus in all parts of the House on the need to sort out the problem, but I am not sure whether the right hon. Gentleman's Front-Bench colleagues propose to divide on this amendment to test that consensus.

This is one of the most critical challenges that our society faces. When Sir David King, the Government's chief scientific adviser, gave evidence to the Environment, Food and Rural Affairs Committee, he said that climate change is a bigger threat to our survival than terrorism. We have to address the damage that the doubling or trebling of carbon emissions, resulting from the expansion of freight and passenger air transport, will do to the environment that we hand on to our children.

Mr. Brazier: On the hon. Gentleman's earlier point, although we are strongly in favour of the amendment's substance, we will not press it to a vote because, as I made clear in my speech, as drafted it would impose an unreasonable burden on some smaller airports. Indeed, its mover in the Lords made it clear that the wording was defective. We are with him in spirit, but it is the next group of amendments that we will press to a vote.

Alan Simpson: I would rather have an amendment with defective wording than no amendment at all. As was pointed out earlier, the Bill provides an imperfect way of addressing a very serious problem: it relies on using a market mechanism to address a colossal environmental challenge. I would rather that the Government set very strict limits on the carbon emission entitlements of all airports, making it clear that they are not allowed to pass that threshold. However, the Bill contains no such provision.

Removing the distinction between designated and non-designated airports would have the great advantage of generating an argument within the industry. The industry would say to the Government, "If we are suddenly to have a duty to charge on the basis of emissions and noise, there has to be a coherent framework. So give us the framework—give us the new level playing field." In that sense, a regulation based on an amendment with defective wording would take us closer to achieving a level environmental playing field than no regulation at all. My worry, given the aviation industry's current framework, is that establishing a permissive entitlement could actually double or treble the amount of environmental damage, rather than achieve a status quo.

I urge the Minister to think again about closing this particular door. Nothing in our history or our current activity suggests that we can rein in the impact of climate change and the damage being done to the environment without establishing a clear framework that everyone has to operate within. To leave it to permission is to leave it to those who will exploit the most and do the least.

Lembit Öpik: I rise to seek the Government's position on general aviation, particularly British general aviation, regarding noise and emissions. In doing so, I welcome the Minister to his new role; I am sure that the general aviation sector is looking forward to making direct connections with him.

I fly aircraft, but they are little ones that do not make much noise or use much petrol. My Mooney M20J can travel at 190 mph and do 24 miles per gallon, which is perhaps better than the Minister's own road vehicle can do. Like me, the hon. Member for Aldershot (Mr. Howarth) also flies regularly. The Minister should know that we have created a loosely constituted group—the parliamentary aviation group—that focuses on the interests of general aviation and of business general aviation. It is clear to us that general aviation and business general aviation are not the significant problem in terms of noise and emissions. The Minister may already know that general aviation is a £5,000 million a year sector of the British economy and provides some 21,000 jobs. While it is therefore big in business terms, it is small in terms of the impact that we are discussing.

5.30 pm

General aviation's total daily environmental impact is roughly the same as that of one jumbo jet in the first five hours of a transatlantic flight. Indeed, the entire fuel usage of the piston sector of general aviation is equivalent to roughly 20 minutes of usage by the road transport sector. It is also rare for general aviation, or the smaller business jets, to cause complaints about noise. While most of the large jets carry predominantly leisure passengers, most general aviation and small business jets carry business passengers, including Ministers and Opposition Members from time to time.

Leaving aside the points about the amendments made by my hon. Friend the Member for Orkney and Shetland (Mr. Carmichael), I hope that the Minister will confirm that it is not the Government's intention to create unintended consequences for the general aviation sector and the business aviation sector of aircraft that weigh less than 10 tonnes. I do not expect the Minister to spend much time on that issue, but I can inform him that the general aviation sector, which probably has not been organised or strategic enough in the past in developing links with his Department, is concerned that announcements intended to check noise and emissions from large jets actually punish the smaller aircraft that are not the problem. I hope that the Minister will also confirm that he is willing to continue to develop the relationships that his immediate predecessor was developing effectively, to ensure that general and business general aviation will be taken into consideration when legislation and amendments—such as those we are discussing—are proposed. I am happy to work with him on an informal cross-party basis to ensure strategic consideration of that important economic sector, which does not cause the environmental and noise disturbances that so vex many people living near large airports.

Derek Twigg: We have had an interesting and enlightening debate for my first run-out on the subject of aviation and I appreciate that hon. Members have great interest in and concerns about it. As I said earlier, we disagree with the Lords amendments because they would impose an undue regulatory burden. It is probably best if local environmental impacts are resolved locally, because different issues arise at different airports, so a one-size-fits-all solution is not the proper approach.

Mr. Todd: Can my hon. Friend explain why the apparent fault in placing an additional regulatory burden on—presumably—smaller airports could not be dealt with by clearer regulatory guidance from the Government after the passage of the Bill?

Derek Twigg: We have to make a judgment about the balance of the burden and what sort of guidance we issue to airports, and we believe that it is best dealt with locally, given that the impacts occur locally. It is important to look at the issue on a case-by-case basis. It is implicit in the Bill that the Secretary of State has powers to direct airports to use the powers that they have if they are not doing so. Through its provisions on charges on noise and emissions, the Bill will help to encourage awareness of the importance of the environmental aspects of airports. That will continue as concerns are raised and given a higher profile and airports take account of them.

Mr. Garnier: The Minister talked about local decisions, an expression also used by his five or six predecessors, but the Bill refers to "the vicinity". As I have already said, my constituents live between 20 and 50 miles away from the airport, so they feel that they are in the vicinity, but, as I understand it, they will not be included in any regime permitted under the clause. Can the Minister assure me that local decisions will not just mean, in the case of Nottingham East Midlands airport, North West Leicestershire district council but the whole local authority regime throughout the county of Leicestershire? Otherwise, the provision is meaningless.

Derek Twigg: It is important that airports listen to concerns raised by people affected by flights from them and we have seen good practice in many airports. I realise that the hon. and learned Gentleman is raising issues about the way things were dealt with in the past, but it is important that airports respond to such concerns. On his earlier question, I can tell him that although clause 1 relates to landing and taking-off charges in respect of certified noise levels, a definition of landing or taking off is not necessary for the purposes of the provision. I understand his point and I am sure that he will continue to make it, but there is a balance to be struck between the economic impacts and benefits and the social and environmental costs that he and others have outlined.

The hon. Member for Canterbury (Mr. Brazier) drew attention to the environmental consequences. As he and the House are aware, international aviation emissions were not included in the Kyoto targets but the UK is leading the international debate and pressing for action. Under our EU presidency, we made progress on the inclusion of aviation in the EU emissions trading scheme and the European Commission has been remitted to produce a legislative proposal by the end of 2006. Current research places high priority on the importance of the impact on the environment, but we have to strike a balance between the economic impacts and the social and environmental effects.

Mr. Redwood: If the Minister does not want to use the route suggested in the Lords amendment, is he telling the House that he can guarantee that a carbon trading system will affect aviation in the short term, so that emissions will be curbed, or is he saying that in practice the Government will do nothing to curb aviation emissions?

Derek Twigg: The right hon. Gentleman will have heard what I just said about the EU emissions trading scheme. We are leading discussions internationally about what can be done. We believe that such things should be dealt with locally, however, because different issues affect different airports, which is why we think it right to disagree with the Lords amendment.

Graham Stringer: I have been following my hon. Friend's argument closely and I agree that it is better for decisions to be made locally. Is not there a serious flaw in the case being put by Opposition Members? Even if landing charges were doubled or trebled, they would still be only a relatively trivial part of an airline's costs. It is most unlikely that such charges would

[Graham Stringer]

change behaviour so is it not better to follow the direction proposed by the Government and look for international co-operation rather than trying to force charging regimes from the centre that could be inappropriate?

Derek Twigg: I thank my hon. Friend for his comments and recognise his experience, interest and work in aviation. He makes an important point. The Government believe strongly that our approach is correct and, as he says, local decision making is important when taking account of issues relating to the environmental impact of airports.

Alan Simpson: I am grateful to my hon. Friend for drawing the distinction between decisions that need to be made locally and those that come back to ministerial and Government level. I also welcome the Government's initiative in relation to EU-wide discussions. My difficulty lies in understanding where we will run the debate from. I do not want to put my hon. Friend on the spot on his first appearance at the Dispatch Box on aviation, but will he undertake to return to the House with whatever environmental impact assessments have been made about the projected growth of airport traffic and the carbon footprints that that will cause? Whatever discussions take place at European level, we must have some known parameters about the current carbon impact that we are talking about in the existing proposals, to put together not only a national approach but a European-wide one. So will he come back to the House to put that information before MPs, perhaps by placing it in the Library?

Derek Twigg: Again, I understand the issue that my hon. Friend raises. He mentions the European Commission and the emissions trading scheme, but we also have international discussions, which were mentioned a few moments ago by my hon. Friend the Member for Manchester, Blackley (Graham Stringer). Of course, we listen to the issues raised on the Floor of the House today.

I want to move on quickly, because time is running on and hon. Members want to discuss other issues. The hon. Member for Orkney and Shetland (Mr. Carmichael), unless I misheard him, made a point about the noise monitoring system at Coventry airport. As I understand it, the recent planning approval to the interim passenger facility will lead to noise monitoring being provided under the terms of an agreement between the airport operator and the local planning authority. I should like to conclude on that.

Lords amendment disagreed to.

Lords amendment No. 2 disagreed to.

Lords amendment No. 3 agreed to.

Lords amendment No. 4 disagreed to.

Clause 2

REGULATION BY SECRETARY OF STATE OF NOISE AND VIBRATION FROM AIRCRAFT

Lords amendment: No. 5.

Derek Twigg: I beg to move, That this House disagrees with the Lords in the said amendment.

Madam Deputy Speaker (Sylvia Heal): With this it will be convenient to discuss Lords amendment 11 and the Government motion to disagree and Government amendment (a) in lieu thereof.

Derek Twigg: Clause 2 amends section 78 of the Civil Aviation Act 1982, which enables the Secretary of State to take steps to limit or mitigate the effect of noise and vibration connected with the taking off or landing of aircraft at designated airports. The current legislation—section 78(3) of the 1982 Act—requires that the operating restrictions set for that purpose include a numerical limit on aircraft movements. At present, therefore, the night-flying restrictions at the designated airports—currently Heathrow, Gatwick and Stansted—are based on both a numerical movements limit and a noise quota set for each summer and winter season. The noise quota is designed to encourage the use of quieter aircraft. In the White Paper, "The Future of Air Transport", the Government said that we would amend the current legislation, so that operating restrictions could be set on a different basis in future—for example, one more directly related to the noise nuisance caused. That is what clause 2 will achieve.

Joan Ruddock (Lewisham, Deptford) (Lab): May I put it to my hon. Friend that, although it would be ideal if all aircraft were much quieter, the concern that my constituents and those of other hon. Members have is that any interruption to a sleep pattern is a problem and therefore the number of flights matters seriously. He will know that many of us wish to have no night flights, but I hope that he will give us some comfort about how the Government seek to proceed, given that there are so many objections to flying at all at night.

Derek Twigg: I understand my hon. Friend's concerns. As she says, there is a view generally about not wanting night flights, but there is always a balance to be struck between the economic importance and the social and environmental issues. In a few moments, I will come to the specific issue that I know that she has an interest in.

5.45 pm

Martin Linton (Battersea) (Lab): Although I agree with my hon. Friend the Member for Lewisham, Deptford (Joan Ruddock) that the best solution would be a complete ban on night flights, will the Minister confirm that the present combination of number limits and noise quota limits will continue until 2013 under the new regime that is about to be announced?

Derek Twigg: If my hon. Friend will bear with me, I will come to those issues.

Lords amendment No. 5 removes subsection (2) of clause 2, which would enable a future Secretary of State to impose restrictions that limited cumulative amounts of noise caused by an aircraft using a designated airport. Such restrictions could apply without specifying a maximum number of movements.

The restriction could, for example, take the form of noise quotas or a limiting noise contour area. The Secretary of State would not be prevented from continuing to set movement limits, but could consider alternatives—for instance, if they provided a more effective incentive to use quieter aircraft. Our intention is not to prevent future Governments from setting stringent controls on night flying at the airports, or from setting movement limits as part of those controls; it is simply to ensure that they have the power to set restrictions in the most effective way possible, whatever the future circumstances may be.

David Taylor (North-West Leicestershire) (Lab/Co-op): Does the Minister agree that the system is horrendously complex? So far, for instance, our Government have refused to designate East Midlands airport, which would benefit significantly from a regime of this kind. It would not be much of a consolation if the present limit of, say, 14 aircraft at a cap of 95 dB were to be replaced under a quota count system by 28 aircraft at 92 dB, which is approximately half the volume of noise. Why would the Government include the measure in legislation, linked to an assertion that they will not use it for the time being? There will always be that risk and that temptation.

Derek Twigg: I understand what my hon. Friend is saying, but it is important to have a number of tools at our disposal to deal with the issue of aircraft noise and the related environmental issues.

It will be for a future Secretary of State to consider any changes to the basis on which night flying restrictions are set after October 2012, and, in doing so, to choose whether to make use of the more flexible provisions that we seek to bring in. Any changes that were proposed as a result would, of course, be subject to full public consultation in line with EU requirements and the eventual decisions would need to be reasonable.

Susan Kramer (Richmond Park) (LD): Does the Minister not understand that saying, "Trust me," is not a satisfactory answer to people in my constituency living under the Heathrow flight path? They have had past assurances on the expansion of Heathrow, but now face terminal 6 and runway 3, the potential for additional night flights and the loss of runway alternation. At least a hard cap number gives people some degree of certainty, which is what they are asking for—if they have to live with night flights, which frankly every one of them would like to see gone.

Derek Twigg: The hon. Lady has made a point that other hon. Members have made, but clearly the Government have set out their thinking and their position on the tools to use to deal with the issues of noise, emissions and night flights.

I am aware that there has been concern that the Government might use the amended provisions immediately to bring in a night flying restrictions regime at Heathrow, Gatwick and Stansted on a completely different basis from that on which we have consulted—I am returning to the hon. Lady's point. We have been considering the responses to the consultation on night flying restrictions at Heathrow, Gatwick and Stansted airports and will announce our final conclusions by the end of the month. However, in order to remove the uncertainty on an element that has given rise to concerns, I have decided not to increase night time movement limits at Heathrow during the period 2006 to 2012.

Mr. Redwood: I am extremely grateful to the Minister for that assurance, which will reassure my constituents. However, it leads us to ask why we should legislate for 2013 now when all sorts of things could happen in the intervening period. We could have had another couple of Prime Ministers by then and planes could become a lot quieter, so is it not rather premature to legislate so far in advance, which will, undoubtedly, worry people?

Derek Twigg: We can argue about whether people want us to legislate now, leave things open, or have more discretion, and that is part of the debate that we are having today—I am sure that it will continue. However, it is important to reiterate that we have decided not to increase the night-time movement limits at Heathrow between 2006 and 2012.

Let me return to the point about consultation, trust and the way in which we can guarantee what future Governments will do. I mentioned the European Union requirements, but I can also tell the House that I cannot envisage a situation in which any Government would not consult on a change affecting the important issues of night flying or aircraft movements. There is already a track record on that. The fact is that there will be consultation.

Justine Greening: I fail to understand how the Minister's argument stacks up. Surely keeping two locks on the Secretary of State's ability to manage noise—one involving movements and the other involving what many of us would say is a fundamentally flawed noise quota system—is better than taking one away. Surely the Minister should leave the movements cap in place and perhaps allow a future Secretary of State to set it high enough that it would be ineffective. Why does he want to take it away altogether and remove a future Secretary of State's ability to use it to curb movements in and out of airports close to my constituency, such as Heathrow?

Derek Twigg: What we think is appropriate is a matter of balance. There is obviously a difference of opinion about the way in which we should go forward. However, the option and the way in which we have set it out gives us the best possible approach on the problem with which we are dealing.

Ann Keen (Brentford and Isleworth) (Lab): I thank the Minister and, especially, the Government for listening to my constituents. The concession that he has announced will be most welcome in Brentford and Isleworth and, indeed, the borough of Hounslow. A lot of people have written to me about the matter and we have held many meetings with the Department. I also thank the Minister for the assurance that there will be consultation on future changes.

Derek Twigg: My hon. Friends the Members for Brentford and Isleworth (Ann Keen), for Feltham and Heston (Alan Keen) and for Lewisham, Deptford (Joan Ruddock) have put forward their constituents' views vigorously and strongly, and we listened to what they had to say.

Susan Kramer: Does the Minister not understand that from the perspective of someone under the flight path, the number of flights is a completely different issue from how loud each aircraft is? His proposal essentially ditches the number of flights as an important measure. If people are woken during the night, it matters to them whether that happens twice or 10 times, and that is a serious problem for my constituents.

Derek Twigg: I do not accept that. It is important that we consider how we can manage the situation in the best possible way. We can discuss the fact that more modern aircraft are quieter and consider the number of aircraft that fly over a place during a specific period. I also understand that noise causes people nuisance in different ways. Some people might be affected by a one-off noise that is especially loud, while others may be affected by a period of noise over several hours.

Mr. Brazier *rose—*

Derek Twigg: I will give way to the hon. Gentleman, but would like to make some progress because I have been generous in giving way.

Mr. Brazier: The Minister has indeed been generous, so I thank him for letting me intervene. Will he just clarify to which airports his pledge on the night cap at the present numbers up to 2012 will apply?

Derek Twigg: I have made it clear that that will apply to Heathrow. We will communicate our intentions on Gatwick and Stansted later on.

Mr. Garnier *rose—*

Derek Twigg: If the hon. and learned Gentleman does not mind, I would like to make some progress with my speech. It is important that I repeat that I am aware of worries about the way in which the Government might use the amended provisions. However, I have made our position clear.

Lords amendment No. 11, which is a Government amendment, changes the commencement provisions of the Bill and prevents the relevant changes to the existing legislation from being brought into force before June 2012. It gives additional legal force to our commitment that there will be no change to our policy of setting night-time limits on both aircraft movements and the noise quota at each airport before 2012. Government amendment (a), which we are offering in lieu of Lords amendment No. 11, will correct the numbering of the provisions in clause 2 that cannot be commenced before June 2012, which will be necessary if clause 2(2) is reinstated in the Bill.

We, of course, understand the value of movements limits to residents around the designated airports at present, which is why we have proposed that they should continue to be set as part of the regime to apply from October 2006. However, a movements limit alone would be a pretty blunt instrument because it would not directly control the amount of noise permitted at night, and neither could it influence the types of aircraft used at night. Noise quotas are set alongside the movements limits at present to drive the use of the quietest aircraft available.

Mr. Garnier: Clearly the Minister and the Government as a whole think that designation under the 1982 Act is a good thing because they would otherwise abolish it. Why is he designating only Gatwick, Stansted and Heathrow, but not Nottingham East Midlands airport, which has a number of flight movements now that is well in excess of the number of such movements in and out of Heathrow, Gatwick and Stansted at the time at which those airports were designated? There does not seem to be much logic attached to the argument.

Derek Twigg: The hon. and learned Gentleman spends a lot of time on this subject and has a great deal of knowledge about the previous Government's relationship with those three airports. We listen to what is said. I understand that he has a difference of opinion on Nottingham East Midlands airport. It is important that the airport consults residents and the local community and involves them in the process. We think that the situation is best dealt with locally for such airports.

Adam Afriyie (Windsor) (Con): Why is the Minister dressing up the Government's amendment as a concession? It seems to me that when the negotiations that are under way on flight numbers between October 2006 and 2012 are finished and the numbers are agreed, the Government will not have room to manoeuvre on flight numbers anyway. The amendment is not a concession, so why is he arguing that it is?

Derek Twigg: The hon. Gentleman is entitled to his opinion, but he will have heard from my hon. Friends that my announcement has been welcomed. However, I understand the point that he makes, and we listen to arguments that are put forward. I wish to make some progress because I have taken many interventions and hon. Members will want to make their speeches.

The Government try to take a balanced approach on controlling and mitigating the noise impact of night flying at Heathrow, Gatwick and Stansted. We are not seeking more flexible powers to use immediately, but believe that it is right to ensure that they will be available, if needed. We do not believe that any future Government would use the powers unreasonably. If they were they to do so, they could be subject to a legal challenge. The Government remain convinced that it is right to amend the legislation in such a way.

Mr. Brazier: On Second Reading, in Committee and in another place, our Front-Bench spokesmen stated that the time had come to marry better the twin desires of extending the opportunities offered by world travel and bringing the airlines on board as partners in

achieving serious environmental goals, whether they are global or for people's local environments. However, from a reading of the Bill, it sadly looks more and more as though the Government's idea of partnership is based on what is going on in Downing street. We wished to remove clause 2(2), because it was painfully apparent that we had to allow residents and airports to co-exist more harmoniously.

6 pm

The Government's announcement a few minutes ago about Heathrow to 2012 is welcome but prompts questions about other designated airports and Heathrow after 2012. As hon. Members know only too well, the issue is the balance between numbers and quotas as a means of controlling noise. The mitigation of noise and vibration from aircraft taking off and landing at designated airports—Heathrow, Gatwick and Stansted—is achieved, as the Minister said, by restricting the number of movements and by the noise quota. Noise can be a considerable impediment to the quality of life of people who live near an airport or under a flight path, as Members on both sides have made clear. If the noise of an aircraft taking off wakes someone, it does not matter if it is only just loud enough to do so or is extremely loud. Furthermore, as has been made clear by Lord Hanningfield, our Front-Bench spokesman in another place, the quota system itself, which is all that will be left, is highly technical and often incomprehensible to the people it is meant to protect.

Less noise does not always mean less disturbance, and that is emphatically the case if the system of measurement leaves something to be desired. While noise is measured in decibels, the level equivalent—L_{eq}—is an index of aircraft noise exposure. It is a measure of the equivalent continuous sound level averaged over a 16-hour day from 0700 to 2300, and is taken during the peak summer months from mid-June to mid-September. The Heathrow Association for the Control of Aircraft Noise—HACAN—and Clear Skies, a voluntary organisation that campaigns on behalf of people affected by flight paths, have issued a joint paper that makes interesting reading. It argues that the level equivalent system underestimates aircraft noise in three key areas. First, it can be misleading to average out aircraft noise, for the obvious reason that if someone is woken by noise, it does not make much difference how loud it is. Secondly, low-frequency noise is ignored by the measure. Thirdly, and crucially, the L_{eq} classifications often underestimate the minimum level of noise that annoys people.

The HACAN-Clear Skies report claims that low-frequency rumbling is a significant component of aircraft noise. Including it in the measurement can increase the noise of a plane passing overhead by about 8 decibels. More to the point, many improvements in aircraft noise are primarily concerned with mid to high-frequencies. Perhaps the best way to illustrate its shortcomings is to cite the example given by Lord Hanningfield, who said that

"a single Concorde on departure has"—

perhaps I should say, "had", given the sad loss of that great if noisy aircraft—

"the equivalent noise energy of 120 Boeing 757s. Thus, a Boeing 757 departing every two minutes for four hours produces the same level equivalent as two minutes of Concorde, followed by three hours and 58 minutes of silence."—[*Official Report, House of Lords*, 8 March 2006; Vol. 679, c. 772.]

I urge the House to consider whether it would prefer to have the magnificent opportunity to see and hear Concorde in their skies again for two minutes or four hours of aircraft taking off every two minutes. Under the L_{eq} system, on which we will be entirely reliant after 2012, the two events will be treated as equivalent.

Justine Greening: Does my hon. Friend agree that the problem with the L_{eq} measurement partly stems from the fact that it works on averages rather than maximums? It is the equivalent of someone trying to avoid a speeding ticket and prosecution by saying, "Ah yes, officer, but I only did an average of 68 mph when I drove up the M1 to Yorkshire from London". It is a fundamental misunderstanding of the way in which the data should be used to protect residents on the ground.

Mr. Brazier: My hon. Friend's ingenious analogy shows how weak is the system, which will be the only way of controlling noise.

The frequency of flights through the night and early morning, when there is reduced background or ambient noise, is not considered. The same total noise exposure can be achieved with a few noisy aircraft or a larger number of less noisy ones. The removal of the night movements limit implies that as aircraft become less noisy, more flights can be accommodated in the same noise quota. For example, under the quota count system, one Boeing 747 could be replaced with four Boeing 777s. It is no wonder that hon. Members on both sides who represent residents in the vicinity of a designated airport are concerned about the proposal, especially as the relationship between airports and local residents is not bathed in trust.

Mr. Steve Charlish, who is well-known to my hon. Friends as chairman of the East Leicestershire Villages Against Airspace campaign group, sent a letter to the managing director of Nottingham East Midlands airport :

"You might be aware that I have sent since 8th August 2005, forty two...noise complaints...sent by fax to your offices, relating to NEMA aircraft noise. However you may not be aware that I have had no response to my 145 complaints of wholly unacceptable aircraft noise, detailed within those 42 pages since that date 8th August 2005. As your radar records are deleted within 30 days, it is essential therefore, for me to bring this to your attention, as this makes further scrutiny of complaints impossible".

Evidence supplied by Steve Charlish and others makes it clear that people whose lives are disturbed by aircraft noise and movements that deviate from established flight paths—the Minister did not discuss that at all—and who make frequent complaints are regarded by NEMA as nuisance complainants.

It does not help that responsibility for such things is fragmented between different agencies and organisations. The public and Members of Parliament are given the runaround by airports and the air traffic control system responsible for air traffic movements if they try to establish whether a flight diverged grossly from its flight path, which is why we sought to provide in another part of the Bill for a commercial flights officer. I do not wish to reopen that debate, as I simply

[Mr. Brazier]

wish to highlight the fact that there is little protection against noise. Airports do not always have the facts to hand, which is why we should be concerned about the removal of one of the two remaining golf clubs in the bag.

Page 117 of the White Paper on the future of air transport highlighted the obligation

"to put in place a scheme to address the problem of generalised blight resulting from the runway proposal."

The stop Stansted expansion campaign highlighted BAA's disregard for that obligation, which has resulted in local communities around the airport, led by Takeley parish council, pursuing a legal challenge against BAA. It estimates that airport-related housing blight, resulting from plans to expand Stansted announced in July 2002, totals £635 million across Uttlesford district as a whole. According to analysis taken from the latest Land Registry house price statistics, the number of affected homes is about 12,000. However, BAA is prepared to consider compensation for only about 500 homes in the immediate vicinity affected by airport expansion.

Any increase in night-time disturbance has the potential seriously to alter the value of someone's home, the most valuable asset that most people own. It is not good enough for the Minister to say, "Trust us", or rather, "You'll be okay at Heathrow until 2012, but the other designated airports must trust us, and people round Heathrow will have to trust us after 2012." The Lords were right to strike out subsection (2) and to reinstate the power to control numbers. I urge the House to support their verdict.

John McDonnell: I am not just disappointed with the Government's attitude towards Lords amendment No. 5; I am ashamed of it, because of the campaigns that I and a number of colleagues have waged over the years against night flights and their environmental impact on our constituents and on London overall. The only advantage of the amendment is that the debate allows me to miss the parliamentary Labour party meeting currently going on.

The move to abolish the flight numbers restrictions stems from a concerted, well funded and lengthy lobby by the aviation industry to increase the number of night flights. Over a considerable period, aviation companies, BAA and others have plugged away at successive Ministers to achieve that end. The claim that the overall noise climate limit will be sufficient to protect people from noise disturbance is a disingenuous ploy to increase night flights.

As we know from consultation, the industry is determined to increase the overall number of night flights. The argument is that the overall reduction in the noise climate will allow more night flights. The industry has mobilised for so long that it is bringing the issue to a head. But that argument fails to take account of how noise impacts on individuals and their families—our constituents. The disturbance affects their sleep, their work, the education of their children and their environment. When a family gets up for breakfast, it does not usually discuss how good was the night before or what the level equivalent of decibels of effective perceived noise was. They usually say, "Did you hear that one at 5 am?", or at 4 am or whenever. They discuss how it disturbed the children during the night and how the family has been disturbed over a long period.

The noise disturbance is not related solely to aircraft in the sky. In my constituency, the impact for many residents comes from ground noise—traffic to and from the airport, with airport workers going to receive the night flights, the goods vehicles and the passengers travelling to and fro in their vehicles. Unfortunately, a vast proportion of that traffic still consists of cars and larger vehicles travelling through the areas surrounding Heathrow and through my constituency at night, disturbing the peace of residents.

That is why the overall noise and movement limits, working together, offered at least some limited protection. I agree with what others have said across the House. Our ambition was to have no night flights at all, and we thought we would eventually be able to persuade a Government of the sense of it. The combination of overall limits and limits on numbers had some effect. The removal of the numbers will have a deleterious effect on my constituents because it will blight their environment and, as some have said, their properties for a long time to come. The delay to 2012 is no concession whatever. It is no compromise. It is probably dictated by the time that the Government need to implement the system effectively.

Consultation is meaningless as some form of compromise offer to my constituents. We have been consulted so often on the development of the airport, and never listened to, that people are cynical about the entire concept. As hon. Members have said, in consultations over the past 30 years we have been promised no further terminals and no further runways. Ministers have raised in the House the issue of caps on movement, yet over time each proposal has been discarded.

I cannot understand why the Government are going along with the idea. I cannot comprehend why they are flying in the face of popular opinion, as expressed by a vast range of the population of London and elsewhere. The only reason that I can believe is that the aviation industry has, yet again, been able to mount such an effective lobby that the Government have, again, conceded.

Justine Greening: The hon. Gentleman makes an excellent point. Is he aware that councils representing 2.3 million people wrote in at stage 1 of the night flights consultation expressing deep concerns about night flights and their impact on residents? Does he agree that it is a scandal that those councils have been so systematically ignored?

6.15 pm

John McDonnell: The hon. Lady will agree that if consultation means anything, it must mean that the Government listen to the vast majority. An overwhelming majority have told the Government that they should not move. If we cannot improve on existing protection mechanisms, we should at least maintain what protection we have. I am extremely disappointed. I realise that every vote against the Government at

present is an act of regicide, but I will vote against them tonight, because this is our only opportunity to register our anger, as communities, about the way they are letting down people who want their environment protected and who just want a decent night's sleep.

Mr. Carmichael: It is a pleasure to follow the hon. Member for Hayes and Harlington (John McDonnell), who says that if consultation is to be meaningful, the Government must listen. We know, of course, that the Government do listen. My concern is who they are listening to on this occasion. It is pretty clear that they have not been listening to the hon. Gentleman's constituents, those of my hon. Friend the Member for Richmond Park (Susan Kramer) or those of the hon. Member for Windsor (Adam Afriyie).

The Government have been listening to the airline operators. It is clear on this issue that the Department for Transport has become a wholly owned subsidiary of the airline industry. That is who the Government are listening to—not the people who are suffering from the disruption and whose lives and property prices are being blighted by the increase in airline movement at night.

I shall not detain the House by rehearsing arguments already made. A numerical cap has one overall advantage: it is completely transparent and understandable. Concepts such as quotas or noise footprints, such as those outlined by the hon. Member for Canterbury (Mr. Brazier), are opaque. Nobody can have any confidence that such measures, once put in place, are properly observed. A numerical cap may have disadvantages—as my hon. Friend the Member for Richmond Park said, many communities living close to airports would rather there were no night flights at all—but it has the advantage of clarity.

Susan Kramer: Does my hon. Friend agree that there is no logic to the proposal that a particular set of limits should apply at Heathrow until 2012 and collapse thereafter? The aircraft fleet that flies in and out of Heathrow will be essentially the same for the next 20 years. There is no prospect of significantly quieter aircraft and therefore no logic for arguing for a change of regime six years from now.

Mr. Carmichael: I cannot but agree. The Minister's so-called concession today was greeted with justifiable ridicule. It is no concession at all. As he said, the limits will be set by the end of this month and will be in place until 2012. Thereafter, as my hon. Friend says, there may be some marginal improvements, but the situation will not be radically different from that which pertains already. As has been said, it is difficult to see the merit of legislating now for a situation six years down the line.

Derek Twigg: Is the hon. Gentleman opposed to the Government's setting a limit till 2012, as I announced today?

Mr. Carmichael: No; I am opposed to the Minister's coming to the House and pretending that his concession is a case of anything other than bowing to the inevitable.

Derek Twigg: Is the hon. Gentleman in favour of it?

Mr. Carmichael: We were going to get it anyway, so I have no difficulty with it. However, I have difficulty with yet another example of spin from the Government, who are trying to pretend that they are giving us something special when they are actually giving us something that we would have had in any event.

A number of points have been made about the inadequacies of the quota system, and my noble Friend Lord Hanningfield dealt with them in detail in the other place on Report on 8 March. If any hon. Members have not read that speech yet, I encourage them to do so, because it highlights the intellectual inconsistency and political dishonesty of the Government's position. I urge the House to hold firm behind the Lords amendment.

Mr. David Wilshire (Spelthorne) (Con): I apologise to the Minister because I was not present for his opening comments—I was trying to extract myself from Heathrow and get here on time.

Some hon. Members are known as the usual suspects, and that description has been applied to the hon. Member for Hayes and Harlington (John McDonnell) in another context. When we debate Heathrow, it is often the case that a group of hon. Members say one thing and I do not agree with them, but there are some issues on which every one of us says the same thing. From time to time, people argue that everybody who lives near the airport agrees about everything, but that is not true. If we were to debate terminals or runways, I might not be among the usual suspects who criticise any change at Heathrow, but on this matter, I have always said that we should be phasing out night flights rather than finding ways to increase them.

In my experience of listening to my constituents who live up against the boundary fence, it is not the amount of noise that wakes them up, but the fact that there is noise. If aircraft were to make less noise, it is my guess that people would still be woken up. I do not buy the argument that the policy is the result of huge pressure for extra night flights, because I am unaware of a vast demand for extra night flights at Heathrow, and whenever I talk to those concerned, they seem willing to accept that we could phase them out. In my experience of listening to my constituents and of living under the flight path, the argument that quieter aircraft will not disturb people is total nonsense. The House of Lords was absolutely right to remove the provision.

I recognise that a compromise has been offered. All I say is that my constituents are not interested in compromise, because they want fewer night flights, not more, and in the end they want none at all.

Adam Afriyie: As I am the Member of Parliament for Windsor, thousands of my constituents live under flight paths, which is also true of many other hon. Members, and as a member of the Standing Committee that scrutinised the Bill, I am aware of the sleight of hand contained in the legislation. As an advocate of reasonable measures to protect the environment for people living under flight paths and close to airports, I am pleased to speak in favour of Lords amendment No. 5. I am also pleased to have the

[Adam Afriyie]

chance to speak against Government amendment (a), which is not only illogical, but sneaky, unworkable and underhand; it seeks to remove protections and open up the night skies to a flight bonanza.

Let us be clear that the frequency of noisy flights ruins the sleep of residents. The economic benefit associated with the use of airports for business activity is certainly desirable, and if air traffic needs to expand, perhaps we can allow for it in the long term with quieter aircraft, provided that air quality is kept within tight limits and access to airports is available. However, it is a sobering thought that our tourists spend £16 billion more abroad than incoming tourists spend visiting the UK, which is perhaps an issue for the Chancellor of the Exchequer.

The Civil Aviation Act 1982 empowered the Secretary of State to limit the number of flights at designated airports. A straightforward limit on the number of flights is easily understood by everyone; for example, 16 flights are currently allowed at Heathrow during the night period and, despite the disturbance, affected residents know what that limit means. If the noise associated with a particular flight is louder than 90 dB on the ground, people are likely to be rudely awakened. It is the noise created by individual aircraft combined with the number of flights during the night that disturbs residents' sleep.

Government amendment (a) is strange. It proposes that at some future point the noise made by individual aircraft and the number of flights during the course of the night will be ignored. Instead, the Government want to rely on a complicated scheme based on average noise levels during a night period. Average noise levels have never woken anyone, because it is the absolute noise and frequency of flights that disturbs people. We must ask ourselves why the Government propose to scupper Lords amendments Nos. 5 and 11, which are sensible.

Let us take a quick look at how the Government's scheme will operate. The night noise quota scheme ranks aircraft types according to their noisiness on take-off and approach for landing. For example, if the noise is above 101.9 dB, the quota count for that aircraft is assigned as 16. If the noise is between 99 dB and 101.9 dB, the quota count for that aircraft is halved and becomes eight—the scale is exponential. If the noise is between 96 dB and 98.9 dB, the quota count for that aircraft is halved again to four. The quota count continues until the noise level falls below 90 dB, when the aircraft is assigned a quota count of a half—I hope that hon. Members are still with me. The Secretary of State then sets a limit on the total quota count points for the average across a season or a night period, which translates into a number of flights. If we were to use the pure quota count system that the Government are seeking to introduce today, twice as many flights would be allowed at night with planes rated at 95 dB than with planes rated at 96 dB. The system is complicated, and complicated systems are often designed to hide simple truths.

Why have the Government introduced an amendment to remove the flight limit, after indicating in writing to many hon. Members that they would support the Lords amendment? There is only one explanation, and I have heard no other so far: the Government want to allow an increase in the number of flights at night. As I have said, they have argued that the measure will not be introduced until 2012, but hon. Members should not be deceived. That is not a concession, because the arrangements until 2012 will be announced in the next week or so, and it is simply not possible for the Government to change that agreement before 2012. The Government are trying to appear reasonable by making a semi-concession, when they are in fact behaving completely unreasonably—it is a phantom concession.

Derek Twigg: Will the hon. Gentleman tell me whether he supports my earlier announcement on Heathrow up to 2012?

Adam Afriyie: In an earlier intervention, the Minister asked the hon. Member for Richmond Park (Susan Kramer) exactly the same question. I completely reject Government policy in this area, which is ridiculous, and is just a ruse to pretend that they are making a concession. There is no concession, so there is nothing to discuss. The White Paper said that the Government would bear down on noise, but in reality they are easing up on noise. Hon. Members must ask themselves whether they want to be responsible for easing up on noise and on night flights.

There is a better way, although I do not have time to go into the detail. We should retain the limit on flights and accelerate the arrival of significantly quieter aircraft. In time, perhaps we can set a limit on the maximum noise generated by aircraft movements at night. Above all, we can reject the Government's sneaky amendment today, which will undermine the one sure route to secure a decent night's sleep for residents. I urge hon. Members to vote against Government amendment (a) and to maintain the flight limit, for the sake of the millions of people who will be affected.

6.30 pm

Justine Greening: My constituents, especially those who live close to the river and are worst affected by night-time, and indeed daytime, noise will be dismayed to hear that the Government still, despite the Lords proposals, want to remove the cap on movements into and out of Heathrow. If Heathrow is to expand, my constituents must have a right to an adequate and sustainable quality of life. There is no chance of that happening on the basis of the Government's proposals, which will allow Heathrow as many flights in and out as it likes. To my mind, that is community vandalism writ large over west and south-west London.

Mr. John Randall (Uxbridge) (Con): Does my hon. Friend think that there would be any merit in trying to get an antisocial behaviour order against the Government for such antisocial behaviour against all our constituents?

Justine Greening: I have indeed considered that. One of my questions for the Minister was this: can local councils use the additional powers that they have recently been given against aircraft operators who, it

can be argued, are behaving antisocially by creating noise at night? If I did that to my neighbours every night from 4.30 am to 6 am, they would surely complain. What action can local councils now take against aircraft operators landing early in the morning and late at night?

This is an act of community vandalism. The Government came to power saying that they would be the servants of the people not the masters, but they have completely reversed that position by systematically ignoring millions of people in the south-east, particularly in London, and going ahead with their proposal to take away the cap on movements into and out of Heathrow, irrespective of what local people say.

After the first stage of the night flights consultation, I asked the Government to tell me precisely how many people had asked for an increase in night flights, given that that was the proposal in stage 2. I received no answer of substance. As the Minister may be aware, I went down to the Department for Transport to look through the responses and correspondence that it had received after stage 1. I found a total of three people who wrote in suggesting more night flights. I saw responses from councils representing 2.3 million people who had expressed their concerns over the current level of night flights, with most wanting them eventually to be reduced to zero and many wanting that to happen immediately. I saw correspondence from more than 1,000 individual constituents and petitions from several hundred constituents all saying that they were concerned about the existing level of night flights and wanted a reduction.

What we have from the Government is merely a political fudge. People in my constituency are expected to be pleased because the Government have not made the situation any worse. That is unacceptable. They have been systematically ignored, and that will not be sustainable in the long run. The Government talk about sustainable communities and sustainable development, but that seems to end when it comes to airport expansion. One has to ask why so many millions of constituents can be ignored over such a prolonged period. That suggests that any ongoing consultations are merely a sham that do not recognise the real consultations that are going on behind the scenes with aircraft and airline operators. Today I tabled parliamentary questions to elicit from the Government what meetings they have had with aircraft operators and other interested industry participants. If the Minister can answer tonight, I will be interested to hear the outcome.

The Government cannot scratch their head and wonder why people do not turn out to vote in local and national elections when they ignore people so systematically on such a clear issue as the expansion of Heathrow, night flights and movement limits on all airports—not only Heathrow but Stansted and Gatwick. That is a democratic deficit that cannot be allowed to continue. I hope that even at this late stage, the Minister will decide to withdraw the Government proposal.

Derek Twigg: I listened carefully to what hon. Members said about disturbance and so forth, and I understand their concerns. Interestingly, the hon. Member for Canterbury (Mr. Brazier) pointed out that the experience of noise levels, particularly low frequency noise, varies from person to person, so different people are disturbed by different noises. I accept that there is a genuine problem and that Members are putting forward the concerns that have been expressed to them by their constituents, but I think that we will have to differ. I take issue with the hon. Member for Windsor (Adam Afriyie), who, in suggesting that the Government's policy was to have open skies and as many flights as possible, was not only a little disingenuous but very wide of the mark.

In dealing with aviation, night flights and the number of disturbances, we have to strike a balance between the economic benefits of a vibrant and significant aviation industry and the social and environmental consequences. That is always difficult, and there will of course be differences of opinion among Members. I have an airport on my doorstep and planes flying over my house. I understand the issues that local residents will raise about disturbance, because I deal with that from my own constituents. It is a balancing act in terms of the problems that can be caused, and the economics. For example, large numbers of people are employed in the industry.

Mr. Randall: Does the Minister think that reversing the Lords amendments will benefit people or commercial interests?

Derek Twigg: I understand the hon. Gentleman's point, but it is important to bear in mind the balance that can be struck. Many people would not want any flights, full stop. I understand that position. On the other hand, we need to be aware of the economic factors. Hon. Members will always advance arguments as to whether a proposal benefits the aviation industry or local residents and constituents. We believe that our approach of rejecting the Lords amendments is the best way to tread that narrow line. Hon. Members will disagree with that, as they are entitled to, but it is based on a balanced judgment.

John McDonnell: As my hon. Friend is new to this brief I would like to mention the historical record of the past 40 years and more, as Heathrow has developed from a row of tents. As for the balance between the environment and the development of the airport, there has not been a single occasion throughout that whole period when Heathrow has come to the Government to ask for a development and the Government have not eventually conceded.

Derek Twigg: I know that my hon. Friend campaigns strongly on issues about which he is concerned on behalf of his constituents. However, it is important to bear in mind that the developments that have taken place in improving and expanding airports around the country have been of great benefit to the economy. I understand his point, but I would still argue that the Government's balanced judgment is right.

John McDonnell: The simple point that I am making is that one decision in favour of the local community and the local environment in 60 years would demonstrate an element of trying to redraw the balance. The decision that we are considering tips the balance the other way, in favour of the industry against the local residents.

Derek Twigg: I am sure that my hon. Friend will not be surprised to learn that I do not agree with that. He commented earlier on my commitment to no increase at Heathrow until 2012, and how his constituents would perceive that. Other hon. Friends said that the decision would be welcomed as an important and positive step by the Government. Again, there is a difference of opinion about perception and the worry that my hon. Friend and others have expressed.

Susan Kramer: The Under-Secretary has mentioned economic benefit several times. I received a written answer from a previous Minister saying that the case for the economic benefits of night flights had not been made. We have often asked about the marginal economic benefits of constant expansion at Heathrow, but that case has not been made either. I therefore advise him to consider carefully and not take at face value arguments that use the words "economic benefit".

Derek Twigg: The hon. Lady makes a good point about arguments for economic benefits and the social and environmental consequences. It is important to bear in mind that the Government always keep those matters under review. The consultation process has just taken place. Some hon. Members imply that there will automatically be an increase at Heathrow after 2012, but they are trying to assess a position that we have not yet reached. The Secretary of State at that time will have to take account of what has happened in the intervening period. That will be important in reaching a conclusion. I stress again the fact that the Government's move on Heathrow until 2012 is positive—but I accept that, as the hon. Lady said, there is a difference of opinion about the extent of the economic impact and how it is determined.

Adam Afriyie: Let me ask the Under-Secretary a fairly straightforward question. Does the Bill allow increased night flights from Heathrow from 2012?

Derek Twigg: Unless I am mistaken—I am happy to explain if it is not the case—the Government can examine the position at the airports and make decisions about the number of flights and so on. Such decisions would still have to be part of a consultative procedure. Who knows what the Secretary of State at the time will conclude, taking account of the prevailing factors such as numbers of flights, benefits to the economy, social and environmental consequences and so on, and what happens between now and then. Those important factors would have to be considered. Someone else may be doing my job by then, and we must wait and see.

Justine Greening: The Under-Secretary is possibly right—and neither he nor his Government will be around when the Bill is implemented. It appears as though a Government in their dying days are leaving my constituents and many others a legacy that they will have to put up with long after that Government are out of power. Does he agree that although the decision is delayed, it is a little like delaying a death penalty and having a stay of execution? My constituents will continue to suffer uncertainty and blight on their properties. What will happen in 2012? It appears that if the Bill is passed, they can look forward to more night flights—and more day flights.

Derek Twigg: The hon. Members for Richmond Park (Susan Kramer) and for Windsor have already tried to argue that the Bill automatically means an increase, but I am trying to make it clear that our proposals are the best way forward to achieve a balance between flights, the economy and, of course, the social and environmental consequences. I understand the argument for automatically assuming an increase, but we must take account of what happens. The Secretary of State at the time will examine the position, and I stress the fact that changes can be made to the quotas and so on as time goes on. However, there is a difference between the hon. Member for Putney (Justine Greening), other hon. Members and me about that.

6.45 pm

Let me go into a little more detail about the number of movements, overall noise and how that influences disturbances, which hon. Members have raised. Some stakeholders argue in favour of movement limits and against setting night restrictions by referring to overall noise, because each instance of an aircraft flying overhead disturbs someone. The hon. Member for Canterbury made that point earlier when we considered low frequency noise. Reaction varies, and it is suggested that it may be better to consider individual flights rather than cumulative noise over a period.

Reactions to noise are subjective and therefore vary greatly from person to person and from time to time. Sleep disturbance is no exception. Despite extensive research, views differ both among those who suffer from noise and among the scientific community about whether a single loud noise or event, or an accumulation of smaller noises and events, cause more disturbance. I accept that the matter is subjective, but there is discussion and argument about it.

John McDonnell: The World Health Organisation states that we should cover both. Its guidelines for noise levels state that

"when there are distinct events to the noise, such as with aircraft or railway noise, measures of individual events such as the maximum noise level should also be obtained".

The World Health Organisation therefore contradicts the Under-Secretary and says that we should set parameters for individual events as well as an overall climate.

Derek Twigg: I understand my hon. Friend's point about World Health Organisation standards. Let me consider that in more detail. I am surprised that it has taken so long for hon. Members to bring up those matters.

The Government framed their proposed environmental objectives for each airport in the recent consultation on night flying restrictions at Heathrow, Gatwick and Stansted, taking as long-term targets the World Health Organisation's standards on the mitigation of noise and its "Guidelines for Community Noise" in respect of night noise. That approach to the

World Health Organisation's guideline values for night noise is consistent with its recommendations. The guideline values on aircraft noise were recommended as long-term targets for improving health.

The values are low, and it would therefore be difficult, if not impossible, to achieve them in the short to medium term without draconian measures. I ask my hon. Friend to bear that in mind. However, the World Organisation did not propose that. It would not be feasible to reduce noise to such a level in urban or rural settings generally, and the World Health Organisation did not suggest that. We are committed to taking account of the guideline values, and we will do that over the 30-year time horizon of the air transport White Paper.

We also support the World Health Organisation's conclusions about regular reviews and revisions to the guidelines as new scientific evidence emerges.

Mr. Brazier: Does the Under-Secretary accept that even if there are some disagreements in the literature about the levels and frequencies of noise that most disturb sleep, there can be no doubt that the number of night flights is clearly and unequivocally measurable? The so-called average amount of noise generated through the night is difficult to measure—indeed, given the lack of response by protesters to individual flights that appear to have deviated from their flight paths or perhaps should not have taken place, it seems to be impossible in some cases.

Derek Twigg: I hope that the hon. Gentleman will bear with me while I finish this point.

My hon. Friend the Member for Hayes and Harlington made an important point about the World Health Organisation's guidelines on night noise. We must remember how subjective people's judgments can be, and how important it is to address this issue while taking account of the economy and trying to strike the balance that I have been talking about.

The WHO guideline values on aircraft noise were recommended as long-term targets for improving health, and the values are very low. We also support the WHO conclusions for regular reviews and revisions to the guidelines as new scientific evidence emerges. The guidelines also recommend that cost-effectiveness and cost-benefit analyses should be considered when making management decisions relating to their implementation. The Government are carrying out this process as part of the regulatory impact assessment of the restrictions, which my hon. Friend the Member for Hayes and Harlington might find interesting.

I want to return to the effect of the number of movements and of overall noise levels on disturbance. I know that hon. Members will want to hear the important points that I have to make on this matter, because of the concerns that they have raised this evening. It is worth emphasising that research has suggested that the incidence of sleep disturbance is especially associated with the loudest noise events, and in particular those that produce more than a 90 dB sound exposure level. The hon. Member for Windsor mentioned this issue before, saying that it was all very complicated and that he wanted a simple solution to the matter. However, the issue of disturbance is always complex, in that it affects different individuals in different ways. I can assure the hon. Gentleman, however, that these matters have also been raised with me as a constituency MP, and I am well aware of the representations that can be made about them.

Kelvin Hopkins: I am interested to hear what my hon. Friend is saying, but has not the point been made by Opposition Members that the frequency of aircraft movements is much more important? According to the way in which these things are calculated for regulation purposes, one very loud noise is the equivalent of several much smaller noises. Luton airport is three or four miles from where I live, but I can still hear flights taking off at night on rare occasions, even though they are not very loud. The frequency is much more important than the volume. Surely the Government should be more concerned about the number of flights than about the volume, as Opposition Members have pointed out.

Derek Twigg: My hon. Friend makes an important point, which other hon. Members have also raised. Different people have different noise thresholds, and that can also depend on whether they live close to the airport or further away. Flights come over my house, and I understand that this can be an issue.

As I said a moment ago, research has suggested that the incidence of sleep disturbance is especially associated with the loudest noise events, and in particular those that produce more than a 90 dB sound exposure level. That measure expresses the level of a noise event as though all its energy were concentrated evenly in one second. It takes account of the duration of the sound and its intensity. A plot connecting points of equal sound exposure level from the departure or approach of a particular type of aircraft—or an envelope of the two—is known as a noise footprint. Hon. Members have already mentioned such footprints.

The night noise insulation criterion that we have proposed as part of the consultation on night flying restrictions at Heathrow, Gatwick and Stansted airports relates to the 90 dB sound exposure level footprint of the noisiest aircraft operating at each airport. Such noise insulation seeks to mitigate the impact of each flight, as do the noise quota limits, by encouraging the use of quieter aircraft—*[Interruption.]* Does my hon. Friend the Member for Luton, North want to intervene on me?

Kelvin Hopkins *indicated dissent.*

Hon. Members: You're on your own!

Derek Twigg: I just want to say to hon. Members that there is growing interest in this debate on both sides of the House, and it is important that I give as much detail as possible to Members.

Mr. Brazier: I am grateful for the opportunity to be able to refresh the Minister a little. Will he tell the House something about the decibel levels in the Committee Corridor at the moment?

Derek Twigg: Is the hon. Gentleman referring to the journalists outside the Committee Room, or to what is going on inside? I am sure that if I try to go down the path of answering that question, you will cut me short very quickly, Mr. Deputy Speaker. So I do not intend to do that—

Mr. Deputy Speaker (Sir Alan Haselhurst): Order. I certainly think that the debate should be confined to civil aviation, and the Minister should know that the occupant of the Chair has a great interest in that subject and is listening keenly.

Derek Twigg: I am very much aware that you have a great interest not only in this subject but in railways, Mr. Deputy Speaker. I could talk about railways for a long time, but I am sure that you would not allow me to do that, although there are important issues that link railways and airports. The number of people using airports depends on the transport links to those airports, and I understand the importance of those links.

The subject of sleep disturbance has been raised in previous debates on the Bill, and I want to put on record the Government's approach to the matter. We have undertaken a considerable amount of research into the effects of aircraft noise on sleep. The last major study commissioned by the Government, completed in 1992, concluded that high aircraft noise levels could awaken people, but that the likelihood of the average person having his or her sleep noticeably disturbed due to an individual aircraft noise event was relatively low. That research was carried out in 1992, and I am sure that hon. Members will have their own view about its relevance and accuracy today. However, when considering numbers of aircraft movements, it is important to bear in mind that modern aircraft are much quieter than their predecessors.

Mr. Oliver Heald (North-East Hertfordshire) (Con): The Minister has given the House an assurance today that the limit on night flights at Heathrow will be rolled forward. Why will he not make a similar commitment for Stansted?

Derek Twigg: I am not criticising the hon. Gentleman, because I know that he is concerned about these matters, but if he had been here earlier, he would know that we will be making further announcements on the consultation in the near future. I am not sure whether the Conservatives were in favour of what I announced tonight about the limits going on to 2012 at Heathrow. I have not heard whether the hon. Gentleman's party supports that change.

John McDonnell: While my hon. Friend has the opportunity to expand on the matters relating to the amendment, may I point out that some of the studies on sleeplessness have taken place at Hounslow, near Heathrow, although I am not sure whether any have taken place in my constituency? These measures are to be implemented in 2012, as he has proposed in the compromise that he has offered. May I remind him that Members of Parliament representing constituencies round Heathrow have been asking for an investigation into the overall health effects of the airport itself for some time? This relates to sleep deprivation. The Bill also deals with emissions, however, and air pollution also has an effect on people's health. We have had neither a specific study of sleep deprivation north of the airport nor a health study to examine the impact on the local community of emissions surrounding the airport. The local primary care trust has made representations to that effect in the past, and I would like my hon. Friend to take that subject from the debate so that funding by central Government can be considered in the interregnum between—

Mr. Deputy Speaker: Order. Even in the current conditions, that was a long intervention.

7 pm

Derek Twigg: My hon. Friend makes an important point about the disbenefits of air pollution. He may be aware that the Government published the air quality strategy for England, Scotland, Wales and Northern Ireland in January 2000 and that the strategy sets health-based objectives for the eight main air pollutants and deadlines for achieving them. It identifies the action required at national and international level and the contribution that the Government, industry, transport, local authorities, businesses and individuals can make to improving air quality.

I know that this issue will concern you, Mr. Deputy Speaker, but the Environment Act 1995 places a duty on local authorities to review and assess the current and likely future air quality in their areas against the national objectives set out in the strategy and prescribed in the air quality regulations. The local authority role is important and if a local authority considers that one or more of the air quality objectives is unlikely to be met by the required date, it must declare an air quality management area covering the area in which the problems are expected. It must then draw up an action plan, setting out the measures that it intends to take in pursuit of air quality objectives.

I have been diverted from the subject a little, but I wish to return to the issue of sleep disturbance, which concerns many Members. There are differing views among those who suffer from the problem as to whether a single loud noise or an accumulation of smaller noise events causes more disturbance. It is clear that disturbance is different from annoyance and from sleep deprivation, which relates to lengthy periods without sleep. It is also acknowledged that a small minority of people are much more sensitive to noise and sleep disturbance from aircraft noise than others. That is the important point.

The results of the further study that reported in 2000 did not contradict the essential findings of the 1992 field study, and that is the point that I wish to make about the time lag between the two studies. In contrast, a social survey conducted in parallel reported that a substantial percentage of those interviewed in higher noise areas reported being highly disturbed by aircraft at night.

After those studies the Government took the advice of independent experts and concluded that a new full-scale objective sleep study would be unlikely to add significantly to our understanding of the effects of airport noise on sleep disturbance. The Government

then commissioned a major new study to concentrate on subjective responses to annoyance from aircraft noise and examined, in a hypothetical way, the willingness to pay, in respect of the nuisance from aircraft noise. It is acknowledged that our current understanding of the annoyance caused by aircraft is primarily based on research carried out in the 1980s.

John McDonnell: Can my hon. Friend just clarify the geographical basis of the recent study, the samples that were taken, the interviews that took place and the areas that were designated as the most affected?

Derek Twigg: I have not got that information to hand, but I will write to my hon. Friend following the debate.

The study of how people would price nuisance from aircraft noise is designed to improve our understanding of the value that people give to relief from noise. We expect that the study, which has been guided by the steering group of a wide range of interests including environmental organisations who are represented, to be completed by about the middle of the year. The work is divided into two phases. Phase 1 has now been completed and has developed a stated preference methodology by carrying out a number of pilot surveys—[HON. MEMBERS: "You can stop now."] I think that hon. Members will bear with me a few more moments, because there are other issues to discuss. Phase 2, which is the main survey and has recently been completed, applies the methodology and is reassessing the validity of the L_{eq} family of noise indices as a proxy for relative community annoyance. I know that the hon. Member for Windsor has a particular interest in that aspect of aircraft noise.

Finally, the hon. Gentleman referred to the Government writing to Members in support of the Lords amendments. The Government did not write to support the Lords amendments to abolish clause 2, but we did write at that time about tabling an amendment in the Lords to explain the clause.

I thank you, Mr. Deputy Speaker, for your forbearance and urge the House to reject the Lords amendments.

Question put, That this House disagrees with the Lords in the said amendment:—

The House divided: Ayes 286, Noes 204.

Division No. 223] **[7.6 pm**

AYES

Abbott, Ms Diane
Ainger, Nick
Ainsworth, rh Mr. Bob
Alexander, rh Mr. Douglas
Allen, Mr. Graham
Anderson, Janet
Armstrong, rh Hilary
Atkins, Charlotte
Austin, Mr. Ian
Bailey, Mr. Adrian
Baird, Vera
Balls, Ed
Banks, Gordon
Barlow, Ms Celia
Barron, rh Mr. Kevin
Battle, rh John
Begg, Miss Anne
Bell, Sir Stuart
Benn, rh Hilary
Benton, Mr. Joe
Berry, Roger
Betts, Mr. Clive
Blackman, Liz
Blackman-Woods, Dr. Roberta
Blears, rh Hazel
Blunkett, rh Mr. David
Borrow, Mr. David S.
Bradshaw, Mr. Ben
Brennan, Kevin
Brown, Lyn
Brown, rh Mr. Nicholas
Brown, Mr. Russell
Browne, rh Mr. Des
Bryant, Chris
Buck, Ms Karen
Burden, Richard
Burgon, Colin
Burnham, Andy
Butler, Ms Dawn
Byers, rh Mr. Stephen
Byrne, Mr. Liam
Cairns, David
Campbell, Mr. Alan
Caton, Mr. Martin
Cawsey, Mr. Ian
Challen, Colin
Chapman, Ben
Chaytor, Mr. David
Clapham, Mr. Michael
Clark, Ms Katy
Clark, Paul
Clarke, rh Mr. Charles
Clarke, rh Mr. Tom
Clelland, Mr. David
Coaker, Mr. Vernon
Coffey, Ann
Cohen, Harry
Connarty, Michael
Cook, Frank
Cooper, Yvette
Cousins, Jim
Crausby, Mr. David
Creagh, Mary
Cruddas, Jon
Cummings, John
Cunningham, Mr. Jim
Cunningham, Tony
Darling, rh Mr. Alistair
David, Mr. Wayne
Davidson, Mr. Ian
Dean, Mrs. Janet
Devine, Mr. Jim
Dhanda, Mr. Parmjit
Dismore, Mr. Andrew
Donohoe, Mr. Brian H.
Doran, Mr. Frank
Dowd, Jim
Dunwoody, Mrs. Gwyneth
Eagle, Angela
Efford, Clive
Ellman, Mrs. Louise
Engel, Natascha
Ennis, Jeff
Etherington, Bill
Farrelly, Paul
Field, rh Mr. Frank
Fisher, Mark
Fitzpatrick, Jim
Flello, Mr. Robert
Flint, Caroline
Flynn, Paul
Follett, Barbara
Foster, Michael Jabez *(Hastings and Rye)*
Gardiner, Barry
George, rh Mr. Bruce
Gerrard, Mr. Neil
Gibson, Dr. Ian
Gilroy, Linda
Goodman, Helen
Grogan, Mr. John
Gwynne, Andrew
Hall, Mr. Mike
Hamilton, Mr. David
Harris, Mr. Tom
Havard, Mr. Dai
Healey, John
Henderson, Mr. Doug
Hendrick, Mr. Mark
Hesford, Stephen
Hewitt, rh Ms Patricia
Heyes, David
Hill, rh Keith
Hillier, Meg
Hodge, rh Margaret
Hodgson, Mrs. Sharon
Hoon, rh Mr. Geoffrey
Hope, Phil
Hopkins, Kelvin
Howarth, rh Mr. George
Hoyle, Mr. Lindsay
Hughes, rh Beverley
Humble, Mrs. Joan
Hutton, rh Mr. John
Iddon, Dr. Brian
Irranca-Davies, Huw
Jackson, Glenda
James, Mrs. Siân C.
Jenkins, Mr. Brian
Johnson, rh Alan
Johnson, Ms Diana R.
Jones, Helen
Jones, Mr. Kevan
Jones, Lynne
Jowell, rh Tessa
Joyce, Mr. Eric
Kaufman, rh Sir Gerald
Keeley, Barbara
Keen, Alan
Keen, Ann
Kelly, rh Ruth
Kemp, Mr. Fraser
Kennedy, rh Jane
Khabra, Mr. Piara S.
Khan, Mr. Sadiq
Kidney, Mr. David
Kilfoyle, Mr. Peter
Knight, Jim
Kumar, Dr. Ashok
Ladyman, Dr. Stephen
Lammy, Mr. David
Laxton, Mr. Bob
Lazarowicz, Mark
Lepper, David
Levitt, Tom
Lewis, Mr. Ivan
Linton, Martin
Lloyd, Tony
Love, Mr. Andrew
Lucas, Ian
MacDougall, Mr. John
MacShane, rh Mr. Denis
Mactaggart, Fiona
Mahmood, Mr. Khalid
Malik, Mr. Shahid
Mallaber, Judy
Marris, Rob
Marsden, Mr. Gordon
Marshall, Mr. David
Martlew, Mr. Eric
McAvoy, rh Mr. Thomas
McCabe, Steve
McCafferty, Chris
McCarthy, Kerry
McCarthy-Fry, Sarah
McCartney, rh Mr. Ian

McDonagh, Siobhain
McFadden, Mr. Pat
McFall, rh Mr. John
McGovern, Mr. Jim
McGuire, Mrs. Anne
McIsaac, Shona
McKechin, Ann
McKenna, Rosemary
McNulty, Mr. Tony
Meacher, rh Mr. Michael
Meale, Mr. Alan
Merron, Gillian
Michael, rh Alun
Milburn, rh Mr. Alan
Miliband, rh Mr. David
Miliband, Edward
Moffatt, Laura
Mole, Chris
Moon, Mrs. Madeleine
Moran, Margaret
Morden, Jessica
Morgan, Julie
Mountford, Kali
Mudie, Mr. George
Mullin, Mr. Chris
Munn, Meg
Murphy, Mr. Denis
Murphy, Mr. Jim
Murphy, rh Mr. Paul
Naysmith, Dr. Doug
Norris, Dan
O'Brien, Mr. Mike
Olner, Mr. Bill
Palmer, Dr. Nick
Pearson, Ian
Plaskitt, Mr. James
Prentice, Bridget
Prentice, Mr. Gordon
Primarolo, rh Dawn
Prosser, Gwyn
Purchase, Mr. Ken
Purnell, James
Reed, Mr. Andy
Reid, rh John
Riordan, Mrs. Linda
Robertson, John
Robinson, Mr. Geoffrey
Rooney, Mr. Terry
Roy, Mr. Frank
Ruane, Chris
Ruddock, Joan
Russell, Christine
Ryan, Joan
Salter, Martin
Sarwar, Mr. Mohammad
Seabeck, Alison
Shaw, Jonathan
Sheerman, Mr. Barry
Sheridan, Jim
Short, rh Clare
Simon, Mr. Siôn
Singh, Mr. Marsha
Skinner, Mr. Dennis
Smith, rh Mr. Andrew
Smith, Ms Angela C. *(Sheffield, Hillsborough)*
Smith, Angela E. *(Basildon)*
Smith, Geraldine
Smith, rh Jacqui
Smith, John
Snelgrove, Anne
Soulsby, Sir Peter
Southworth, Helen
Spellar, rh Mr. John
Starkey, Dr. Phyllis
Stewart, Ian
Stoate, Dr. Howard
Strang, rh Dr. Gavin
Straw, rh Mr. Jack
Stringer, Graham
Sutcliffe, Mr. Gerry
Tami, Mark
Taylor, Ms Dari
Thomas, Mr. Gareth
Thornberry, Emily
Timms, Mr. Stephen
Tipping, Paddy
Touhig, Mr. Don
Trickett, Jon
Turner, Dr. Desmond
Turner, Mr. Neil
Twigg, Derek
Ussher, Kitty
Vaz, Keith
Vis, Dr. Rudi
Walley, Joan
Waltho, Lynda
Ward, Claire
Wareing, Mr. Robert N.
Watson, Mr. Tom
Watts, Mr. Dave
Whitehead, Dr. Alan
Wicks, Malcolm
Williams, rh Mr. Alan
Williams, Mrs. Betty
Winnick, Mr. David
Winterton, Ms Rosie
Wood, Mike
Woodward, Mr. Shaun
Woolas, Mr. Phil
Wright, Mr. Anthony
Wright, David

Tellers for the Ayes:
Mr. John Heppell and Mr. Michael Foster

NOES

Afriyie, Adam
Ainsworth, Mr. Peter
Alexander, Danny
Arbuthnot, rh Mr. James
Atkinson, Mr. Peter
Bacon, Mr. Richard
Baldry, Tony
Barker, Gregory
Baron, Mr. John
Barrett, John
Bellingham, Mr. Henry
Benyon, Mr. Richard
Bercow, John
Blunt, Mr. Crispin
Bone, Mr. Peter
Brady, Mr. Graham
Brake, Tom
Brazier, Mr. Julian
Breed, Mr. Colin
Brokenshire, James
Brooke, Annette
Browne, Mr. Jeremy
Browning, Angela
Burns, Mr. Simon
Burrowes, Mr. David
Burstow, Mr. Paul
Burt, Lorely
Butterfill, Sir John
Cable, Dr. Vincent
Cameron, rh Mr. David
Campbell, rh Sir Menzies
Carmichael, Mr. Alistair
Carswell, Mr. Douglas
Cash, Mr. William
Chope, Mr. Christopher
Clappison, Mr. James
Clark, Greg
Clegg, Mr. Nick
Clifton-Brown, Mr. Geoffrey
Corbyn, Jeremy
Cox, Mr. Geoffrey
Crabb, Mr. Stephen
Davey, Mr. Edward
Davies, David T.C. *(Monmouth)*
Davies, Philip
Davis, rh David *(Haltemprice and Howden)*
Djanogly, Mr. Jonathan
Dorrell, rh Mr. Stephen
Dorries, Mrs. Nadine
Duddridge, James
Dunne, Mr. Philip
Ellwood, Mr. Tobias
Evans, Mr. Nigel
Fallon, Mr. Michael
Farron, Tim
Field, Mr. Mark
Foster, Mr. Don
Fox, Dr. Liam
Francois, Mr. Mark
Gale, Mr. Roger
Garnier, Mr. Edward
Gauke, Mr. David
Gibb, Mr. Nick
Gidley, Sandra
Gillan, Mrs. Cheryl
Goldsworthy, Julia
Goodman, Mr. Paul
Goodwill, Mr. Robert
Gove, Michael
Gray, Mr. James
Grayling, Chris
Greening, Justine
Greenway, Mr. John
Hammond, Mr. Philip
Hammond, Stephen
Hands, Mr. Greg
Harper, Mr. Mark
Harris, Dr. Evan
Harvey, Nick
Hayes, Mr. John
Heald, Mr. Oliver
Heath, Mr. David
Hemming, John
Hendry, Charles
Herbert, Nick
Hoban, Mr. Mark
Hollobone, Mr. Philip
Holloway, Mr. Adam
Horam, Mr. John
Horwood, Martin
Hosie, Stewart
Howarth, David
Hughes, Simon
Hunt, Mr. Jeremy
Hunter, Mark
Hurd, Mr. Nick
Jack, rh Mr. Michael
Jackson, Mr. Stewart
Jenkin, Mr. Bernard
Johnson, Mr. Boris
Kawczynski, Daniel
Kirkbride, Miss Julie
Kramer, Susan
Lait, Mrs. Jacqui
Lamb, Norman
Lancaster, Mr. Mark
Lansley, Mr. Andrew
Laws, Mr. David
Leech, Mr. John
Leigh, Mr. Edward
Lewis, Dr. Julian
Liddell-Grainger, Mr. Ian
Lidington, Mr. David
Lilley, rh Mr. Peter
Llwyd, Mr. Elfyn
Loughton, Tim
Mackay, rh Mr. Andrew
Maclean, rh David
Mallins, Mr. Humfrey
Maples, Mr. John
Marshall-Andrews, Mr. Robert
Maude, rh Mr. Michael
McCrea, Dr. William
McDonnell, John
McIntosh, Miss Anne
McLoughlin, rh Mr. Patrick
Mercer, Patrick
Miller, Mrs. Maria
Milton, Anne
Mitchell, Mr. Andrew
Moore, Mr. Michael
Moss, Mr. Malcolm
Mulholland, Greg
Mundell, David
Newmark, Mr. Brooks
O'Brien, Mr. Stephen
Osborne, Mr. George
Ottaway, Richard
Paice, Mr. James
Pelling, Mr. Andrew
Penning, Mike
Penrose, John
Pickles, Mr. Eric
Prisk, Mr. Mark
Pritchard, Mark
Pugh, John
Randall, Mr. John
Redwood, rh Mr. John
Rennie, Willie
Rifkind, rh Sir Malcolm
Robathan, Mr. Andrew
Robertson, Angus
Robertson, Hugh
Robertson, Mr. Laurence
Robinson, Mr. Peter
Rogerson, Mr. Dan
Rosindell, Andrew
Rowen, Paul
Ruffley, Mr. David
Sanders, Mr. Adrian
Scott, Mr. Lee
Selous, Andrew
Shapps, Grant
Shepherd, Mr. Richard

Simmonds, Mark
Simpson, Alan
Simpson, Mr. Keith
Smith, Sir Robert
Soames, Mr. Nicholas
Spicer, Sir Michael
Spink, Bob
Spring, Mr. Richard
Steen, Mr. Anthony
Streeter, Mr. Gary
Stuart, Mr. Graham
Swayne, Mr. Desmond
Swire, Mr. Hugo
Syms, Mr. Robert
Taylor, David
Taylor, Dr. Richard
Teather, Sarah
Thurso, John
Truswell, Mr. Paul
Turner, Mr. Andrew
Tyrie, Mr. Andrew
Vaizey, Mr. Edward
Vara, Mr. Shailesh
Viggers, Peter
Villiers, Mrs. Theresa
Walker, Mr. Charles
Walter, Mr. Robert
Waterson, Mr. Nigel
Watkinson, Angela
Webb, Steve
Weir, Mr. Mike
Widdecombe, rh Miss Ann
Wiggin, Bill
Willetts, Mr. David
Wilshire, Mr. David
Wilson, Mr. Rob
Winterton, Ann
Wright, Jeremy
Yeo, Mr. Tim
Young, rh Sir George

Tellers for the Noes:
Michael Fabricant and Mr. David Evennett

Question accordingly agreed to.
Lords amendment disagreed to.

Clause 4

POWER FOR AERODROMES TO ESTABLISH NOISE CONTROL SCHEMES

Lords amendment: No. 6.

Derek Twigg: I beg to move, That the House agrees with the Lords in the said amendment.

Mr. Deputy Speaker: With this it will be convenient to discuss Lords amendment No. 7.

Derek Twigg: These amendments make two minor changes to the consultation requirement that subsection (5) of new section 38B places on the Secretary of State when proposing to make an order specifying an area within which a non-designated airport's noise control scheme shall apply.

It has become apparent to us that although subsection (5) lists a number of specific statutory consultees, including the CAA, the operator of the airport, local authorities and organisations representing the interests of local people, the operators of aircraft that use the airport are not included on the list. The first—*[Interruption.]*

Mr. Deputy Speaker: Order. I am sorry to interrupt the Minister. Could hon. Members not have conversations in the Chamber that distract from the main business?

Derek Twigg: The first of the amendments remedies that omission. It does so using the formulation,

"any body appearing to the Secretary of State to be representative of operators of aircraft using the aerodrome",

which is used elsewhere in the Bill, specifically in clause 3, on page 4, in line 31. The latter amendment changes the reference to organisations representing the interests of local people, so that the same formulation is used consistently—that such bodies are those,

"appearing to the Secretary of State to be representative",

of those interests. The effect of the provision—the requirement for the Secretary of State to consult bodies representing the interests of local people—will remain the same.

Mr. Brazier: We have no objection to these minor amendments.

Lords amendment agreed to.
Lords amendment No. 7 agreed to.

New Clause

Lords amendment: No. 8

Derek Twigg: I beg to move, That the House agrees with the Lords in the said amendment.

Mr. Deputy Speaker: With this it be will convenient to discuss Lords amendments Nos. 9,10 and 12.

Derek Twigg: The Government gave notice of their intention to make these amendments to the Bill in a written statement by the Secretary of State for Transport on 21 November 2005, and wrote to Opposition spokesmen to explain their purpose.

Lords amendment No. 8 inserts a new clause into the Bill, giving effect to the schedule on policing at airports inserted by amendment No. 12. The schedule amends the Aviation Security Act 1982 in relation to the policing of airports that have been designated under section 25 of the Act—Heathrow, Gatwick, Stansted, Birmingham, Manchester, Prestwick, Edinburgh, Glasgow and Aberdeen airports. Recently, it became clear that we needed to clarify the relationship between security and policing activities at designated airports. Increased clarity on that point should prevent future disputes between airport managers and the police. It has also become clear that we need to design a robust mechanism for resolving any disputes that arise.

The amendments to section 26 of the Aviation Security Act 1982 will define and clarify the relationship between the activities of an airport manager and other directed parties at an airport, and policing activities. Our intention in doing so is to prevent disputes on that point and to ensure that the aerodrome manager and chief officer of police work closely together in protecting an airport. The amendments are in paragraph 3 of the schedule.

Where an aerodrome has been designated under section 25 of the Aviation Security Act 1982, the manager of the aerodrome, the police authority and the chief officer of police will be required to enter into a police services agreement. The specific requirement is in new section 25B, which is inserted in the 1982 Act by paragraph 2 of the schedule. To remove any ambiguity over roles and responsibilities, the agreement should set out the level of policing services to be provided by the police, the amount to be paid for that policing by the airport manager and the facilities to be provided by him to the police. That is set out in section 25B(3). The specification of payments in the agreement may also include references to amounts paid to the police

[Derek Twigg]

authority towards policing at the airport from sources other than the airport manager. We are thinking, for example, of Home Office grants that might be made to fund a particular initiative.

The agreement will need to recognise that circumstances might change during the year. Section 25A(6) requires an agreement to include provisions that will allow it to be varied where there is a material change in circumstances. Before concluding an agreement, and to determine the appropriate level of policing services, the aerodrome manager and chief officer of police will be required to consult with the relevant stakeholders: those in receipt of directions under part 2 of the Aviation Security Act 1982, Customs officers and immigration officers. New section 25A provides for that consultation.

Section 25A includes a delegated power for the Secretary of State to modify the consultation requirements, in subsection (4). Under new section 25A(5), the degree of parliamentary scrutiny prescribed is dependent on whether there is any controversy about such changes. I should note that new section 25A(6) was subsequently amended by the Lords on Report. That minor change for clarification, which does not alter the substance of the provisions, has been taken up in the version of the schedule that we are debating today.

Where the parties—the aerodrome manager, police authority and chief officer of police—cannot reach an agreement because they disagree on a particular aspect such as the level of policing to be provided, or are in dispute over the terms, construction or operation of an agreement, the matter will be referred for determination by an independent expert or tribunal of experts. Paragraph 4 of the schedule therefore inserts new sections 29A to 29D into the Act. Under new section 29A(1), any of the three parties is entitled to ask the Secretary of State to set up the expert determination. The expert should be an independent person appointed by the Secretary of State for the particular dispute, and agreed by the aerodrome manager on one side and the police parties on the other. If the parties cannot agree, the Secretary of State will require each side to appoint an expert and those two experts to appoint a further panel member to act as chairman. New section 29B provides for those arrangements.

Patrick Mercer (Newark) (Con): I was going to intervene, but if the Minister has finished, I will make a quick response. I was interested in what he had to say, as much of it as there was.

At a recent Transport Committee meeting, the hon. Member for Manchester, Blackley (Graham Stringer) took evidence from Chief Superintendent Savill on this very point, who said:

"There are a number of the recommendations that we feel frustrated with as a police service. I think the overriding one would be that Sir John"—

Wheeler—

"wisely recommended the mechanism for what we call 'designating' an airport. 'Designating' is an expression where, through an Act of Parliament in 1974, there was an agreement with the airport operator that the chief officers of police can recover the cost of policing operations in the early 1970s."

He continued:

"Perhaps not surprisingly, there has been increasing erosion of the principles whereby costs are recovered by police forces and I think that has led to a bit of a patchwork approach to aviation policing across the United Kingdom."

I would be interested to hear what the Minister has to say about that. I would also be interested to hear, if police reorganisations are going on at the moment, whether it would make sense to consider the policing and security aspects—

It being three hours after the commencement of proceedings, MR. DEPUTY SPEAKER *put forthwith the Question already proposed from the chair, pursuant to Order [this day].*

Lords amendment No. 8 agreed to.

MR. DEPUTY SPEAKER *then put the Questions necessary to dispose of the business to be concluded at that hour.*

Lords amendment No. 11 disagreed to.

Government amendment (a) in lieu of Lords amendments Nos. 5 and 11 agreed to.

Lords amendments Nos. 9, 10 and 12 agreed to.

Committee appointed to draw up Reasons to be assigned to the Lords for disagreeing to their amendments Nos. 1, 2 and 4: Mr. Julian Brazier, Mr. Alistair Carmichael, Alan Keen, Mr. Frank Roy and Derek Twigg; Derek Twigg to be the Chairman of the Committee; Three to be the quorum of the Committee.—*[Mr. Alan Campbell.]*

To withdraw immediately.

Reasons for disagreeing with the Lords amendments reported, and agreed to; to be communicated to the Lords.

Future EU Finances and Own Resources

7.31 pm

The Minister for Europe (Mr. Geoffrey Hoon): I beg to move,

That this House takes note of European Union Documents No. 5973/06, the Commission's revised Proposal for renewal of the Inter-institutional Agreement on budgetary discipline and improvement of the budgetary procedure, No. 6426/06, the Commission Contribution to the Inter-institutional Negotiations on the Proposal for renewal of the Inter-institutional Agreement on budgetary discipline and improvement of the budgetary procedure, and No. 7241/1/06, Draft Decision on the system of the European Communities' own resources (//EC, Euratom); and supports the Government's objective of securing agreement on the Inter-institutional Agreement for the 2007-13 Financial Perspective and the Own Resources Decision in line with the agreement reached by Heads of Government at the December European Council.

The House will recall that in December 2005 the United Kingdom, in its capacity as President of the European Union, brokered an agreement on an EU budget that many said at the time would be impossible to deliver. In fact, the result was a comprehensive budget for the period between 2007 and 2013, known as the financial perspective.

EU budget negotiations are inevitably complex, especially when they involve the challenge of doing a deal that works for all 25 EU member states. We were also working in the aftermath of a failed deal some six months earlier, and in the knowledge that there was a realistic prospect that if we did not secure a deal, it would hold up the development of the accession states and delay a budget agreement by up to two years. In the EU presidency, we were determined to agree a budget that would enable the European Union to deliver for its citizens in the areas where it adds real value, and to make good our commitments to the new accession states.

Mr. William Cash (Stone) (Con): I remember confronting the Minister across the Floor of the House many years ago in different circumstances. Does he agree that the Prime Minister was either severely mistaken or verging on being misleading when he referred to the amount that the taxpayer would have to find? Does he agree that—as the European commissioner has just announced—the actual amount is £24 billion above the budget that the Prime Minister announced, which means that the British taxpayer will have to find an extra £2 billion and we will now contribute £44 billion to EU coffers over the next budget period? In other words, it was a mockery.

Mr. Hoon: I am delighted to have the opportunity of renewing the acquaintance that the hon. Gentleman and I established over the course of many debates. I am probably one of the few people in the Chamber who have had the privilege of listening to the hon. Gentleman speak sometimes for as little as two hours. Given the time constraints on this debate, I realise that he may struggle to achieve his normal output.

The figures quoted by the European commissioner are not normally used as a basis to calculate the EU budget. They reflect a wider assessment of the budget, involving various items that would not usually be considered as part of the negotiation that was achieved in December. I do not say that simply on behalf of the UK Government; the position is widespread across the EU. The figures mentioned by the commissioner involved many aspects of EU expenditure not normally counted as part of the EU budget.

Kelvin Hopkins (Luton, North) (Lab): I welcome my right hon. Friend to his new post. He portrays the deal as a success, but was it not a golden opportunity for Britain to use its leverage to secure fundamental reforms to the European budget? Could we not have reached an historic, positive agreement to change the budget, rather than brokering a deal that will cost Britain much more and not reform the budget?

Mr. Hoon: I am sorry that my hon. Friend is so critical. I know how keen he is on the redistribution of wealth. I should have expected him to say what a good deal this budgetary arrangement is for a relatively wealthy country such as the United Kingdom, with its great economic success, and to refer to the UK's opportunity to use its influence to persuade all EU member states to recognise their obligations to some countries that are significantly less well off and ensure that the budget assists them in their development.

Kelvin Hopkins: Does my right hon. Friend not agree that redistribution currently benefits richer countries as a result of the perverse effects of the common agricultural policy? Will not our deal help the countries that benefit most from the CAP, such as Denmark, France and Ireland?

Mr. Hoon: That is precisely what the deal changes. I should have thought that, having examined the detail, my hon. Friend would be very pleased at the way in which his Government negotiated an excellent deal for the countries that are only just joining the EU, and benefiting from the opportunity.

Several hon. Members *rose—*

Mr. Hoon: I seem to have excited a lot of people, but I give way to my hon. Friend the Member for Leicester, East (Keith Vaz).

Keith Vaz (Leicester, East) (Lab): I am most grateful. I too warmly welcome my right hon. Friend back to the Foreign Office as Minister for Europe. I know that he will perform his task with great distinction, as he did when he last held the post.

Does my right hon. Friend not agree that, although we have great affection for my hon. Friend the Member for Luton, North (Kelvin Hopkins) when he speaks on European issues, he misses the point about the deal? Britain has been the champion of enlargement. Indeed, when my right hon. Friend last held his current post he pushed forward the enlargement agenda. It is only right that we agreed a deal to help the new countries that have joined the European Union.

Mr. Hoon: I am grateful for my hon. Friend's kind words and even more grateful for his observations, with which I entirely agree.

Mr. Richard Shepherd (Aldridge-Brownhills) (Con): Will the Minister confirm that the deal requires primary legislation in the House, and can he give us an idea of when that is likely to happen, given the time scale?

Mr. Hoon: Were I still Leader of the House, I might be in a better position to answer that question.

Mark Pritchard (The Wrekin) (Con): I welcome the Minister to his new role, but I shall miss him on Thursday mornings.

Have not the Government given away more British taxpayers' money, both in net terms and in terms of a reduced rebate, without benefiting from reciprocal reforms of EU finances?

Mr. Hoon: That is not the case. I shall deal with those points in due course, but the deal is hugely successful for both the United Kingdom and the European Union. I think that ensuring that all the different elements were put in place—not least, in a European Union of 25 member states, a commitment to long-term reform—as well as being fair to the new member states constitutes a tremendous success.

I hope that the hon. Gentleman will forgive me for being party-political for a moment. His party strongly supports enlargement, and I should have expected it to show equally strong support for the willing of resources to allow that enlargement to be successful. That is precisely what this deal does.

Mr. Charles Walker (Broxbourne) (Con): If this was such a fair deal for Europe, why was France so happy with the outcome?

Mr. Hoon: When I was at the Ministry of Defence, there were a number of rather large oil paintings depicting Britain's great victories over France in the past. I would hope, however, that in the 21st century it was important for us to work closely with our nearest neighbour, as well as other members of the European Union. Certainly France was happy, and I am sure that that was because of the extremely effective negotiating skills of Britain's Ministers.

Mr. Ian Davidson (Glasgow, South-West) (Lab/Co-op): Along with many others, I congratulate the Minister on his new position. May I point out to him, however, that he has a very hard act to follow? Within days of taking the post of Minister for Europe, my right hon. Friend the Member for Paisley and Renfrewshire, South (Mr. Alexander) had managed to get the French and the Dutch to vote against the European constitution, thereby destroying it. Can we expect similar activity on the part of this Minister in relation to the European budget?

Mr. Hoon: I always enjoy the congratulations of my hon. Friend, although I have also sometimes lived to regret them. I am not planning to be as spectacularly successful as my right hon. Friend the Member for Paisley and Renfrewshire, South (Mr. Alexander) was in this area.

David Taylor (North-West Leicestershire) (Lab/Co-op): Does my right hon. Friend accept the figures for the five complete years between 2000 and 2004, which show that Britain's net contribution to European institutions was some £4.6 billion a year, and that, in the seven years of this deal, the contribution will be some £10.6 billion? Is that not a very substantial rise, and is he happy that the budget's make-up reflects the EU's priorities? In most areas of life and in most organisations in societies and economies, large budgets are shaped to reflect the priorities of such organisations. However, this is still substantially an agricultural budget, is it not?

Mr. Hoon: A significant element of agricultural spending is still involved, which is why it was important to agree a process for reforming further the common agricultural policy. It is important that my hon. Friend put into context his figures for the United Kingdom. We are talking about a financial perspective for 25 EU member states that stretches well into the future. We need to achieve such an agreement—my hon. Friend will forgive me for repeating this point—in the context of a number of new member states whose economic progress and development was, frankly, far behind that of existing member states. Crucially, it is in our and all other member states' interest that the new ones be able to develop in the way that this budget allows for.

John Bercow (Buckingham) (Con): I welcome the right hon. Gentleman to his new responsibilities, and I hope that we find the exchanges with him on these matters every bit as stimulating as his leadership of the House and of the business statement repertory company. Assuming that he welcomes and endorses the Commission's contribution to the institutional negotiations on the budget agreement, does he think it practical to hold out a realistic prospect of the EU's accounts being signed off—for once—by the European Court of Auditors?

Mr. Hoon: I recognise the historical difficulties associated with being positive about that aspect of EU finances. The hon. Gentleman asks whether I hold out a realistic prospect of dealing with this issue. I am always hopeful, but the member states and the EU institutions need to work together to deal with fraud, in particular, which has been a problem for many years, largely because we have not had the necessary co-ordination between institutions and member states. I am confident that the co-operation that we have seen in recent times—not least in agreeing this budget—will lead in that direction, so, yes, I am hopeful, but at the moment, no, there is no realistic prospect hope of achieving the aim that the hon. Gentleman refers to.

The budget agreed in December has four key elements. First and crucially, it supports economic development in central and eastern Europe—a cause that the United Kingdom has consistently championed, and for which we should rightly pay on the same basis as others. The agreement provides an unprecedented transfer of receipts to the poorest member states of central and eastern Europe. Such transfers will provide the basis for economic development in those member states, making them and the EU more prosperous. Secondly, the rebate remains

on all expenditure except economic development in the new member states. Thirdly, the total rebate over the next financial perspective will actually be larger than in the current period.

Fourthly, the December agreement is fair. For the first time in the history of our membership of the EU, we have rough parity with France and Italy in terms of net contributions. I repeat: at every stage of the negotiation, this Government made it clear, here and in Brussels, that the UK abatement remains fully justified because of our disproportionately low level of EU receipts. Without the abatement, the UK would have paid, net, 10 times as much as Italy and 13 times as much as France over the last decade. It is therefore absolutely right that under the agreement reached in December, the UK abatement remains and will in fact be worth more than in the current budgetary period.

It is also important, however, that the UK pays its fair share of the costs of enlargement in return for the economic, political and social benefits that enlargement brings. That is why we agreed that spending on economic development in the new member states could gradually be disapplied from the abatement calculation from 2009. But we were also clear that the UK would not pay more than its fair share, which is why the UK abatement will be applied in full on all expenditure in the 15 original member states, and on CAP expenditure everywhere in the EU.

Overall, under the December agreement, the UK will go from paying two and a half times more than France and Italy over the last decade to paying roughly the same, net, as those countries as a proportion of national income, for the first time since we joined the EU. That is a good and fair result for the UK and, indeed, for our EU partners. Agreement on the budget deal is only the beginning of a process to ensure that the EU has a more rational and logical budget that more effectively supports the EU's longer-term aims. This Government's arguments in favour of budget discipline have resulted in agreement to an effective and controlled budget that focuses on the EU's priorities. Overall, expenditure as a share of EU income will fall to some 1 per cent. by 2013—the lowest level in 20 years. Yet within this disciplined budget, sufficient funding is guaranteed across the range of the Union's priorities, such as competitiveness, research and development, freedom, security and justice, and development assistance.

The package agreed under the UK presidency also contains a number of modernising elements. It offers member states the opportunity to shift money from CAP direct payments and market support to rural development, and creates a globalisation adjustment fund to help re-skill workers who lose out as a result of structural economic change. Furthermore, the agreement provides for a fundamental review of all aspects of the budget, on the basis of the Commission's 2008-09 report, on which the Council can take immediate decisions. That sets the path towards a modern budget fit for the 21st century that responds to the challenges of globalisation.

Since December, negotiations have continued between the European Parliament, the Commission and the Council on an inter-institutional agreement for the next financial perspective. This is a usual feature of the EU's multi-annual budget process, and it is necessary for the expenditure side of the December deal to come into effect. That debate continues the parliamentary procedure to endorse the IIA. The Government's prime objective in the IIA negotiation has been to ensure that it retains the main elements, and therefore the main benefits, of the December deal. The EU institutions reached provisional agreement on a new package last month. Overall, that agreement meets the Government's objectives and, subject to the agreement of this House, should establish the spending priorities agreed in December. It is due to be formally approved by EU Ministers on 15 May.

Under the provisional agreement, the basic structure of the expenditure side is maintained, with an additional €2 billion of expenditure within the financial perspective ceiling and a further €2 billion of expenditure outside the financial perspective. Such additional funding is broadly comparable with the level agreed in the context of the 1999 IIA negotiation, and it will be set aside for priority areas supported by this Government, such as competitiveness and external action. It will result in an overall expenditure ceiling of €864 billion over the seven-year period.

John Bercow: Bearing in mind the right hon. Gentleman's considerable authority on matters European, and leaving aside the specific issue of fraud by European Union institutions, what assessment has he made of the serious phenomenon whereby large sums of money given by the Union in humanitarian aid for Zimbabwe, for example, are wasted through currency manipulation? Does the Union have a plan to address that phenomenon when dealing with rogue states?

Mr. Hoon: The hon. Gentleman, as ever, raises an important—and disturbing—issue that clearly needs to be investigated further. Indeed, it demonstrates some of the difficulties that have to be faced in tackling fraud. The essential problem remains, in that, although the institutions often will the money and the direction in which it should go, they do not always directly supervise how it is spent. Frankly, if it is put into other people's hands, accountability is not as good as it could, or should, be. We are determined to tackle that issue, and there is much greater recognition than ever before that it requires the co-operative approach that I described earlier.

Mark Pritchard: The right hon. Gentleman will of course be aware that the European constitutional treaty deals with European institutions. Will he take this opportunity to dismiss the comments of Prime Minister Prodi, who suggested that the European constitutional treaty might be revived?

Mr. Hoon: I was wondering whether I would get through my first debate without uttering the words "European constitutional treaty". I am grateful for the opportunity to say those three words, but I cannot see how they are relevant to our debate this evening. I congratulate the hon. Gentleman on his initiative in introducing the issue and I look forward to debating it at some stage, when it is more relevant than it is tonight. We are all agreed about where the treaty is now, and we can debate it in future when we know where it is going, if indeed it is going anywhere.

[Mr. Hoon]

The provisional agreement also achieves the Government's objective of retaining the existing flexibility instruments without increasing the amounts allocated to flexibility, or changing the institutional balance necessary to use the instruments. The provisional agreement includes no increases in the annual flexibility instrument, no increase in the solidarity fund, and no increase in the emergency aid reserve.

Finally, the provisional IIA contains a number of elements related to improving the financial management of EU funding. The Government welcome those measures and, although they do not have to be part of the IIA, support their inclusion in the text.

In addition to negotiations for a new IIA, negotiations are also now under way between EU member states for a new own resources decision, which will set out the financing arrangements for the new financial perspective. Once again, the Government's primary objective is to ensure that the own resources decision fully reflects the agreement reached by the European Council in December. For the reasons that I have mentioned, that agreement represents a good and fair result for the UK and underlines the concept of using net balances in assessing relative contributions to the EU budget. Crucially, the own resources decision must retain the balance of net positions achieved in December, and ensure that the measures introduced to make the EU financing system simpler and more disciplined are preserved.

In summary, the agreement reached by the European Council in December is a good deal for the UK and a good deal for the EU. It provides a fair and effective budget, focused on priorities, with a broadly stable expenditure ceiling, and rightly provides a foundation for economic development in the new member states. It also sets the path to fundamental reform, which should equip the EU with a modern, effective budget that meets the needs of its citizens and represents a modern Europe. I commend the agreement to the House.

ROYAL ASSENT

Mr. Deputy Speaker (Sir Alan Haselhurst): I have to notify the House, in accordance with the Royal Assent Act 1967, that the Queen has signified her Royal Assent to the following Act:

Northern Ireland Act 2006

Future EU Finances and Own Resources

Question again proposed.

7.52 pm

Mr. Graham Brady (Altrincham and Sale, West) (Con): First, I congratulate the European Scrutiny Committee on the excellent work that it does, frequently without the credit that it deserves. If it were not for its recommendation, the House would not have this opportunity to debate a matter that is of real and pressing concern to the country.

It is however regrettable that we do not have a full day for this important business and our debate will necessarily be truncated, not something for which the Minister for Europe could normally be expected to take responsibility, but as he was responsible—as Leader of the House—for scheduling this week's business, it is entirely down to him on this occasion. Nonetheless, I am delighted to see the Minister in his place. There have been times since Friday when I was worried that he might not be joining us, but I am very pleased to welcome him to his new job, or should I say back to his old job. I hope that he stays in the brief for longer than the three months that he managed before, all of which fell during the summer recess of 1999.

In the less than two years that I have been shadowing Europe, he is already the third holder of his portfolio. Indeed, there has been no more consistency in personnel than there has been in the Government's European policy, which has variously been: in favour of the euro and against it; certain that a constitution for Europe was unnecessary and passionate in its belief that an enlarged EU could not function without one; determined to secure fundamental reform of the common agricultural policy, but happy to let months of the British presidency slip away without even tabling a proposal for change; and steadfast in defence of the British rebate, and yet prepared to surrender it while gaining nothing in return.

It will be interesting to see whether the new Minister follows the avowedly integrationist agenda of the current Prime Minister or the apparently more sceptical tone of the next one. His longevity in office may depend on him making the right decision. This debate is a welcome opportunity for the House to examine the shambolic events of the last 12 months as the Government have not only failed to achieve their targets, but—having conceded an unnecessarily costly budget deal in December—have flaccidly observed as the cost has escalated and the assurances they gave to British voters have proved worthless.

The experience of the British EU presidency and of the budget negotiations has been sadly typical of the utter incompetence of this Labour Government. It all started so well, as so often, with the Prime Minister's speech to the European Parliament—a speech about a "crisis of political leadership". Well, he should know that when he sees it. He spoke stirringly of the need to reconnect Europe with its peoples, and he spoke of a "moment of decision". He also set out Britain's bottom line for the budget negotiations, linking any reduction of the British rebate to fundamental reform of the CAP and saying in terms that

"we cannot agree a new financial perspective that does not at least set out a process that leads to a more rational budget".

He spoke of the rejection of the EU constitution by two referendums as a "wake-up call". He said:

"It is time to give ourselves a reality check".

But like all the Prime Minister's promises, all that has come to nothing and the ambition of his rhetoric serves only to emphasise the scale of his failure and of the massive opportunity that he has missed.

The Minister spoke about the need to finance enlargement. As he said, the Opposition have always strongly supported enlargement, but the necessary funds for that process should have come from reductions in the bloated CAP budget, not from growth in the overall budget.

At the beginning of their presidency, the Government set out to achieve three things—to contain the overall size of the EU budget, to achieve fundamental reform of the common agricultural policy and to protect Britain's budget rebate, at least until such a fundamental revision of the CAP was agreed. None of those objectives was secured.

Keith Vaz: The hon. Gentleman said that the Opposition supported enlargement, although they called for a referendum on the Nice treaty, which gave rise to enlargement. Bearing in mind that there was no fundamental review of the CAP, will he not accept that the budget was the best deal in the circumstances to ensure that the new countries would be properly financed?

Mr. Brady: Absolutely not. I am delighted to welcome another former Minister for Europe to the debate, but the Prime Minister's speech to the European Parliament at the outset of the British presidency made it clear that a better deal could be obtained, and that was his objective. However, it was not secured.

The EU budget is rising. The common agricultural policy has not only gone without fundamental reform, but is actually getting bigger. According to last December's joint report from the Treasury and the Department for Environment, Food and Rural Affairs—then under the leadership of the new Foreign Secretary—the CAP will leave the EU economy some €100 billion poorer over the next financial perspective 2007-2013, with a further €100 billion cost to consumers every year, in a combination of taxes and inflated food prices. That amounts to an average cost for a family of four of around €950 a year, and that cost will be far higher for families in the UK, as a major net contributor.

Mr. Davidson: The hon. Gentleman pointed out that the Government failed to achieve any of their three objectives, but at least that has the merit of consistency. What is the Opposition's position? Will they vote against accepting this budget, and which other right-wing parties in Europe support that position?

Mr. Brady: The hon. Gentleman always has the merit of consistency of course, and I hope that I do, too. We oppose the budget, we think that it was a bad deal for Britain and we will be opposing it. The cost to consumers will be enormous.

The Prime Minister told this House in July that he wanted to get rid of the CAP, but in fact it will increase from 40 per cent. of the EU budget now, to 44 per cent. under the new arrangements. The Chancellor of the Exchequer said last September:

"If we are to make poverty history, let us seek to make the excesses of the CAP history".

Far from ending the excesses of the CAP, the Prime Minister agreed to a deal that increased its costs considerably. Billions more euros will be spent on protecting and sheltering inefficient and counter-productive agricultural subsidies.

Mr. Wayne David (Caerphilly) (Lab): Does the hon. Gentleman acknowledge that the new financial perspective agreement is very good news for some regions of the United Kingdom? West Wales and the south Wales valleys will receive about £1.2 billion in cohesion funding. Is that not good news?

Mr. Brady: I am delighted to hear that south Wales will do well from the funding, but the hon. Gentleman must be aware—as we all should be—that it is British taxpayers' money; it is simply being recycled through EU institutions, losing administrative costs meanwhile. It would be far more efficient, as I think the Chancellor of the Exchequer believes too, to pay the money directly, and I do not see why we cannot look into doing that instead.

Given all those issues, no wonder the Prime Minister identified the urgency of reform, but how shocking that reform has not been addressed. Not only did the Prime Minister fail to secure real reform of the CAP, but having linked the future of the British rebate to that reform he gave up £7 billion of the rebate while getting nothing in return. That £7 billion alone is equivalent to the total annual budget for policing in England and Wales.

The surrender on the rebate is only a small part of the increased cost to British taxpayers, however; the net cost of our payments to the EU will increase by far more. At present, we pay in about £2.8 billion a year more than we get out. Under the deal agreed in December, that net cost almost doubles to £5.5 billion every year. Furthermore, as the hon. Member for Luton, North (Kelvin Hopkins) pointed out, those funds do not always go to the most deserving places. Under the new financial perspective, we will pay in a fifth more than the French, but we shall get back only half as much. Per capita EU spending in the UK will be a quarter of the figure in Ireland and will be lower than in any of the other, soon to be 27, member states.

Remarkably, the expensive new Foreign Office booklet, "Guide to the European Union", which cost taxpayers a further £80,000 to produce, notes that the existing net cost is £3 billion a year—[*Interruption.*] The hon. Member for Leicester, East (Keith Vaz) is clutching his copy, so at least somebody was waiting for it to arrive on their doormat.

The booklet makes no mention, however, of the fact that the cost is set to double from 2007.

Mark Pritchard: Can my hon. Friend advise us of the likely cost of reprinting the brochure, as we now have a new Minister for Europe?

Mr. Brady: I shall table a written question as soon as I have an opportunity.

Mr. Hoon: I am reflecting on some of the hon. Gentleman's rather exaggerated figures for the UK's net contributions. In the period up to 1997, in the days when I debated at length with the hon. Member for Stone (Mr. Cash), I was well aware of the arguments he used to put to the then Government Treasury Bench. Presumably if the hon. Gentleman is consistent, he will argue that the situation that we inherited was catastrophic and that since 1997 there has been a huge improvement in the relative contributions made by the UK, especially in relation to other member states. If the hon. Member for Altrincham and Sale, West (Mr. Brady) is still critical of that imbalance, he will be extraordinarily critical of the one person who unites most Opposition Members—the Baroness Thatcher.

Mr. Brady: I am clear and consistent; I want to see the British net contribution going down, not up. This deal doubles it, which is bad for British taxpayers.

No wonder the Chancellor was furious; no wonder he thinks he would have done a better job—it would be hard to have achieved a worse deal for Britain and British taxpayers. The total budget is rising, the cost of the CAP is rising, the rebate is being cut and Britain's net contribution is doubling.

Mr. Cash: Is not it the case, as significant media coverage suggested at the time, that the Chancellor was actually not consulted about the final deal? Furthermore, he will be handed a poisoned chalice, if of course he ever manages to get hold of it.

Mr. Brady: Perhaps the Financial Secretary will shed light on that point when he replies to the debate, because he has been much closer to such matters. There has been considerable speculation that the Chancellor was kept in the dark throughout the process of agreeing the budget, even though he will have the task of trying to find the funds if the Prime Minister remains in office. Of course, if the Chancellor were to become Prime Minister, he would face a significant challenge.

John Bercow: May I put it to my hon. Friend that the concerns expressed a moment ago by our hon. Friend the Member for Stone (Mr. Cash) are reinforced by the fact that although the new Economic Secretary—the Chancellor's representative on earth, the hon. Member for Normanton (Ed Balls)—was in the Chamber for the start of the debate, he did not stay for very long?

Mr. Brady: My hon. Friend raises an important issue. It is also interesting to students of Kremlinology that the Chancellor's other representative on earth was the previous Minister for Europe, but I am not sure what the significance of all those movements is. Thankfully, that is a matter for others.

Everything I have described was clear in December, when it looked as though the Prime Minister had managed to reach the worst possible deal for Britain, but the picture has grown steadily worse since, with British Ministers giving away their strongest cards, apparently powerless to stop a further collapse in our negotiating position. In February, the then Minister for Europe submitted an explanatory memorandum that set out the Government's approach to the negotiation of the inter-institutional agreement, stating their priority that the agreement

"fully reflects the deal reached in December"

and that,

"the Government will strongly oppose any proposals during the negotiation of an agreement to increase the overall expenditure ceiling...given the delicate nature of the compromise reached in December, the Government does not see the scope for re-allocation of spending between different expenditure headings".

However, despite the Government's supposedly "strong opposition", the European Parliament was able to push through a further £2.68 billion increase in the budget last month and, as has already been mentioned, the Budget Commissioner has suggested that the picture is actually worse than had previously been acknowledged due to the fact that a further £24 billion in various financial instruments is being accounted for outside the EU budget total.

To make matters worse, the British Treasury has changed the way in which it presents payments to the EU, making it impossible to make direct comparisons between past and future years. Given that *The Sunday Times* reported a source saying of the EU Budget deal that

"The Treasury is quietly fuming...we have ended up giving away much more than we expected and with precious little to show for it in return",

the changes in the presentation of the figures may be to cover the Government's embarrassment.

Mr. Philip Dunne (Ludlow) (Con): I am intrigued to hear the words of the current Minister's predecessor, which my hon. Friend has just revealed to the House. Can my hon. Friend reconcile that statement with what we have heard from the new Minister—or rather, the retread Minister—who described the settlement as disciplined, fit for purpose and truly accountable? Can my hon. Friend explain that?

Mr. Brady: Like my hon. Friend, I am afraid that I cannot explain it, but I shall be interested to hear whether the Minister can.

The escalation of EU budgets and the continuing expansion of the CAP are an even greater cause for concern, because, as my hon. Friend the Member for Buckingham (John Bercow) has pointed out, we are approaching the shameful 12th year for which the EU Court of Auditors has been unable to sign off the European Union's accounts as reliable and free of fraud—again a massive opportunity missed by the British presidency when this country could have insisted on proper financial controls before a new budget, let alone a bigger budget, was agreed. Instead of the root and branch reform of accounting practices that is needed, the IIA simply assures us that

"the Budget will be implemented in a context of sound financial management based on the principles of economy, efficiency, effectiveness, proportionality of administrative costs"

and so on.

There is no recognition of the scale of concern about the EU's existing budget. There is no apparent

understanding of the profound lack of confidence that people feel as to whether their money is being used as it should be. In the European Parliament a year ago, the Prime Minister struck a visionary note. He said:

"In my time as Prime Minister, I have found that the hard part is not taking the decision, it is spotting when it has to be taken".

He may have said the same to the parliamentary Labour party this evening. He continued:

"It is understanding the difference between the challenges that have to be managed and those that have to be confronted and overcome. This is such a moment of decision for Europe."

The Prime Minister was right: the British presidency was a remarkable opportunity to confront the things that are wrong with the EU—the growing budget, the common agricultural policy, the lack of adequate financial controls—but all those chances were missed, leaving no one very impressed. The German press said that the Prime Minister had

"started the British Presidency as a tiger and finished as a doormat."

President Chirac was reported as telling friends presciently that the presidency could not perform effectively until the Prime Minister and the Chancellor of the Exchequer

"resolve the crisis of leadership and one of them comes out on top".

Even the former Minister for Europe, the right hon. Member for Rotherham (Mr. MacShane), voiced his disquiet with the way things were going when he told *The Daily Telegraph*:

"Even out and out pro-Europeans like me could not accept a one-sided deal that only moves on the rebate. That would be very difficult to get through".

Well, a one-sided deal is what we have before us.

The British people want a European Union that does less and costs them less; they want to get rid of an agricultural policy that costs their families £1,000 a year in higher food prices and all their instincts of fairness want rid of a system that puts the interests of wealthy farmers in France ahead of those of poor farmers in the developing world. Last June, the Prime Minister set out to secure a deal that would achieve all that. Instead, he agreed to the opposite, and the papers before the House this evening describe that failure: a deal that leaves the EU's accounts unreformed, that sees the CAP secure for a further six years and that will cost British taxpayers more while giving them nothing in return.

Members have a choice this evening either to endorse failure or to send a signal that they really want to represent the interests of their constituents and that they expect a British Government to work for real reform in Europe and to fight for the interests of British taxpayers. It is a chance for hon. Members to show that we are in touch with the views of our constituents, even if the Prime Minister is not.

8.11 pm

Keith Vaz (Leicester, East) (Lab): It is always a pleasure to follow the hon. Member for Altrincham and Sale, West (Mr. Brady). I have heard his speech before. The Minister for Europe has just taken up his position and the last time that he had it, of course, was in 1999, so he has not had the pleasure of hearing the hon. Gentleman speak on European issues. His entire speech consists of describing Britain's contribution to Europe as a failure. Not once did he put forward any proposal on what the Conservative party feels on these issues.

Mr. Brady: I am afraid that I must correct the hon. Gentleman on that point. I do not regard Britain's contribution to Europe as a failure; I regard the Prime Minister's contribution to the negotiations for a new budget as a abject failure.

Keith Vaz: The hon. Gentleman says that whatever the Prime Minister does in the EU, so it is not a surprise.

I welcome my right hon. Friend the Minister for Europe back to a job that he did so well. I succeeded him as Minister for Europe. This is not a bid for his job. He was there for three months. I knew that he would come back, so I left his telephone in exactly the same position he left it in, with the same numbers on the speed dial. I know that he will find that his return to that post will enable him to push forward the European agenda.

I pay tribute to my right hon. Friend the Secretary of State for Scotland for the work that he did in that post. I know that my hon. Friend the Member for Glasgow, South-West (Mr. Davidson) believes that my right hon. Friend was responsible for scuppering the European constitution. I do not for one moment believe that he did so. He conducted himself extraordinarily well during the presidency, as the did my right hon. Friend the former Foreign Secretary, now Leader of the House. It is important that a real heavyweight has the job of Minister for Europe. As I said in my letter to *The Times* today, I believe that we should go one step further and have a dedicated ministry for European affairs within the Foreign Office, with a Cabinet Minister of the stature of my right hon. Friend, so that we can continue to monitor the EU and hold it accountable for its work.

Mark Pritchard: I am sorry that I missed the hon. Gentleman's letter to *The Times* today—I must have read *The Daily Telegraph* for a change—but I wonder whether he agrees that the House should be concerned when Prime Minister Prodi suggests that the European constitutional treaty should be revived.

Keith Vaz: No, because that has always been Romano Prodi's position. Since he was the President of the Commission when the constitution began, I am not at all surprised that he decided to say that, following his election as the Prime Minister of Italy; but this debate, of course, is not about the European constitution, although it is timely, because the Commission will publish its response on Wednesday to the period of reflection on the constitution. We look forward to reading what it has to say. It is important to reach a conclusion on that very wide issue, which is a concern for hon. Members and, therefore, for members of the public as well.

John Bercow: The hon. Gentleman is both a Europhile and a humanitarian. Will he tell the House whether, in all candour, he thinks it acceptable to approve a budget that continues to allow the EU to spend €64 billion a

[John Bercow]

year on trade-distorting domestic agricultural support, the effect of which is to exacerbate the plight of the most destitute people on the planet?

Keith Vaz: I am most grateful for the hon. Gentleman's intervention, because I have enormous respect for the way in which he campaigns on third world poverty, and I agree that the issue must be resolved. I do not believe that we could have resolved it during our presidency. It takes longer than six months to resolve such fundamental issues, but we need to ensure as we continue to campaign on European issues that we put matters right, because it is inappropriate in this day and age to spend so much basically propping up French agriculture at the expense of farmers not just over the rest of the EU, but in the third world.

The hon. Member for The Wrekin (Mark Pritchard) mentioned the new document published on 5 May. It does not have to be reprinted, because it does not contain a photograph of the last Minister for Europe, although I made sure, when I was Minister for Europe, that my photograph was included in the documents. I think that it contains a photograph of the hon. Member for Stone (Mr. Cash) on page 30—at least, the back of his head—and he appears to be entering some kind of starship on the way to another planet, although I do not want to be nasty to him, because he will celebrate his birthday, I think, on Wednesday, while the hon. Member for Twickenham (Dr. Cable) will, incidentally, celebrate his on Tuesday. Today is Schuman day, when members of the European Commission can have the day off—it is a public holiday. I am not suggesting that we should have a public holiday for the birthday of the hon. Member for Stone, but I am making a serious point. The document is important, because it is absolutely vital that we explain to the British public what happens not only to the money that the Government spend, but to the money that the EU spends.

Several hon. Members *rose—*

Keith Vaz: An amazing choice is before me; I must first go for the birthday boy.

Mr. Cash: The former Minister for Europe asks about where the money goes, which provokes an immediate outburst of enthusiasm among Conservative Members. May I point out that, in respect of the European agricultural guidance and guarantee fund, there were irregularities of €82 million in 2004 and that, on structural measures, irregularities for that year totalled €531 million?

Keith Vaz: That is totally unacceptable. It is absolutely right that the Court of Auditors should be satisfied about how public and European money is spent. I am sure that Ministers and their colleagues—not just in the Treasury, but in other Departments and those who represent the Foreign Office, such as my right hon. Friend the Minister for Europe—will ensure when they go to European meetings that they will continue to do what British Ministers from parties on both sides have done in the past, which is to do their best for Britain.

Philip Davies (Shipley) (Con): Does the hon. Gentleman not think the pattern of events extraordinary? Each year, the Court of Auditors refuses to sign off the European Union accounts and, each year, the British Government give more and more money to the European Union. Does he not think it quite extraordinary for any Government or body to give more and more money to an organisation where the accounts cannot be signed off?

Keith Vaz: It sounds a daft thing to do, but we have entered into obligations and need to make sure that we fulfil them. However, that does not derogate from the fact that the Court of Auditors has made it clear that there are problems with the accounts and that British Ministers have to make sure that the European Union is held to account for what has happened.

Daniel Kawczynski (Shrewsbury and Atcham) (Con): I must pick up the hon. Gentleman on the point made by my hon. Friend the Member for Buckingham (John Bercow) about the huge subsidies that the European Union uses to block free and fair trade with the rest of the world. My hon. Friend and I attended the World Trade Organisation talks in Hong Kong in December and, as a British delegate, I felt deeply embarrassed by the number of African and Asian delegates who came to see me who were absolutely appalled at the way in which the European Union was behaving. When is the European Union going to address that?

Keith Vaz: The hon. Gentleman asks me the question as though I speak for the European Union—of course I do not. When British Ministers go to summit meetings or have meetings with their colleagues in the European Union, they do what is in the best interests of this country, as they have done for the past 20 years, whatever their party. That is what our Ministers do at the moment, as they did under previous Administrations. It is important that we continue to campaign on those points.

The hon. Gentleman reminds me of the importance of the deal entered into during the negotiations under our presidency. He makes a lot of his Polish origins. I have read some of his speeches, but not all of them. He frequently tells the House how important it is that his family came from Poland and that he lives in the United Kingdom, where he was born. That reminds me of the importance that we placed on enlargement. We agreed the deal last December because we are the champions of enlargement. We could not have been left in a position where the new member states that joined on 1 May 2004 could not fund the enlargement process.

The hon. Gentleman will know from the opinion poll that has just been published that support for the European Union has declined among the people of Europe. I think that it is down to 39 per cent. I know that my hon. Friend the Member for Glasgow, South-West will think that that is because of the tenure of a former Minister for Europe, but it is a major problem. In a country such as Latvia, which has just joined, the approval rating is down to 29 per cent. That is a pretty sad state of affairs. It means that we have not effectively communicated with the people of Europe about the benefits of their country being in the European Union. That is why

publications such as the one that I mentioned are important and why it is important that we spend money on such publications, even if they include a back-of-the-head photograph of the hon. Member for Stone.

Kelvin Hopkins: When a nation disapproves of an institution, could it be that there is something wrong with the institution, and not just that we have not sold it very well?

Keith Vaz: That may be so. My hon. Friend has a very principled position on these issues. He wants to withdraw the United Kingdom from the EU—*[Interruption.]* I am not sure whether that agreement came from the Conservative Front Bench and represents official party policy. My hon. Friend wants to withdraw—

Kelvin Hopkins *indicated dissent.*

Keith Vaz: I am glad to see that my hon. Friend does not believe that we should withdraw. If he believes that we should remain in the European Union, we should continue to ensure that we use our position to campaign effectively for what is best for the people of this country.

Mr. Davidson: Like my hon. Friend the Member for Luton, North (Kelvin Hopkins), I do not believe that Britain should withdraw from the European Union. I accept the point made by my hon. Friend the Member for Leicester, East (Keith Vaz) that we ought to be campaigning for what we want to see, but does he not accept that the way in which Britain conceded, virtually entirely, on the common agricultural policy was a complete abandonment of our responsibility? He almost suggests that we alone were in favour of enlargement and the only way in which we could get anyone else in continental Europe to accept enlargement was to stuff their mouths with gold. Surely that is not the case. Many others were in favour of enlargement, and we capitulated far too easily.

Keith Vaz: I know that my hon. Friend is speaking in the blunt Glasgow tones that he has always used, but we have stuffed nobody's mouth with gold. The deal was the one that we entered into as the champions of enlargement. *[Interruption.]* I see that my right hon. Friend the Member for Rotherham (Mr. MacShane), another former Minister for Europe, has just entered the Chamber—we have a former Ministers for Europe club here. Like me, and all who have occupied the position, he pushed the enlargement agenda forward. Many countries wanted to prevent enlargement, as we know from the fact that, even during the presidency, there was an attempt to prevent the opening of negotiations with Turkey. Various deals were done to ensure that that happened.

We did drive the process forward and should be proud of the new countries that joined the European Union on 1 May 2004, because contrary to what Members on the Conservative Front Bench have said—I do not hold the hon. Member for Chipping Barnet (Mrs. Villiers) responsible because she was not an MP at the time, but I do hold the hon. Member for Altrincham and Sale, West responsible—there has not been chaos or a shambles. Conservative Front-Bench Members predicted that those who came to this country following 1 May 2004 would clog up our benefits system, but the latest report from Ernst and Young suggests that the arrival of people from the new member states—people similar to the ancestors of the hon. Member for Shrewsbury and Atcham (Daniel Kawczynski)—has benefited the British economy.

Mark Pritchard: The hon. Gentleman is absolutely right to suggest that Britain has benefited from many people from many different European Union countries. However, he refers to the figures. Was is not the case that the Government suggested that there would be 13,000 new entrants to the United Kingdom, when, in fact, the figure is more like 132,000?

Keith Vaz: So what? Those people have contributed enormously to our economy. According to the Ernst and Young report, those who have come from Poland, Hungary, Lithuania, Latvia and all the other countries have contributed to our economy and kept interest rates down. Some can even be found assisting the refurbishment of the property of the leader of the UK Independence party, Mr. Roger Knapman, who wanted to stop them coming into the United Kingdom.

John Bercow: On a point of order, Madam Deputy Speaker. I seek your guidance. It is obviously important that accurate information should be vouchsafed to the House. It seemed to me, in all innocence, inherently improbable that my hon. Friend the Member for Stone (Mr. Cash) would be depicted favourably, or at all, in a publication from the Foreign Office. I have scoured it, hither and yon, and he ain't there.

Madam Deputy Speaker (Sylvia Heal): I note what the hon. Gentleman says, but he will know that that is not a point of order for the Chair.

Keith Vaz: I accept your ruling, Madam Deputy Speaker. However, I ask the hon. Member for Buckingham (John Bercow) to turn to page 30 of the document. The person must be the twin brother of the hon. Member for Stone since no other Member of the House than he would want to go on that star ship to Mars.

Madam Deputy Speaker: Order. Before we get any further confusion about who is, or is not, on page 30, can we please continue with the debate?

Keith Vaz: I will certainly try to do so, Madam Deputy Speaker.

Daniel Kawczynski *rose—*

Keith Vaz: I will not give way because I have been generous in giving way to hon. Members on both sides of the House.

Negotiations on budget deals are extraordinarily difficult, and I think that the Prime Minister, the former Foreign Secretary and the former Minister for Europe deserve our thanks for ensuring that there was a deal. Whatever the hon. Member for Altrincham and

[Keith Vaz]

Sale, West says from the Front Bench, there nearly was not a deal, and that would have left the European Union in crisis. The deal was the best that we could get, based on the information available and what the Prime Minister could get out of other countries, because such things are all a question of negotiation.

The way to ensure that there is more wealth in Europe to be shared among the 25 countries—or 27 countries, if Romania and Bulgaria join next year or the year after—is by meeting the criteria set down in Lisbon in 2000. As the Financial Secretary to the Treasury will no doubt tell us when he winds up, we have made enormous progress on the Lisbon agenda. The latest report by the Centre for European Reform, which was published only two weeks ago, showed that we are now the fourth-best performing country in Europe as far as the benchmarks for the Lisbon agenda are concerned. However, we heard no praise from the hon. Member for Altrincham and Sale, West, just criticisms about failure and an ability to push forward the reform agenda. France and Germany are eighth and ninth. We have met our targets on employment and are meeting our targets in other areas. The way in which we can ensure that Europe will be more prosperous is not necessarily by taking more money from the countries of the European Union, but by ensuring that we meet the targets set out at Lisbon. If the whole European Union becomes richer and we ensure that we meet our employment targets and that people have jobs in the European Union, the freedom of movement that is essential to the way in which Europe progresses will enable us to make sure that there is even more money available to spend on areas such as south Wales, where my hon. Friend the Member for Caerphilly (Mr. David) is keen to receive European funds to regenerate his constituency.

Let us be honest, fair and truthful on European finance. The deal was the best that we could negotiate in the circumstances. We made the deal because we are the champions of enlargement. If we had failed to do so, the enlargement process would have halted and those countries that, in good faith, relied on our leadership would have been left with less money than was promised. I commend the Government on the deal and hope very much that we will continue to push forward the reform agenda so that we can address the points mentioned by the hon. Member for Buckingham and the agricultural policy, which is in need of absolute reform—no Labour Member pretends otherwise. The deal was important at that stage. Let us now move forward with the economic agenda in the future.

8.31 pm

Dr. Vincent Cable (Twickenham) (LD): It is slightly scary to discover that the hon. Member for Leicester, East (Keith Vaz) is monitoring our birthdays. I will be pleasantly surprised if I wake up in the morning and find that my family is as well informed as him.

I slightly regret that the Minister for Europe is not in the Chamber, because I was planning to say something nice about him. It is probably going a little too far to say that he merits our congratulations on his appointment, but we certainly wish him well. As the hon. Member for Leicester, East quite properly said, the Minister for Europe has an important job, so it is important that it is held by a senior Minister and, moreover, someone with a long and commendable pedigree on European affairs. To that extent, I welcome the Minister to his role.

Speaking as a former member of the diplomatic service, however, there is one thing about the Minister's appointment that has saddened me. The diplomatic service is one of the few Government departments that is not seriously dysfunctional, yet it has suffered the fate, a bit like Caesar's Gaul, of being divided into three parts. Development was taken out, and now the department has been split into Europe and non-Europe. A perfectly efficient department has been split, while the Home Office and the Department for Work and Pensions continue on their merry way. That is a strange way of managing government.

I approach the European Union and its finances from a very different perspective from that of the hon. Member for Altrincham and Sale, West (Mr. Brady). I basically believe that the European Union is good for the UK, but I agree with his conclusions on the subject of our debate. The deal was very bad, and that came about because the Government utterly failed to secure their negotiating objectives. As I understood it, and as was clearly stated on many occasions, the objective was to make concessions on the budget rebate to secure fundamental reform of the way in which the European Union's funding was run, especially on agriculture. That was not achieved—indeed, it was not even begun to be achieved. None the less, the objective was right.

It was equally right for the Government to say that to support the process of enlargement, we needed to make concessions on the rebate. The enlargement has so far been a success. It is now difficult to believe that 15 years ago, the enlargement countries were communist countries. Enlargement is a success story, with rapid growth and liberalisation in stable democracies. It has been successful in much the same way as the expansion of Europe to absorb the former fascist countries of southern Europe was successful. We need to reinforce that success, and we could have done so through the budget process. It would be utterly wrong to continue to defend an arrangement under which we were net recipients from eastern Europe. The Government were therefore right to set themselves the negotiating objective of trading off the rebate against fundamental reform.

There were, however, two failures. Saying that the rebate was non-negotiable throughout most of last year was a presentational failure, as it was clearly negotiable and was, in fact, being negotiated. That position therefore did not make sense, and the Government made themselves look foolish. There was a substantive failure to achieve anything concrete or measurable in agricultural reform. The reason for that goes back three years to the agreement between France and Germany, which Britain apparently endorsed, to settle the European agricultural budget and agricultural policy until 2013.

Historians will be taxed by the question of why the Government accepted that arrangement because, as the hon. Member for Buckingham (John Bercow) and colleagues with different points of view have argued,

the common agricultural policy is utterly indefensible. It is economic nonsense, it is environmentally damaging, and it does enormous damage to world trade and to developing countries. However, in 2002 the British Government, for whatever reason—perhaps they took their eye off the ball because they were preoccupied with Iraq—accepted an arrangement that cemented the CAP in place.

Daniel Kawczynski: The hon. Gentleman stated that the Government failed to make the European Union see their perspective on EU finances—but why, despite the fact that Britain did so much to help Poland and the other eastern European states, did those countries not support our hopes of securing the rebate?

Dr. Cable: Some of them did. There was a mixed pattern of opinion in the EU, but eastern European countries wanted to secure the best deal possible. It is difficult to understand why, having failed to secure a renegotiation of the CAP in 2002, the British Government sailed into negotiations in the belief that they could unpick the whole package. It was clear, however, that the French and the Germans—the French, in particular, were the villains of the piece—would not agree to it.

This is not just an argument about recent history, as it has contemporary relevance. We understand from Mr. Mandelson and others that World Trade Organisation negotiations are in serious trouble because of the rigidity of the EU view on agriculture and its unreformability. The British Government's position is not only damaging but ridiculous, because they have absolutely no negotiating power whatever. Because they signed the agreement in December, and because they did not leave it open, they must accept the lowest possible negotiating position that other European countries adopt on trade policy.

Keith Vaz: I understand the point that the hon. Gentleman is making, but would he prefer not to have had a deal in December, leaving the EU without a budget? Would that be a credible position at the end of the presidency?

Dr. Cable: Yes, it would be absolutely credible. It would be embarrassing for the UK to complete the presidency without an agreement, but it was a perfectly tenable position. The EU would not have collapsed. It is important to get it right; instead, we got it wrong.

Mark Pritchard: I agree with the hon. Gentleman. He suggests that the Government are inconsistent, but is his own party not in danger of being inconsistent on this issue? I agree with all the points that he has made, but in their 2005 manifesto the Liberal Democrats wanted to give more powers away to Europe, particularly in relation to institutions that would mean that, if that party ever came to power, the UK would have less negotiating power.

Dr. Cable: The hon. Gentleman did not read the manifesto carefully enough. We support British membership of the European Union; we always have. We think that it is very good for Britain, but we believe that it needs radical reform. One of the key elements of radical reform is subsidiarity—the devolution of power to member states.

Mr. Cash: I, too, am puzzled by what the hon. Gentleman is saying. It was only a short time ago that his party strongly supported the European constitutional treaty. That is not yet disposed of. Everything that we are discussing now is embedded in the existing treaties, which are rolled into the new constitutional treaty, which the Liberal Democrat party strongly supported. It is inconsistent—to be blunt, absurd—for the hon. Gentleman to continue his argument on that basis.

Dr. Cable: The hon. Gentleman misrepresents the position that we took over the treaty. We accepted that there was value in a treaty unifying the various components of the European Union, but we fully accepted the principle of the maximum degree of subsidiarity, and we continue to do so.

Mr. Davidson: Does the hon. Gentleman accept my view that the hon. Member for Stone (Mr. Cash) and some of his colleagues were being a trifle harsh in speaking to him in that way? Surely they should welcome the sinner that repents. Any indication from the Liberals that they are prepared to speak up for Britain against the grab by the EU is greatly to be welcomed. Will the hon. Member for Twickenham (Dr. Cable) give us a commitment that he and his party will vote against the budget, which he described as a bad deal—a very, very bad deal?

Dr. Cable: We certainly intend to vote against the motion this evening; I have no problem with that. There is no question of the sinner that repenteth. We are the only party that has consistently supported British membership of the European Union and consistently supported constructive negotiations to improve its working—unlike colleagues on both sides. Conservative Members were fervent supporters of the EU under an earlier Prime Minister, and then revolted against it. Labour Members were passionately anti-European and have now, with a few exceptions, such as the hon. Member for Glasgow, South-West (Mr. Davidson), become largely sympathetic to it. We have been consistent throughout.

John Bercow: The concept of subsidiarity offers us no succour in relation to EU finance or own resources. Does the hon. Gentleman recall, in that context, that the relevant protocol first of the Amsterdam treaty and then of the Nice treaty clearly states:

"The application of the principles of subsidiarity and proportionality shall respect the general provisions and the objectives of the Treaty, particularly as regards the maintaining in full of the acquis communautaire and the institutional balance"?

That is game, set and match, is it not?

Dr. Cable: I do not recall that protocol, and the hon. Gentleman has an advantage over me on the detail. The central issue is that there was an opportunity to

[Dr. Cable]

reform the Common Market agricultural policy and the Government missed it, but there are other elements in the budget package on which I wish to comment.

Mr. David: I thank the hon. Gentleman. It is kind of him to give way yet again. Before he moves on from his statement that he would have preferred no agreement to have been made by the British Government, rather than the agreement that was made, does he accept that that would have caused great problems for British farmers, and perhaps more importantly, huge problems for local authorities the length and breadth of Britain, particularly in my area? Is he prepared to tell those local authorities that the Liberal Democrats would rather have seen that money dry up completely than support being given?

Dr. Cable: I did not say that that was a desirable outcome. We are dealing with second best. If a postponement was necessary to achieve a better overall negotiation, that would surely have been right—but we wanted to see a resolution. We want to see the European Union move forward, support for the east European countries and reform of the CAP. That is common ground. Members on both sides are enjoying scoring points, but there is a high degree of consensus on that matter.

On the forward-looking items, I agree with the Minister that it is important to have tougher audit constraints in place, and that it is a disgrace that the European Commission has been able to get away with unaudited accounts for many years. Nobody would try to defend that. By way of mitigation, I point out that some UK Departments, such as the Department for Work and Pensions, have an audit trail that makes the European Commission look positively efficient. Nevertheless, there is a legitimate criticism to be made, and it is right that tighter procedures should be put in place.

Philip Davies: Given his consistent pro-European stance, does the hon. Gentleman think that it makes sense to give more and more money to the European Union for every year when the auditors fail to sign off the accounts?

Dr. Cable: I do not know what the hon. Gentleman means by "more and more money". Spending has slightly exceeded the 1 per cent. formula, but not by very much, so we are discussing a consistent pattern of spending. Of course, there needs to be audit control at the level of both national Governments and the Commission.

The second item that will repay more attention than hon. Members have so far given it is one of the new innovations in the European budget—the globalisation fund. At first sight it is an attractive idea, and it may prove to be a useful innovation, if it heads off some of the European countries that are moving in the direction of economic nationalism. If the measure persuades those countries to be less protectionist by providing funding for worker retraining, it is surely desirable, but we must be a little bit cautious.

There have been attempts to set up trade adjustment funds in different countries over the past 30 years. I conducted some work on that point in the late 1970s and early 1980s, with particular regard to the United States, where a similar fund was set up in the mid-1970s. That fund ran into all kinds of problems, not least because some workers asked, "Why should people be compensated because of trade competition, whereas other workers who have suffered from technological change or a collapse in markets should not be compensated?" The political problems and problems of equity that arose were serious. There was some extremely unhelpful gaming behaviour, whereby industrial pressure groups secured trade protection in order to negotiate it off against money from the trade adjustment fund, and it is possible to envisage that kind of behaviour creeping into the European Union. The globalisation fund needs to be watched careful, although on balance it should be given an opportunity to prove itself.

John Bercow: How is the globalisation fund consistent with the general prohibition on the use of state aid? I know that that prohibition is honoured more often in the breach than in the observance, but it is nevertheless part of existing practice.

Dr. Cable: If the fund were part of state aid, I would agree with the hon. Gentleman. However, I understand that the new fund is specifically to help the labour force, rather than to help companies reinvest or otherwise protect themselves against competition. If that is the case, it is difficult to see how it could have the negative effects implied by the hon. Gentleman—but it remains to be seen whether it works as a support for adjustment or against adjustment.

There is one more element of spending about which some questions need to be asked. There is a lot of enthusiasm in the Commission, particularly from the President and others—again, the enthusiasm has been generated for the best of reasons—to set up a European science university as part of the move towards support for integration in the world economy. I support that principle, but last week I participated in an Adjournment debate on science in British universities, and it is clear that British universities are at best sceptical about the concept, because although they have funding problems of their own, they are looking to collaborate across the world, in particular with the United States. They are also interested in securing a better funding formula in the UK, and see little advantage in having a specifically European project concerned with science. At some stage, we need to hear a fuller justification of how the new initiative will add value.

We shall oppose the motion, because we feel that the fundamental negotiating objectives were not achieved—although, as I have stressed throughout, we are and always have been a pro-European party. We want the European Union project to succeed, and the best way to make it succeed is to ensure that agriculture and the other defective features of the European Union are fundamentally reformed.

8.49 pm

Kelvin Hopkins (Luton, North) (Lab): I welcome an opportunity yet again to debate European Union finances. Before doing so, I want to comment on my right hon. Friend the Minister for Europe, who is not in his place at the moment, but whom I have already welcomed. I hope that he is going to prove to be more of a pragmatist than a zealot in these matters. We will probably never agree on European matters, at least publicly, but I hope that he will look at the European Union in a practical way and will not be blinded by the dream of a European federal state, which some people say that they are against although they are really in favour, while some of us are genuinely opposed to it.

The budget remains a running sore in the EU. In December, we lost a serious opportunity to do something about it at a time when we had the leverage to stop a deal and get some fundamental change. It is nonsense to suggest that we are doing well on the common agricultural policy. I have been looking at the figures in the documents before us today. The table under "Heading 2" shows the billions that are spent on agriculture, direct aid and market support. Over the next seven years, that is going to reduce by just under 1 per cent. a year. That means that we will extinguish the CAP over the next 100 years, or slightly more. I suspect that even then the European Court of Auditors will still be failing to sign off the accounts, but I probably will not be there to see it. We are still in the mire as regards the European budget.

My hon. Friend the Member for Leicester, East (Keith Vaz) said that this is nothing to do with the constitution. I am afraid that that is wrong. In fact, what happened in December arose because of the splendid decision and success of the French people in defeating the proposal for a constitution. That did not please President Chirac, who, to deflect attention from his own apparent failure, lashed out at the British rebate in the European budget. I modestly suggested in a previous debate that if he wants to question our rebate, let us throw the CAP into the melting pot. If there is no CAP, there is no need for a rebate. Interestingly, the Prime Minister took precisely that case to Europe and debated it with colleagues. One would have hoped that we would say, "You want to change our rebate—fine, but only the basis of the abolition or very serious and fundamental reform of the CAP." That did not happen, we lost that opportunity, and now we are going to trundle on for 100 years, with perhaps a 1 per cent. cut a year. That is not acceptable, certainly not to the third world, which suffers terribly from the effects of heavy subsidies in the developed world, particularly in Europe.

Agriculture policies should be repatriated in the first instance so that each country determines its own approach, because every country's agriculture is different. We can have international agreements about reducing subsidies—that is fine—but in the end it should be down to the decisions of democratically elected member states' Governments.

Daniel Kawczynski: Does the hon. Gentleman agree that to take forward the negotiations over CAP, it is vital that every country, including us, should have its own Secretary of State for agriculture? With the Department for Environment, Food and Rural Affairs as it is, the Secretary of State does not have enough time to focus solely on agricultural issues.

Kelvin Hopkins: That sounds like a sensible suggestion. I may say that my constituency is the only one in the eastern region of England that has no agriculture at all—it is purely urban, with not a single field.

David Howarth (Cambridge) (LD): So is mine.

Kelvin Hopkins: I am surprised that there is another. Nevertheless, I take an interest in agricultural policy because it affects us all. I believe that every country should decide its own agriculture policy in a democratic way.

John Bercow: I welcome the hon. Gentleman's lamentation on the iniquities of the CAP. Will he take this opportunity to underline the crucial point that this is not a question simply of an accidentally damaging by-product of EU agriculture policy, but of the knowing, deliberate and calculated policy of the European Union to subsidise in a way that damages even more the most destitute people on the planet? That is the reality.

Kelvin Hopkins: The hon. Gentleman is right—that is the only conclusion that one can draw. It is utterly cynical to continue to subsidise agriculture, especially exports. Until recently, one could buy European-produced sugar in Malawi at a lower price than that at which the Malawians could produce it simply because it is dumped.

Angus Robertson (Moray) (SNP): Given that the hon. Gentleman is considering agriculture, will he take the opportunity briefly to mention fisheries? The fleets of Norway or the Faroe islands manage to fish the same waters and sustain fisheries but UK policy, supported by the Labour party and the Liberal Democrats, of remaining in the common fisheries policy will mean a disaster for our coastal communities.

Kelvin Hopkins: The hon. Gentleman was just ahead of me. I was coming to that point but perhaps he makes it more eloquently than me. I fear that there is no sea fishing in Luton, but I have a view about the common fisheries policy and the hon. Gentleman is right. I am a member of the Norway group and I recently visited that country. I asked whether the Norwegians genuinely wanted to include their fishing waters in the EU CFP because they would have few fish left after a few years. We must restore fisheries to member states and get rid of the nonsensical CFP. Having landlocked countries voting on the CFP is to our disadvantage because we have the largest coast line.

Mr. Davidson: Does my hon. Friend agree that the road towards repatriating fishing and, indeed, agriculture, is taken by rejecting the budget so that we can place road blocks in the way of further accretion of power to the centre as a prelude to rolling powers back to individual countries?

Kelvin Hopkins: As always, I agree with my hon. Friend. I want the EU as it should be—a voluntary association of independent democratic member states, co-operating for mutual benefit and that of the world.

Mr. Cash: The hon. Member for Leicester, East (Keith Vaz) mentioned my birthday earlier. I was born on the day when Winston Churchill took over as Prime Minister and rejected the appeasement that had characterised the conduct of British foreign policy for a long time. He said, in line with the words of the hon. Member for Luton, North (Kelvin Hopkins), that we should be associated but not absorbed.

Kelvin Hopkins: Indeed. I would have thought that other member states felt that. In fact, they are becoming more aware of it. As enthusiasm for the EU declines, people want to assert their independent democratic rights without being nationalistic. The problem with the current arrangement is that it is likely to increase the unpleasant sort of nationalism because people feel that their democracy is somehow being weakened. To decide as free member states, confident in their democracy, to work voluntarily with other member states, is a recipe for genuine co-operation and internationalism. That would remove or at least reduce the amount of unpleasant nationalism that exists in member states, including Britain to some extent. There are dangers in such nationalism, as we know from European history.

Let us consider what happened in December. Britain was guilt-tripped into doing a deal because, without it, the poorer, newer member states would be disadvantaged. They are disadvantaged because the budget is overwhelmingly dominated by agriculture spending in richer member states. We should simply have a budget arrangement without the CAP and the CFP.

Aid policy, too, should be repatriated because it is inefficiently managed in Europe and goes to the wrong places. We do well on aid and have a good reputation and we could even operate on an agency basis for the EU through the Department for International Development. That would be much better than operating through the EU. Nevertheless, we could have an agreement to spend a proportion of our gross domestic product on aid but to administer it ourselves or on an agency basis, without going through the European Commission, which is notoriously inefficient in administering it.

We were guilt-tripped into the decision about the newer member states. However, if all the other aspects of the budget were reduced or eliminated, we could have a budget that could be administered in an absolutely fair way. Contributions and receipts could be exactly proportional to the levels of prosperity in the different member states. The rich states could pay in according to their prosperity, and the poorer ones would derive benefit from the budget according to their relative poverty. That would be a fair and moral way of implementing a redistributive budget. The fiscal transfers would be precisely fair. I might even suggest that it would be a socialist approach, involving redistribution from the rich to the poor. I would be very happy indeed with such an arrangement.

Daniel Kawczynski: The hon. Gentleman talks about the state aid that we have given through the budget to poorer eastern European countries such as Poland. Does he agree, however, that the British private sector has also invested a great deal in those countries over the past decade? I only have to travel through downtown Warsaw to see that many of the new business set-ups have been funded by British capital investment.

Kelvin Hopkins: I am sure that that is true, but the hon. Gentleman has the advantage of me in that area, in which I do not specialise, and I do not have any figures to hand on investment in eastern Europe.

The way in which the budget operates is said to be beneficial to Britain because we have a trading advantage, but in fact we do not have such an advantage with the European Union at the moment. The great majority of our exports go outside the European Union. We are very different from Germany in that regard, in that the proportion of trade that goes to the European Union from Germany is about seven times greater than the proportion that goes to the EU from Britain. Germany has a massive export surplus with the rest of the European Union; it is very much greater than the relatively small amount that we export to the EU. We import a lot from the EU, but we do not export a great deal to it.

John Bercow: Statistically, the hon. Gentleman is absolutely right to say that the preponderance of our exports goes outside the European Union. In reflecting on the EU budget, would he agree that it is unsatisfactory that, in presenting their arguments about trade, Ministers consistently get it wrong—they must know that they are doing so—through the ancient and discredited practice of double counting that which goes through Rotterdam? It really is not good enough.

Kelvin Hopkins: I thank the hon. Gentleman for his helpful intervention. Governments of both colours talk about exports rather than about the balance of trade. The concept of exports net of imports is very different from that of exports alone. Exports increasing by 1 or 2 per cent. a year might sound splendid, but if imports are increasing by 5 per cent. a year at the same time, it would create a big deficit, which would not be particularly advantageous. We should look at trade balances, rather than simply at exports.

That also says something about the level of a country's currency, relative to other currencies. One of the reasons why I believe that we should retain our own currency is that it enables us to have a sensible macro-economic policy and to adjust our currency to an appropriate level. That is necessary for trade.

As I was saying, we were guilt-tripped into the decision to go for this budget. It was suggested that, without agreement on it, we would somehow deprive the less fortunate newer member states of the European Union, but in fact the people who went laughing all the way to the bank afterwards were the rich countries that benefit most from the common agricultural policy. The full CAP benefits do not accrue to the newer member states, because they are being tapered in over several years. So the CAP budget is still going to the richer member states that have larger agricultural sectors, such as Denmark, Ireland and France. Those countries arguably have higher living standards than ours; they are certainly very prosperous. And good luck to them—I am very pleased that they are, but we should not subsidise them to the disbenefit of the poorer member states of the European Union.

My final point about net contributions has perhaps already been made. Our net contributions have multiplied substantially in the deal and, according to

calculations from Global Britain, we will contribute net more than £10 billion a year for the next seven years. If that money was simply going to the poorer nations of Europe, there might be an arguable case for providing it. However, it is not, and £10 billion is a significant sum. It is roughly 12 times the deficit in the NHS this year and 10 times more than we would have to pay for free long-term care, in which I passionately believe. Such a sum would enable every pensioner in Britain to have a £20 a week increase in the basic state pension. Although £10 billion as a proportion of GDP may not be that much, it is a lot of money if one considers it in terms of what it could provide.

If we reduced our net contribution to a level that was appropriate to help the poorer member states of Europe on a moral and socialist basis, that would be fine. However, our net contribution is too big and there are other things in our country that we should spend the money on, such as redistribution to the poor. We still have significant poverty in Britain, particularly among the elderly, and I would like to see an increase in the basic state pension that could be paid for by cutting our contribution. There are better things that we could do with our money.

In short, we still have to campaign for the abandonment of the CAP and the common fisheries policy and for structural fund spending to be used to redistribute income to the poorer member states, and we should let them decide what to spend the money on rather than having that determined in Brussels. The aid budget should be repatriated and, in future, we should focus on redistributing simply according to the relative degrees of poverty and prosperity in the European Union. That is the way forward for a friendly, co-operative and truly internationalist Europe.

9.7 pm

Mr. William Cash (Stone) (Con): It is always a pleasure to follow the hon. Member for Luton, North (Kelvin Hopkins).

I am sorry that the Minister for Europe is no longer present, and has not been present for some time. When he opened the debate, we recalled that we were the main protagonists in the debates on the Maastricht treaty back in the early 1990s. He was a new Member of Parliament and the late John Smith gave him the job for the Labour party of dealing with the nuts and bolts of the treaty. I tabled about 150 amendments and, because in those days we did not have extravagant parliamentary devices, at least on the scale that we have now, we were able to force debates, and we did so resolutely. I pick out my hon. Friend the Member for Aldridge-Brownhills (Mr. Shepherd) as a veteran of those days, and many would say that we set out a series of arguments that have proved to be correct.

By all accounts, the Chancellor of the Exchequer was not consulted when the deal went through in December. I said that he had been passed a poisoned chalice, because the money has to be found from somewhere and I have already given the details of the considerable increase that has occurred since December. The European commissioner has made that increase public and, as the European Scrutiny Committee report demonstrates, it far exceeds the amount that the Prime Minister said that the United Kingdom and other member states would contribute. The sum is so significant that one might say that it smacked of massive incompetence and that he did not want the Chancellor of the Exchequer to know the full details.

Let us consider the appointment of the hon. Member for Normanton (Ed Balls)—he was here at the beginning of the debate, and I am missing him now—to the position of Economic Secretary. He is an alleged Eurosceptic who has continuously put arguments in various publications and given indications to suggest that he is dissatisfied with the way in which the European Union is functioning, but he has been given a job of great responsibility. I say with respect to the Paymaster General that it is a great pity that the Economic Secretary is not replying to the debate. Just as in those days of the Maastricht treaty when I found myself in a considerable alliance with the late Peter Shore, who performed a noble service to the House over many decades, I wondered whether the disagreements between the Prime Minister and the Chancellor of the Exchequer may not, on close inquiry, turn out to be based on a difference of opinion with regard to the European Union and its financial management. After all, it is the five economic tests imposed by the Chancellor, which reputedly came from some of the ideas of the new Economic Secretary, that laid down the basis on which we were not, to all intents and purposes, to go into the euro.

I think that a deeper question lies at the heart of the debate: which way are the Government going to go in respect of the future financial management of the EU as seen through the eyes of the British Treasury? It has been badly burned and cannot afford to pay for the public services or to perform the functions that the EU has been given without massive taxation. There is, therefore, a deeper problem.

It is a failed system—an undemocratic and unaccountable system—that we are debating. It is a system that has been rejected by some of the other countries. The financial management and economic management implicit in the Maastricht treaty is the basis on which the European constitution was defeated. Contrary to what was stated at the time, it was not simply because President Chirac had become unpopular; it was actually because the policies that were being pursued in respect of European Union treaties had made President Chirac so unpopular. That is why there were riots in the streets and why the French people turned on their own Government. They did so because of a sense of disillusionment. They were told that they were going to get a good deal and then discovered that they were getting an extremely bad one because of the massive unemployment that followed in the wake of the pursuit of European economic management and European directives, in particular with respect to the contract, which had to be abandoned. The Government wanted to make economic reforms and they could not. Angela Merkel is attempting to make economic reforms in Germany, but she cannot. The bottom line is that the whole of the EU is not merely creaking, but collapsing and imploding. The consequences are severe.

The beneficiary of those policies is the far right. The Eurobarometer poll shows that the EU is even more unpopular in Austria than it is in the UK. There is a reason for that.

Angus Robertson: The hon. Gentleman is right to point out the dangers of the political far right throughout the European Union. Does not it therefore concern him that his party is prepared to leave the European People's party and join the lunatic, right-wing, fringe elements to be found in the European Parliament?

Mr. Cash: First, the hon. Gentleman, who is a colleague of mine on the European Scrutiny Committee, knows perfectly well that that is not the case. We are not going in with any fringe, semi-fascist type of party; I dismiss that completely. There are serious discussions about the fact that what I, my hon. Friend the Member for Aldridge-Brownhills and others said abut the Maastricht treaty has proved to be the case. We have been right on Nice, Amsterdam and the European constitution. In point of fact, there has been a rejection of integration, financial management and fraud and a repudiation of the system that has been put in place. That must be complemented by sensible, practical policies from the centre right, which is basically where we stand. My party must be more explicit in setting out the case and must look carefully at the local government results, which show the British National party, for example, picking up the sentiment that can be created by leaving a vacuum in the centre right. It is essential that we—

Madam Deputy Speaker: Order. Could we return to discussing EU finances in more detail?

Mr. Cash: I am grateful to you, Madam Deputy Speaker, but I see a strong connection between the operation of EU finances and the development of such undesirable political parties.

Mr. David: Will the hon. Gentleman indicate why his party is not making the explicit case that he would like?

Mr. Cash: We need to be blunt and clear with the British electorate about such matters In particular, we must adopt a policy, as I have said on a number of occasions—too often to repeat—of an association of nation states. We must get away from the failed policy of European integration. It is not enough to say in the House or elsewhere that we do not like what we see. The only way to deal with the treaties, which some allege wrongly are set in concrete, is to take the appropriate steps to repatriate powers, by unilateral decision of this House, where negotiations fail and it is in our national interest, and to ensure that the judiciary abide by the legislation that we pass, which would be inconsistent with the European Union's. That also applies to the provisions under discussion.

Mr. Peter Bone (Wellingborough) (Con) *rose—*

Madam Deputy Speaker: Order. Before any further interventions are made, I remind hon. Members once again that, interesting though the wider debate might be, we are now discussing EU finances.

Mr. Bone: Does my hon. Friend agree that the £100 billion plus in today's money that this Government have given to the European Union is one of the reasons we are seeing the rise of the extreme right?

Mr. Cash: I am bound to agree. It is a tragedy, because we need a balance. Co-operation is one thing, but appeasement is another.

I was disturbed to discover that the motion, despite being merely a "take note" motion,

"supports the Government's objective of securing agreement…in line with the agreement reached by Heads of Government at the December European Council."

I do not know who drafted that, but whoever it was must know—definitely knows—that the European Scrutiny Committee insisted as far as we could, in this case successfully, that today's debate should take place on the Floor of the House, not least because the December deal was not, and is not, the deal that we are now debating.

I made that point in an intervention on the Minister, who has still not returned to the Chamber. I do not know why. I suppose that he must be embarrassed by the fact that he cannot answer the questions that we are asking. In that intervention I said that Mrs. Grybauskaite, the European Commissioner who I am told is a Lithuanian with a black belt in karate—I do not know whether the Paymaster General is up to a black belt in karate—was more than keen to get the matter out into the open. According to her, the final spending for 2007-13 will exceed £600 billion, which is £24 billion above the budget that the Prime Minister announced in December. That means that the taxpayer will have to find an extra £2 billion, and that Britain will now contribute £44 billion to European coffers over the next budget period. In other words, as I said in my intervention, not only does the new total make a mockery of the Prime Minister's claim to have held the budget to €862 billion at the December summit; it makes nonsense of the motion that we are debating. That is the key point.

No wonder even the Liberal Democrats have been brought shouting and screaming to oppose a piece of European legislation. This is the first time, during my 22 years in the House, that I have heard words uttered by a Liberal Democrat that indicate any opposition to the maniacal system in which we are now involved. I will certainly give way if the expression on the face of the hon. Member for Inverness, Nairn, Badenoch and Strathspey (Danny Alexander) means that he would like me to.

The hon. Gentleman has nothing to say, because there is nothing to say. I am very glad that the Liberal Democrats are picking up the message, in view of the abysmal results that they achieved in the recent local government elections. Those of us who have consistently and persistently—I make no apology for it—maintained an argument that is now being proved correct note that they are having to shift their ground on the issue.

It is also true, as one or two Members have pointed out, that on 8 June last year, when asked during Prime Minister's Question Time whether the rebate was negotiable, the Prime Minister said

"The UK rebate will remain and we will not negotiate it away. Period."—[*Official Report*, 8 June 2005; Vol. 434, c. 1234.]

We all know that that was rubbish. I suspect that the Prime Minister knew that it was rubbish at the time, but he was in a very tricky political environment, and the Prime Minister always becomes trickier the trickier the situation becomes.

Kelvin Hopkins: If the Prime Minister had said "unless and until the common agricultural policy is abolished", that would have worked.

Mr. Cash: Indeed. It would also have worked if he had said "If we want to achieve economic competitiveness we will have to renegotiate the legislation, or else legislate unilaterally, on our own terms, here at Westminster." He is not going to do that either, although, as I shall explain shortly, this financial settlement includes a vast amount of money that is being poured down the throat of the European Union for the purpose—allegedly—of increasing competitiveness. As the hon. Member for Leicester, East (Keith Vaz) knows extremely well, the Kok report criticised the Lisbon agenda because it does not work. The vast amount—billions of pounds—being spent on that agenda is being completely wasted. It is being frittered away, and it is our taxpayers' money.

Keith Vaz: The Kok report did not say that. It said that the benchmarks set in Lisbon had not been met, and it set out a path to ensuring that the EU countries met them. It did not say that the Lisbon agenda was a waste of public money.

Mr. Cash: The hon. Gentleman gave evidence to the European Reform Forum that we set up, and he has the advantage of being able to read the evidence that Will Hutton, the rapporteur to the Kok report, gave to the forum, which is on the transcript and in the public domain. It would be well worth the hon. Gentleman and others reading what Will Hutton had to say about the Lisbon agenda. Despite further such attempts being made since then to deal with this issue, there has been no improvement.

There is another issue about which I am deeply worried. The European Scrutiny Committee was obliged to say the following in its report:

> "It is regrettable that it was not possible to have the debate we recommended on this issue before matters had progressed so far on the new Inter-Institutional Agreement. Nevertheless, we still think a debate on the Floor of the House worthwhile."

At the heart of that comment lies the fact that this House is being treated with contempt. We are being invited to debate a matter that, to all intents and purposes, has already been sewn up. I regret to say that it has been sewn up with a degree of misrepresentation, in that the figures have been increased and we were not given the chance to debate the issue in sufficient time.

The own resources decision will have to be debated in the context of a forthcoming European finance Bill. I have asked Ministers when we will have that Bill on a number of occasions, including via a written question. Labour Members—indeed, all straightforward, honest Members of this House—have a decision to make: whether, in the light of the manner in which the House has been treated, they are prepared to vote against their own Government on that Bill. The opportunity to do so will certainly arise, and I strongly urge them to do so.

Our report also pointed out that this debate could examine the increase in the financial perspective ceilings. As my hon. Friend the Member for Altrincham and Sale, West (Mr. Brady) said, the former Minister for Europe stated in his explanatory memorandum as recently as 21 February that the Government would strongly oppose any proposal to increase the overall expenditure ceiling agreed by the European Council. However, the honest truth is that the Government simply rolled over, and at considerable expense to our own taxpayers.

Our report also suggested that the debate should look at the reasons for any reallocation of spending between different expenditure headings. The then Minister for Europe said in February that the Government, given the "delicate nature" of the European Council compromise—I love the way that they put it, but in fact the compromise involved rolling over in the face of President Chirac and pathetic grovelling to other member states—apparently did not see any scope for re-allocation. It is quite disgusting to read how they tried to weasel their way out of explaining what is, in reality, a complete and total failure to subscribe to the principles set out by the Prime Minister during Prime Minister's Question Time on 5 June last year.

The report continues:

> "The Minister asserts that the European Council agreement represents a good deal for the EU and a good deal for the UK."

Well, it will cost a good deal of British taxpayers' money, but it is not a good deal for them.

It is pathetic to have to say so, but the report continues:

> "He notes that the proposed total EU expenditure over the period would be €862 billion."

We know that that figure has gone for six. The report continues:

> "As a share of EU GNI, this would mean that the total expenditure ceiling would fall from 1.1 per cent. of EU Gross National Income in 2007 to 1 per cent. in 2013, the lowest level"—

it is claimed—

> "in 20 years. Nevertheless it is an increase in real terms of 13 per cent. compared with the current period."

That is the point. It also states that there will be

> "significant increases in EU spending on priority areas, including...a real annual average increase in spending on research and development of 7.5 per cent...a sevenfold increase in regional spending"—

that is very important and serious—

> "from €24 billion...to €174 billion in the next...period".

That is where the money is going. When we talk about regional spending in relation to the UK and elsewhere, we know what it means. The report also mentions

> "the real annual average growth in spending on freedom, security and justice of 15 per cent...and...an increase of 4.5 per cent...in spending on external actions."

The plain fact is that this is a travesty and a disgrace. This is not a take note motion and there is more than enough reason for the Opposition and Labour Members to vote together to reject this ridiculous financial management.

9.32 pm

Mr. Wayne David (Caerphilly) (Lab): I, too, welcome my right hon. Friend the new Minister for Europe. He has a great knowledge of the European Union and it

[Mr. Wayne David]

was my privilege to serve with him in the European Parliament for five years, where he was a distinguished chair of the European Parliament United States delegation. I mention that because he is one of those Labour Members who realises that just because one is pro-European does not mean that one is anti-US. He recognises that one can be both, and the way forward is to match the two together, which I am sure he will do skilfully.

My right hon. Friend is also one of those people who are against the whole concept of the European super state or federal state. He believes that Britain's role is in Europe but as a freestanding, independent, sovereign nation state. He believes that the European Union is about that kind of association, as does the Labour party as a whole.

I wish to focus on one or two areas that have not been mentioned much so far. Much emphasis has been placed on the issue of fraud in the European Union and I am sure that we would be unanimous in condemning fraud in all shapes and forms. However, we should be clear that it has been consistently the case that most of the fraud in the EU has been the responsibility of independent, sovereign member states. It has been their fault for not putting their houses in order in relation to EU finance.

Mr. Bone: Will the hon. Gentleman name the countries that are guilty of that fraud and does he include the UK?

Mr. David: No, I certainly do not include the UK. The southern Mediterranean countries, by their own admission, have not got financial systems in place that are sufficiently vigorous.

My main point is that we have seen monumental change in the past few years in the shape of the EU, and there has been no greater change than the addition of 10 new member states, nine of them in central and eastern Europe. We should welcome that and be proud of the fact that our Government, more than any other, championed the enlargement process, which has been entirely successful.

Enlargement is significant in a political sense, too. Most of the countries that have entered the EU tend to share the British perspective on EU development. They, too, do not want a centralised European superstate, run from Brussels. Having thrown off the yoke of the Soviet Union, they cherish their sense of identity and purpose and, like us, they will not easily give it up again.

Mr. Davidson: Notwithstanding the views of the new accession states about centralisation, does my hon. Friend accept that ever since those countries joined, there has been a constant pattern of more and more power being accreted to the centre? There has been no balancing delegation of powers from the centre to individual nation states, so irrespective of the views of the new accession states, they have actually gone along with the centralisation process. Their presence has made no difference whatever.

Mr. David: With all respect to my hon. Friend, that is not the case. In some areas, there has been an increased pooling of sovereignty by common consent, which is a positive development. However, over the last few months, not least due to pressure from the British Government, the European Commission has withdrawn a number of draft directives and said that they will not be enforced. In certain key sectors, such as immigration, justice and home affairs, where greater co-ordination is needed, it has taken place, but elsewhere there has been a reduction in the amount of EU red tape and bureaucracy.

Mark Pritchard: Come on.

Mr. David: The facts speak for themselves.

In the context of this debate, my main point is that democracy is fragile and frail in the new countries that are joining the EU, so it must be properly supported by mature democracies such as ours. As a socialist who believes in the redistribution of wealth, I think that Labour Members should be proud of the fact that we are prepared to help countries entering the new European family by giving material support in terms of the budget agreement. We should not be ashamed of that.

Mark Pritchard: On material support, and regional grants in particular, does the hon. Gentleman share my concern that, unfortunately, many of those grants tend to disappear and that there is too much corruption in some quarters, which has a bearing on how British taxpayers' money might be spent in those new EU countries?

Mr. David: I share that concern to some extent, but the important thing is that support from the EU through regional funding is of enormous assistance not only in helping to develop democracies but also in ensuring that they have fully functioning market economies. Such changes do not just happen, so it is laudable that the UK has led the way in the EU negotiations and has said that to make the market work as effectively in central and eastern Europe, as it does, largely, in western Europe, we should be prepared to ensure that there is assistance so that there can be full transition from Soviet-style command economies.

Danny Alexander (Inverness, Nairn, Badenoch and Strathspey) (LD): By and large, I agree with the sentiments that the hon. Gentleman is expressing about our duty to support the countries of eastern Europe that have entered the EU. But does he agree that the provision of European regional funding is also of great importance to some of the poorer parts of the UK and does he share the disappointment of people in the highlands and islands because the amount of funding that our area is receiving, as a transition area, is falling dramatically? Would not it have been better for the Government to have negotiated as strongly in favour of the highlands and islands as of the eastern European countries that he described?

Mr. David: The hon. Gentleman pre-empts me, as that would have been the next point in my speech. However, he should realise that earlier the Liberal Democrat

spokesman spoke against any kind of agreement because he did not think that the Government's position was fair. The Liberal Democrats should sort out their own line, before they make interventions in the House.

Angus Robertson: May I add to the hon. Gentleman's background on this subject? Does he not think it odd that, in Scotland, where the Liberal Democrats are in government, they take no responsibility for the failure of Government, but they come down here and blame the Labour party, although they are in bed together in government in relation to that important loss of funding to the highlands and islands?

Mr. David: I am certain that the hon. Gentleman has made a very good point indeed, and I certainly bow to his knowledge on the matter, given his involvement in Scottish politics.

My final point on support for central and eastern Europe is that we have a moral responsibility to ensure that those democracies grow and flourish, but it is not only in the interests of those countries that have recently joined the EU that they are fully functioning market economies, it is in our interests as well. One of the things that I hope that we will see over the next few years is British business taking effective cognisance of the fact that we have developed new market economies in central and eastern Europe and exporting to and engaging with those economies in a way that has so far not happened.

Philip Davies: Does the hon. Gentleman not accept that this country's future prosperity depends on developing markets in Africa and with the Commonwealth and China, that the EU is 20 or 30 years out of date in terms of prosperity and that what we are being asked to do is wrong? We are being asked to fund an ever-increasing amount of money for a backward-looking, inward-looking protection racket.

Mr. David: With all due respect, the hon. Gentleman is very good at soundbites, but the important thing to recognise is that, by our active engagement inside the EU, we are not putting all our eggs in one basket. Yes, we can be effective Europeans and help to develop that economy to our own advantage, but that does not stop us trading with the rest of the world. It is not an either/or situation. Let us do both. Let us recognise that we are an international nation. What concerns me about Opposition Members is that, all too often, what they are saying, when we scrape away all the economic veneer is basically a very crude form of xenophobia. [HON. MEMBERS: "Oh, come on.] Yes, it is. When we get down to basics, what they are really saying is that they do not like Europeans. The economic arguments objectively speaking are for Britain's positive engagement in the EU, and for an EU that embraces the free market and makes ever-deeper the single European market. We should be arguing for its completion, not for some kind of semi-detachment or even withdrawal, as some hon. Members would like. That is the real agenda that we must get to grips with in the future.

The second point that I should like to make in my brief contribution is that I believe that the Government negotiated a good deal for Britain back in December last year. Undoubtedly, some hon. Members who represent certain regions are not particularly happy with the budgetary settlement as negotiated, but let me say quite honestly, as a representative of Caerphilly in south Wales, that we were absolutely delighted that the Government negotiated an effective continuation of objective 1 status for cohesion funding, so that some £1.2 billion will come into our region over the next financial perspective. The first tranche of that money has been put to very good use in tackling economic inactivity and developing economic infrastructure, training and so on, and there is no doubt in my mind that the good situation in south Wales, where more people are in work than ever before in history, will continue and we will be pleased—indeed, we will be singing in the valleys—when the new strand of funding comes through.

Mark Pritchard: I am slightly perplexed by the hon. Gentleman's comment on objective 1 being given to his constituency. Part of the criteria for objective 1 is high unemployment, yet the part-time Secretary of State for Wales tells us from the Dispatch Box that unemployment is decreasing in his area. Is unemployment going up or down?

Mr. David: Unemployment is going down; gross domestic product is going up, but the important thing to recognise is that, in the Government's extremely skilful negotiations, they were able to ensure that the figures used by the European Commission were a little out of date—*[Interruption.]* That is true. They do not show effectively the tremendous improvement in the south Wales economy. I am pleased to say that we are having our cake and eating it. Our Government can be criticised for many things, but they cannot be criticised for not being adept at negotiations. That is a practical, material, down-to-earth example that highlights clearly how effective the Government have been in ensuring the continuing development of areas such as the south Wales valleys.

Mr. Bone: Will the hon. Gentleman reconsider his answer to my earlier intervention? He said that the UK Government have not been involved in matters relating to fraud; it sounds like what he has just been talking about is fraud.

Mr. David: I do not think that that intervention is worth answering and I can see Members all around me nodding to that effect. As far as the structural funds are concerned, the Government have acted strongly not just in the British interests or the interests of Europe as a whole, but in the interests of areas that have experienced tremendous trauma with the decline of the steel industry and the coal industry.

Bob Spink (Castle Point) (Con): May I provide an intervention to which the hon. Gentleman might be able to respond? Does he accept that, good as things are in Caerphilly, they could be even better? Every member of the European Free Trade Area has a higher level of GDP than the low average of the EU members,

[Bob Spink]

and exports more to European countries than we do. If we were outside the EU, we could be sustaining even more economic growth, even more per capita GDP and even more per capita exports and therefore jobs in Caerphilly.

Mr. David: I hear the true voice of Conservatism being expressed with the utmost clarity: let us get out of the European Union and recreate the European Free Trade Association as it was. If that is not turning the clock back, what on earth is? Let us be honest and frank. I am glad that the hon. Gentleman has been that frank. I hope that the hon. Member for Altrincham and Sale, West (Mr. Brady), who is smiling, will take up his lead and articulate that point as clearly and precisely. That goes back to my earlier point. The debate is about whether we turn the clock back and somehow pretend that we can disengage, have associate member status or withdraw—Members can call it what they like. It is about whether we can somehow separate ourselves from mainland Europe and develop mythical new relations with the rest of Europe. That is not the real world and we all know it in our heart of hearts.

Mr. Davidson: Will my hon. Friend give way?

Mr. David: No, I will not.

The real agenda is how on earth we make this effective single market even more effective. How can we expand the European Union and deepen the economic integration that is to our advantage and in the interests of the people I represent. The hon. Member for Castle Point (Bob Spink) mentioned my constituency of Caerphilly. I speak regularly to industrialists and, unanimously, they say to me, "For goodness sake, let's not go down this crazy road of separating ourselves from the European Union." Both the employers and the employees recognise fully that this country exports more to the European Union than to any other part of the world. To cut ourselves off from that and see the imposition, once again, of all the impediments to trade that used to exist, would be catastrophic to the economy of this country.

Mr. Robert Goodwill (Scarborough and Whitby) (Con) *rose—*

Mr. David: I have given way many times already.

In conclusion, I believe that this country negotiated a good deal all around. Of course, if one looks at the Government's opening negotiating position, they did not achieve everything that they set out—one never does in negotiations. The European Union is all about achieving a progressive consensus. When we look back at the British presidency of the European Union, I am proud that we can say that it was a great success. Two of the great things that stand out are: first, the fact that we have ensured a start date for negotiations with Turkey and that negotiations are continuing for Turkey eventually to join the European Union, and, secondly, that we have had a budget deal that is good for the people of this country and of the continent as a whole. We should be proud of that. It is something that we should be celebrating, and certainly not denigrating.

9.49 pm

Angus Robertson (Moray) (SNP): I am not keen to enter into the very public grief of the Government at the time of the reshuffle, but want to put on the record some sadness that the Minister for Europe is no longer the Leader of the House, albeit not because I do not think that he has many talents that he will offer in his new post. Those of us who are members of the European Scrutiny Committee will remember a discussion that we had with the right hon. Gentleman several months ago in which he had innovative ideas about improving the scrutiny of European business in the House. I hope very much that his successor as Leader of the House will take those suggestions forward. I have no doubt that the Minister for Europe will bring his great experience to European matters, not least as a former Member of the European Parliament, and we in the Scottish National party and Plaid Cymru wish him well.

Speaking as someone who represents a constituency that has benefited greatly from EU funding, I wish to make a point about EU finances that has been sadly lacking from much of tonight's debate. In Moray and the other areas of the highlands and islands, there is tremendous appreciation for the support of the European Union over the past decades. Many of us well remember the cash-starved situation in our communities in the dark 18 years in which the Conservatives were in government. It is ironic to think that throughout that time, Brussels was seen as much more benign when it came to governance than was—perhaps still is—Westminster. It is with great regret that the highlands and islands has lost objective 1 funding.

We have heard much about fraud, mismanagement and the inappropriate use of statistics, but the loss of objective 1 support for the highlands and islands was home-grown. It did not happen because of Brussels, or other dastardly EU member states. Scotland's national wealth was overstated by £21 billion throughout the 1990s owing to a catalogue of flawed assumptions that were used to compile the UK's accounts. Newspaper coverage in *The Scotsman* at the time said that the UK

> "Office of National Statistics has admitted to an Enron-scale error, which has been artificially inflating Scotland's national income by as much as £3.3 billion a year since at least 1989."

That blunder deprived the highlands and islands of £200 million of EU grants. I hope that hon. Members who have driven through the highlands and islands and are aware how many infrastructure projects were completed only because of the support of the European Union will appreciate that the blunder with which we now have to live, as the recipients of only transitional funding, not objective 1 funding, was severe.

It is important that we all accept that the loss of EU funding is not of itself a bad thing. As economies throughout the European Union grow and countries become wealthier, surely those of us in the wealthier parts of Europe have to bear part of the burden so that we can ensure that other parts of the EU catch up with us. The argument that I will deploy is thus not motivated by a lack of appreciation for our paying our fair share. We should do that, but it is key that we consider the transitional arrangements between the outgoing funding period and the funding period agreed recently.

Under the budget deal agreed at the December Council under the UK presidency, the global overall total for European social fund spending was reduced substantially, which will have an impact on communities the length and breadth of the land. Some €308 billion has been allocated for EU funding. The Department of Trade and Industry estimates that the UK will receive €9.4 billion, of which €2.6 billion will be allocated to convergence funding for Cornwall, west Wales and the valleys, and the highlands and islands. Approximately €6.2 billion will be allocated to competitiveness funding for other regions.

In December 2004, the Scottish Executive—the devolved Government comprising the Labour party and the Liberal Democrats—estimated that the highlands and islands would get €460 million and the rest of Scotland €721 million. That is a significant amount, and it is important for planning the growth of our economy in the years ahead. Only two short years later, in January 2006, the Executive said that Scotland could receive up to 45 per cent. of the sum we will receive in the current programming period. The highlands and islands would receive £105 million as a so-called statistical effect region under convergence, which is only 60 per cent. of the amount that they currently receive. Basically, the Scottish Executive's estimates have been chopped by two thirds, and the remaining sum is considerably less than they were expecting. Some hon. Members have asked what is being done, but I want to know what the Scottish Executive were doing. What did the Enterprise Minister, Nicol Stephen—a Liberal Democrat—do when he realised that the Scottish economy will lose hundreds of millions of pounds of funding? Why did the Liberal Democrat Transport Minister not bemoan publicly the loss of significant funds to improve road transport, not least throughout the highlands and islands?

Mr. Goodwill: Does the hon. Gentleman not agree that it is bizarre that our Ministers go to Brussels and accept the importance of structural funding in peripheral regions such as Spain and Poland but do not recognise its effect in areas such as Scotland and Wales?

Angus Robertson: That is not the only problem. Devolved Ministers have the right to attend Council of Ministers meetings, and it would be interesting to compare and contrast their attendance records, which can be downloaded from the Council of Ministers website, for those important discussions on key resources, so that we can see how Liberal Democrat Ministers in the Scottish Executive defended the national interest.

Mark Pritchard: Does the hon. Gentleman not agree that while the Scottish Executive have played a part in the problem, Scottish local authorities failed to spend money from the last round, so their budgets were cut? In effect, they were penalised for not coming up with the goods and delivering projects on the ground.

Angus Robertson: I very much hope that local authorities, devolved Administrations and Governments everywhere make the most of EU funding. I do not believe in moaning about EU funding, because I have seen the positive benefits that it can bring. I encourage Administrations of all political colours to make the most of it. I cannot stand political cant. We hear that things should be done, but people with political responsibility who could do something about them do not even turn up to important meetings to discuss them. *[Interruption.]* The hon. Members for Alyn and Deeside (Mark Tami) and for Glasgow, North-West (John Robertson) say that I should name them. I shall be happy to forward the attendance list for Council of Ministers meetings, so that they can compare and contrast the attendance record of Liberal Democrat Ministers at key EU meetings.

Time is running out, and at least one other Back-Bench Member is keen to speak. The Department of Trade and Industry is consulting on the UK national strategic reference framework, which sets out general principles for governing ESF spending in the UK as a whole. The Scottish Executive, including the Liberal Democrats, have drafted a Scottish chapter, but it does not specify priorities in future Scottish programmes and does not indicate the resources required for each priority or programme. That is not good enough, because we go on about disconnection and a lack of faith or belief in what the EU can offer, but if we are to re-engage with the public we need to talk more positively about the projects that have delivered on the ground. I very much hope that the Minister will not just defend the UK Government's negotiating position in December—we will hear that anyway—but explain what much of the funding can do on the ground. I hope that in the months ahead there is action from the Scottish Executive and Ministers from both parties, who should live up to their rhetoric about what is vital for communities the length and breadth of Scotland.

9.59 pm

Mrs. Theresa Villiers (Chipping Barnet) (Con): We should all be grateful to the European Standing Committee for forcing the Government to put this enormously important issue on the agenda this evening.

We have heard a number of thoughtful and informed contributions to the debate. We began with the hon. Member for Leicester, East (Keith Vaz), who thought the budget was a good deal. As if to prove that he lives in a sunnier and happier world than the rest of us, he also thought that Europe was making progress on the Lisbon agenda. The hon. Member for Twickenham (Dr. Cable) sounded a note of reality. He criticised the Government's sell-out on the common agricultural policy in 2002. I agree that that concession hobbled the Government's negotiating position in the 2005 negotiations, to devastating effect.

The hon. Member for Luton, North (Kelvin Hopkins) told us that he believed the EU budget was a running sore and called for the repatriation of aid policy, agriculture and fisheries from the European Union. My hon. Friend the Member for Stone (Mr. Cash) spoke with huge insight on the issue on which he has spent so many years campaigning. In particular, he challenged Labour Members to vote against the Bill needed to put the new budget into effect. The hon. Member for Moray (Angus Robertson), as we have just heard, protested at what he saw as flawed assumptions which have overstated Scotland's income, with the resulting impact on its entitlement to regional funding. He launched a devastating attack on the record of the Liberal and Labour coalition in the Scottish Executive and its record on regional funding.

[Mrs. Theresa Villiers]

The House heard about the history of the Prime Minister's spectacular sell-out on the British rebate. In 1999, he told *The Independent* that the rebate was non-negotiable. On 8 June 2005, he reassured the House in the clearest terms:

"The UK rebate will remain and we will not negotiate it away. Period." —[*Official Report*, 8 June 2005; Vol. 434, c. 1234.]

Less than two weeks later, the rebate was merely

"an anomaly that has to go, but it has to go in the context of the other anomaly being changed away".

Hence, it was up for negotiation, but only alongside fundamental reform of the CAP.

Then we had Commission President Barroso saying:

"At the beginning, our British friends said that they would not accept any change"—

that is, to the rebate—

"without radical change of the CAP. Now, they're not saying that anymore".

There was complete capitulation when the Prime Minister agreed to surrender £7.1 billion of the British rebate without a single change being made to the common agricultural policy.

Mr. John Redwood (Wokingham) (Con): I am grateful to my hon. Friend, who is making a strong case. Is there not more fraud than there was British rebate, and should not the Prime Minister have been tackling the fraud, not giving away British money?

Mrs. Villiers: I assure my right hon. Friend that I shall come to that in due course. I have great sympathy with his observation.

The Prime Minister's capitulation was not the last cave-in. The European Parliament added another £2.68 billion to the budget in April. More recently, Budget Commissioner Dalia Grybauskaitė said that EU leaders understated the budget and that the true level over seven years is in excess of £600 billion.

The Prime Minister has failed to prevent a huge expansion in the EU budget, failed to ensure that others pay their fair share—France will still pay 20 per cent. less than Britain—and failed to defend the rebate negotiated with such stalwart courage and determination by Margaret Thatcher over 20 years ago.

Remember that we are not talking about small numbers. The £7.1 billion extra that we will be paying as a result of the rebate sell-out could have wiped out NHS deficits for a start, with several billion left over. It could have paid for thousands of new nurses in our hospitals, teachers in our schools or police officers on our crime-ridden streets. Giving up that money is a betrayal of hard-working families already struggling with the heavy burden of the Chancellor's stealth taxes. Giving it up without reform of the common agricultural policy is a tragic lost opportunity—a lost opportunity to remedy an injustice that keeps thousands in Africa struggling with abject and unnecessary poverty.

The CAP, as we heard this evening, is bad for consumers, bad for the environment and bad for the developing world. The 2004 Red Book states:

"The poorest, who spend the greatest proportion of their income on food, are hit hardest by an implicit tax on food of around 26 per cent. Even after the benefits for farmers are taken into account, the cost to the UK economy has been estimated at some 0.5 per cent. of GDP".

The consumer association, *Which?*, has calculated that the CAP inflicts throughout the EU some of the highest costs for food in the world, adding £1,000 to the average family's annual food bill. And the opportunity cost could be even higher: a report by Oxford Economic Forecasting concluded that redeploying CAP funds to better uses, such as research and development, could boost growth by around 1 per cent. of GDP.

The CAP is a pernicious tax on food that hits the poorest hardest. It hits the poor in Britain and the poor in the developing world, more than half of whom depend on farming to survive. The Institute of Economic Affairs estimates that EU agriculture policies reduce food exports from Africa by roughly 50 per cent. The World Bank has concluded that removing barriers to agricultural trade would benefit developing countries by $54 billion.

I am sure we all remember the day last year when thousands of our constituents came to see us to seek our help in making poverty history, including campaigners such as Sheila Gallagher, James Catterson and Marie Pearce from my constituency. On that day, it was no surprise that many carried banners stating "Axe the CAP", because the unreformed CAP is the single biggest obstacle to trade justice. I think that we were all stunned by the sheer volume of commitment, passion and energy that we witnessed that day, but it was to no avail when the Prime Minister actually came to make the decisions that really mattered at the EU summit in December.

Despite their warm words, the Prime Minister and the Chancellor have manifestly failed to deliver CAP reform trade justice. As Neil O'Brien, director of the think tank Open Europe, put it:

"Over the summer, at Live8 and Gleneagles, there were huge demonstrations of public opposition to unfair trade barriers against developing countries. But for all the difference this has made in Brussels, it might as well never have happened. Trade policy is a good example of how the EU gets away with murder...But gradually people are waking up to what the EU is doing in our name. And they should be angry."

It should make people even angrier that neither the Prime Minister nor his Chancellor has done anything to ensure that the extra billions that we will be paying to Brussels are spent wisely. As my hon. Friend the Member for Shipley (Philip Davies) has pointed out repeatedly, why should we give yet more money to an institution whose accounts have not been signed off by its auditors for 11 years? If the Commission cannot manage its existing multi-billion pound budget, why should we trust it with yet more of the British people's hard-earned money?

It has become something of an annual ritual for the Court of Auditors to refuse to give a positive statement of assurance about the European Commission's accounts, but we should not let familiarity desensitise us to the seriousness of the problem. If the treasurer of a Barnet gardening club turned up at its annual general meeting to say, "I can account for maybe a third of last year's budget, but as for the rest of the money, it could have been lost or stolen—I'm not really sure which", it would rightly cause outrage, yet that happens every year in Brussels. If accounts are qualified in the

business sector, confidence in a company collapses overnight, in which case the management finds itself out on its ear in double quick time. Furthermore, failure to get one's accounts right in the private sector can see directors facing jail terms, yet that happens every year in Brussels. However, the Prime Minister does not seem to have mentioned that unacceptable state of affairs as he blithely handed over billions of pounds more of our money to the European Union.

Back in 1999, when the Santer Commission resigned in disgrace, the Prime Minister promised this House "root and branch reform". His promises on tackling EU fraud and waste have proved as hollow as his promises on the rebate and on CAP reform. Nearly a decade later, it is still business as usual in Brussels. Nothing has changed since the investigating committee that brought down Mr. Santer's Commission reported:

"It is becoming particularly difficult to find anyone who has even the slightest sense of responsibility".

Year in, year out, the Chancellor votes in ECOFIN to discharge the Commission's accounts without protest, and Labour MEPs vote those accounts through in the European Parliament.

Every effort is made to silence those who are brave enough to speak out against that complacency. When Marta Andreasen arrived as the Commission's chief accountant, she was horrified by what she found. The Commission's computer systems meant that the large amounts of money could be transferred without leaving any electronic fingerprint. In her words, the accounting systems left

"an open till waiting to be robbed".

The Commission was not even using double entry bookkeeping, which has been in widespread use throughout Europe since the Venetians invented it more than seven centuries ago. It is a basic tool used by businesses ranging from the largest multinational to the smallest corner shop.

When Marta Andreasen expressed her concerns to her boss, she was ignored by the person whom the Prime Minister put in charge of achieving the root and branch reform that he had promised. That person was, of course, Neil Kinnock. And when she spoke out publicly, it was Neil Kinnock, who once famously castigated Militant for scuttling round delivering redundancy notices by taxi, who had Andreasen stopped by security officials at Brussels airport and served with a fax threatening her with the sack if she did not keep quiet.

Keith Vaz: Let me take the hon. Lady away from Neil Kinnock to the subject of the debate, which is the budget. I thought that she supported the enlargement of the European Union. If she listened to the opening speech by my right hon. Friend the Minister for Europe and to the rest of the debate, she will know that the deal was agreed to fulfil our responsibilities on enlargement. Why does not she deal with that point?

Mrs. Villiers: I can do so by saying that enlargement should have been funded by radical reform of the common agricultural policy.

Other whistleblowers have received the same shabby treatment as Marta Andreasen. When her colleague, Mr. Jules Muis, spoke our about the "chronically sordid" state of the EU's accounts, he was told by a Commission official: "We have ways of breaking people like you." By contrast, no action whatever was taken against the people in charge of Eurostat, where more than £3 million went missing, squandered on staff perks including a riding club and a volleyball team and siphoned off into front companies producing bogus research. They were simply shuffled sideways and continue to this day to collect big salaries or fat pensions. Despite a report from the Commission that admitted that there was a "vast enterprise of looting" at the EU's statistics agency, the only person who was raided by the police over Eurostat was the journalist investigating the scandal.

I urge the House to vote against the motion, because when the Prime Minister agreed the new EU budget in the early hours of Saturday 17 December last year, he betrayed the British taxpayer, betrayed the British consumer, and betrayed millions of the poorest people on the planet.

10.11 pm

The Financial Secretary to the Treasury (John Healey): This has been a wide-ranging debate—in some cases rather wider than the motion. I pay tribute to the European Scrutiny Committee and the work that it does to help both Houses to follow more closely proceedings, operations and arrangements in the European Union. It has played an important part in providing the background to this debate and will play an important role as we seek to put in place the arrangements for the future.

Today's debate is an important step in the process of agreeing the new EU budget. Following it, the Government will complete negotiations with other member states on the inter-institutional agreement and the own resources decision. The House will have scope for a further full debate when the Government introduce primary legislation to ratify the own resources decision.

Mr. Cash: When?

John Healey: The hon. Gentleman asked that question in his speech, and I will deal with it right now. Ratification of the own resources decision is required by December 2008, and we expect to be able to introduce primary legislation in this House at the beginning of the 2007 Session.

Let me turn to several of the matters that hon. Members raised. The hon. Member for Altrincham and Sale, West (Mr. Brady) and I served together on the Education and Employment Committee when we were both first elected to this House. I recall that he was then rather careful in the arguments that he made and the facts that he used, but his speech today was littered with mistakes, wrong assertions and wrong figures. He is wrong to say that we surrendered the rebate, wrong to say that we gained nothing in return in the agreement, and wrong about the agreement itself. Far from our showing—in his words—utter incompetence, that agreement was believed by many to be difficult, if not impossible, to achieve. Under the UK presidency we brokered that agreement, which gives the European Union its budget for the future seven-year financial perspective period.

Mr. Brady: Will the Financial Secretary simply and straightforwardly admit that the Government have given up more than £7 billion of British taxpayers' money by conceding part of the rebate?

John Healey: No. I am about to deal with some of the wrong figures that the hon. Gentleman used. He made a dodgy start by using a briefing from the Open Europe group. The CAP will not, as he asserted, be between 40 and 44 per cent., but 34 per cent. of the total. He included the 9 to 10 per cent. of the budget that is spent on rural development and used for environmental and other benefits in rural areas, not farmers' subsidies.

The hon. Gentleman is wrong to say that the Treasury has changed the way in which we calculate payments. In the Budget and the Treasury White Paper on EU finances, we calculate EU payments in exactly the same way as has always been done. He said that the budget was increasing—but it is now for an EU of 25 not 15 countries. In the next financial perspective to 2013, the EU budget will fall to less than 1 per cent. of gross national income in the EU—the lowest level for 20 years.

The hon. Member for Chipping Barnet (Mrs. Villiers) spent most of her contribution conflating and inflating the popular myths about fraud in the EU. In 2004, fraud in the EU budget was €130 million. That is 0.1 per cent. Fraud accounts for 0.02 per cent. of the CAP budget and 0.4 per cent. of the budget for structural funds. The UK has been determined that EU funds should be properly and efficiently spent. The EU anti-fraud office has been heavily promoted and the UK was instrumental in setting it up. The UK strongly supported setting up the Commission's internal audit unit on an independent basis. The hon. Lady speaks with experience, so I am sure that she agrees that few countries in the EU have championed the cause of bearing down on fraud more strongly than the UK.

Mrs. Villiers: Will the Financial Secretary guarantee that next time the Commission's accounts appear before ECOFIN for discharge, the British Government will vote against them?

John Healey: The hon. Lady confuses questions about fraud with those about reliability. Our consideration of accounts at ECOFIN will depend on those in the future.

The hon. Member for Twickenham (Dr. Cable), who spoke for the Liberal Democrats but is no longer present, conceded that enlargement had been successful in southern Europe and was increasingly perceived as a success in eastern European. He and the hon. Member for Chipping Barnet were critical of the CAP. However, let me stress to them both that the CAP is being reformed. Under the UK presidency, we were able to put in place the historic liberalising reform of the UK sugar regime. The total value of the CAP will decrease over the new financial perspective, falling to €51 billion a year by 2013. The fundamental review—part of the December agreement and the inter-institutional agreement—will give us the chance to press further towards long-term reform and a vision for the CAP, which sees European farming as capable of being competitive without the need for subsidy or protectionism.

My hon. Friend the Member for Leicester, East (Keith Vaz) was in something of a minority. However, he put the case clearly and cogently for a forward-looking Europe. He reminded hon. Members that commitment to enlargement has been fundamental to the UK Government's approach, not only under the current Administration but under the previous one. He also reminded hon. Members that the UK Government have been one of the strongest supporters of EU enlargement and one of its most forceful advocates. He also stressed the importance of the EU's responsibility in helping the new member states undertake the economic development that they require.

My hon. Friend the Member for Caerphilly (Mr. David) spoke about the responsibility of our mature democracies to help what he called the fragile democracies in eastern Europe. He is right to say that the Government should do that, and we are doing it. We are proud of that commitment.

Mr. Redwood: Will the Minister give way?

John Healey: I will not give way to the right hon. Gentleman. He has not been here during the debate, and I am not prepared to take as absurd an intervention from him as the one he made on the hon. Member for Chipping Barnet.

The hon. Member for Moray (Angus Robertson) said that the UK should pay its fair share for the enlargement of the EU, but he was concerned about the transitional arrangements. The Scottish Highlands and Islands have done very well out of the agreement that was made in 1999, and out of the present financial perspective, and they will continue to benefit from the convergence funding agreed for the next financial perspective. Furthermore, the regional development funding in the UK will largely continue to be sourced directly from the UK Government, not from the European Union.

My hon. Friend the Member for Luton, North (Kelvin Hopkins) and the hon. Member for Stone (Mr. Cash) made speeches rather different from those of my hon. Friends the Members for Leicester, East and for Caerphilly. They both made rather wide-ranging speeches—indeed, they sometimes ranged rather wide of the motion that we are debating—and there was a degree of common ground between them.

The hon. Member for Stone repeatedly accused the Government of misrepresenting the budget figures. He did so in an intervention on my right hon. Friend the Minister for Europe, and again in his speech. In each case, he cited the Budget Commissioner. My right hon. Friend the Minister made it very clear that the Commissioner's figures on the total budget included counting programmes that are not part of the way in which the European Union calculates its budget. Although she is the Budget Commissioner, Mrs. Grybauskaite's figures are, sadly, incorrect. No other member state, or the Commission, at any time during the financial negotiations assessed the budget in the way that she now pretends to do.

Mr. Cash: The Minister has just been praising the financial investigation team known as OLAF, but will he note that although 9,400 cases of fraud were

reported in 2004 there has been not one successful conviction of any major wrongdoer, and that no funds have been recovered in the seven years of OLAF's existence? Is that a success, in the Minister's terms?

John Healey: The questions that the hon. Gentleman raises are questions for OLAF. Surely he would not contest that we need such a body at the heart of the European Union. We also need the independent internal audit unit that the Commissioner has set up.

The inter-institutional agreement and the own resources decisions are the final parts of what has been a long difficult negotiation on the financial perspective. As the first negotiation of a union of 25 member states, it was bound to be complex. It is, however, a unique opportunity to modernise the budget and set out a process that will lead to a budget more fit for purpose for the European Union of the 21st century.

In the first place, the agreement ensures budget discipline. Rejecting the Commission's proposal for a budget of €1,025 billion, member states have instead agreed a budget of €864 billion, or 1.048 per cent. of EU gross national income. By 2013, the starting point for future negotiations, the budget will be about 1 per cent. of EU gross national income—its lowest level for 20 years.

The budget also allows for an historic shift in spending from the old member states of the Union to the new central and eastern European member states. It supports our long-argued UK commitment to EU enlargement. Over the coming years, the funds for the new member states will increase from less than €30 billion to more than €170 billion—a sevenfold increase. These funds aid their economic development, and they will not only make them more prosperous and more stable, but bring significant benefits to the UK too. UK exports to the eight eastern European new member states totalled in 2004 £5.3 billion—up by around 230 per cent. over those of the previous decade. Access to these new and growing markets will benefit UK consumers and UK business.

The historic enlargement of the EU, combined with the intensifying global challenges on the economy, poverty, the environment and security, meant that the financing of the EU could no longer be viewed in the manner that it had been prior to 2004. As the Prime Minister said, as the EU's strongest supporter of enlargement, it was fair and right that the UK contributed properly to the costs of enlargement.

We have consistently argued, however, and carried out the argument in the negotiations, that the UK abatement remains justified because of the inequalities and inefficiencies on the expenditure side of the budget. The December Council conclusions that were agreed say:

"The UK budgetary correction mechanism (the 'UK abatement') shall remain".

The UK abatement remains, the abatement mechanism remains unchanged and the deal in December means that the UK will continue to receive the abatement in full on all EU spending in the old member states and on agricultural spending in the new member states, but we will forgo the increase in the abatement resulting from the economic development spending in the new member states and therefore will no longer receive an abatement on spending that contributes to the growth and the prosperity of Europe's poorest countries. As a result of those changes, the UK's net contribution will, for the first time, be similar to that of France and that of Italy—member states that are comparable to the UK in size and prosperity.

Mr. Redwood: Will the Financial Secretary give way?

John Healey: I think that I have made my position clear to the right hon. Gentleman.

As a result of these changes, the total UK rebate will still be larger over the next financial perspective than the current one—an estimated €41 billion in 2004 prices between 2007 and 2013 compared with €36 billion in the current financial perspective.

Finally, there will be the review of the budget. The review was agreed as part of the December package and confirmed in the inter-institutional agreement. The review will be led by the Commission and will report in 2008-09. It will allow the Council then to assess the value of all areas of EU expenditure, including the common agricultural policy. This is a process through which we can move to further reform of the CAP and further reform of the European budget as a whole to put it on a more rational and logical basis, so that it can concentrate on the things that are essential to Europe's future.

Throughout this process of negotiation, the UK's objectives have been consistent. We wanted tight budgetary discipline; we wanted more spending on policy reform, especially more reform to the CAP and the structural funds; we wanted successful enlargement; and we also wanted to protect the UK's financial position. We secured budget growth limited to 13 per cent., when the Commission had proposed 25 per cent. We secured an EU budget that will be less than 1 per cent. of gross national income by 2013—its lowest level for 20 years. We secured a massive uplift in social and cohesion fund allocations for the new member states, and secured more flexibility to ensure that those countries can effectively absorb the structural funds and improve their growth and productivity. We secured a doubling in research and development spending, and secured and retained the UK abatement, which will increase in value during the next financial perspective. We secured the political commitment of all member states and the Commission to a fundamental review of all aspects of expenditure and revenue.

This is good deal for Europe, and it is a good deal for the UK. I commend it to the House.

Question put:—

The House divided: Ayes 245, Noes 194.

Division No. 224] **[10.29**

AYES

Ainger, Nick	Barlow, Ms Celia
Ainsworth, rh Mr. Bob	Barron, rh Mr. Kevin
Alexander, rh Mr. Douglas	Battle, rh John
Allen, Mr. Graham	Begg, Miss Anne
Atkins, Charlotte	Benn, rh Hilary
Austin, Mr. Ian	Benton, Mr. Joe
Bailey, Mr. Adrian	Berry, Roger
Baird, Vera	Betts, Mr. Clive
Balls, Ed	Blackman, Liz
Banks, Gordon	Blackman-Woods, Dr. Roberta

Blunkett, rh Mr. David
Borrow, Mr. David S.
Brennan, Kevin
Brown, Lyn
Brown, rh Mr. Nicholas
Brown, Mr. Russell
Browne, rh Mr. Des
Bryant, Chris
Buck, Ms Karen
Burden, Richard
Burgon, Colin
Butler, Ms Dawn
Byers, rh Mr. Stephen
Byrne, Mr. Liam
Caborn, rh Mr. Richard
Cairns, David
Campbell, Mr. Alan
Caton, Mr. Martin
Chapman, Ben
Clapham, Mr. Michael
Clark, Ms Katy
Clarke, rh Mr. Tom
Clelland, Mr. David
Coaker, Mr. Vernon
Coffey, Ann
Cohen, Harry
Connarty, Michael
Cook, Frank
Cooper, Yvette
Cousins, Jim
Crausby, Mr. David
Creagh, Mary
Cruddas, Jon
Cummings, John
Cunningham, Mr. Jim
Cunningham, Tony
David, Mr. Wayne
Dean, Mrs. Janet
Devine, Mr. Jim
Dhanda, Mr. Parmjit
Dismore, Mr. Andrew
Donohoe, Mr. Brian H.
Doran, Mr. Frank
Eagle, Angela
Efford, Clive
Engel, Natascha
Farrelly, Paul
Field, rh Mr. Frank
Fisher, Mark
Flello, Mr. Robert
Follett, Barbara
Foster, Mr. Michael *(Worcester)*
Foster, Michael Jabez *(Hastings and Rye)*
Francis, Dr. Hywel
George, rh Mr. Bruce
Gerrard, Mr. Neil
Gibson, Dr. Ian
Gilroy, Linda
Godsiff, Mr. Roger
Goodman, Helen
Griffith, Nia
Griffiths, Nigel
Grogan, Mr. John
Gwynne, Andrew
Hamilton, Mr. David
Harman, rh Ms Harriet
Harris, Mr. Tom
Havard, Mr. Dai
Healey, John
Henderson, Mr. Doug
Hendrick, Mr. Mark
Heppell, Mr. John
Hesford, Stephen
Heyes, David
Hill, rh Keith
Hillier, Meg
Hodgson, Mrs. Sharon
Hoon, rh Mr. Geoffrey
Hope, Phil
Howarth, rh Mr. George
Hoyle, Mr. Lindsay
Humble, Mrs. Joan
Iddon, Dr. Brian
Irranca-Davies, Huw
James, Mrs. Siân C.
Jenkins, Mr. Brian
Johnson, rh Alan
Johnson, Ms Diana R.
Jones, Helen
Jones, Mr. Kevan
Jones, Lynne
Jones, Mr. Martyn
Joyce, Mr. Eric
Kaufman, rh Sir Gerald
Keeley, Barbara
Keen, Alan
Keen, Ann
Kemp, Mr. Fraser
Kennedy, rh Jane
Khabra, Mr. Piara S.
Khan, Mr. Sadiq
Kidney, Mr. David
Killoyle, Mr. Peter
Knight, Jim
Kumar, Dr. Ashok
Lammy, Mr. David
Laxton, Mr. Bob
Lazarowicz, Mark
Lepper, David
Levitt, Tom
Lewis, Mr. Ivan
Linton, Martin
Lloyd, Tony
Love, Mr. Andrew
Lucas, Ian
MacDougall, Mr. John
MacShane, rh Mr. Denis
Malik, Mr. Shahid
Mallaber, Judy
Marris, Rob
Marsden, Mr. Gordon
Marshall, Mr. David
Marshall-Andrews, Mr. Robert
Martlew, Mr. Eric
McAvoy, rh Mr. Thomas
McCabe, Steve
McCafferty, Chris
McCarthy, Kerry
McCarthy-Fry, Sarah
McDonagh, Siobhain
McFall, rh Mr. John
McGovern, Mr. Jim
McGuire, Mrs. Anne
McIsaac, Shona
McKechin, Ann
McKenna, Rosemary
Meacher, rh Mr. Michael
Meale, Mr. Alan
Merron, Gillian
Milburn, rh Mr. Alan
Miliband, Edward
Moffat, Anne
Moffatt, Laura
Mole, Chris
Morden, Jessica
Morgan, Julie
Morley, Mr. Elliot
Mountford, Kali
Mullin, Mr. Chris
Murphy, Mr. Denis
Murphy, Mr. Jim
Murphy, rh Mr. Paul
Naysmith, Dr. Doug
Norris, Dan
O'Brien, Mr. Mike
Olner, Mr. Bill
Owen, Albert
Palmer, Dr. Nick
Pearson, Ian
Pickles, Mr. James
Prentice, Mr. Gordon
Primarolo, rh Dawn
Prosser, Gwyn
Purchase, Mr. Ken
Purnell, James
Reed, Mr. Andy
Riordan, Mrs. Linda
Robertson, John
Robinson, Mr. Geoffrey
Roy, Mr. Frank
Ruane, Chris
Ruddock, Joan
Russell, Christine
Salter, Martin
Seabeck, Alison
Sheerman, Mr. Barry
Sheridan, Jim
Simon, Mr. Siôn
Simpson, Alan
Singh, Mr. Marsha
Skinner, Mr. Dennis
Smith, rh Mr. Andrew
Smith, Ms Angela C. *(Sheffield, Hillsborough)*
Smith, Angela E. *(Basildon)*
Smith, Geraldine
Smith, John
Snelgrove, Anne
Soulsby, Sir Peter
Southworth, Helen
Spellar, rh Mr. John
Starkey, Dr. Phyllis
Stewart, Ian
Stoate, Dr. Howard
Strang, rh Dr. Gavin
Stringer, Graham
Tami, Mark
Taylor, Ms Dari
Taylor, David
Thomas, Mr. Gareth
Thornberry, Emily
Tipping, Paddy
Todd, Mr. Mark
Trickett, Jon
Truswell, Mr. Paul
Turner, Dr. Desmond
Turner, Mr. Neil
[illegible]dg, Derek
[illegible]er, Kitty
Vaz, Keith
Vis, Dr. Rudi
Walley, Joan
Waltho, Lynda
Ward, Claire
Wareing, Mr. Robert N.
Watson, Mr. Tom
Watts, Mr. Dave
Whitehead, Dr. Alan
Williams, rh Mr. Alan
Williams, Mrs. Betty
Winnick, Mr. David
Wood, Mike
Woodward, Mr. Shaun
Wright, Mr. Anthony
Wright, David
Wyatt, Derek

Tellers for the Ayes:
Mr. Ian Cawsey and Jonathan Shaw

NOES

Afriyie, Adam
Ainsworth, Mr. Peter
Alexander, Danny
Amess, Mr. David
Arbuthnot, rh Mr. James
Atkinson, Mr. Peter
Bacon, Mr. Richard
Baldry, Tony
Barker, Gregory
Baron, Mr. John
Barrett, John
Bellingham, Mr. Henry
Benyon, Mr. Richard
Bercow, John
Binley, Mr. Brian
Blunt, Mr. Crispin
Bone, Mr. Peter
Bottomley, Peter
Brady, Mr. Graham
Brazier, Mr. Julian
Brokenshire, James
Browne, Mr. Jeremy
Browning, Angela
Burns, Mr. Simon
Burrowes, Mr. David
Burstow, Mr. Paul
Burt, Lorely
Butterfill, Sir John
Cable, Dr. Vincent
Campbell, rh Sir Menzies
Carmichael, Mr. Alistair
Carswell, Mr. Douglas
Cash, Mr. William
Chope, Mr. Christopher
Clappison, Mr. James
Clark, Greg
Clifton-Brown, Mr. Geoffrey
Corbyn, Jeremy
Cox, Mr. Geoffrey
Crabb, Mr. Stephen
Davidson, Mr. Ian
Davies, David T.C. *(Monmouth)*
Davies, Philip
Djanogly, Mr. Jonathan
Dorrell, rh Mr. Stephen
Dorries, Mrs. Nadine
Duddridge, James
Duncan, Mr. Alan
Dunne, Mr. Philip

Ellwood, Mr. Tobias
Evans, Mr. Nigel
Eyrnnett, Mr. David
Fallon, Mr. Michael
Farron, Tim
Field, Mr. Mark
Francois, Mr. Mark
Gale, Mr. Roger
Galloway, Mr. George
Garnier, Mr. Edward
Gauke, Mr. David
Gibb, Mr. Nick
Gidley, Sandra
Gillan, Mrs. Cheryl
Goldsworthy, Julia
Goodman, Mr. Paul
Goodwill, Mr. Robert
Gove, Michael
Gray, Mr. James
Grayling, Chris
Green, Damian
Greening, Justine
Greenway, Mr. John
Grieve, Mr. Dominic
Hammond, Mr. Philip
Hammond, Stephen
Hands, Mr. Greg
Harper, Mr. Mark
Harris, Dr. Evan
Hayes, Mr. John
Heald, Mr. Oliver
Heath, Mr. David
Hemming, John
Hendry, Charles
Herbert, Nick
Hoban, Mr. Mark
Hollobone, Mr. Philip
Holloway, Mr. Adam
Hopkins, Kelvin
Horam, Mr. John
Hosie, Stewart
Howarth, David
Howarth, Mr. Gerald
Hughes, Simon
Huhne, Chris
Hunt, Mr. Jeremy
Hurd, Mr. Nick
Jack, rh Mr. Michael
Jackson, Mr. Stewart
Johnson, Mr. Boris
Kawczynski, Daniel
Kirkbride, Miss Julie
Knight, rh Mr. Greg
Lamb, Norman
Lancaster, Mr. Mark
Lansley, Mr. Andrew
Laws, Mr. David
Leech, Mr. John
Leigh, Mr. Edward
Liddell-Grainger, Mr. Ian
Lidington, Mr. David
Lilley, rh Mr. Peter
Llwyd, Mr. Elfyn
Loughton, Tim
Mackay, rh Mr. Andrew
MacNeil, Mr. Angus
Malins, Mr. Humfrey
Maples, Mr. John
Mates, rh Mr. Michael
McCrea, Dr. William
McIntosh, Miss Anne
McLoughlin, rh Mr. Patrick
Miller, Mrs. Maria
Milton, Anne
Moore, Mr. Michael
Mose, Mr. Malcolm
Mulholland, Greg
Mundell, David
Murrison, Dr. Andrew
Newmark, Mr. Brooks
O'Brien, Mr. Stephen
Öpik, Lembit
Ottaway, Richard
Paice, Mr. James
Paterson, Mr. Owen
Pelling, Mr. Andrew
Penning, Mike
Penrose, John
Pickles, Mr. Eric
Prisk, Mr. Mark
Pritchard, Mark
Pugh, John
Randall, Mr. John
Redwood, rh Mr. John
Rennie, Willie
Rifkind, rh Sir Malcolm
Robathan, Mr. Andrew
Robertson, Angus
Robertson, Hugh
Robertson, Mr. Laurence
Robinson, Mr. Peter
Rogerson, Mr. Dan
Rosindell, Andrew
Rowen, Paul
Ruffley, Mr. David
Sanders, Mr. Adrian
Scott, Mr. Lee
Selous, Andrew
Shapps, Grant
Shepherd, Mr. Richard
Simmonds, Mark
Simpson, Mr. Keith
Smith, Sir Robert
Soames, Mr. Nicholas
Spicer, Sir Michael
Spink, Bob
Spring, Mr. Richard
Steen, Mr. Anthony
Streeter, Mr. Gary
Stuart, Mr. Graham
Swayne, Mr. Desmond
Swire, Mr. Hugo
Syms, Mr. Robert
Taylor, Dr. Richard
Turner, Mr. Andrew
Vaizey, Mr. Edward
Vara, Mr. Shailesh
Viggers, Peter
Villiers, Mrs. Theresa
Walker, Mr. Charles
Waterson, Mr. Nigel
Webb, Steve
Weir, Mr. Mike
Widdecombe, rh Miss Ann
Wiggin, Bill
Willetts, Mr. David
Williams, Hywel
Williams, Stephen
Wilshire, Mr. David
Wilson, Mr. Rob
Winterton, Ann
Winterton, Sir Nicholas
Wright, Jeremy
Yeo, Mr. Tim
Young, rh Sir George

Tellers for the Noes:
Angela Watkinson and Michael Fabricant

Question accordingly agreed to.

Resolved,

That this House takes note of European Union Documents No. 5973/06, the Commission's revised Proposal for renewal of the Inter-institutional Agreement on budgetary discipline and improvement of the budgetary procedure, No. 6426/06, the Commission Contribution to the Inter-institutional Negotiations on the Proposal for renewal of the Inter-institutional Agreement on budgetary discipline and improvement of the budgetary procedure, and No. 7421/1/06, Draft Decision on the system of the European Communities' own resources (//EC, Euratom); and supports the Government's objective of securing agreement on the Inter-institutional Agreement for the 2007-13 Financial Perspective and the Own Resources Decision in line with the agreement reached by Heads of Government at the December European Council.

Press Regulation

Motion made, and Question proposed, That this House do now adjourn.—*[Mr. Heppell.]*

10.43 pm

Mr. George Galloway (Bethnal Green and Bow) (Respect): This will not be a rant about the venality of the prevailing orthodoxy in the British media. Everyone is currently recalling the words of Enoch Powell, who said that all political careers end in failure. *[Interruption.]* Actually, mine is going quite well, judging by last Thursday's election results. I advise Labour Members to pipe down on that particular subject; otherwise I shall talk to them about how we ripped apart the corrupt Labour administration in Tower Hamlets, defeating the leader, deputy leader, housing convenor, mayor, deputy mayor—I could go on, Mr. Speaker, but you would not allow me to do so.

I am thinking of another of Mr. Powell's remarks, however: that a politician complaining about the press is like a ship's captain complaining about the sea. In any case, I have my own access to the media, having worked for nearly nine years for Associated Newspapers and for the last 16 weeks as host of a radio talk show on Saturday and Sunday nights.

It is not the grim and unremitting orthodoxy of the press about which I am concerned this evening, but the slip over the cusp of criminality into which some newspapers have lapsed. As long ago as 5 June 1999, I raised in this House the issue of the agent provocateur behaviour of Mazher Mahmood, otherwise known as the fake sheikh. I warned then that Mr. Murdoch's flagship reporter was not so much involved in unmasking wrongdoing as in dreaming up acts of wrongdoing and setting up individuals to commit them. I should have known that one day, he would try this on me. The expensive though abstemious Dorchester dinner that he threw for me in March of this year was intended to entrap me in a foreign funding scam in advance of the local elections in which my party, Respect, as I have just had the opportunity to say, did rather well. When I rebuffed this crude attempt to suborn me, Mr. Murdoch's finest tried to entice me down the poisonous path of anti-Semitism and holocaust denial.

Nearly as reprehensible were the arguments later adduced by counsel for Mahmood, paid for by Murdoch, in its vain attempt to prevent me from publishing pictures of the fake sheikh, which can now be found on the Respect coalition website and in other places. Its argument that this was an invasion of Mahmood's privacy, and that pictures of him taken for one purpose should not be used for another—for publication in a national newspaper—would of course put *The News of the World* out of business. In the words of Justice Mitting, who heard the case:

"I'm surprised that that argument is being advanced from your corner."

The point is that Mahmood's behaviour toward me and many others whom he did manage to deceive is not only reprehensible but surely illegal, as Professor Roy Greenslade has argued in several recent articles. I should be interested to hear the Government's view on this, and to hear of any plans that they have to tackle this abuse of press freedom.

The House will know that I have spent much of the past three years successfully dealing with false and defamatory allegations published about me in a variety of American and British newspapers. These newspapers have now had to pay out some £2 million in damages and costs to me and my lawyers as a result of those libels. That a crime was committed against me in Baghdad by forgers constructing fake incriminating materials cannot be gainsaid. *The Christian Science Monitor* published on its front page a story that I had received more than $10 million in regular payments from a son of Saddam Hussein whom I never met, beginning a year before I had ever visited Iraq, and ending some months after I left Iraq for the last time. Those documents, which contained forgeries of my signature and elaborate attempts at a chronology matching my actual visits to Iraq, were brought by *The Christian Science Monitor* from an Iraqi general whom it named and photographed within days of the fall of Baghdad to the invading forces.

After I began legal proceedings against *The Christian Science Monitor*, and after *The Mail on Sunday* had bought another set of documents from the same Iraqi general, purporting to show my receipt of a different $10 million from a different son of Saddam Hussein, *The Christian Science Monitor* sent its documents to leading American universities for forensic examination. It was a precaution that it ought to have taken before publication, rather than afterward, because the documents were swiftly exposed as forgeries, as were the documents bought by *The Mail on Sunday* from the same source in the same week.

When both newspapers unmasked the forgeries they had bought, I called on our Government to cause our officials in Baghdad to visit that Iraqi general and ask him why he was circulating forged materials about a British Member of Parliament. There was only silence from the Government and the Iraqi general remains unvisited by any of our embassy personnel. You may wonder, Mr. Speaker, why the Government would not be keen to get to the bottom of such a conspiracy or perhaps, like me, you already know the reason why.

When the Telegraph Group cornered the market over several weeks in April and May 2003 in documents apparently exhumed from a burning building in Baghdad, many smelled a similar species of rat. Documents incriminating Russia and France and, more importantly, documents appearing to link the former Iraqi regime with Osama bin Laden personally were all scoops missed by every other media outlet, but not by *The Daily Telegraph*. In that burning building were allegedly found, of course, the documents about me for which it was condemned in the libel courts and caned by Mr. Justice Eady, who said that the paper had rushed to publish the documents, and had adopted them and editorialised upon them with relish.

I can reveal this evening for the first time that the *Telegraph* journalist, Mr. David Blair—an unfortunate coincidence of name—and at least one of his superiors in London lied in the High Court during my libel action. Their claim that Mr. Blair was not led to those documents but had merely chanced upon them while wandering around a looted and burning building, and that he had found all of the documents published by the *Telegraph* in the same place, at the same time and in the same box, is quite simply a lie.

On 18 July 2003 a very senior British journalist, a foreign correspondent on a national daily, with impeccable credentials and with no conceivable reason to lie, visited me in the House of Commons in my office in Portcullis House. He had been seeking that meeting with me for several weeks. What he told me is perhaps best described by a paraphrasing of the email I sent my lawyer at exactly 13.41 that day, just minutes after that senior British journalist left my office. I told my lawyer that on the weekend David Blair found the documents he was supposed to travel with my contact to the south of Iraq, but pulled out at the hotel door at the last minute and without explanation. He had a conversation with my contact on the day the first *Telegraph* story was published. He insisted that he had found the documents, though he said that he was uneasy about their veracity. My contact says that Blair was very anxious and nervous about the scale of the treatment of the story by *The Daily Telegraph* and its clear assumption of guilt.

On the day of the follow-up piece, Mr. Blair and my contact spoke again. This time, Mr. Blair confessed that the second set of documents, published by the *Telegraph* had in fact been given to him and that he had not, as he had claimed, found them. He said to my contact that he was not able to say who gave them to him. He said that he had been told by London to continue to insist that he found those documents, and that my contact must never divulge the true story.

After they both left Iraq, David Blair telephoned my contact to ask if anyone else knew about the true provenance of the documents. Well now we all know.

My contact told me further that Philip Sherwell of *The Sunday Telegraph* said that he had himself trawled the same room in the same building and that everything was fire or sprinkler-damaged beyond repair. On Sherwell's prior visit, the box Blair later claimed to have found was not there.

Of course, the fact that the second set of *Telegraph* documents was not found, as the paper falsely claimed, but was given to Mr. Blair by somebody does not necessarily mean that the first set of documents was not found in the building. But the fact that the paper lied under oath about the provenance of the second set of documents must reasonably suggest either that both sets of documents were given to the *Telegraph's* reporter or, at the very least, that the *Telegraph* was led to the first by the person or persons who provided the second. I am not unmindful of the gravity of what I am saying, Mr. Speaker. If my foreign correspondent visitor is right, a criminal conspiracy was hatched and executed between Baghdad and London against me.

The *Telegraph's* then proprietor was, of course, a foreign billionaire, Lord Conrad Black. The noble lord was nothing if not ideologically engaged. According to Philippe Sands QC in his recent book, "Lawless World", the British Prime Minister told the American Government of George W. Bush that Black was very helpfully using the influence of his papers to make the case for the war. Mazher Mahmood's employer, too, is a foreign billionaire, although unlike Lord Black there is no evidence that he is also a thief, but that must pose the question of how content we are to allow that massive concentration of media ownership in the hands of foreign billionaires with an ideological crusade in their hearts and an axe to grind.

The Government's attitude has been one of collusion with—some would say obeisance to—those foreign owners. The Government no doubt hoped that that would ensure them a different fate to that suffered by previous Labour Administrations at the hands of the newspaper barons. If so, they must know differently now.

What is to be done? Should we allow 40 per cent. of newspaper circulation in Britain to be in Rupert Murdoch's grubby hands—from the streetwalkers of the *News of the World* to the higher class of courtesan at *The Times*? Will we allow our local press to be subject, as it is through takeover, to increasing monopolisation?

For almost 20 years in the House I have opposed state regulation of the press, and I oppose it still. I believe that freedom and democracy in this country would lose more than they would gain from such regulation, but part of the answer to those questions lies in the Government's hands: first, through modifying their relations with those media magnates and, secondly, through caps on media ownership, especially ownership by foreign billionaires whose loyalty is certainly not to this country.

10.58 pm

The Minister for Sport (Mr. Richard Caborn): First, I congratulate the hon. Member for Bethnal Green and Bow (Mr. Galloway) on securing the debate. He has risen to the usual expectations. This is not the first time that we have debated press regulation and I am sure that it will not be the last.

I want to start by registering the fact that the Government strongly support self-regulation of the press. Indeed, I think that the hon. Gentleman acknowledged that, too. We believe that a press free from state intervention is fundamental to democracy. The history of a free press in this country dates back to 1695 when Parliament decided against renewing the Act that, earlier in the century, had suppressed all newspapers except official publications. These days, we cannot, and indeed do not, expect to like or agree with everything that is printed.

We in government would occasionally—as the hon. Gentleman was saying—like the media to appear to understand us and, indeed, sometimes even probably agree with us. However, we believe that the Government should not seek to intervene in any way in what a newspaper or magazine chooses to publish. We therefore support self-regulation, and the basis for the Government's relationship with the independent Press Complaints Commission is support for effective self-regulation.

Newspapers may not publish just what they like. Indeed, like all of us, they must abide by the law. That includes, for example, the laws on defamatory material. We acknowledge that with freedom comes responsibility, and in recognition of their responsibilities, newspapers choose to restrict their historic right to free speech—now guaranteed by the Human Rights Act 1998—by signing up to the voluntary code of practice overseen by the PCC. In fact, consequently, newspapers already work under tighter regulations than the rest of us.

It is important to put in context what the hon. Gentleman has been saying and to note the context in which the debate takes place. There are 107 daily and 501 weekly newspapers and 8,330 magazines. Every week, as a nation, we get through more than 150 million

[Mr. Richard Caborn]

newspapers. Against that background, the PCC received 3,654 complaints in 2005—very similar to the numbers received in the previous two years, which were 3,618 in 2004 and 3,649 the year before.

The simple rehearsal of the total number of complaints inevitably conceals a more complex picture. The PCC receives many complaints that do not fall within its remit— relating, for example, to advertising, legal matters or issues of taste and decency—or that represent general concerns on the part of complainants that do not fall within the terms of the code. In those cases, the PCC seeks to assist complainants as best it can, by referring them to other relevant bodies, or passing on their views to the editor concerned.

In all, the commission had to make 900 rulings under the code in 2004, which represented a drop of about 14 per cent. from 2003. The complaints that raised a possible breach of the code also fell by 7 per cent. Therefore, despite overall complaint levels remaining the same, there appears to have been a noticeable drop in substantive concerns about the newspaper and magazine industry.

One area of particular concern to the hon. Gentleman is misrepresentation, which he outlined this evening. The code contains a clause on the use of clandestine devices and subterfuge, and it is worth rehearsing its contents:

"The press must not seek to obtain or publish material acquired by using hidden cameras or clandestine listening devices; or by intercepting private or mobile telephone calls, messages or emails; or by the unauthorised removal of documents or photographs. Engaging in misrepresentation or subterfuge can generally be justified only in the public interest and then only when the material cannot be obtained by other means."

However, that clause has a public interest exemption, meaning that clandestine devices or subterfuge can be permissible if editors demonstrate that their use is in the public interest. The public interest is defined by the PCC as

"Detecting or exposing crime or serious impropriety; protecting public health and safety; preventing the public from being misled by an action or statement of an individual or organisation."

We believe that the important point is that, if a journalist obtains a story or information by misrepresentation or subterfuge and an editor uses that story, he must satisfy himself that it is in the public interest, as he will be only too aware that he is likely to have to demonstrate that to the PCC or risk public censure.

Investigative journalists have, in that way, uncovered a great deal of crime and impropriety, but I certainly understand the anger and concern of those who find themselves on the receiving end of that sort of behaviour and who committed no crime or impropriety. However, that is part of the price that we pay for our independent press. I should also point out that complaints about the use of clandestine devices and subterfuge made up only 0.6 per cent. of complaints to the PCC last year—just over 20 cases. So, it is fair to say that the problem is not widespread. I do not know whether the hon. Gentleman referred his complaint to the PCC.

Mr. Galloway: I am grateful to my right hon. Friend, the last of the Mohicans on the Labour Front Bench, for giving way. The reality is that the reason so few people complain to the PCC is that it is not worth a pot of warm water. It has absolutely no effect on the gutter press of Rupert Murdoch and the *News of the World*. They laugh at it. That is why I did not take my complaint to the PCC. I preferred to bring it to my right hon. Friend's attention in the hope that he might do something more about it than he seems to be suggesting.

Mr. Caborn: As my hon. Friend said a little earlier to the House, he has been successful in his prosecutions, because he is now £2 million better off. It looks as though the recourse that he has taken, either through the PCC or the courts, has been quite successful. By his own admission, he has been quite successful in bringing those concerned to book in one form or another, through the courts of the land or the PCC. He has informed the House that he and his lawyers have received about £2 million in the recent past. By that token, there has been some success in addressing that complaint.

Mr. Galloway: I had to risk absolute and total ruin to do so. I would either have been £2 million up or £2 million down. Most people cannot risk doing that and do not have families that permit them to do that. That is why we need something a bit stronger than what my right hon. Friend has to say this evening.

Mr. Caborn: My hon. Friend is not what I would call "the normal family". He is slightly different and slightly more of a personality. Just occasionally, he attracts a little interest from the press—I do not know whether he goes out to do so, but he might from time to time. It is stretching the imagination just a little to say that he is one of the ordinary citizens of this country. By his own admission, at least he has been able to use the courts of this land to bring his case, which has been found in his favour.

I do not wish to diminish the importance of such complaints, but it is important that we keep a sense of perspective. Considering the vast number of publications, the articles that they contain and the copies distributed, the number of complaints about any clause in the PCC's code is very small, and this area is one of the smallest. Complaints about accuracy continue to provide the commission with the bulk of its work—more than 50 per cent. of the letters that it receives are about accuracy.

The PCC continues to monitor customer satisfaction by asking all complainants for their views on whether they are satisfied with how their complaints were handled. In 2004, 305 complainants returned the anonymous feedback form. The results were as follows: 94 per cent. of people whose complaints were either upheld or resolved were satisfied or very satisfied with the way in which their case had been handled; 79 per cent. of respondents considered the time taken to deal with their complaint had been about right; 94 per cent. of the complainants found the commission's literature to be clear or very clear; 87 per cent. found the PCC staff to be helpful or very helpful; and 60 per cent. overall concluded that their complaints had been handled satisfactorily or very satisfactorily. That was in line with the previous years and included those cases where the commission found no breach of the code and one might expect some hostility to the PCC.

I am not suggesting that there is no room for improvement, because there certainly is and neither do I believe that there is any room for complacency. I have great sympathy for those who suddenly find themselves thrust into the media spotlight, particularly if it is not their choice. I acknowledge what the hon. Gentleman is saying. He has the opportunity to come here tonight and present his case. There are members of the general public who, when they find themselves in such circumstances, have great difficulty in finding a platform from which to raise such matters.

I do not accept wholly what the hon. Gentleman says about the PCC. As I tried to indicate, those who have used it find that the organisation is reasonably satisfactory in dealing with their complaints. However, as I said, the matter needs to be kept under review and vigilance is important. I believe that what we have in place to protect the freedom of the press on the one hand—I think that the hon. Gentleman agrees with that—and to give recourse when there has been transgression from the code is about right. However, that is not to say that we do not keep the situation under constant review—we do. I hope that that is satisfactory to the House.

Question put and agreed to.

Adjourned accordingly at ten minutes past Eleven o'clock.

House of Commons

Tuesday 9 May 2006

The House met at half-past Two o'clock

PRAYERS

[MR. SPEAKER *in the Chair*]

Oral Answers to Questions

SCOTLAND

The Secretary of State was asked—

Health

1. **Mr. Anthony Steen** (Totnes) (Con): If he will visit the Scottish Parliament to discuss cross-border health issues. [67707]

The Secretary of State for Scotland (Mr. Douglas Alexander): I have no plans at present to visit the Scottish Parliament to discuss cross-border health issues. Such matters are primarily for the Department of Health and the Scottish Executive.

Mr. Steen: I congratulate the Secretary of State on his elevation, or whatever it is. When he does visit the Parliament, could he find out—by means of a bit of detective work, perhaps—why all Scots get free eye tests, whereas in England that applies only to the elderly, the very young and those on benefits? Is it because the Scots have worse eyes?

Could the Secretary of State also explain why Scots opticians receive £28.50 from the national health service for every test that they give, while opticians in England receive only £18.30? Where does the money come from?

Mr. Alexander: The money comes from the budget. I have been doing a little detective work in the days since my appointment, and have discovered that over 2,200 more nurses, 379 more consultants and 220 more general practitioners have been appointed in the hon. Gentleman's area alone since 1997.

I have been doing some further detective work on the Conservative and Unionist party, but I still cannot find an explanation for its change of policy in recent years.

Mr. Brian H. Donohoe (Central Ayrshire) (Lab): May I congratulate my right hon. Friend on his appointment, and at the same time congratulate the Scottish Parliament on introducing a ban on smoking north of the border? That is, of course, something that we shall do down here at a later stage.

Has my right hon. Friend made any assessment of the differences between Scotland and England in respect of the smoking ban, given that people are, I am told, now crossing the border to smoke in England?

Mr. Alexander: I thank my hon. Friend for his generous words welcoming me to the Dispatch Box. I share his pride in the decision to ban smoking in public places north of the border. As he knows, I recently had an opportunity to visit his constituency, and to see the excellent hotel facilities in Irvine. That hotel struck me as a classic example of the type of hostelry that will benefit from the change that the Scottish Executive have announced.

My hon. Friend made the serious point that one of the biggest public policy challenges that we face in Scotland, and indeed throughout the United Kingdom, is the challenge of public health. We have huge problems in Scotland, not least in relation to cancer, stroke and heart disease. I believe that the Scottish Executive's decisive and bold step—endorsed by the Scottish Parliament—in introducing a smoking ban was definitively a step in the right direction.

Disabled Children

2. **Mr. Tom Clarke** (Coatbridge, Chryston and Bellshill) (Lab): If he will meet the Disability Rights Commission to discuss the rights of disabled children in Scotland. [67708]

The Parliamentary Under-Secretary of State for Scotland (David Cairns): My right hon. Friend the Secretary of State and I regularly engage with a wide range of organisations in Scotland, including the Disability Rights Commission, whose members I expect to meet again in the near future.

Mr. Clarke: Is my hon. Friend aware of the recent statement by the Disability Rights Commission that it costs three times as much to bring up a disabled child as it does to bring up a non-disabled child, and that 84 per cent. of the mothers of disabled children are unemployed? Will he continue to promote, with the DRC and others, the Government's view that employment is pivotal to dealing with the problem of child poverty—including poverty among disabled children—as one of the most positive aspects of the Government's achievements?

David Cairns: I am happy to endorse what my right hon. Friend has said. It is, of course, owing in no small measure to his campaigning work over many years that we have a Disability Discrimination Act—the 1995 Act—and the Disability Rights Commission, which has done tremendous things in promoting the basic human and civil rights of disabled people.

My right hon. Friend is right to point out that work is the best route out of poverty for everyone. We should concentrate less on people's disability or incapacity, and more on the capacity that they have. When we are trying to reform incapacity benefit, it is important for us not to write off disabled people, but to work with them to find out what meaningful work they can do.

My right hon. Friend is also right to refer to the higher costs incurred by families bringing up disabled children. The Scottish Executive have an excellent scheme involving relatively modest but very helpful grants for families. The overall budget for the scheme is about £2 million, which I think constitutes recognition of the facts mentioned by my right hon. Friend.

Malcolm Bruce (Gordon) (LD): Will the Minister reflect on the fact that last week was deaf awareness week? Finland, whose population is comparable to Scotland's, has more than 600 sign language interpreters, whereas Scotland has fewer than 30. What will the Minister do to promote training in and greater use of sign language, so that those for whom it is the primary language—a minority British language—will be able to use it much more frequently?

David Cairns: I pay tribute to the hon. Gentleman for the work that he has done in connection with this issue, and for raising what is a serious and important matter. I have no specific information about the number of sign language interpreters, although I do not quibble with what the hon. Gentleman said. Of course, such matters are primarily a matter for the Scottish Executive, but in creating the new commission for equality and human rights the Government intend to put them at the top of the political agenda, and to give disabled people and others a strong voice that will be heard much more clearly throughout society when they work in concert. I am sure that the commission will want to take up the issue of what help and support are available to deaf people.

Mr. David Marshall (Glasgow, East) (Lab): While I welcome the creation of the new commission for equality and human rights, there are considerable and legitimate fears in some quarters that it will dilute the voice and influence of disability rights campaigners. What reassurances can my hon. Friend give the House that the concerns of disabled people will be at the heart of the new commission's work?

David Cairns: My hon. Friend raises an entirely genuine and perfectly valid issue. Of course, as I said a moment ago, the whole point of creating the new commission for equality and human rights was to raise the profile of the agenda for all the various bodies that will be part of the commission. In order to recognise the central importance of the rights of disabled people, the commission will have a specified disability committee, 50 per cent. of whom will be disabled people, and one of the commissioners will be a disabled person. So the work that the Disability Rights Commission has set out will be taken up by the new commission, and although I accept that the dilution to which my hon. Friend referred is a genuine fear, we do not expect it to occur.

Devolution

3. **Miss Anne McIntosh** (Vale of York) (Con): What devolution issues the Advocate-General has considered since 28 March 2006. [67709]

The Parliamentary Under-Secretary of State for Scotland (David Cairns): Since 28 March, 102 devolution issues have been intimated to the Advocate-General.

Miss McIntosh: It would be helpful to know what issues the Advocate-General considered. Will the Minister confirm that foreign policy and extradition matters will remain the preserve of the UK Government, and that they will reject moves by the Justice 2 Committee of the Scottish Parliament to prevent a Scottish business man from being extradited to the USA to face charges under the extradition treaty, despite the fact that the person in question might be the son of a Labour MSP?

David Cairns: On the hon. Lady's first point, of the 102 devolution issues intimated to the Advocate-General, 69 were civil proceedings and 33 were devolution minutes intimated in criminal proceedings. On her main question, this matter is before the courts and I am not going to comment on it.

Mr. Alex Salmond (Banff and Buchan) (SNP): I welcome the Secretary of State to his new post. Can the Minister say whether the Advocate-General is going to look at the flow of judicial information from the Home Office to the Scottish Executive? First, the Executive were kept in the dark about the "most wanted" list; then, we were told that Mr. Malkovs was one of the 79 most dangerous people in the country. Now, the sheriff at Peterhead has refused deportation on the ground that Mr. Malkovs has no serious criminal convictions. What on earth is going on, and will any Minister in the Home Office, the Scotland Office or the Scottish Executive—full-time or part-time—take charge of this shambles in order to restore public confidence?

David Cairns: I have said on more than one occasion that there should have been greater and better communication between the Home Office and the Scottish Executive. That was one of a number of things that went wrong in the Home Office in respect of this issue, and such communication is now taking place at official level and with the police. It should have taken place before any statement being made in this House, and I am not in any sense attempting to downplay that point. To restore confidence in the system, it is important that now and in future we ensure that foreign nationals who are convicted and sent to prison in this country expect to be deported at the end of their sentence. That does not happen at the moment, even if the system is being administered perfectly. I sincerely hope that the hon. Gentleman's party will lend its support to any measures that have to be taken, to ensure that what the public expect to happen does happen: that foreign nationals who commit crimes and end up in prison are sent back to their home countries.

David Mundell (Dumfriesshire, Clydesdale and Tweeddale) (Con): I, too, convey my best wishes to the new Secretary of State. I am in a unique position, having faced not only him in this House but his redoubtable sister in the Scottish Parliament. Do the Minister and the Secretary of State agree with me that the Advocate-General has a limited legal role to play in dealing with the apparently ever-increasing number of differences between Holyrood and Westminster? Will the Minister therefore agree to establish a review of intergovernmental arrangements, given the increasing likelihood of there being Governments of different persuasions at Holyrood and Westminster?

David Cairns: It might help if I remind the hon. Gentleman that the role of the Advocate-General is to

advise the UK Government on issues relating to Scots law, so it does not come into play in the hypothetical case that he mentioned. Of course, what does more to undermine the Union that the hon. Gentleman professes to believe in is his party's ludicrous call to create two grades of Members of Parliament in this House—

Mr. Speaker: Order. That is not a matter for the Minister to discuss.

David Mundell: Thank you, Mr. Speaker. I am disappointed that even under the tutelage of the new Secretary of State, the Minister is sticking to the old tune and the complacency that such issues can be dealt with under Labour's old boys' network. Is he aware that the independent Social Science Research Council has identified the need to ensure that the general machinery of intergovernmental relationships works, along with the necessary transparency and accountability? When will he and the Secretary of State deliver that?

David Cairns: I believe that that is exactly what we have. This Government created the Scottish Parliament—a legitimate demand of the Scottish people that his party denied for many years—and he campaigned against its creation. We will not take any lessons from him on how the Parliaments should relate to each other, given his wholehearted lifelong opposition to the Scottish Parliament.

Mr. Speaker: I call Mr. Doran.

Mr. Frank Doran (Aberdeen, North) (Lab): I add my congratulations and good wishes to my right hon. Friend the Secretary of State on his appointment—

Mr. Speaker: Order. You need to wait for the reply.

Energy

4. **Mr. Frank Doran** (Aberdeen, North) (Lab): What assessment he has made of the potential in Scotland for generation of electricity from renewable sources. [67710]

The Secretary of State for Scotland (Mr. Douglas Alexander): Such was my hon. Friend's enthusiasm to welcome me to my new post that he slightly lost track. There is a wide recognition that Scotland has abundant resources of renewable energy. Detailed assessment and the promotion of renewables are devolved responsibilities.

Mr. Doran: I shall try to temper my enthusiasm in future, but I was so excited by my right hon. Friend's appointment. Scotland is the world leader in sub-sea oil and gas technology, and the industry based in and around Aberdeen is making a massive contribution to extending the life of the North sea oil and gas industry. The technologies and expertise are easily transferable to marine renewables. Subsea UK, the industry body, has recognised that and intends to promote marine renewables at future oil and gas industry conferences, including the oil energy conference to be held later this month in Aberdeen. What support will the Government provide to ensure that our world lead in sub-sea oil and gas technology can develop into a world lead for Scotland and the UK in marine renewable technology?

Mr. Alexander: I assure my hon. Friend that Scotland Office officials are in contact with the sub-sea industry. I place on record today my appreciation and that of the Scotland Office of the outstanding technological innovations and capabilities centred on Aberdeen, and we are determined to do what we can to support and strengthen them in the years ahead.

John Thurso (Caithness, Sutherland and Easter Ross) (LD): May I draw the Minister's attention to the research that has been undertaken by the Environmental Research Institute of the North Highland college in Thurso on the energy that exists in the tidal flow in the Pentland firth? Is he aware that companies would like to exploit that; and what can he do to offer assistance, especially in conjunction with the Department for Trade and Industry, to further such projects, which represent a real opportunity to use the skills of the work force from the decommissioning at Dounreay?

Mr. Alexander: My predecessor as Secretary of State for Scotland is now at the Department for Trade and Industry and he is aware of the matter, not least because I understand that the hon. Gentleman has already met my hon. Friend the Under-Secretary to discuss it. My recollection is that at that meeting an offer was made of further discussions, but if it would be helpful to facilitate a further discussion between my hon. Friend and the hon. Gentleman, I would be happy to do so.

Mr. Mohammad Sarwar (Glasgow, Central) (Lab): I share the enthusiasm of my hon. Friend the Member for Aberdeen, North (Mr. Doran) for congratulating my right hon. Friend on his new responsibilities. I am sure that as Secretary of State for Scotland he will be a strong voice for the people of Scotland. He will be aware that the Scottish Affairs Committee has conducted an inquiry on meeting Scotland's future energy needs and has made several recommendations. One of those is that the Government should underwrite the cost of providing and installing the equipment needed to capture carbon dioxide and sulphur at coal-burning power stations. Does my right hon. Friend support that recommendation, and can he assure me that he will work closely with the First Minister and the Scottish Executive to promote renewable energy in Scotland?

Mr. Alexander: My hon. Friend makes several points. I am grateful for his kind and generous words, and I am determined to provide that voice for Scotland in the Cabinet. I will continue to ensure that Scottish concerns are brought to attention across government.

On the specific point about carbon capture, I have a close interest in the Mitsui Babcock facility in the Renfrew constituency of my hon. Friend and neighbour

the Member for Paisley and Renfrewshire, North (Jim Sheridan). I am fully aware of the importance of carbon capture technology, and believe that Scotland can play a leading role in that exciting and innovative area in the future. I therefore look forward with interest to the Select Committee's report.

Jo Swinson (East Dunbartonshire) (LD): First, I should like to add my congratulations and welcome the Secretary of State to his new role. I am sure that I shall enjoy our exchanges. Does he accept that maximising the potential of clean and safe renewable energy, including microgeneration, means that we will need to adopt a decentralised grid design that is incompatible with the centralised system demands of new nuclear power?

Mr. Alexander: I am grateful to the hon. Lady for her generous words of welcome. When she was appointed the Liberal Democrat shadow Secretary of State for Scotland, she said that energy—and especially nuclear power—was going to be one of her priorities. That may explain why she was appointed: her predecessor had a rather more open mind on the nuclear issue, which is perhaps why he is sitting behind her this afternoon.

I cannot prejudge the outcome of the energy review that is under way at present, but I assure the House that the work continues. Since my appointment to my new post, I have made inquiries and been gratified to learn that individuals and companies based in Scotland have made a significant number of representations to the review.

Mr. David Hamilton (Midlothian) (Lab): I draw my right hon. Friend's attention to a project under way at Monktonhall in Midlothian, where geothermal heating 3,000 feet underground is being used to produce hot water. We have had discussions with the Department of Trade and Industry, and the project has received £3.5 million from Europe. May I invite him, as one of his first tasks, to visit the project and throw his full weight behind it?

Mr. Alexander: First, I pay tribute to the years of service, commitment and interest that my hon. Friend has put into the coal industry in Midlothian. His expertise stretches back a number of decades. The example that he offers is a genuine partnership that involves European funds—and we should remember that today is Europe day—and the genuinely collaborative approach with the DTI that is necessary to secure success for the technology that he describes. I shall be happy to consider his invitation to visit Midlothian in the weeks and months ahead.

Economy

5. **Mr. Stephen Crabb** (Preseli Pembrokeshire) (Con): If he will make a statement on economic trends in Scotland. [67711]

The Secretary of State for Scotland (Mr. Douglas Alexander): Scotland continues to benefit from the macroeconomic stability delivered by this Labour Government. Employment in Scotland is around the highest on record, unemployment is lower than it has been for a generation, and Scottish economic growth in 2005 was, at 1.8 per cent., on trend and equal to that of the UK.

Mr. Crabb: The Secretary of State will appreciate the huge importance to the economy in Scotland and the UK in general of the oil and gas industry in the Aberdeen and Grampian region. Does he not think it strange, therefore, that the Chancellor should choose to reward the success of the Aberdeen economy by doubling the North sea supplementary tax, thereby eroding the long-term competitiveness of UK oil exploration and production—

Mr. Brian H. Donohoe (Central Ayrshire) (Lab): It says here.

Mr. Crabb:—and eroding local business confidence?

Mr. Alexander: It is always dangerous for an hon. Member to read a question prepared for him as though it represented his own thoughts. In recent years, and certainly since I first came to the House, the return on capital investment in North sea oil and that area's fiscal position have been matters of concern. I am delighted to say that the changes that have been made have enabled exploration there to continue and the wealth generated thereby to grow. However, we should not forget that the oil and gas industries are not the only ones generating economic prosperity and growth, in the north-east of Scotland and across the country as a whole. The present record levels of employment are a direct consequence of the macroeconomic stability that this Government have achieved, and they stand in stark contrast to the employment levels that afflicted Scotland in the years when the hon. Gentleman's party was in power.

Mr. John McFall (West Dunbartonshire) (Lab/Co-op): Is the Secretary of State aware that in the domestic field the Bank of Scotland index reports that new housing starts are strong, with house prices in Scotland increasing 7 per cent. in the past year, and that in the manufacturing field the CBI indicates that jobs have increased at the fastest rate for 20 years? Does not that augur very well for economic trends in Scotland?

Mr. Alexander: I find myself in complete agreement with my right hon. Friend, who has real economic expertise given his role on the Treasury Committee. We should bear in mind that the survey to which he referred was not an isolated one, but that it reflects the strength and confidence of the Scottish economy in the eighth year of a Labour Government. For reference, I quote comments made about the recently published CBI Scotland industrial trends survey. On 25 April, Iain McMillan, the director of CBI Scotland, stated:

"This is a sparkling set of results, with Scottish manufacturers doing better than expected and even outperforming the rest of the United Kingdom."

Independent verification that the Scottish economy is strong and getting stronger.

David Mundell (Dumfriesshire, Clydesdale and Tweeddale) (Con): I am glad that the new Secretary of State places so much weight on what CBI Scotland says. Perhaps he could answer the question that his predecessor failed to answer at last month's Scotland questions, when I asked whether the fact that 51 per cent. of Scotland's gross domestic product was in the public sector was too high, too low or just about right.

Mr. Alexander: I am glad that the hon. Gentleman asked me that question, because it reflects once again the Conservative party's prejudice against doctors, nurses, teachers and hospital cleaners. He has learned little in the years in opposition if he thinks that the Scottish people feel that the answer to the challenges of the Scottish economy is a reduction in the services that we have been building up in recent years, as a direct consequence of chronic under-investment for 18 years under the Conservatives.

Gordon Banks (Ochil and South Perthshire) (Lab): May I, too, take this opportunity to welcome my right hon. Friend to his new position? May I refer him back to the points made by my right hon. Friend the Member for West Dunbartonshire (Mr. McFall) about the CBI survey and draw his attention to an independent survey by KPMG, which showed a high level of confidence and optimism in Scotland? Does my right hon. Friend agree that such reports are excellent news for Scotland and that scaremongering from Opposition politicians does nothing but talk Scotland down?

Mr. Alexander: I could not agree more, although the scaremongering is rather half-hearted and unconvincing at present, given the plethora of statistics and reports that vindicate the view on the Labour Benches that the Scottish economy is strong and getting stronger. Let us take engineering, for example: Dr. Peter Hughes, the chief executive of Scottish Engineering, stated recently:

"Engineering staffing levels rise in line with order increases."

There is absolutely no doubt, whether in relation to engineering, manufacturing or the general health of the Scottish economy, that we have reason to feel proud but not complacent. We will continue to invest in education, to maintain macro-economic stability and to ensure that the drivers are in place for modern economic prosperity in the years to come.

Universal Service Obligation

6. **Sir Robert Smith** (West Aberdeenshire and Kincardine) (LD): What discussions he has had with the Department for Trade and Industry on the number of post offices required by Royal Mail to meet its universal service obligation for postal services in Scotland. [67712]

The Parliamentary Under-Secretary of State for Scotland (David Cairns): My right hon. Friend and I regularly meet ministerial colleagues and discuss a range of issues. The universal service obligation for postal services in Scotland is a matter for the postal services regulator, Postcomm.

Sir Robert Smith: I am concerned that the Minister has not looked further into the figures; he would then have realised that if we are to maintain a post office network to serve our constituents in rural Scotland it cannot be done on the back of the Royal Mail's universal service obligation, which has only a minimal base. It will be crucial for the Government to ensure both that business can still be done over the counter for the collection of benefits and pensions and the survival of the Post Office card account.

David Cairns: The hon. Gentleman is aware that no decisions have been taken about the size and shape of the post office network, following either the 2006-08 period or the end of the Post Office card account in 2010. The track record of the Government, investing thousands of millions pounds in the Post Office, speaks to our genuine belief that the Post Office has a role to play, and we will continue to support it.

I fail to see, once again, how the Liberal Democrat policy of privatising the Post Office and abolishing it—

Mr. Speaker: Order.

Michael Connarty (Linlithgow and East Falkirk) (Lab): I shall certainly not be arguing for the Liberals' privatisation policies, which were set out at their last conference, but I am concerned, as are pensioners and sub-postmasters and postmistresses in Scotland, that the proposal to get rid of the Post Office card account will damage the post office infrastructure in rural areas and in schemes in urban areas, where there are no banks to substitute for it. When my hon. Friend meets colleagues at the Department of Trade and Industry, will he discuss seriously the withdrawal of that proposal? It will save some money for the Department for Work and Pensions, but will cause deep offence and concern to the pensioners in our society.

David Cairns: The facts of the matter are that more than 70 per cent. of those who have a Post Office card account also have a bank account and that all the Scottish banks offer basic bank accounts through the Post Office. If individuals still wish to receive their benefits at the Post Office using some form of basic bank account after POCA, there is absolutely no reason why they cannot do so; but of course, the shape and future of the Post Office will be driven largely by the approach of consumers to such things. We must reflect the change in the way that consumers do their shopping and gain access to services, but we have invested massively in the post office network, and we will continue to do so, because we believe in the value of it.

Mr. Mike Weir (Angus) (SNP): The Minister continues to show incredible complacency in respect of the Post Office, when he says that no decision has been made. Decisions are being made daily: the removal of benefits, the ending of support for POCA and the removal of TV licence and Driver and Vehicle Licensing Agency business from the Post Office are causing post offices to close now, because their business is disappearing. It is no good saying that there is a universal service obligation if there is nothing to sustain it. Will he make sure that the

Government take action to stop business going from post offices and that sub-post offices remain to ensure that that service obligation can continue?

David Cairns: The hon. Gentleman is confusing the universal service obligation on postal services with services that are available across the counter. We are not withdrawing benefits or ending people's ability to pay their road tax at post offices. What we are doing is giving people the choice. We are allowing people to exercise that choice. If he had his way, the Post Office would wither on the vine, because he would not make the investment that we have made in sustaining it and allowing it to gain access to universal banking. I am afraid that his solution would simply consign the Post Office to history.

CONSTITUTIONAL AFFAIRS

The Minister of State was asked—

Judiciary (Women)

15. **Barbara Follett** (Stevenage) (Lab): What measures are being taken to increase the number of women working in the judiciary. [68815]

The Minister of State, Department for Constitutional Affairs (Ms Harriet Harman): The steps that we have taken to increase the number of women judges include changing the application rules, so that women who would make excellent judges but are newer into the legal profession can apply; allowing judges to sit part time, to attract into the judiciary women with family responsibilities; and allowing career breaks, again, to help women with family responsibilities. We have appointed two women judges to a job share, as district judges in Essex.

Barbara Follett (Stevenage) (Lab): I welcome my right hon. and learned Friend's response: it is exactly what we need, because the Equal Opportunities Commission has said that, unless we introduce part-time and flexible working to the sector, it will take 40 years to achieve equality between men and women in the senior judiciary. Will she please continue to press on those subjects? Perhaps we can then have the sort of representation that we have for Department for Constitutional Affairs Ministers in the Commons, where it is 100 per cent. women.

Ms Harman: I thank my hon. Friend for her comments. She is absolutely right to suggest that, although we have taken some steps, we have a long way to go, but we will be supported in that work by the Judicial Appointments Commission, under Baroness Usha Prashar, who I am delighted to say is the first chair of the commission, and by the Lord Chancellor. Although we have taken a lot of action, there is a long way to go. The Crown court, where all the serious criminal cases are heard, is 90 per cent. men. The Queen's bench division has 93 per cent. male judges, and the chancery division of the High Court is 100 per cent. men. We want to have judges that reflect modern Britain—not just an old boys' network.

Julie Morgan (Cardiff, North) (Lab): Is my right hon. and learned Friend aware that 59 per cent. of law graduates are women, yet we end up with the figures that she has just cited? What can we do during that process to stop that drain of women law graduates, so that they can reach the highest positions?

Ms Harman: My hon. Friend makes a very important point. More women are going into the legal profession, but they do not necessary rise up the profession, partly because the way the Bar works is very difficult to combine with family responsibilities. The solicitors' profession has the same problem with women going into the profession but not necessarily rising to partnership. It is not just a question of the numbers, but of where women are in the system and ensuring that they can contribute at all levels of the legal profession.

Postal Voting

16. **Ann Winterton** (Congleton) (Con): If the Government will take further steps to ensure postal voting is not vulnerable to fraud. [68816]

The Parliamentary Under-Secretary of State for Constitutional Affairs (Bridget Prentice): We have already taken steps through regulations for local authorities. We are taking further steps to secure postal voting through provisions in the Electoral Administration Bill, which is going through Parliament.

Ann Winterton: Does the Minister agree with the Electoral Commission that individual voter registration, as exists in Northern Ireland, is vital to assist in eradicating electoral fraud, which, once again, may have been to the fore in the recent local elections?

Bridget Prentice: No, I do not agree that we should reinvent the system in Northern Ireland in mainland Britain because the situation in Northern Ireland is quite different from that in the rest of Britain. The hon. Lady will be aware that when the system was first introduced in Northern Ireland, we lost something in the region of 100,000 voters from the register. As we have said on many occasions, we want to ensure that the register is accurate. It required changes to ensure that the register in Northern Ireland actually reflected the community there.

Dr. Gavin Strang (Edinburgh, East) (Lab): Is my hon. Friend aware of the strength of opposition to compulsory postal voting? Does she accept that the right of each individual to go to the polling station on his or her own and cast his or her vote in complete secrecy is sacrosanct to our electoral process?

Bridget Prentice: We want to ensure that all opportunities for people to vote—secretly, of course—are made available to them. The opportunity to vote by post has been popular and its uptake has been widespread, and we want to continue to encourage that. However, many people like the idea of going to the polling station, standing in the polling booth and using the little stubby pencil to cast their vote appropriately, so we will, of course, ensure that they will still have the opportunity to do so.

Mr. Jonathan Djanogly (Huntingdon) (Con): With postal voting fraud being investigated in Tower Hamlets, Birmingham, Woking and Bradford, how many thousands of voters are to have their ballots stolen before the Government introduce proper individual voter registration safeguards, as were suggested by my hon. Friend the Member for Congleton (Ann Winterton)?

Bridget Prentice: The measures that were put in place to change the system for these elections were welcomed by both the electoral returning officers and the Electoral Commission. Indeed, they are the very reason why the police were able to investigate the possibility of postal voting fraud at an early stage. I will not make any comment on those investigations now—they are police matters. However, I remind the hon. Gentleman that the Electoral Administration Bill adds a number of other offences and restrictions to ensure that postal voting fraud does not take place and that if it does take place, we will deal with people very seriously indeed.

Asylum and Immigration Tribunal

17. **Keith Vaz** (Leicester, East) (Lab): What the Asylum and Immigration Tribunal's work load of immigration appeals was at the latest date for which figures are available. [68817]

The Parliamentary Under-Secretary of State for Constitutional Affairs (Bridget Prentice): At the end of March 2006, the number of outstanding immigration and family visitor appeals, at either the immigration judge or the reconsideration stage of the process, stood at 82,000.

Keith Vaz: My hon. Friend is aware that when Sir Henry Hodge gave evidence to the Select Committee on 21 March, he said that the number of unprocessed appeals had gone up from 22,000 to 82,000 when 60,000 files were found because the cupboards had been cleared out. He blamed the entry clearance officers and the Home Office, but they hold the Department for Constitutional Affairs responsible because they say that the cases were sent over in December, but left unopened in bags in the Department. The delay for our constituents is intolerable. Who is responsible for this appalling lack of co-ordination?

Bridget Prentice: I simply refute any suggestion that bags lay unopened in the Department or at the Asylum and Immigration Tribunal. I commend the staff and officials there who have worked exceptionally hard to overcome a backlog that was not of their making. There is still some way to go, and, as my hon. Friend knows, I have held forums with hon. Members to determine whether there are other ways in which we can improve the system. We have an agreement with entry clearance officers that next month there will be a streamlining of the process and another seven weeks will be taken off the current time scales.

Paul Rowen (Rochdale) (LD): Does the Minister accept that this continuing delay is causing hardship to the many thousands of people who, reasonably, just want to visit their family? What will the hon. Lady do about it if she will not admit responsibility?

Bridget Prentice: We are working closely with UKvisas and with the entry clearance officers in posts with the commissions abroad to try to speed up the system. The hon. Gentleman is right to say that it is distressing for families when they are waiting for relatives to visit them, particularly for big family occasions. We are doing all that we can to work co-operatively to ensure that visits can take place. It is important that we make it clear that the initial decision is one of high quality so that there are not so many appeals. I hope, if possible, to go to some of the posts abroad to see exactly how they go about making these decisions.

Mr. Oliver Heald (North-East Hertfordshire) (Con): I welcome the Under-Secretary of State for Constitutional Affairs, the hon. and learned Member for Redcar (Vera Baird), to her ministerial post. Her appointment is well deserved. There are some who are calling the team "Charlie's Angels", but not me. *[Interruption.]* I am a new man and my remark was not mean to be patronising. *[Interruption.]* Well, perhaps not that new.

What effect will the Prime Minister's proposals for deportation of foreign convicted offenders have on the backlog of asylum cases before the tribunal? We know that about half the cases are more than six months old, and there is much concern about the suffering of individuals. Will not the effect of the Prime Minister's proposals be that the backlog gets ever longer?

Bridget Prentice: No, that will not be the effect of the proposals. The hon. Gentleman will know that discussions are ongoing about how we deal with foreign criminals who are awaiting deportation. I am not able to give the hon. Gentleman details now but I will ensure that he receives them as soon as they are available.

Unpaid Fines

19. **Mark Pritchard** (The Wrekin) (Con): What the level of unpaid fines was in 2004-05. [68819]

The Minister of State, Department for Constitutional Affairs (Ms Harriet Harman): In 2004-05, the level of unpaid fines, costs and compensation was 19 per cent. To increase the payment rate we have introduced attachment of earnings for fines to be deducted out of the pay packet. We can now clamp cars for unpaid fines, and courts have appointed fines' officers who will agree the payment rate and make sure that it is kept to.

Mark Pritchard: Is it not the case that too many fines remain uncollected? Do we not have a system where fines remain unpaid, custodial service orders remain unfulfilled, and prisoners are released early? How is this sending out a message of punishment?

Ms Harman: I agree with the hon. Gentleman that too many fines, compensation orders and court costs remain unpaid. We started collecting the figures in 2003—they were not collected previously. At that point we discovered that the unpaid fines rate was 55 per cent., so just over half of those payments were being collected. We have increased the level of payments to

83 per cent., but there is still a long way to go. On top of the additional measures that are set out in the Courts Act 2003, we are setting up the national enforcement service, which will keep an eye on these matters. I have no doubt that the hon. Gentleman will see continued improvement in his constituency.

David Taylor (North-West Leicestershire) (Lab/Co-op): As part of the programme of combating antisocial behaviour, local authorities were rightly given powers to issue on-the-spot fines, almost 20,000 of which were issued last year. However, almost 9,000 remain unpaid. Is my right hon. and learned Friend aware of that situation? What new powers would she suggest are provided to local authorities to ensure that the legislation sticks?

Ms Harman: We are aware of the situation. It is important that when those of us in the House recognise that there is a problem, we introduce the necessary legislation. We must legislate for penalties and we must ensure that that works out in practice. Our focus needs to be on that. We must put into effect enforcement powers and ensure that the system works so that we do not have a situation in which everybody feels that the offender has got off scot-free.

Simon Hughes (North Southwark and Bermondsey) (LD): The right hon. and learned Lady will know that over 70 per cent. of offenders are fined, and that over 1 million people a year are punished with a fine. First, given that a fine is the easiest and most effective remedy for lesser offences, will she look at measures that ensure that if someone appears in court in person, secure arrangements are made for payment before they leave, as the arrangements fail badly at present? Secondly, a non-attendance conviction should attract an incremental payment if the offender does not pay by the due date, just as is the case for on-the-spot fines, parking fines and so on. The penalty system could be made even more successful, and it is the best punishment because it is the quickest and most effective.

Ms Harman: I will look into the second point made by the hon. Gentleman and write to him. As for his first point about people leaving court, he is absolutely right. Everyone thinks that people cock a snook at the court if they leave with their credit card and a purse or wallet full of money and say, "Sorry, we can't pay." Courts are therefore gearing up so that they can ask for the money before people leave court and swipe their credit card if necessary. The hon. Gentleman has made a sensible point.

Mr. David Kidney (Stafford) (Lab): The high-profile initiative nationwide to collect outstanding fines has been noticed by my Stafford constituents. *[Interruption.]* Will that more intensive activity continue in future, or is it a temporary initiative?

Ms Harman: It will continue in future. Hon. Members may scoff at the notion of people noticing it, but people respond badly if a compensation order is made in favour of a victim and that person is not paid, or is paid the first instalment but does not receive anything thereafter. There has been a strong focus on the problem in many local areas, and the National Enforcement Service, which was set up in April this year and has been trialled in a number of areas, will roll out nationally in April next year. We are in this for the long haul, especially now that we are collecting the figures and looking at the situation, instead of saying that our performance is great but failing to check the figures to see whether, in fact, that is the case.

Legal Aid

20. **Stephen Hammond** (Wimbledon) (Con): If she will make a statement on the report of Lord Carter's review of legal aid. [68820]

The Parliamentary Under-Secretary of State for Constitutional Affairs (Vera Baird): Following the publication of his interim report on 9 February, Lord Carter is on course to publish his final report in the summer.

Stephen Hammond (Wimbledon) (Con): On behalf of all my colleagues, may I welcome the hon. and learned Lady to her new role? However, is she not concerned that Lord Carter's review will inevitably result in larger solicitors firms that adopt a depersonalised production-line approach to legal aid being favoured over the high-quality localised service provided by small firms? What will she do to prevent that?

Vera Baird: I understand why the hon. Gentleman has raised the issue, but I can assure him that everyone is bearing that point in mind. The proposal is likely to be a combination solution: "bigger is better" firms will probably be involved, but there is definitely a place for niche firms. May I mention the issue of BME—black and minority ethnic—small firms, as it has caused a great deal of concern? In his report in February, Lord Carter said that it will

"be particularly important in respect of black and minority ethnic firms, to ensure that suppliers continue to reflect the diversity of the communities they serve."

That is a very important point. My right hon. and learned Friend the Minister of State has since met the Black Solicitors Network, and we will very much bear in mind the need for people of the same profile as defendants to be available to look after their interests.

House of Lords Reform

21. **Dr. Brian Iddon** (Bolton, South-East) (Lab): Whether she expects a free vote to be held on the future composition of the House of Lords. [68821]

The Parliamentary Under-Secretary of State for Constitutional Affairs (Bridget Prentice): Following the machinery of Government changes, that responsibility has been transferred to my right hon. Friend the Leader of the House of Commons, but I have been asked to reply. As outlined in our manifesto, the Government are fully committed to allowing a free vote on the composition of the House of Lords. It is envisaged that that will take place before the end of the year, once the Joint Committee that is considering conventions has reported.

Dr. Iddon: One of my predecessors took a strong interest in reform of the House of Lords, but he was elected 100 years ago. It is time that we resolved the question. Does my hon. Friend agree that if we are to do so clearly and decisively, we must think carefully—that was not the case on the previous occasion—and pose the question in such a way as to lead to decisive action.

Bridget Prentice: My hon. Friend is right. I hope that he will see the change in the machinery of government as one of the smooth transitions that we in the Labour party are so keen on. After our experience the last time, it is indeed important that we have clear objectives in mind. By setting up the Joint Committee and listening to its advice, I hope that by the time we come to make a decision, it will be clear what the serious options are.

John Bercow (Buckingham) (Con): Given that in the name of democratic legitimacy and of parliamentary scrutiny alike, many of us in all parts of the House believe strongly that there should be a wholly or a predominantly elected Second Chamber, and in light of the welcome commitment to a free vote that we have heard, will the hon. Lady tell the House, in the interests of transparency and straightforwardness in respect of the forthcoming Division, which way she will vote?

Bridget Prentice: I am quite happy to do so, and I can tell the hon. Gentleman how I voted the last time. Last time I voted first for abolition, and then for a fully appointed House. However, I am well aware, as is he, of the strength of feeling in the House on the matter, and I am happy to enter into discussions and to be persuaded what the best compromise might be. As I said, that responsibility has now been transferred to my right hon. Friend the Leader of the House, who may take a very different view.

LEADER OF THE HOUSE

The Leader of the House was asked—

September Sittings

30. **Mr. Peter Bone** (Wellingborough) (Con): If he will bring forward plans for the House to sit in September. [66807]

The Leader of the House of Commons (Mr. Jack Straw): As the provisional calendar for the remainder of this Session was announced in November last, the authorities have now made their maintenance plans, and right hon. and hon. Members and staff have made their vacation arrangements accordingly. It would therefore not be feasible to reinstate the September sitting for this year, although I hasten to point out that the House has to make its decision on that and has yet to do so. But I am open to representations from both sides of the House in respect of future years.

Mr. Bone: I thank the Leader of the House for his answer and welcome him to his new position. I am sure that I am not the only Member of the House who considers that his removal from the post of Foreign Secretary has weakened the Government and the country. Last Friday, the Prime Minister fired his Home Secretary, Foreign Secretary, Secretary of State for Education and Skills, and Leader of the House. Had he chosen to do that on 26 July, it would have been 76 days before any Member of the House could have questioned the new Government. Does the right hon. Gentleman agree that a recess for more than two and a half months is far too long?

Mr. Straw: I thank the hon. Gentleman for the compliment that he paid me, which I take in the spirit in which it was intended. I am looking forward very much to my responsibilities as Leader of the House. I have always regarded the job as extremely important. I have admired many Leaders of the House, and the ones whom I have admired most are those who have recognised their responsibilities to the House as a whole, as well as to the Government of the day.

It is no great secret that I was in favour of September sittings. Over a six-year period, between 1997 and 2003, the House had to be recalled on three occasions, and on each occasion I was the Minister who had to be recalled with it, so I understand the point. What the House has to appreciate is that there is a choice between having September Sessions and short vacations for half-terms, or having no September sittings and no vacations for half-terms. There are 11 weeks between the end of July and early October. It would be unacceptable if the House ended up sitting for less time than it did under the previous arrangements. It is a matter for the House. These decisions are made on a motion that is not before the House, but will be shortly. For this year, the matter is done and dusted. For future years, I am open to argument about it.

Mr. David Winnick (Walsall, North) (Lab): I am sure that my right hon. Friend will be a reform-minded Leader of the House and I offer my congratulations on his appointment. Acknowledging that change cannot be made this year, does he accept that it would be wholly unacceptable to go back to the position prior to 1997 when the House and Parliament closed down for nearly three months? Obviously, we carry out our duties in our constituencies—casework and the rest of it—but we are not allowed during that time to carry out the main job for which we were elected. From next year onwards, I hope that we are going to sit during September so that we avoid having this farcical long break, which is totally unacceptable.

Mr. Straw: I note what my hon. Friend says and I observe that for half the Sessions between 1997 and 2003, the House had to come back in any case—an issue that needs to be considered carefully. There are practical issues, too, in that some people argue that August is for family holidays and September is for constituency working, but I understand the strength of my hon. Friend's point. Also, if we do not sit in September—as we will not this year—I am actively considering making arrangements whereby hon. Members will be able to put questions to Ministers during that month.

Mr. David Heath (Somerton and Frome) (LD): May I also welcome the right hon. Gentleman to his new post and say how much I welcome the fact that he is so evidently excited by the unique responsibility that he now has to protect the House from his colleagues in the Executive? *[Interruption.]* That may not be quite how he put it, but I am sure that that is what he intended it to mean.

I welcome what the Leader of the House said about September sittings, but it is a fact that the House was not consulted on the loss of those sittings this year and we must be consulted in future. It is unacceptable that the Executive cannot be held to account by the House for a third of the year. We would be keen to work with the right hon. Gentleman to develop ways of producing some pro tem arrangements for parliamentary questions this year and to ensure that in future years, we make all our party arrangements to enable the House to sit in September or some other time during the long recess. That is important to ensure that we do our jobs as parliamentarians.

Mr. Straw: I thank the hon. Gentleman for his warm welcome. At the risk of appearing to mix it with the Liberal Democrats, which I rarely do, may I suggest that it would help to facilitate September sittings if the Liberal Democrats changed the time of their conference—or even abolished it altogether? *[Interruption.]* I think that the hon. Member for North Southwark and Bermondsey (Simon Hughes) is saying from a sedentary position that they do not have a say anyway, so why not abolish it. I recall that when the House returned in 2002, it did so in the middle of the Liberal Democrat conference.

It is a complicated issue, but I accept what the hon. Member for Somerton and Frome (Mr. Heath) said. I am here to protect the rights and privileges of the House and it may be the case that, one day, the interests of the Government and the interests of the House do not coincide, but over a period of time, the interests of good governance, good government and the House should indeed coincide.

HOUSE OF COMMONS COMMISSION

The hon. Member for North Devon, representing the House of Commons Commission was asked—

Statue Storage

31. **Mr. Gordon Prentice** (Pendle) (Lab): What the cost was of storing statues owned by the House but not on display in 2005-06. [68808]

Nick Harvey (North Devon): All the statues that the House of Commons owns were on display in 2005-06, so no charges for offsite storage were incurred.

Mr. Prentice: A plinth in the Members' Lobby has been empty for as long as I can remember, and I know that there is a statue of Lady Thatcher knocking around, so why cannot we dust it down and have something placed on the plinth, which is in such a prominent position in Parliament?

Nick Harvey: The hon. Gentleman may know that a statue is destined to sit on that plinth. The statue of Baroness Thatcher has been out on loan for some time to the corporation of London—it was damaged, but it has been restored and has been put behind protective glass. If the hon. Gentleman is keen to admire it, which I discern that he might be, he can do so, because it is on display at the Guildhall art gallery.

LEADER OF THE HOUSE

The Leader of the House was asked—

EU Legislation

32. **Chris Bryant** (Rhondda) (Lab): When and how he plans to reform parliamentary scrutiny of EU legislation. [68809]

The Deputy Leader of the House of Commons (Nigel Griffiths): I will be considering closely with colleagues the proposals of the Modernisation Committee in the last Session on scrutiny of European business. We hope to bring forward ideas for taking this issue further forward in due course.

Chris Bryant: I am grateful to my hon. Friend for that answer. I urge him to push with some vigour on the issue, because Parliament does a poor job of scrutinising EU legislation. Most EU legislation ends up going through in an hour and a half's debate in Committee with no opportunity to table amendments. We should have some means of making sure that more EU legislation is open to amendment.

Nigel Griffiths: I agree entirely with my hon. Friend's point. It is certainly unacceptable that the House's opportunity to scrutinise legislation often comes too late in the process, which means that there is insufficient time to give such matters proper scrutiny. However, there is not consensus in the House or its Select Committees on the way forward, which is what my right hon. Friend the Leader of the House and I are seeking to achieve.

Mrs. Theresa May (Maidenhead) (Con): May I suggest to the Deputy Leader of the House that he might suggest to the new Leader of the House, whom I look forward to welcoming properly to his new role in business questions on Thursday, that there is a chance to succeed where others have failed? It is more than a year since the Modernisation Committee produced a report stating that

"there are also worrying shortcomings in the House's scrutiny of EU business".

Leader of the House after Leader of the House has put off that matter, and I suggest to the Deputy Leader of the House that now is the time for the Government to grasp that particular nettle and introduce firm proposals for improving this House's scrutiny of EU business.

Nigel Griffiths: I do not accept the right hon. Lady's account. The report to which she has referred was controversial. As she knows, the minutes of the Committee include the voting record, which shows the controversy—the Committee changed its mind before eventually coming up with a recommendation. The Committee was divided, and it is unfair of her to suggest that the Government could move forward as a result of that uncertain recommendation. I know that she shares the desire of my hon. Friend the Member for Rhondda (Chris Bryant) and the rest of the House to have proper scrutiny of legislation, and we would certainly welcome any proposals from the right hon. Lady and her party on that matter.

Points of Order

3.32 pm

Mr. Edward Garnier (Harborough) (Con): On a point of order, Mr. Speaker. As you will know, the Identity Cards Act 2006 received Royal Assent on 30 March this year. The Government described it as one of their "flagship Bills", which was designed to protect us from and to deter all manner of crimes, such as terrorism, benefit fraud, identity fraud, breaches of immigration law and other serious crime. Now is not the time to rehearse the arguments that I deployed against that piece of legislation in the time permitted to us by the Government since last June. Have you, Mr. Speaker, received a request not from the old Home Secretary, but from the new Home Secretary to make a statement to the House explaining the Government's incompetence in repealing by means of the Identity Cards Act 2006 section 5 of the Forgery and Counterfeiting Act 1981, under which it was an offence punishable by up to 10 years' imprisonment to possess with intent to deceive forged passports and other travel documents, money orders, postal orders, postage stamps, Inland Revenue stamps, share certificates, cheques, travellers cheques, bankers drafts, debit and credit cards and certified copies of entries in certain registers such as those for births, deaths and marriages? Does that chaos not demonstrate, Mr. Speaker, that the Government are utterly out of control—

Mr. Speaker: Order. In points of order in the House, you do not get paid by the word. The hon. and learned Gentleman is making a political point, but I cannot be drawn into a political argument. I shall leave him to reflect on what I have said.

Mr. Mike Weir (Angus) (SNP): On a point of order, Mr. Speaker. Among the 14 written statements published in the Order Paper this morning is one on helicopter search and rescue that has the effect of announcing the privatisation of the helicopter search and rescue service. That causes a great deal of concern among coastal communities around the country. I ask your guidance, Mr. Speaker, on whether that statement should have been made on the Floor of the House to allow Members to question the Minister on that policy instead of being sneaked out in a written statement in this manner.

Mr. Speaker: That is a decision for Ministers and something that the hon. Gentleman is able to challenge.

Mr. Michael Fallon (Sevenoaks) (Con): On a point of order, Mr. Speaker. Have you had any early notification of a Government statement on the growing impact of the university pay dispute? Given that the graduation prospects of some 300,000 students, including those in your own constituency, are now in jeopardy, would not you expect an early statement from the new Secretary of State?

Mr. Speaker: I am sure that the Secretary of State will have heard what the hon. Gentleman has to say.

Norman Baker (Lewes) (LD): On a point of order, Mr. Speaker. You have always been very good at defending the rights of this House to ensure that statements by Ministers are made first to this House, not to the media in advance of the House being informed. I have been given a written answer by the former Leader of the House, now the Minister for Europe, the right hon. Member for Ashfield (Mr. Hoon), dated 4 May, in which he says:

> "It has been the practice of successive Governments to release specific reports and other documents under timed embargo to assist the media in its coverage."—[*Official Report*, 4 May 2006; Vol. 446, c. 1727W.]

He goes on to explain that that is in advance of Parliament being informed in the Chamber. May I ask you to reflect on whether that breaks the spirit of the ruling that you have consistently given whereby this House should be informed first, before the media? Is not it wrong to give the media embargoed statements?

Mr. Speaker: This practice has been on the go for a long time. As the hon. Gentleman has said, the matter is embargoed and the media must respect that embargo.

Mr. Jim Devine (Livingston) (Lab): On a point of order, Mr. Speaker. As you know, I am a new boy here, and I am not yet au fait with procedures. However, I am aware that if one has recorded something in the Register of Members' Interests, one must declare that interest if one takes part in a debate or vote. As we are going on to a debate on health, should not Conservative Members declare whether they are covered by private medical insurance schemes or use the national health service?

Mr. Speaker: We do not have to go as far as that these days.

Misuse of Drugs (Reclassification of Methylamphetamine)

3.37 pm

Bob Spink (Castle Point) (Con): I beg to move,

That leave be given to bring in a Bill to reclassify methylamphetamine as a category A drug.

This is yet another sad tale of a failing Home Office. This time, it is failing to protect people from the misuse of crystal meth, which is seriously bad news for individuals who use it and for society at large.

The widely respected New York police chief, Anthony Izzo, told the Select Committee on Science and Technology:

"Crystal meth makes crack cocaine look like a Hershey Bar."

He bases his view on hard evidence and experience. UK Sky TV news coverage showed the drug's impact on individuals and called for Government action before use of this nasty drug becomes endemic. But the Home Office says that it is not yet very prevalent in the UK and that, in effect, they will reclassify when a greater number of people have been damaged and communities are suffering more serious consequences. That is hardly the precautionary approach that the public deserve. It is hardly the action of a Government who care about their young people or want to minimise the impact of drug abuse on society.

Methylamphetamine is one of a group of psychostimulant drugs called amphetamines that act on the brain and nervous system. It is produced in tablet, powder or crystalline form. It is taken orally, snorted or injected, but unlike amphetamine, it can be smoked.

The term "crystal meth" is often used for the purer crystalline form. The drug's street names include "yaba" for tablet form, "ice", "glass", "Tina", "Christine" and "Nazi crank". It was first developed in 1919 and used by troops to keep awake. It was rumoured that Hitler injected it twice a day, hence the name "Nazi crank". The chances of getting hooked are incredible compared with other illicit drugs. Psychological and physical dependence happens quickly. It affects the brain reward pathways. Users must take more to achieve the same effects, as tolerance quickly builds up. Using the drug by intravenous injection or smoking is especially likely to cause addiction. Smoking the purer, crystalline form produces an intense rush, similar to that of crack cocaine, but much longer lasting—not only minutes but four to 12 hours. That is highly reinforcing and becomes highly addictive. The higher potency, especially when smoked, makes the drug a greater threat. It is, all too often, a one-drag-and-you're-hooked drug.

The drug's effects are appalling. They include agitation, paranoia, confusion and violence, usually against innocent bystanders. It damages more than those who take it. It can bring on feelings of exhilaration and produces increased arousal and activity levels. It causes a rapid rise in heart rate and blood pressure, and the higher the dose, the greater the effects.

The risks are enormous. Methylamphetamine-induced psychosis has been widely reported in countries where use has become endemic. High dosages lead to strokes and pulmonary, renal and gastrointestinal disorders. Coma and death can and do follow. It is a much more serious drug than the class A ecstasy that killed Leah Betts in Essex a decade ago. Yet the Government appear to have learned nothing from that tragic wake-up call.

Methylamphetamine is often injected, with sharing of paraphernalia and all the consequences of infection. The drug also increases libido and risky sexual behaviour, thereby increasing blood-borne virus transmission. Home Office research shows that the drug is especially used by the homosexual community. It is disastrous for that group to reduce sexual inhibitions or undertake ever more risky behaviour.

Methylamphetamine is currently a class B drug under the Misuse of Drugs Act 1971. That historical classification results from the drug's chemical association with amphetamines, which were all classified B. The Advisory Council on the Misuse of Drugs, which reports to and advises the Government on the classification of drugs, is as dysfunctional as the Home Office. It meets just twice a year with a quorum of only seven, but comprises 38 people, some of whom are caring, knowledgeable, professional and sensible. However, too many represent a neo-liberal, politically correct rag-bag, who appear to make decisions without excessive reference to the evidence and the consequences.

James Randerson, science correspondent for *The Guardian*, reported on 24 April that Professor Rawlins, chairman of ACMD

"blew the gaff on government claims that its drug policy is 'evidence based'."

The classification for illegal drugs is riddled with anomalies and simply does not work. That is echoed by the Science and Technology Committee's research, which found:

"Drugs are not classified on the basis of... the harm they cause."

Indeed, they are not classified according to any consistent set of criteria. On 1 March, *The Times* home correspondent, Richard Ford, ran the headline:

"Lax laws 'could turn Nazi crank into global epidemic'".

The article stated:

"A new highly addictive drug used in Britain by clubbers and gay men is becoming a global problem, according to a United Nations report.

The huge increase in crystal meth is helped by lax restrictions on the chemicals used to manufacture it. People who take it can experience a ten-hour high and increased sexual arousal.

Professor Hamid Ghodse, president of the United Nations' drug control agency, said:

'If I want to pick on one major drug problem pandemic today, it is methamphetamine'."

Yet, last year, the ACMD recommended that it remained a class B drug.

Professor Nutt, a distinguished psychopharmacologist and chairman of the ACMD's technical committee, told the Science and Technology Committee that upping the classification could have the perverse effect of making the drug more desirable and thus stimulate demand. He argued that downgrading mushrooms might stimulate demand and that upgrading crystal meth would have the same effect. That is perverse and muddled thinking. I sometimes wonder whether the ACMD is personally testing the products when making decisions.

A shift up the scale could well give a drug more kudos, as Professor Nutt suggests. However, that undermines one of the key tenets of the United Kingdom's drug laws, which is that the more dangerous drugs should be placed in higher, not lower, categories because of the greater risks attached to them. The ACMD seems totally unimpressed by the principles of UK law, by international experience, or by the evidence base.

Methylamphetamine can be produced in small domestic laboratories from non-controlled precursors. I will not go into details about those precursors today, as it would not be helpful. I have asked the Home Secretary to control those precursors, but he has not done so. The ACMD recommended close monitoring of the drug's use, but this is difficult because the extent of the drug's use in Britain is, in the words of the president of the UN narcotics control board,

"hidden because seizures were included in figures for amphetamines".

The Home Office confirmed that, stating:

"The British Crime Survey does not differentiate between methylamphetamine use and amphetamines".

I respectfully maintain that the Government are failing to control the drug's precursors and not effectively monitoring its usage. That is unsustainable. The Home Secretary said that he would publish a consultation paper on a review of the drug classification system. He has not yet done so, although he promised this on, I think, 19 January this year. So I call on the new Home Secretary to bring forward that review urgently, and to change the drug classification system to a more consistent and rational one. The Government should take a precautionary approach and immediately reclassify methylamphetamine as a class A drug, so that we can save individuals and society from its terrible consequences.

3.47 pm

Paul Flynn (Newport, West) (Lab): I will not keep the House for long, but I have to comment on the farrago of nonsense that we have just heard. The hon. Member for Castle Point (Bob Spink) has a very old-fashioned view on this matter.

Of course the Government cannot control the precursors of methylamphetamine, because they are used for a multitude of purposes. Controlling them would be entirely impractical. The hon. Gentleman has drawn to our attention a drug that is very little used in this country, and given a highly coloured account of its effects. Like many other drugs, including medicinal drugs, it certainly can have those dangerous effects in some cases, but in other cases it does not. It is used as a recreational drug, and, as the hon. Gentleman rightly said, it was used as a medicine for a number of years after it was first invented, particularly in the services.

However, the hon. Gentleman has failed to make the case relating to the connection between the category in which the drug is placed and the uses of the drug. He naively believes that if we put the drug into a higher category, its use will decrease, but that is entirely untrue. The categories were created in 1971, when there were 1,000 people addicted to heroin and cocaine in Britain. Heroin and cocaine have been class A drugs ever since then, yet the number of addicts now stands at 280,000. If we were going to place all harmful drugs in an appropriate classification, we should put alcohol and tobacco into class A because of the harm that they cause.

The hon. Gentleman seems to believe the great myth that was prevalent in 1971, when the United Nations decided that it was going to get rid of drugs all over the world. There was to be a great united effort from every country. However, the result was entirely perverse. In the subsequent years, we have seen a great increase in the use of drugs throughout the countries that signed up to the United Nations convention. We are now supporting a convention established by the UN in 1998, which states that we will aim for the "elimination" of all drug use, and of the growing of poppies and the plants for cannabis and cocaine production, within 10 years. That period ends in 2008, yet the world has made absolutely no progress towards achieving that aim.

People believe that prohibition works, but we need only to consider our own experience in Afghanistan, where the British taxpayer has spent £115 million to eliminate poppy growth. The evidence suggests that next year will see a record growth of heroin poppies there. In Colombia, the Americans have spent $4.7 billion on Plan Colombia, but next year will see a 20 per cent. growth in the coca crops there.

The lesson for this Bill is that prohibition of drugs does not work; it creates a market, which enriches itself through greater sales. We should not change the classification, which will have no effect. The hon. Gentleman speaks with disrespect of the Advisory Council on the Misuse of Drugs, but it said that cannabis should change category, which resulted not in an increase in cannabis use in Britain but a decrease. He must accept the logic of that. He is saying that we should carry on with a failed policy from the past, but what we should do is learn from the experience of those such as the Benelux countries, Germany and Australia, but principally Portugal, which in 2001 de-penalised all drugs. As a result, the number of drug deaths in Portugal is now half what it was in 2001. The Bill is misguided.

Question put, pursuant to Standing Order No. 23 (Motions for leave to bring Bills and nomination of Select Committees at commencement of public business), and agreed to.

Bill ordered to be brought in by Bob Spink, James Duddridge, Angus Robertson, Mr. George Mudie, Mr. Robert Goodwill, Mr. Brooks Newmark, Angela Watkinson, Mr. Lee Scott, Mr. Philip Hollobone, Ann Winterton and Philip Davies.

MISUSE OF DRUGS (RECLASSIFICATION OF METHYLAMPHETAMINE)

Bob Spink accordingly presented a Bill to reclassify methylamphetamine as a category A drug: And the same was read the First time; and ordered to be read a Second time on Friday 20 October, and to be printed [Bill 179].

Opposition Day

[15TH ALLOTTED DAY]

Management of the National Health Service

Mr. Speaker: I inform the House that I have selected the amendment in the name of the Prime Minister.

3.52 pm

Mr. Andrew Lansley (South Cambridgeshire) (Con): I beg to move,

That this House notes the current financial crisis and associated job losses, ward and bed closures and service reductions in the NHS; believes that these are consequences primarily of the failures of management at the Department of Health; further notes the Secretary of State for Health's denial of responsibility for this situation and her failure to recognise the realities within the NHS; sees a lack of leadership within the Department of Health; and, in addition to turnaround teams in NHS Trusts, calls on the Government to appoint a turnaround team to the Department of Health.

With all the difficulties that the Government have experienced, it is good to see, in the first line of their amendment, that they still have a sense of humour. I welcome new Ministers to the Department of Health. I bid farewell, although I do not think that they are present, to the right hon. Member for Liverpool, Wavertree (Jane Kennedy) and the hon. Member for Birmingham, Hodge Hill (Mr. Byrne), who have gone in different directions. Although we have not agreed on policies, we have always enjoyed good personal relations. I thank them for the tasks that they performed at the Department of Health.

I welcome the Minister of State, Department of Health, the hon. Member for Leigh (Andy Burnham) and the Under-Secretary of State for Health, the hon. Member for Bury, South (Mr. Lewis) to their posts, but I warn them that it is not a happy ship. The Secretary of State has lost the confidence of hard-working NHS staff. She and her team have lost the trust of the British people to manage the NHS effectively. The public want value for money, and they want an NHS that is given the freedom and responsibility to deliver quality services for them. Instead, the Secretary of State and her team have created confusion, instability and inefficiency. The Government, by the same measure that they apply to NHS trusts, are failing. The time has come for them to put a turnaround team into the Department of Health, just as they have imposed such teams on NHS trusts. That is the purpose of the motion.

In May last year, when the Secretary of State took up her job, she said that she would listen to patients and staff. She visited five hospitals in five weeks, and then for eight months failed to visit any hospital outside London at all. Is it any wonder that she lives on a different planet from the staff of the NHS? When she says that it is the best year ever for the NHS, they say, "Has she any idea of what's going on?" [HON. MEMBERS: "Who says that?"] The NHS staff say that. They have said it loud and clear.

NHS staff know that patients who could be treated sooner are waiting nearly six months before having their operations. They know that patients are waiting many months for diagnostic tests. They know that waits for audiology tests and for curative radiotherapy have lengthened. They know that hospital infections are as bad as ever; that the obsession with targets has cost millions and distorted patient care; that there are fewer district nurses and health visitors to deliver care closer to home; that despite that, beds are being closed, job vacancies frozen and jobs cut in local hospitals; that newly trained nurses and physiotherapists cannot find jobs; that the number of managers has doubled while financial management remains poor; that key new screening programmes are being delayed; that public health targets are being missed; that health inequalities are widening; and that there is utter confusion over further NHS reorganisation.

Mr. Kevin Barron (Rother Valley) (Lab) *rose—*

Mr. Lansley: Perhaps the right hon. Gentleman would like to tell us whether he thinks that that constitutes the best year ever.

Mr. Barron: The simple answer is yes, as far as patients are concerned. Can the hon. Gentleman tell us, though, what patient satisfaction ratios say about the situation in the NHS that he is describing?

Mr. Lansley: Every year, the NHS should improve. Every year, the NHS receives high satisfaction ratings from patients who are treated by NHS staff. That is precisely the point. NHS staff know that millions of patients are indeed receiving excellent care and treatment. They know that new treatments and new ways of working can do much more for patients. They know, for example—the Government mention it in their amendment—that the use of statins and stents can reduce the number of deaths from coronary heart disease.

Dr. Howard Stoate (Dartford) (Lab) *rose—*

Mr. Lansley: I will tell the hon. Gentleman this before I give way to him: NHS staff know that, far too often their achievements are in spite of Government interference, not because of it. They are angry when the Secretary of State claims credit for their successes, while presiding over an incompetent administration without which NHS staff would be free to achieve so much more.

Dr. Stoate: The hon. Gentleman tells us that the NHS should improve every year, and I agree with him. Can he tell me how long a patient in whom a GP diagnosed suspected cancer would have had to wait to see a consultant specialist in 1997, compared to the maximum of two weeks for which such a patient would have to wait now?

Mr. Lansley: I can certainly tell the hon. Gentleman what the Government think. The Secretary of State has reported to the Cabinet that she expects to miss her cancer waiting targets. I can tell the hon. Gentleman—*[Interruption.]* If he cares to listen, I will tell him. The waiting time for curative radiotherapy has lengthened under this Government. *[Interruption.]* Radiotherapy is a cancer treatment. This is what happens with Government targets: instead of targeting the whole

patient experience, the Government target only the time before the first treatment. Subsequent treatment is not targeted at all.

The way in which, for years, the Government targeted urgent referrals—the Secretary of State knows this, even if the Prime Minister did not—caused immense damage in distinguishing between urgent and routine referrals. The hon. Member for Dartford (Dr. Stoate), for all his knowledge of the NHS, fails to note that—deliberately or otherwise—whenever he talks about the two-week period of referral to a consultant.

Tony Baldry (Banbury) (Con): Do not the interventions from Labour Members demonstrate that they, and the Government, are living in a parallel universe? There is more bad news to come. Next week, the Oxford Radcliffe Hospitals NHS Trust will have to announce the number of frozen jobs and job losses that will be necessary to offset £33 million of enforced cuts. People in Oxfordshire are really angry. When they look at the Government's website they see that the trust is one of the best-performing, most cost-effective trusts in the NHS, and they cannot understand why more jobs must be lost.

Mr. Lansley: I am grateful to my hon. Friend for that intervention. I fear that that is exactly what will happen, and not just at the John Radcliffe trust.

If the Government are arguing that the job losses and deficits throughout the country that are having to be compensated for are simply the result of poor local management, let them look at the audit reports of the County Durham and Darlington NHS Trust, in the Prime Minister's own constituency. They show that it has a good management that is working hard to deliver, but the Government's mismanagement of NHS finances has caused it serious problems.

I want to make it clear to the House that this is not just a recent problem; there has been a catalogue of failures under the Secretary of State's stewardship. In July, the NHS chief executive sent out instructions for strategic health authority and primary care trust reconfiguration, which, he said, were in line with the Government's policy of separating commissioning from the provider role. By November, however, the Secretary of State was apologising for that and making it completely unclear whether PCTs would be provider bodies.

Judy Mallaber (Amber Valley) (Lab): The Secretary of State dealt with that issue, and as a result of discussions, considerable changes were made. I recently had a mammogram, and although I would normally be quite calm about it, I was very scared because one of my staff had recently been diagnosed with breast cancer. However, within two weeks she was in hospital, having the operation that she needed. She is also diabetic, and the treatment that she received was impeccable: the hospital ensured that the treatments for her diabetes and for her breast cancer were in harmony. Does the hon. Gentleman accept that although there are occasional failings, many people are getting far better treatment than they used to get? In any system, there will be—

Mr. Speaker: Order. I must call upon hon. Members who intervene to be brief.

Mr. Lansley: Thank you, Mr. Speaker. I do not live in a parallel universe. In the world that I live in, NHS staff deliver excellent care to the great majority of patients, but they also work in hospitals that are experiencing job losses. In the world that I live in, the consequences of deficits are getting worse, and although urgent referrals for cancer treatment are being seen within two weeks, some people are waiting much too long. The Government do not even measure the wait for many diagnostic tests; however, the information that they are just starting to gather shows that people are waiting six months or longer for basic diagnostic tests.

Several hon. Members *rose—*

Mr. Lansley: Oh, I am blessed. I give way to the hon. Member for Colne Valley (Kali Mountford).

Kali Mountford (Colne Valley) (Lab): I am grateful to the hon. Gentleman for giving way at this point. He talks about NHS funding, but can he tell us who would benefit most from his own rule of providing funding only from the proceeds of growth: patients or staff? Has he made it clear to the country that that would mean cuts for the NHS?

Mr. Lansley: When the hon. Lady understands that parties in all parts of the House are talking about future increases in resources for the NHS, and that the Chancellor of the Exchequer is in no way certain about what NHS resources will look like beyond 2008, we can have that debate. She does not know how much this Labour Government plan to spend beyond 2008. All that I know is that between now and 2008, the Government will have to deal with the immense deficits that are cutting back the resources available to front-line services. That is a consequence of mismanagement.

Philip Davies (Shipley) (Con): Would my hon. Friend like to remind the hon. Member for Colne Valley (Kali Mountford) that during last week's local elections, a "Save Huddersfield NHS" candidate won in her constituency? Does my hon. Friend agree that all cannot be well, therefore, in the NHS in the hon. Lady's constituency?

Mr. Lansley: I thank my hon. Friend for that intervention, which illustrates a lesson that the Government need to learn. The map of deficits throughout the NHS shows that three years ago six strategic health authorities were in deficit; that two years ago the figure was seven; that a year ago the figure was 12; and that last year the figure was 21. The Secretary of State told the Health Committee that this problem was confined to the healthiest and wealthiest parts of the country, but it is not; it is a systemic problem right across the country.

Mr. Geoffrey Clifton-Brown (Cotswold) (Con): Will my hon. Friend give way?

Mr. Lansley: I will give way in a moment, but first I want to make some progress.

In July the Secretary of State said that the 2003-04 NHS deficit would be £140 million. Weeks later, the then NHS chief executive said that it was in fact £250 million. In August the Secretary of State had to reveal that the key health inequalities of life expectancy and infant mortality—both targeted by the Government—had widened. In September thousands of doctors were found by the BMA to be unable to find training posts. Junior doctors see training budgets being cut and a future severe shortage in the training posts available to them to fulfil their vocation.

In October the Secretary of State said that primary care trusts should not refuse to provide Herceptin for early-stage breast cancer. By February her Department was telling the High Court that Swindon primary care trust's refusal to do so was not incompatible with Government policy. Also in October, the Secretary of State told the House that there was enough flu vaccine, but by November it emerged that she had confused UK-wide supplies with the at-risk groups in England only. On avian flu, she promised the House that she would have contracts with suppliers for items such as face masks and gloves. Those contracts have not yet been tendered for.

In November, when we had a debate on the subject of NHS deficits, the Secretary of State told the House that the Government would reduce the NHS deficit this year compared with last year. We told the House that despite unprecedented resources, the trusts were in deficit to the tune of £600 million last year—2004-05—and predicted deficits approaching £1 billion for 2005-06.

Tom Levitt (High Peak) (Lab): It is worth bearing in mind the fact that the hon. Gentleman and his party have voted against extra money for the NHS on every occasion. Is it a fact that the general deficit for the NHS for the year just gone was around 1 per cent., and in 1996-97 it was 1.5 per cent.? Deficits under this Government have been lower than under the Tories.

Mr. Lansley: It is a fact that in the year of the 1997 general election NHS bodies started spending money virtually without constraint, in the expectation that a Labour Government would bail them out. My right hon. Friend the Member for Charnwood (Mr. Dorrell) might recall that. The hon. Gentleman is also right to say that the deficit for the year just gone probably will be about 1 per cent. of NHS resources. However, the NHS is a body that is voted a certain sum of money by Parliament, and for it to spend more than that is serious. In my book, several hundred million pounds is very serious.

It is also true that between 1997 and 2002 there were no system-wide deficits in the NHS, but hospital trusts in England finished the year before last with an accumulated deficit of some £300 million. They finished 2004-05 with a deficit of some £600 million, and they will have finished the last financial year with a deficit of some £1.1 billion. The hon. Gentleman and many other Labour Members will be wondering why strategic health authorities are cutting a third of their additional allocation to primary care trusts this year to hold the sum as a reserve. It is because they need some £1.5 billion this financial year to bail out the accumulated deficits and the underlying deficits that hospitals are experiencing.

Mr. Clifton-Brown: The situation is worse than my hon. Friend has told the House, because hospitals have to find a further £1.5 billion for the 2 per cent. efficiency savings, taking the black hole in the NHS to more than £3 billion. Is it not inevitable that many more hospitals and jobs will be lost in the NHS?

Mr. Lansley: My hon. Friend will understand that I do not accept that the requirement for NHS trusts to deliver efficiency savings is a black hole. If they are asked, albeit rather arbitrarily, to increase efficiency savings from 1.7 per cent. for the previous year to 2.5 per cent. this year, that constitutes an effort to try to deliver greater efficiency, although it has not been accompanied by any measures to help it to happen. What many staff of NHS trusts object to is that the tariff is being manipulated at the same time, so that last year they had a 7.1 per cent. uplift for pay, prices and costs, and a 5.3 per cent. increase in tariff. This year they will have a 6.5 per cent. uplift for pay, prices and costs but only a 1.5 per cent. increase in tariff. That is why hospitals in many parts of the country find that they have no alternative. Their PCTs will not send them any more patients, and say that there is a limited financial envelope for their activity. The tariff being paid does not reflect the costs that the Government have imposed.

Daniel Kawczynski (Shrewsbury and Atcham) (Con): The present NHS deficits are a major issue, but senior members of my hospital in Shrewsbury came to see me as early as autumn 2004 to tell me that they were facing huge deficits in the future. They were told to keep quiet because a general election was in the offing and the Government did not want the matter raised.

Mr. Lansley: I visited that hospital with my hon. Friend and can vouch for the fact that those problems were emerging at that time, but we do not need to speculate about how the Government were trying to cover things up in the run-up to the election. The present Secretary of State for Work and Pensions was a health Minister before that election, and in March 2005 he said, "Don't worry about it. At this time of year they're always predicting deficits and it always turns out all right." After the election, the red ink was all over the books.

Mr. John Redwood (Wokingham) (Con): Does my hon. Friend agree that the PCTs' deficits have been made much worse by the ham-fisted and badly negotiated central contracts with professionals, which have had unforeseen consequences for the amount of money involved? If the Government had negotiated a better deal for the professionals and the taxpayer, we would not have so much of a problem.

Mr. Lansley: I am very interested that my right hon. Friend should raise that point, as I want to deal with what happened in respect of pay and contracts in December. When the pay review bodies reported, the Prime Minister said that he was proud to be paying NHS staff more, but Labour Members will recall that the Secretary of State met those bodies in December. Although the Department of Health had stated in

September that it accepted a pay rise of 2.5 per cent. for NHS staff, she wanted the pay increases for nurses and doctors to be reduced to 2 per cent. and 1 per cent., respectively.

Interestingly, the pay review bodies rejected the Secretary of State's argument. They said:

"We do not believe that the assimilation costs of recently negotiated pay modernisation should be taken into account in setting the level of the basic uplift for future years. These costs were part of the negotiated agreement and should have been taken into account during the negotiations rather than clawed back at a later date".

In other words, the pay review bodies were saying, "Don't come to us asking us to cut future pay settlements because you got the figures on your contracts wrong." The cost of the contracts miscalculation is now £600 million.

Ann Coffey (Stockport) (Lab): Will the hon. Gentleman give way?

Mr. Lansley: In a moment. Moreover, I can tell the House that the King's Fund is to produce a report on the consultants contract tomorrow. It will conclude that

"a combination of rushed implementation, a serious underestimate of existing consultant workloads and a lack of national guidance has made it difficult for hospitals to use the contract to bring about improvements for patients".

I shall give way to the hon. Member for Stockport (Ann Coffey), and perhaps she would like to explain that.

Ann Coffey: I want to return to what the hon. Gentleman said about payment by results—*[Interruption.]* I have been trying to intervene for some time on that point. I heard his criticism of the Government's scheme, but does his party support the introduction of a national tariff? If not, what changes would it make?

Mr. Lansley: I have always made it clear that we support payment by results and a national tariff, but the hon. Lady asks an interesting question. In the three months leading up to the end of the last financial year, the tariff could have been amended in a way that would have assisted the NHS dramatically. In December last year, some hospitals had capacity. However, the PCTs that were running out of money told hospitals to delay treating patients until the end of the six-month waiting time, with the result that operating theatres and staff sat idle. Why could not the national tariff be amended to allow hospitals and their local PCTs to agree marginal pricing arrangements? When we debated the 2003 legislation in Committee, we argued for such flexibility, as my right hon. Friend the Member for North-West Hampshire (Sir George Young) will confirm, but the right hon. Member for Barrow and Furness (Mr. Hutton) and the Government resisted it. We asked whether, if a hospital could offer marginal capacity at a marginal price, the NHS should be able to buy it. The answer was "No". That is ridiculous and damaging, but that was the Government's policy.

By the new year, the Secretary of State had blocked Barts and the London's private finance initiative bid. The net result was a 20 per cent. reduction in the number of beds and £35 million wasted on the delay.

John Mann (Bassetlaw) (Lab): A few minutes ago, the hon. Gentleman said that hospital trusts had overspent in the hope that a Labour Government would bail them out—a statement that *Hansard* will record. Should Governments bail out a hospital trust that overspends?

Mr. Lansley: And Bassetlaw went Conservative. The answer to the hon. Gentleman's question is no. Ministers know that because I have written an article in the *Health Service Journal* on precisely that point. There should be a change in Government policy. If a hospital restores itself to recurrent financial balance, with prospective financial stability, and can meet the authorisation criteria to become a foundation hospital, the Government should be prepared to turn past deficits into public dividend capital for a new foundation hospital. That is not a bail-out—the interest still has to be paid on the PDC.

The Government are preparing to do the opposite of their own policy, however. Their policy is not to bail out hospitals—I have heard the Secretary of State say it—so why are they creating a £1.5 billion strategic health authority reserve? What is its purpose? It is for a bail-out. There will be the most enormous bail-out this year and it will transfer the problems of deficits from one set of trusts to every trust.

Only last week, Louis Appleby, the national director for mental health, said that mental health trusts the length of the country were cutting services not because they were in deficit but because other trusts were in deficit. A mental health trust in my constituency has to make savings of £2.5 million this year, not because it is in deficit, but because its PCT is. The national director said that was a disgrace, and he is right.

Mr. Henry Bellingham (North-West Norfolk) (Con): Bailing a hospital out is one thing, but adding injury to that is another thing altogether. Is my hon. Friend aware that Queen Elizabeth hospital in my constituency is in a recovery plan? It has built up a large deficit. Staff are working hard to pull it around, yet the Government have imposed a 10 per cent. usage charge, which will add £1 million to the problem. Is not that wrong in principle?

Mr. Lansley: Yes. If hospitals were genuinely free and given the opportunity to behave in a businesslike way, they would be able to make different arrangements for their financing needs. Indeed, some PCTs are doing just that; things are getting so desperate in the NHS that a PCT in my constituency has borrowed £2.5 million from the local authority. However, I must make progress because we have only reached the new year.

In January, the Secretary of State's operating framework for 2006-07 said that new guidance on PFI would be published, with the effect of cutting the PFI programme by a third. The guidance never appeared and it is reported that it has gone into limbo, and nobody with a PFI project in prospect knows what will happen. The same document stated that in this financial year

"for the system as a whole we expect to recover any overspend from 2005/6 and we are planning for a surplus."

It said that individual NHS bodies should plan both to achieve in-year balance and recover 2005-06 deficits.

[Mr. Lansley]

On 12 April, the Secretary of State for Health sent me a letter in response to my inquiries. She said that the objective has changed:

"All organisations are overspending to show improvement during 2006-7, and by the end of the year everyone should have monthly income covering monthly expenditure."

What kind of financial balance is that? It happens to coincide with the 12th month of the financial year. The Government's policy has completely changed. They did not tell the House about it; it emerged from a letter written to me. The policy is no longer to achieve financial balance in 2006-07—it may not even be to do so in 2007-08. We simply do not know what is the Government's policy to restore NHS finances.

Tom Levitt: Will the hon. Gentleman give way?

Mr. Lansley: No, I have given way.

In January, the White Paper proposed a new gimmick for the NHS. Hon. Members will remember that the Secretary of State said that we would all have German-style polyclinics. The problem is that we have a third fewer doctors than Germany has. Germany does not have our system of GPs. We do not have community specialists to anything like the extent Germany has them. The Secretary of State's self-styled vision of care closer to home will not work if health visitor numbers are down 2 per cent. on 1997 and if the number of district nurses is down by 14 per cent. compared with 1997. Of course, despite her U-turn on community hospitals, the NHS has not listened to her. Community hospitals are still being closed, because of PCT deficits. Hospitals are being subject to cuts on the assumption that patients will be treated closer to home, yet the community hospitals, intermediate beds and community nursing staff required to do exactly that are being cut as well.

Mr. Mark Lancaster (North-East Milton Keynes) (Con): My hon. Friend is aware that, only today, a hospital that he visited two years ago—the Fraser Day hospital in Newport Pagnell—has been announced for closure. That is a desperate blow for the city of Milton Keynes, whose people are reliant on the hospital for intermediate care. Does he understand my constituents' concern that we have an ever-expanding city in Milton Keynes but an ever-shrinking health care service?

Mr. Lansley: I recall visiting the Fraser Day hospital. For a growing city, with a capacity-constrained hospital, the importance of the intermediate care facilities in the community or the support that could be given to patients who are discharged is terribly important. The Secretary of State is always talking about preventing readmission to hospital and reducing the length of bed stay. That cannot happen while the services that my hon. Friend describes are being shut down. It is a disgrace.

By February, things had got worse. The home oxygen service collapsed on 1 February: the first day of the new contract—of course, helpfully scheduled for the middle of the flu season. On 6 February, the latest figures on MRSA showed no further progress. On Valentine's day, the Secretary of State plumbed new depths when she told the "Today" programme that she would vote to exempt clubs from a smoking ban but did the opposite in the afternoon.

Tom Levitt: She did not.

Mr. Lansley: She did. *[Interruption.]*

On 22 February, the Department withdrew the NHS tariff on the basis that it had underlying errors. Hon. Members might wonder what sort of underlying technical errors they might be. They were really complicated things: the Department was supposed to take £140 million from patient transport, but it only took £140. Things like that happened. So the NHS did not get its tariff until 10 working days before the start of the new financial year.

It became clear in February and March, too, that the Government's legislative programme had collapsed. The new Leader of the House is here, and I welcome him to his post. I am sure that he will be interested to know that the Department of Health was given the benefit of three measures in this legislative programme, but the policy on the Health Bill collapsed and the Government had to do a U-turn, the NHS Redress Bill has been radically changed in the Lords from the Government's original proposals and the draft Mental Health Bill has been abandoned. We simply do not know when the Government's new and, I hope, better proposals will arrive.

In March, the trauma got worse. Deficits turned to disasters. On 7 March, Sir Nigel Crisp resigned. The chief executive took responsibility for the problems of the previous months—what a pity Ministers did not.

Dr. Doug Naysmith (Bristol, North-West) (Lab/Co-op): The hon. Gentleman makes great play of deficits in the NHS. How does he explain the fact that the great majority of trusts and PCTs in every part of the country, including the south, have no deficits?

Mr. Lansley: The hon. Gentleman does not yet know how many hospital trusts had deficits last year. Certainly, more PCTs had deficits last year than the year before. It might be true that more hospitals had deficits last year than the year before, and more might do so this year. As I made clear earlier, we have gone from six to seven to 12 to 21 strategic health authorities that, in the total health economy, have a deficit. We are not talking about an isolated instance. If those deficits were being disguised in the past by brokerage from surpluses elsewhere, there would not now be a system-wide deficit—there would still be surpluses to offset the deficits. The point is that very few such surpluses are being created to mask such deficits. The Government will have to create surpluses by the expedient of cutting money from primary care trusts, which will cause a great number of problems in the hon. Gentleman's constituency.

On 22 March, the Chancellor's Budget ignored the NHS. There were job losses at the Royal Free hospital and the University Hospital of North Staffordshire, and many other hospitals followed. The total list of job losses to date is more than 13,000—it is 13,700. On

30 March, the *Health Service Journal* disclosed that central Department of Health budgets are overcommitted because Ministers have been making commitments without understanding the financial consequences. Delays on programmes such as the bowel cancer screening programme are the result.

In April, there was the issue of dentistry. On 1 April, there was the new contract—a shambles, as it was called by the British Dental Association. Some 10 per cent. of dentists have left the NHS and 1 million fewer patients have NHS dentists. Patients who do have NHS dentists are paying a third more in total for the cost of their NHS dentistry as a consequence.

Mr. Jeremy Hunt (South-West Surrey) (Con): Is my hon. Friend aware what a grim month April was in my constituency? The PCT decided to close Milford hospital. The Government claim to be listening to members of the public, but they chose an option that 94 per cent. of survey respondents opposed.

Mr. Lansley: I am grateful to my hon. Friend. The truth is that there are Labour Members who know that, all across the country, such consultations have too often been a sham. It is a disgrace that the public have been deluded into believing that NHS organisations are genuinely listening to them, whereas in fact those organisations are being dictated to by the Department of Health.

The Government promised that every single patient referral from a GP would be booked through the choose and book system by the end of December 2005. The latest figure, in April 2006, is about 10 per cent. On electronic prescribing, the Government's target was for 50 per cent. of prescriptions to be electronically filled by December 2005. In February 2006, the figure was 1.8 per cent. Confidence in the NHS IT programme continues to fall. The latest disclosure is that an NHS care records service, which was intended to be up and running in 2005, has been put back—no date is now offered—and will have to be piloted. People who know about such programmes have said that user involvement and piloting the systems would have been the right way to proceed in the first place.

If there are Members from Scotland and Wales present, they will understand that the NHS care records service in the Government's connecting for health programme is not currently compatible in relation to England, Scotland and Wales. That will be fun at the Countess of Chester hospital and the Royal Shrewsbury hospital.

Siobhain McDonagh (Mitcham and Morden) (Lab): I agree that all too often the NHS does not listen to the public in consultations. In my own area, in the case of Epsom and St. Helier University Hospitals NHS Trust, it took the Secretary of State to take account of local people—rather than the health bodies—and to agree that the critical care hospital was to be at St. Helier.

Mr. Lansley: The question of whether the Secretary of State acted wisely or even reasonably in relation to that matter will be tested soon. We will come back to that question in due course.

I am afraid that we arrived at the point in April when the latest statistics added insult to injury for NHS staff. The work force census showed that the number of managers had doubled since 1997. In the last year for which the figures were gathered, the number of administrators went up by 11,000—while the number of nurses went up by 6,000. That is in the teeth of all the Government's claims to want to cut the bureaucracy of the NHS. That is not happening at all. On the basis of all that, on 23 April, the Secretary of State called it "the best year ever". I never want to be around when she thinks that things are going wrong.

The Prime Minister has retained the services of the Secretary of State at the Department of Health, apparently to push forward NHS reforms. If the Prime Minister believes that, he is living in the parallel universe that the Secretary of State inhabits. Conservative Members believe that reform is essential, but that even more so is leadership and competence. The Government's combination of arrogance and incompetence is a recipe for disaster.

Every aspect of desirable reform is being undermined by the actions of Health Ministers. Patients should have choice, but PCTs, through referral management centres, are controlling and subverting choice. Patients need a voice, but after scrapping community health councils, the Government are going to abandon patients forums and have no idea what to put in their place. GPs need real GP budgets, but the Government's plans do not offer them the incentives to reinvest their savings or give them the power to negotiate contracts with providers. The Government talk about local decision making, but that is being abandoned because the SHAs are top-slicing PCT budgets and controlling the growth money for the NHS for this year.

Progress towards foundation hospitals is being delayed and their freedoms are still severely limited. National standards need to be set through the National Institute for Health and Clinical Excellence, but the guidelines are not being implemented and the postcode lottery goes on. The independent and voluntary sectors have no clarity on their future involvement in the NHS. The second wave contracts are being scaled back, and the wave 1 contracts cost 11.2 per cent. more than the NHS price. As independent sector treatment centres are guaranteed payments whether or not they do the work, they are bringing the system of independent contracting into disrepute.

One cannot talk, as the Prime Minister does, about a patient-focused service that is locally delivered when at the same time the NHS is controlled by an overbearing bureaucracy and politically dictated targets. The team at the Department of Health knows neither what NHS reforms are actually needed, nor how to deliver them. No one in the NHS can say what the destination of reform is. Who will be commissioning services in the future? Will PCTs be both commissioning and providing services? Who will set the tariff? How will financial control be enforced? Will the independent sector have a long-term commitment and the opportunity to supply services to the NHS? What happens to failing hospitals? The team does not know, and the Government will not give, or simply do not know, the answer to any of those questions.

[Mr. Lansley]

The time has come for a turnaround and a new team at the Department of Health. Ministers should be removed from their interference in the NHS. If we cannot immediately get a new Government, let us at least have a team brought in that is empowered to deliver NHS reform and the long-term stability that the NHS so badly needs. Such reform should reflect the principles of equity, choice, competition and independence for which we have argued.

Most of all, the NHS needs leadership. Professor Halligan, who was deputy chief medical officer of the Department of Health until last year, said that the NHS has

"a leadership void, which has caused it to lose its way".

He describes the service as "rudderless". Tellingly, he adds that it is

"extraordinary, the gap between highly motivated frontline staff and the systematic dysfunctionality in which they operate".

At the risk of using an unparliamentary expression, the situation is what the *Health Service Journal* describes as a "total cock-up". Only days ago, the outgoing director of human resources at the Department of Health, Andrew Foster, who is one of the most senior NHS officials, said:

"It's been almost tangible over the last 15 months, the growing sense of dislocation between the NHS and the Department of Health and a growing lack of confidence in the leadership of the Department".

Even those working most closely with the Secretary of State express their lack of confidence. NHS staff did so in loud and clear terms. We have no confidence in her stewardship of the Department. It is time for a turnaround. It is time for Conservative policies and, frankly, it ought to be time for a Conservative Government who are committed to a NHS that is energised and equipped to deliver. It is time for change, and I commend the motion to the House.

4.34 pm

The Secretary of State for Health (Ms Patricia Hewitt): I beg to move, to leave out from "House" to the end of the Question, and to add instead thereof:

"recognises the effective leadership given by the Department of Health in managing the NHS; acknowledges that the majority of NHS organisations are living within their budget and providing patients with better services; welcomes the turnaround in the NHS since 1997 as a result of the dedication and commitment of staff, backed by the Government's programme of investment and reform; congratulates the Government for trebling investment in the NHS by 2008 compared with 1997; welcomes the recruitment of more than 300,000 extra staff in the NHS since 1997 including 85,000 more nurses; notes that waiting lists are now at their lowest since records began with over 370,000 fewer patients waiting for an operation than in March 1997; further welcomes the fact that all patients can now expect to wait no longer than six months for their operation and that 98 per cent. of patients are now seen, treated or admitted within four hours in accident and emergency departments; and applauds the NHS for saving more lives than ever before. Including 43,000 more people saved from cancer and 87,000 saved from coronary heart disease."

I am delighted to start by welcoming to their posts the Minister of State, Department of Health, my hon. Friend the Member for Leigh (Andy Burnham), on his promotion, I congratulate him and the Under-Secretary of State for Health, my hon. Friend the Member for Bury, South (Mr. Lewis). I take the opportunity to thank my right hon. Friend the Member for Liverpool, Wavertree (Jane Kennedy) for the work that she has done, especially in securing the new private finance initiative for Barts, the Royal London, St. Helens and the new private finance initiative building programme for Birmingham. I congratulate the new Minister for Policing, Security and Community Safety, my hon. Friend the Member for Birmingham, Hodge Hill (Mr. Byrne), on his promotion to the Home Office.

The hon. Member for South Cambridgeshire (Mr. Lansley) spent the past 40 minutes telling us about everything that he thinks he is wrong with the national health service. A year ago, he was telling people that he believed in the patients' passport—taking money out of the NHS to put into private care. He says now that he has changed his mind and that he really believes in the NHS. Four years ago, he voted against more money for the NHS. Now he and his right hon. and hon. Friends keep demanding more money for the NHS. He and his right hon. Friend the Member for Witney (Mr. Cameron) have turned round their positions so often that the public no longer know what the Conservative party believes in.

Let me tell the hon. Member for South Cambridgeshire what we have done about turnaround in the NHS. In 1996, I have one cutting from one day. It reads:

"22 patients spend the night on trolleys. A&E unit closes its doors. Patients diverted to Queen Mary's in Roehampton which is earmarked for closure".

That was under the Conservative Government. In 2006, no patients were waiting on trolleys for hours on end. There was a maximum wait in accident and emergency of just four hours. That is a turnaround. It is a target that the Conservative party said could never be met and should never be set. It is another example of what the Conservative party describes as Government interference. However, it is a target that NHS staff—more of them than ever before—are delivering. There is a new hospital to be built at Queen Mary's in addition to 81 new hospitals since 1997, and there are many more to come.

Daniel Kawczynski: The title of the debate relates to management of the NHS. Does the Secretary of State agree that promises given by the Government should be fulfilled? One was that when hospitals merged, their debts would be wiped out. Ministers in the right hon. Lady's Department have confirmed that that is the case. However, when Shrewsbury merged with Telford the existing £3 million debt was not wiped out and was instead brought forward. Will the right hon. Lady look into that, because it is causing terrible problems for my hospital?

Ms Hewitt: The hon. Gentleman and I have discussed that matter before. He needs to accept, as do other hon. Members, that these so-called historic deficits are simply previous years of overspending. All too often, that overspending has been matched by underspending in far poorer parts of the country. The hon. Gentleman must face the fact that if a deficit is to be wiped out in one organisation, the money must come from somewhere else.

Mr. Crispin Blunt (Reigate) (Con): The right hon. Lady knows that the Surrey and Sussex trust has suffered the most disgraceful political interference and

has not been allowed to manage its own affairs. The deficit has been about £10 million a year to keep Crawley hospital open as a full functioning hospital. Her Department approved the reform plans put forward by the trust, but then placed a moratorium upon them. It is to be hoped that the local managers will be given the opportunity to manage. There have been five years of political interference in the interests of the Labour party. This is an absolute disgrace, and the right hon. Lady should apologise.

Mr. Deputy Speaker (Sir Alan Haselhurst): Order. Interventions should be interventions, not speeches.

Ms Hewitt: No doubt the hon. Gentleman would like to tell the House and the people of Crawley that his proposal is to close all facilities at Crawley hospital and sell it off for luxury housing or something else. I believe, and the people of Crawley believe, that there should be a community hospital in Crawley. That is exactly the plan that the local primary care trust is working on.

Mr. Blunt: Will the right hon. Lady give way?

Ms Hewitt: No, I will not. I wish that the hon. Member for Reigate (Mr. Blunt) had acknowledged that in the East Surrey PCT, where more than 600 people used to wait more than 13 weeks for their first out-patient appointment, there are no patients now waiting for such an appointment. There used to be more than 500 people—in fact, there were once more than 1,000 people—waiting more than six months for an operation, but now no one waits for an operation for more than six months. That is turnaround.

Several hon. Members *rose—*

Ms Hewitt: I wish to make progress.

We know very well how much more there is to do, because we created the NHS in the teeth of Conservative opposition, and we believe in it. We know, too, that we need investment and renewal to meet the growing needs of an ageing population, to exploit all advances in medical knowledge, to match the scale of rising expectation, and to match our ambitions for the health service. That is why we made the difficult decision to ask people to pay higher contributions to fund record investment in the NHS—money that the Opposition voted against.

Mr. Owen Paterson (North Shropshire) (Con): On higher contributions, two patients with early-stage breast cancer in the Royal Shrewsbury hospital receive Herceptin. That treatment is funded by the British taxpayer, but those patients have paid taxes all their lives and I wish them luck. Someone with early-stage breast cancer who has a Shropshire address must find £47,000 on top of all the taxes that they and their family have paid throughout their life, or they face the prospect of dying. Will the Secretary of State meet some of those ladies? I wrote to her three times in the past month, but she would not reply. Thanks to the prompting of the previous Leader of the House and a written question, I received a reply from the Minister of State, Department of Health, the hon. Member for Doncaster, Central (Ms Winterton), but she did not answer the question. Will the Secretary of State meet those ladies?

Ms Hewitt: The hon. Gentleman knows that treatment for women with breast cancer is faster and better than it was under the Opposition. He knows very well—he should know—that death rates from breast cancer have fallen faster in this country than in almost every other country. He knows, too, that as Herceptin has not been licensed or evaluated for treatment of early-stage breast cancer, those difficult decisions must be made by the local NHS. However, we have speeded up evaluation by the National Institute for Health and Clinical Excellence and independent experts—not by Ministers—to ensure that treatments for NHS patients are available everywhere.

Mr. John Redwood (Wokingham) (Con): One of the right hon. Lady's reforms could be very helpful, as it proposes to use more private treatment centres offering specialist services to provide high-quality fast treatment. How far will that extend, and how many treatments will there be in, for example, two years' time?

Ms Hewitt: As the right hon. Gentleman knows very well, we have indeed used independent sector treatment centres, just as we have used spare capacity in the private sector to ensure that NHS patients receive the fastest possible care, all of it free at the point of need. The ISTC programme will continue, and I estimate that when we complete wave 2, about 10 per cent. of elective treatments will be carried out in the independent sector, all of that free at the point of need.

Several hon. Members *rose—*

Ms Hewitt: I am afraid I wish to make progress.

Mr. William Cash (Stone) (Con): On a point of order, Mr. Deputy Speaker. The Secretary of State will know that when a petition is presented to Parliament it is usual for the Government Department and the Minister responsible to reply. I presented a petition on the loss of thousands of jobs in Staffordshire, but I did not receive a reply. I have presented thousands of letters to the Minister—

Mr. Deputy Speaker: Order. I suspect that that is a point of debate disguised as a point of order, however skilfully, or otherwise. The hon. Gentleman should seek an opportunity to catch my eye so that he can make his point in a different way, and not as a point of order.

Ms Hewitt: We are making record investment in the NHS, above all in our staff. We have 330,000 more NHS staff than we had in 1997. We have 85,000 more nurses, 10,500 more consultants and more than 32,000 more doctors and hospital dentists. We have more staff delivering faster and better care for more patients than ever before.

But renewing the NHS after nearly 20 years of underfunding and neglect by the Conservatives was never going to be easy. That is why I want to tackle head on the financial difficulties that have arisen. The majority of hospitals and primary care trusts are improving patient care, hitting the targets that we have set, and employing more staff and paying them better than ever before, which the hon. Member for South Cambridgeshire seems to oppose, and they are doing all that within their budget.

John Bercow (Buckingham) (Con): In an Adjournment debate on the Floor of the House on 25 April, the then Under-Secretary of State for Health, now the Minister for Policing, Security and Community Safety told me that he would need to "consider what action to take" in response to the threatened closure that I highlighted of the Nuffield speech and language unit, a centre of excellence for 35 years, providing for children with some of the most severe speech and language disorders. Can the right hon. Lady, free of party politics, tell the House what she will do to safeguard that vital national resource? If it is lost, it will not come back.

Ms Hewitt: I will write directly to the hon. Gentleman on that matter.

Although a majority of NHS organisations are making all the improvements I have outlined within their increased budget, a minority are overspending, and some very seriously. Because of that, in the financial year just ended, the NHS as a whole will have overspent by around 1 per cent. of its total budget. That cannot continue, particularly in the 7 per cent.—just 7 per cent., or about 40 organisations—that account for more than 50 per cent. of the deficit.

Mr. Charles Walker (Broxbourne) (Con): The Hertfordshire Partnership NHS Trust, which deals with mental health, has never been in deficit since 2001. It provides an excellent service and has never overspent, yet this year it has been asked to cut its budget by £5.2 million. Can the Secretary of State tell me why it is being asked to cut its budget, when it has always operated within its financial parameters?

Ms Hewitt: I shall come to that point in a little more detail in a moment.

The problem with the minority of organisations that are overspending, including many across Bedfordshire and Hertfordshire, is that those problems have an impact on other parts of the NHS, including the mental health trust to which the hon. Gentleman refers, which have been living within their budget.

Of course, restoring the NHS to financial balance entails difficult decisions. Nobody wants redundancies, and every hospital and primary care trust will do everything that it can to avoid making a staff member, particularly a front-line clinical member of staff, redundant. Behind almost every story on redundancies, every scare-mongering headline and every figure that the hon. Member for South Cambridgeshire uses—he did it again this afternoon—is a hospital that is sensibly cutting back on temporary staff from expensive private agencies, like West Hertfordshire Hospitals Trust. It has a deficit of £28 million and an agency bill of £17 million, and it is going to get that down.

Mr. Shailesh Vara (North-West Cambridgeshire) (Con): The Secretary of State speaks of temporary staff not being replaced. What about permanent staff who are leaving and not being replaced in the various institutions?

Ms Hewitt: The hon. Gentleman must decide whether he wants hospitals to become more efficient and effective, and whether he wants more day case surgery, more patients looked after in the community and more emergency admissions avoided, or will he stand in the way of change and progress, and refuse to support hospitals making difficult but right decisions?

Mr. Lansley: If it is all about agency staff, will the right hon. Lady explain why, over the last two years, the proportion of the NHS pay bill spent on agency staff has declined at the same time as the deficits have ballooned? If it is all about treating patients closer to home, why are intermediate care beds being closed and why are there fewer district nurses and health visitors? Why are these objectives—they are not new to the Secretary of State, as they started with the right hon. Member for Holborn and St. Pancras (Frank Dobson) in 1998—not being fulfilled?

Ms Hewitt: Of course spending on agency staff has started to go down, but it has not gone down enough. Does the hon. Gentleman really think that the Barking, Havering and Redbridge hospital, for example, should not reduce its £34 million bill for temporary and agency staff? Does he really think that the Royal Free hospital, which he mentioned, should not reduce its agency bill or reorganise its wards and the use of its permanent staff to give patients more effective care with better value for money?

Let me provide another example. South Tees hospitals trust has already reduced staff by 300 as it has become more effective, and with just three compulsory redundancies. While it did so, the number of people waiting more than six months for treatment fell from more than 470 to zero. Sandwell and West Birmingham hospitals trust has already cut its costs by £10 million, the equivalent of 200 jobs, but with only one compulsory redundancy. The number of people waiting more than six months for treatment in that trust fell from 23 to zero.

Mr. Andrew Tyrie (Chichester) (Con): The right hon. Lady seems to be portraying the whole of the deficit problem as if it were the fault of the hospitals. My constituency has one of the most efficient hospitals in the country and, if it were paid at the full tariff, it would be in surplus. It is in substantial deficit, even though it was viewed as the third best hospital in the country and the best in the south-east last year. Indeed, it has been in the top 40 hospitals in every one of the last six years. It is the only hospital in the country to achieve such a record, but guess what is happening? It is being cut back sharply, so what possible logic can there be in any system of health delivery that does that to such a successful institution?

Ms Hewitt: We expect every hospital, right across the NHS, to go on becoming more effective and efficient and to go on using all the extraordinary advances in medical technology that enable them to do so. In each area of the country that receives fair funding for its population we expect the NHS to deliver the best possible care for all patients—outside as well as within hospitals—within their allocated budgets.

John Pugh (Southport) (LD): Is the Secretary of State seriously suggesting that all the deficits can be wiped out without cutting back on any clinical activity?

Ms Hewitt: What I am suggesting, as is confirmed by virtually every hospital chief executive and clinical director to whom I have spoken, is that as more day-case surgery is done, patients can be treated better and faster with fewer acute beds and therefore fewer staff in certain jobs. That is not worse care for patients, but better care for patients and better value for money.

Kali Mountford: I am somewhat surprised to see the Opposition in today's debate blocking the reform that is so badly needed. Opposition Members used to talk in the past about the reforms that needed to be made to secure value for money. My right hon. Friend has pointed out some very good examples of where change has taken place with minimum disruption. It is important to assure people working in the NHS about their futures and their ability to deliver the best possible service to our population. Will my right hon. Friend share her information with all trusts, so that those experiencing change can do the best they possibly can with it?

Ms Hewitt: My hon. Friend is right. That is exactly what we are doing through the Modernisation Agency and the NHS institute for improvement. As staff change jobs, and particularly as more services move from hospitals and into the community, we need to support those staff, particularly where they need to change their skills.

Let me give the House an example of exactly how the NHS is making those changes in Dudley, where I recently met several of its patients. One is Ron Lane, a gentleman in his 70s who has severe heart disease. He told me that his community nurse now gives him tests and treatment in a couple of hours in his own home that just two years ago used to require an emergency admission and several days in hospital. He told me that his quality of life has been transformed thanks to those community nurses. In just 12 months, thanks to the NHS community nurses in Dudley, 120 patients like Mr. Lane have had more than 500 fewer admissions to hospital.

The new acute hospital in Dudley has fewer beds than the old hospital. It needs fewer staff in many of those jobs, and the local NHS is underspending on its hospital budget, so it has more money to put into other improvements for other patients, which provides better care for patients and better value for money. The reforms that we are making, which the hon. Member for South Cambridgeshire has said that he supports but has also attacked, and the changes that we are making, with stronger commissioning from GP practices and primary care trusts, will give every part of the NHS the incentive to do what Dudley and many other places are already doing.

Mr. Stephen Dorrell (Charnwood) (Con): Given what the Secretary of State has just said about the importance of shifting services towards the community, will she take this opportunity to clear up a major policy mix-up for which her Department is responsible? Last July, she announced that it was her policy for PCTs to divest themselves of responsibility for service delivery. Is that still her policy?

Ms Hewitt: I made it absolutely clear to the House last autumn and again in the White Paper that primary care trusts, as well as having a stronger commissioning role, will continue to employ staff in the community and to provide services. That is a matter for them and for their patients and users, and there is no requirement for them to divest.

Tom Levitt (High Peak) (Lab): I can confirm that the Secretary of State gave me that answer on 25 October. Will my right hon. Friend confirm that when Labour entered office, one of the problems that we had to address was that areas in which health needs were greatest were, relatively speaking, underfunded compared with more affluent areas? We have been addressing that problem, and it would be wrong to continue a system where health surpluses in areas of high health treatment need were subsidising more affluent areas, which was the case in the past.

Ms Hewitt: My hon. Friend is absolutely right. When we reviewed the funding formula a couple of years ago, we found that some of the poorest areas in the country with the worst health problems were anything up to 20 per cent. below their target funding, while other healthier and wealthier areas were between 15 and 25 per cent. above their target funding, and we are changing that situation. In the old NHS, over-spending in one place was simply compensated for by underspending elsewhere. As my hon. Friend said, that was not only unfair, but utterly ineffective, because overspending areas had no incentive to put their houses in order. Our changes and reforms have not created those problems, they have revealed them, and now they are helping to correct them.

Several hon. Members *rose—*

Ms Hewitt: I shall give way to the hon. Member for Strangford (Mrs. Robinson).

Mr. Simon Burns (West Chelmsford) (Con): She has only just come in.

Mrs. Iris Robinson (Strangford) (DUP): I am grateful to the Secretary of State for giving way; as my hon. Friend has indicated, I have just arrived from Northern Ireland. Will the Secretary of State indicate the lessons that she has learned following her reception at a recent meeting by angry nurses and union staff, who say that the NHS is in a mess? This is the third term of new Labour, so can they all be wrong?

Ms Hewitt: I rather regret giving way to the hon. Lady now, but there we are.

Several hon. Members *rose—*

Ms Hewitt: I will make a little progress, if I may.

The point about fair funding is absolutely central. Because we have promised to give people in every part of the country the best possible care, we are reforming the way in which the NHS is run so that every hospital takes responsibility for organising the best care within its budget. We will not expect others to bail them out.

[Ms Hewitt]

I repeat the promise that I made to the House—by next April, the NHS as a whole will be back in financial balance. That is why we have asked the strategic health authorities in each region to work with primary care trusts to create a financial reserve so that the organisations in deficit, particularly those with the biggest deficits—that small minority—can be supported while they make the necessary changes.

I want to thank the leaders and staff of the primary care trusts and strategic health authorities who are making very difficult decisions. I particularly thank all those organisations that have already done so much to improve services, have done it within their budgets and are now having to postpone some of the further improvements that they want to make for their patients in order to help solve problems elsewhere.

I stress to the House—as I have said to the strategic health authorities—that, unlike under the old system, every area that is contributing to the new reserves will get its money back, normally within the three-year funding period, and that, wherever possible, the areas of greatest need to which my hon. Friend the Member for High Peak (Tom Levitt) referred will get their money back first.

Mark Pritchard (The Wrekin) (Con): While many of us would agree with some of the health reforms that the Government are proposing, particularly as regards delivering health care in the local community, how is it that they are bringing back cuts in the district general hospital in my constituency, the Princess Royal, while at the same time cutting back on the very community hospitals through which they are suggesting that they want to deliver their reforms?

Ms Hewitt: On community hospitals, I made it very clear in the White Paper in January that any local NHS that was proposing to cut or close a cottage hospital or community hospital should look again at that decision in the light of strategy to get more services not only into community hospitals but into people's own homes. I am glad to say that those changes have already been made in some parts of the country.

Mr. James Gray (North Wiltshire) (Con): The right hon. Lady says that she called on local primary care trusts to turn around any decisions that they may have taken locally to close community hospitals for purely financial reasons. Will she have a particular word with the Kennet and North Wiltshire PCT, which is consulting on closing seven community hospitals? Its chief executive has said that she is determined to close them, despite what the Secretary of State says, because she is the Margaret Thatcher of the national health service, and the lady is not for turning.

Ms Hewitt: As the hon. Gentleman knows full well, every part of the NHS that is proposing such changes has to consult its local patients and users and to seek the approval of the strategic health authority. We have already promised a new generation of at least 50 community hospitals, because some existing cottage hospitals are not providing the right services, are not in the right buildings, and will need to change.

Several hon. Members *rose—*

Ms Hewitt: The hon. Member for South Cambridgeshire took a very long time, and I would like to allow some time for Back-Bench contributions.

Mr. Burns: Will the Secretary of State give way?

Ms Hewitt: No, I will not.

Fiona Mactaggart (Slough) (Lab): Will the Secretary of State give way to me?

Ms Hewitt: I give way to my hon. Friend.

Fiona Mactaggart: The Secretary of State may have noticed—

Mr. Charles Walker (Broxbourne) (Con): You've been sacked.

Fiona Mactaggart: The hon. Gentleman is misinformed—I chose my role.

The Secretary of State may have noticed that the loudest voices in the debate—I recall the intervention of the hon. Member for Banbury (Tony Baldry)—are from places where overspending has occurred in the NHS. The consequences for communities such as my constituency are that important services for my constituents, such as their mental health services, are being seriously affected to deal with the imbalance in the funding in the strategic health authority. Yet the voices that are noisiest in the Chamber, and often noisiest in the community, are those of privilege. What will my right hon. Friend do in future to protect those whose health is poorest? *[Interruption.]*

Ms Hewitt: My hon. Friend makes an enormously important point. We are prepared to ask only the organisations that are in balance or even surplus to—*[Interruption.]*

Mr. Deputy Speaker: Order. There may be controversy in the debate but we must nevertheless conduct it in an orderly manner.

Ms Hewitt: My hon. Friend made the point that her primary care trust has had to postpone improvements in services that her constituents desperately need to help sort out overspending in other parts of the country. It is precisely because those postponements can only be temporary that I am insisting that the organisations in areas that have been overspending must make the decisions necessary to sort themselves out. I will not take complaints about that from Conservative Members who troop in to see me and stand up, week after week, in Prime Minister's questions and Health questions to demand more money for their services, patients and hospitals when they voted against the record investment that we are already making.

We have written a very big cheque for the NHS. Conservative Members voted against it. However, it is

not a blank cheque—it never has been and never will be. Conservative Members delude themselves and try to delude the public when they pretend that there is a limitless amount of money, that overspenders can be bailed out without any difficult decisions and that no part of the NHS should be expected to become more efficient.

Conservative Members say that they want more efficiency and more services in the community but they refuse to back the local NHS and local hospital trusts that are making difficult decisions to release resources for other improvements. They voted against increases in taxation to invest in the NHS, and they demand cuts in funding today. It simply does not add up, like the rest of their policies.

The changes that we are making in the NHS are true to its founding values. It is funded by taxation and free at the point of use. Care is based on what people need, not on what they can afford to pay. There must be fair funding to tackle health inequalities in the poorest parts of the country. Only by continuing to change and improve the NHS will we keep those values relevant in times that are changing faster than ever.

Mr. Paterson: Will the Secretary of State give way?

Ms Hewitt: No.

Every health care system in every developed country faces the same challenges of rising public expectations, an ageing population and extraordinary advances in medical science. I believe that the NHS—the fairest health service of them all—will meet those challenges better than any other health service in the world as long as we have a Labour Government. Only a Labour Government who believe in the values of the NHS and do not blow hot and cold about them can combine the courage to make the huge investment needed—

Mr. Paterson: On a point of order, Mr. Deputy Speaker. I am stumped. I have written three letters to the Secretary of State about my constituents. I have raised the matter three times in business questions. I have written to the Prime Minister and asked the Secretary of State directly whether she can advise me—

Mr. Deputy Speaker: Order. The solution is not to raise a point of order. There are other parliamentary means of pursuing those matters, which are matters of debate, however strong the feelings on both sides.

Ms Hewitt: I entirely recognise that the hon. Member for North Shropshire (Mr. Paterson) feels strongly about that matter, but I am not prepared to take lectures on the NHS from the Conservatives, or from the hon. Gentleman, who keeps demanding more money for new treatments—more money is, indeed, needed for new treatments—but will not support the investment that we are making or the difficult decisions needed to get all the NHS to the levels of effectiveness necessary to deliver the best care for patients with the best value for money. Only a Labour Government who believe in the values of the NHS will combine the courage to make the huge investment that the NHS needs with the courage to make the tough decisions to see the job through.

5.10 pm

Steve Webb (Northavon) (LD): I should also like to begin by welcoming the Minister of State, Department of Health, the hon. Member for Leigh (Andy Burnham) and the Under-Secretary of State for Health, the hon. Member for Bury, South (Mr. Lewis) to their new ministerial roles. I congratulate them on their appointments. On the theme of turnarounds, it has been interesting to watch the Secretary of State turning around from being a Blairite to a Brownite in the course of her speech. She used the code word "renewal" twice, so we now know that, after the Government have been in office for nine years, the key need for the health service is renewal. We heard it here first.

It is my pleasure to kick off our contribution to this debate as the health spokesman for the party that is most trusted by the British public on the health service. What a discerning group the British public are! We understand why the Conservatives, who tabled this motion, are still not the most trusted party on the NHS. I recall being elected to Parliament in 1997, and having constituents coming to see me with letters saying that they would have to wait 104 weeks to see a consultant and to get on to the waiting list.

We owe it to the House to avoid the rewriting of history that can occur on occasions such as these. When I was elected as an MP, partly because of the Conservatives' record on the health service, people were waiting two years to get on to waiting lists, and we must not forget that. We must not allow the British public to be deceived into thinking that the Conservatives are committed to the health service and that, if only they were in power, the health service would be sorted. So much progress has been made. Indeed, if it were only a matter of the Conservatives' record on what was happening nine or 10 years ago, we might be tempted to think that the leopard had changed its spots. However, they have form not only in government but in opposition.

Mr. Graham Stuart (Beverley and Holderness) (Con): The hon. Gentleman has referred to the fact that it has been almost 10 years since the Conservatives were in office. Flat-lining in the polls as they are, if the Liberal Democrats want to be a real Opposition, they need to focus on joining us in holding the Government to account. It is the patients, the most vulnerable, and the poorest and weakest in our society who are being let down by the Government today.

Steve Webb: I can reassure the hon. Gentleman that there will be plenty of holding the Government to account—

Hon. Members: Get on with it!

Steve Webb: It is interesting that the Conservatives want immediately to get the focus off where they stand on these issues. I have here a copy of the letter sent by the leader of the Conservative party to his colleagues. In summary, it says, "They don't trust us on the NHS; we'd better do something about it. Let's join leagues of friends. Let's have some Opposition day debates. Let's do some visits. Let's try to deal with the terrible reputation we have on the NHS." Well, that will not

[Steve Webb]

wash—*[Interruption.]* I am asked whether the Conservatives are just faking it. Why did the shadow Secretary of State for Health vote against an £8 billion rise in national insurance for the national health service—*[Interruption.]* I am told that that would have been the wrong way to raise the money, but I was not aware of an alternative £8 billion tax increase being proposed. Perhaps the Conservatives had secret stealth tax plans. Who knows?

Mr. Walker: When that announcement was made by the Chancellor, the then Secretary of State for Health, the right hon. Member for Darlington (Mr. Milburn), said breathlessly that he and his officials had worked tirelessly overnight, over pizza and takeaway curry, to decide how to spend it. Does the hon. Gentleman agree that the money was given a little prematurely, because most of it has been wasted?

Steve Webb: To get this straight, the hon. Gentleman thinks that the money should have been raised, even though his party voted against it—

Mr. Walker: There was no business plan—

Mr. Deputy Speaker: Order. The hon. Gentleman must not pursue the debate from a sedentary position. He has asked a question and must give the hon. Member for Northavon (Steve Webb) a chance to answer it.

Steve Webb: The Conservative party has form in opposition, not just on voting against the £8 billion. In the past 12 months, every Conservative Member has been elected on a pledge to take taxpayer's money to buy people's way out of the NHS. That is the Tory instinct. Rather than being the salvation of the NHS, as we heard in the speech of the hon. Member for South Cambridgeshire (Mr. Lansley), the reality is that the Tories believe that if a public service does not work, the few should be helped to buy their way out of it. That was in the manifesto on which every Conservative Member stood at the general election.

Mr. Jim Devine (Livingston) (Lab): Will my hon. Friend give way?

Steve Webb: I do not think that I am the hon. Gentleman's hon. Friend, but I will give way.

Mr. Devine: I am still a new boy and learning the technique. Does the hon. Gentleman agree that it would be the height of hypocrisy for Conservative Members to shed crocodile tears for the local NHS if they do not use it themselves and are covered by private medical insurance schemes?

Steve Webb: My view, although I have no private medical insurance, is that we have always had a mixed health economy, with the NHS predominant, which I profoundly support. There has always been a role for the private sector, to which I do not object. My concern is the way in which the Government have provided for that.

The Liberal Democrats supported the additional £8 billion investment in the NHS. There has been a growth in the number of front-line doctors and nurses, but on the Government's figures, without counting all sorts of obscure people as administrators, the growth in the number of managers over the past 10 years has been twice as fast. That is a statement of fact, and that is where things have gone wrong. It is not that those managers are doing nothing all day; they are running around chasing Government targets, monitoring and form-filling, which they should not have to do, and that is the problem.

When challenged about bureaucracy, the Government say, "We're going to sweep away managers and merge primary care trusts, which will result in less bureaucracy." I have been contacted from West Sussex, where one new primary trust will replace five. A non-executive director of one of those PCTs has written a letter saying that the new plans have

"produced an organisational structure that creates an additional layer of management."

That is the new streamlined NHS. Instead of having a health authority, a primary care trust and the doctors, it will now have a health authority, a primary care trust and eight local practice-based commissioning areas. Each of those eight—there were only five before—will have a business director and support staff for finance and commissioning, public health partnerships, primary care development, patient and public involvement and so on. Incredibly, an extra tier is being introduced, which is typical of this Government. A whole raft of new bureaucracy is being introduced in the name of efficiency. It is classic new Labour reform.

Kali Mountford: The hon. Gentleman makes an interesting point about the commissioning process. But does he prefer practice-based commissioning, which would surely cost even more?

Steve Webb: I am slightly baffled by that intervention. I was under the impression that practice-based commissioning was Government policy, but perhaps I have misunderstood.

Many of the reforms are not inherently bad; the idea that the NHS should know what its costs are seems entirely good. However, the reforms have not been co-ordinated, planned, phased and staged; they have come helter-skelter, all at once, and have not been effectively implemented. One example of that is the failed implementation of the new tariff for children's specialist services, about which, it is reported, the former Minister of State, the right hon. Member for Liverpool, Wavertree (Jane Kennedy), resigned, although I do not know whether that is the case, and I am happy to be corrected. We have raised the issue of specialist children's hospitals, such as Alder Hey, Great Ormond Street and others, which are saying that the amount of money that they get for doing the clever things that they do for sick children is not sufficient to meet their costs.

Ms Hewitt: My right hon. Friend the Member for Liverpool, Wavertree (Jane Kennedy) did not decide to leave the Government because of Alder Hey. It was a completely separate issue, to do with the independent

appointments to NHS posts. On the subject of Alder Hey and specialist children's hospitals, however, let me make something absolutely clear. More work is needed on the specialist tariffs, and we are doing that work in conjunction with the children's hospitals; but the top-up to the tariff that we give those hospitals has been increased. Last year it was 53 per cent. over and above the normal tariff, and this year the figure will be 69 per cent. We shall go on working with Alder Hey and the other outstanding children's hospitals to ensure that their essential work continues.

Steve Webb: I shall be delighted if that proves to be the case, but the letter issued by Alder Hey and others only weeks ago suggested that there were multi-million-pound deficits because of the inadequacy of the tariff. The situation is extraordinary; the new tariff is being introduced very rapidly, people are not having time to adjust to it, and there is a threat to valuable front-line services. What is worrying, and what angers people about the Secretary of State, is that she appears to be out of touch with what is going on.

John Pugh: As my hon. Friend will know, Alder Hey is not only cutting the funds that it can provide for care but cutting its building programme, in an unexpected and unpredictable way.

Steve Webb: My hon. Friend, who is relatively local to Alder Hey, has raised an important point. What we need are long-term efficiency strategies, long-term reform and structured change. What we are getting are emergency cuts packages, and that is not a rational way in which to run the health service.

The Secretary of State talked about job cuts, implying that they involved just a few agency staff; and who would not want to cut agency staff? I recently received a letter from a young woman in Stoke-on-Trent; well, a relatively young woman. She writes

> "I work at the University Hospital of North Staffs... After nearly eighteen years of loyal service... it seems according to the Government's 'turn around' team that my services are no longer needed... we as a Trust have worked really hard to meet all the Government's targets... we are being rewarded with job losses and cuts to patient care".

That is just one example, but it is disingenuous to say that this is all about agency staff. It is not solely about them. Clearly things can change, but we are talking about permanent and front-line staff. We are talking about doctors and nurses. This is having an impact not just on services but on morale. As the Secretary of State herself knows from experience, we need good will and good morale above all in the NHS. So much runs on that basis, and the Government are systematically undermining it.

John Bercow: The hon. Gentleman has referred to specialist children's hospitals. May I give an example that falls into a slightly different category? Does the hon. Gentleman not agree that it is truly a national scandal that the Royal Free Hampstead NHS Trust is proposing to close a centre of excellence in the form of the Nuffield speech and language unit, whose total expenditure accounts for only 0.1 per cent. of the trust's expenditure last year? The closure could take place in 10 weeks. I do hope that the Secretary of State is aware of that, and will do something about it.

Steve Webb: I am aware of the centre to which the hon. Gentleman has referred. An early-day motion has been tabled in its support, to which I added my name recently because I share the hon. Gentleman's concern.

Is it just a bit of waste and inefficiency that is being eliminated, or is it front-line services? I received a letter from a psychoanalytical psychotherapist—also from Stoke-on-Trent—who says that the local PCT is saying this:

> "less vital work... elective operations, help with hearing and eyesight... orthopaedic care, health promotion and some mental health care will be given a lower priority because of the need to protect life or death care".

Of course we want to protect "life or death care", but this does not mean just stripping out a few agency nurses; it means cutting a raft of services that constitute the bread and butter of the NHS.

Mark Pritchard: Does the hon. Gentleman agree that mental health services may suffer worst as a consequence of the Government's so-called reconfiguration of health services? That means that more people will be wandering around our communities who should be receiving day-to-day care and should perhaps be looked after in the community, but who should certainly not be abandoned with no support and no treatment as a result of the Government's reforms.

Steve Webb: The hon. Gentleman is right to highlight the fact that in several parts of the country, mental health services have borne the brunt of the problem, even though, in many cases, those services were actually in financial balance and were feeling the knock-on effect of other areas. It is often very vulnerable people and their carers who are suffering.

Mr. Dan Rogerson (North Cornwall) (LD): I am glad that my hon. Friend shares my concern about the effect of such a policy on mental health services. Does he agree that in some areas, the emphasis on targets is badly affecting the funding of preventive work on smoking and obesity?

Steve Webb: I am grateful to my hon. Friend for making that pertinent point, which is at the heart of my argument. None of us is saying that the health service is perfect, that nothing should change and that no job, once created, should ever go, but we are saying that change should be measured, rational, planned and undertaken according to a long-term strategy. The preventive work to which my hon. Friend referred—smoking cessation and work on childhood obesity—tends to have a long-term payback. It is the first thing to be cut, therefore, because it provides no immediate, tangible benefit.

Mark Pritchard: Will the hon. Gentleman give way?

Steve Webb: If the hon. Gentleman will forgive me, I will not give way to him again.

My concern is that so many of the cuts that we hear about are part of emergency cuts packages. When the Secretary of State says that in many cases, these problems have existed for decades and are only now coming to light, she is right, but the answer to solving decades-old problems is not to try to solve them in weeks. The point is not that nothing should ever be changed, but that the Government are trying to make

[Steve Webb]

changes at breakneck speed because someone somewhere is in a hurry for a legacy.

The Government consistently blame local health services for overspending and inefficiency, yet general practitioner costs, consultants' costs, the tariff and practically all the targets are centrally determined. However, if the numbers do not add up at the end, the fault, apparently, lies at a local level. How can we square that argument? The Government cannot work this one out; what is their responsibility and what is not? If a community hospital closes, it is a local decision; if one opens, it is Government policy. Which is it? They need to decide.

Tim Farron (Westmorland and Lonsdale) (LD): The Government initially allocated £2.3 billion for the "connecting for health" project, but by their own admission, they are likely to spend £6.2 billion on it. Indeed, experts project that the figure could be as high as £30 billion. Given NHS deficits of some £600 to £800 million and the impact on my constituents of the potential closure of the coronary care unit at Westmoreland general hospital, does my hon. Friend agree that there is a juxtaposition to be made between what are relatively small deficits and vast Government overspending on administrative projects?

Steve Webb: My hon. Friend makes an important point. When a centrally imposed cost falls locally and upsets the financial balance, the cause of the problem is somehow deemed to be local mismanagement. There is a story to be told about the Government's information technology projects in general and the NHS project in particular, to which we will doubtless return.

Another key issue that has arisen in this debate is waiting. With the best will in the world, I caution the Secretary of State against talking about the Government's abolishing waiting, because if she does so she will cause real distress and anger. On 13 December, she said:

"By the end of 2008, we will effectively have abolished hospital waiting lists."

With the greatest of respect, she should think carefully before she repeats that phrase. In many areas of the health service, that assertion is at total variance with people's experience, and if she goes on making it, she will make herself look a fool.

Mr. Peter Bone (Wellingborough) (Con): I sometimes think that the Government are more interested in spin doctors than real doctors. Last November, the Prime Minister promised that nobody would wait more than six months for an in-patient operation. However, the number waiting for such an operation has been growing month by month.

Steve Webb: The Government mean something very specific when they use that phrase; however, some people are having to wait much longer than the Government are saying. For example, a lady who came to see me on Friday was told that she will have to wait three and a half years for fertility treatment. Now the Government will say that that does not count, because they are not talking about that sort of waiting list. But if they keep saying that they are getting rid of waiting in the NHS and thousands of people are waiting long times for treatment of different sorts, they will not be believed, and it will really undermine what credibility they have left. So I urge them to pull back from that.

Tom Levitt: I acknowledge that pressure on audiology services is causing problems with waiting times for hearing aids, but we should put the hon. Gentleman's remarks into context. Will he acknowledge that the investment in digital hearing aids has been good, the investment in hearing testing for newborn babies has been an excellent innovation and the extra demand that has been caused by the popularity of digital hearing aids is partly responsible for the stress on audiology services?

Steve Webb: The hon. Gentleman cannot have it both ways. I do welcome the extra investment in digital hearing aids, but if people have to wait longer because of induced demand, the Secretary of State cannot claim that the Government are abolishing waiting in the NHS.

A case of what waiting is doing to people was drawn to my attention only this week. A consultant at Guy's and St Thomas' hospital wrote to a lady—who sent a copy of the letter to me—about a genetic blood test for breast cancer. The consultant wrote:

"You remember that testing your blood within the NHS will take somewhere between 6-9 months".

The Government's motion states that they welcome

"the fact that all patients can now expect to wait no longer than six months for their operation".

However, they will not get that far if they have to wait six to nine months for the blood test. The consultant concludes, ominously, that that

"will be too late to help you make a treatment decision for your suspected breast cancer. Another possibility is that you pay £1,800.00 to send your blood sample to the US to a private company...which will deliver a result within 4-6 weeks."

That is the NHS in which the Government have nearly abolished waiting.

Anne Milton (Guildford) (Con): The hon. Gentleman raises an important point about the confusion over waiting lists. There is a huge gap between the Secretary of State and the general public. The Government say that waiting lists are falling, but they are not talking about the sort of issues that constituents come to see me about. Does the hon. Gentleman agree that there is a huge problem not only with waiting lists, but with people being refused tests or treatment? Constituents have been told by the hospital that they need procedures such as PET scans or other tests for Parkinson's, but that the PCT is not funding them at present. Those people are not waiting, but they are being denied treatment that they need.

Steve Webb: The hon. Lady raises the important issue of what the NHS does and does not do, which is separate from the issue of waiting. If some people cannot get treatment at all, it is another facet of that problem.

We should also talk about what needs to be done. I listened in vain for nearly 45 minutes to the hon. Member for South Cambridgeshire for any suggestions, and there is nothing in his motion about what needs to be done. A constructive and effective Opposition say what needs to be done, so I shall point out several measures that need to be taken.

The first is that if one accepts the Government's logic, the NHS should be given greater time to adjust. If one believes in a market directed by incentives—including incentives to be more efficient—it needs time to adjust. Incentives do not work over night. If the NHS is to be restructured, new units built and old ones closed, the effect will take time to be felt. The logic of the Government's position is that we should not have wholesale reform all at once to be implemented quickly. Instead, change should be phased, staged and managed, but that is not what is happening. One cannot sort out the problems of decades in weeks.

The second key aspect is the need, at the very least, for the infamous level playing field between the NHS and the private sector. All too often, the independent treatment centres, which are supposed to be the dynamic, free-market, capitalist competition that will ensure efficiency, are being subsidised and given guaranteed business. That is the exact opposite of what should happen. For example, a doctor wrote to me recently saying:

"One contributing factor"—

to the problems of the NHS—

"is the...Treatment Centre...in Shepton, which is treating straightforward patients for routine ops at an inflated tariff and leaving the more complex cases, as well as sorting out their errors, to the local NHS."

He makes an interesting point when he states that the number of staff working there is very similar to the number of redundancies at the Royal United hospital, Bath. He says that that is no surprise, as those staff members are doing the work that the RUH has lost, although at a higher price. That cannot be a rational way to manage efficiency in the health service.

The shadow Secretary of State, the hon. Member for South Cambridgeshire, asked about what should happen when a district general hospital "loses business", as the jargon has it. He did not answer his own question, but the logic of the Government's policy is clear, and it is that district general hospitals may close when their work can be taken up by regional specialisms, treatment centres and GP surgeries. However, have the Government talked to the British public about that? Has there been a debate about whether we think that district general hospitals have a future?

The answer to both questions is no. We have had no such debate. What is missing most of all from the NHS is real local democratic accountability. The NHS employs 1.3 million people, or one voter in 35. The only person democratically accountable to all those people is the Secretary of State, who has just left the Chamber.

I shall give the House an example from my own part of the world. In the former area of Avon, none of the local MPs and councillors, regardless of party, wanted the PCT configuration, but the health authority just said, "Tough." Where is the democracy and accountability in that?

That is not merely a constitutional point. We want the NHS to be genuinely accountable and answerable to us not just because we pay for it, but because that would be more efficient. Local people and those whom they elect would be able to scrutinise what went on and ask pertinent questions. At present, they are completely shut out; only one person is accountable for the NHS, and she takes no responsibility for it.

Over the past nine years, the amount of money going into the NHS has risen from historically low levels to something more credible, but the problem has been the endless interference and issuing of diktats from the centre. Local discretion has been limited, but the blame when things go wrong is always shifted to local NHS management.

That has to stop. We want real local democratic accountability, and that will mean that the NHS is different in different parts of the country. That is what local people want; they should be allowed to have it, and not be told from the centre how things are going to be.

We should not go back to the pre-1997 regime that failed the NHS. There have been real improvements since then, but we need a measured pace of reform, serious accountability and decentralisation. Running an organisation of 1.3 million from one office in Whitehall is not the way to proceed.

Several hon. Members *rose*—

Mr. Deputy Speaker: Order. Given the obviously large number of hon. Members who want to take part in the debate, it may be helpful to the House if I repeat that there is no time limit on speeches today. When that decision was made, there was an insufficiency of speakers, which shows what can happen with the best laid plans of mice and men.

5.38 pm

Mr. Kevin Barron (Rother Valley) (Lab): I begin by saying how intrigued I am by the Opposition's motion today, which seeks a turnaround in the Department of Health. When I was in opposition, I sat on those Benches and demanded that the Conservative Government of the day save jobs in the NHS. Now, some Conservative Members are doing the same thing. That is the biggest turnaround in my experience of this House, although the difference is that there are now 300,000 more jobs in the health service than when they left office. *[Interruption.]* The hon. Member for Beverley and Holderness (Mr. Stuart) asks a question from a sedentary position, but I invite him to intervene. I am quite happy to take him on, but I see that he does not want to get up. That is okay, and I shall move on.

The Opposition motion mentions the word "turnaround", but the greatest turnaround in our NHS began in May 1997. It may have taken a couple of years to take effect, but that was when the NHS started to get the expenditure that it had needed for a long time. I have to disagree with my right hon. Friend the Secretary of State when she says that 18 years of Conservative Government took money away from the NHS; the process began in 1976 under Denis Healey when he started to attack the NHS capital expenditure programme—an easy public sector target whenever a Government come under pressure. The cuts have decades of history and the process did not end for a long time, but it has ended over recent years.

[Mr. Kevin Barron]

The Conservative motion suggests that the Secretary of State does not understand the realities of the NHS. I fundamentally disagree. My right hon. Friend knows fine well what the realities are. The hon. Member for Northavon (Steve Webb) referred to some of them when he talked of the need for staged change in the NHS. He said that the changes needed to be better timed, because things had been done in a bit of a rush. I have been hearing that in this place for 23 years. Before that I was active in local politics and I heard it there, too. Every time we ask for change in the NHS, we are told, "Yes, but don't do it now." I do not say that things could not be done better, but I suspect that the hon. Gentleman is listening to the voices of vested interests—people who work in the NHS and do not want to change. In certain circumstances, it is a great pity that they do not want to. We have all heard those vested interests in media reports over the past few weeks, and I have heavily criticised some of them.

I want to set out what has been happening in the NHS since the Government took office in 1997. We have dealt with waiting times of more than six months, although earlier we heard an example that showed they were increasing again. In March 2000, three years after we took office, more than a quarter of a million people had to wait more than six months for an operation; by December 2005 the number was almost nil. The bar on the Department of Health graph is so small that I cannot see what the number is.

In 1998-99 the mean waiting time for a cataract operation was 225 days; in 2004-05 it was 91 days—a reduction of 60 per cent. The mean waiting time for a heart operation in 1998-99 was 136 days; it is now 91 days—a reduction of 33 per cent. There has been a reduction of 19 per cent. in the waiting time for hip replacements and of 25 per cent. for the diagnosis of heart conditions. When I look at all those changes, I cannot recognise the NHS that was described earlier.

Mr. Stewart Jackson (Peterborough) (Con): I am listening to the right hon. Gentleman with interest. Will he explain why after increased expenditure of more than 23 per cent. during the period to which he refers, the number of clinical episodes has increased by 1.6 per cent? Will he reflect on that?

Mr. Barron: National health service funding has doubled since Labour came into office in 1997, and in two years' time it will have trebled; that relates to deficits. I do not want to talk about deficits in this debate, because the Health Committee, which I chair, will be looking into how trusts can run up massive overspends after the Government have given them increased budgets year on year for at least the last six years.

In 1998-99 there were 201,000 cataract operations; in 2004 there were 306,000—a 52 per cent. increase. There was a 78 per cent. increase in heart operations over the same period, and an increase of 22 per cent. in the number of hip operations and 11 per cent. in the number of kidney transplants. The list goes on—*[Interruption.]* The hon. Member for Beverley and Holderness can sit there interrupting all day, but I am setting out facts that show what has been happening in our national health service over the past few years.

Let us look at heart disease. Waits for heart surgery are down to less than three months. In March 2000, 2,800 people had been waiting more than six months, and it was not uncommon for patients to wait up to two years. The average waiting time for heart procedures is down by a third since 1998-99.

Anne Milton: The right hon. Gentleman is getting angry, because he wants to read out his figures. Why does he think that staff morale in the NHS is so low? Why does he think that doctors and nurses are so angry? The Government are giving us a picture that is not recognised by the staff or patients.

Mr. Barron: I will refer to the hon. Lady as my hon. Friend because she serves on the Health Committee, but I fundamentally disagree with her. She was out with the Committee going round the health service, both the independent sector and the NHS, just a few weeks ago, and I did not hear anger when I sat in rooms with nurses, some of them from the private sector—the independent sector, as it is called—and some of them from the NHS. I did not hear anger when we sat together, taking evidence for an inquiry that we are undertaking at the moment. I do not see that anger, but we get it from the top sometimes. We got it from the Royal College of Nursing, which, as I said in the media, was involved in a disgraceful attack—an attack on freedom of speech more than anything else. I remember standing on picket lines with health service workers, when there were 85,000 fewer nurses in our health service, because they were getting hammered at that time. *[Interruption.]* The hon. Member for Eddisbury (Mr. O'Brien) is at it again—if he wants to intervene, I am quite happy for him to do so. *[Interruption.]* No, he will have his say later.

Tom Levitt: Does my right hon. Friend agree that, whatever the frustrations of health service staff, those who used the opportunity of the RCN conference to exaggerate grossly and even fabricate the evidence that they were using to try to embarrass the Government were totally out of order, and did their cause no good?

Mr. Barron: That is absolutely right. I look forward to the RCN lobby on Thursday, when I will meet at least one of my constituents.

I shall move on quickly. I was looking at heart disease. About 70,000 cardiac procedures were performed in 2004-05, which is a 59 per cent. increase in activity since 1998-99. In 2004 there were 15,300 fewer deaths from coronary heart disease than in 1997—a reduction of 35,000 since the baseline assessment of 1995-97. Cancer deaths are down by nearly 14 per cent. in the past seven years, saving about 43,000 lives. Some 600,000 additional women are being screened for breast cancer. Cancer consultants have increased by 43.7 per cent. since 1997. There are more than 1,300 more cancer consultants in this country. No one can say that cancer services have not improved massively in this country; they certainly have done.

There are over 17 per cent. more diagnostic radiographers and over 24 per cent. more therapy radiographers than there were in 1997. Since April 2000, we have had 146 new MRI scanners, 135 linear accelerators, 224 CT scanners and more than 730 items of breast-scanning equipment. I only wish that all of them were being used as much as they could be in our NHS, so that we could get waiting lists down a lot more. That is the truth of what has happened in our NHS under this Government.

Kali Mountford: My right hon. Friend is giving a fascinating insight and a comparison between what we inherited in 1997 and the improvements now, but he is comparing like with like. Is it not the case that the range of treatments available in the NHS has extended, and that the cost of some of the new treatments, certainly in the early stages, is exorbitant but necessary? Has he done any analysis in the Health Committee about the effect of that on NHS spending?

Mr. Barron: We have done so on an ad hoc basis at this stage. Let me tell the House that early-stage use of Herceptin could add £1 million to my PCT's budget for the current financial year, and it is likely that many new drugs will put pressure on budgets in years to come. By and large—not in all cases, as these are clinical decisions—budgets have been healthy enough to take up most of the cost.

Mr. David Burrowes (Enfield, Southgate) (Con): I am not sure whether the right hon. Gentleman was going to deal with diabetic retinal screening services. The reality in my constituency is that last week, the manager of that service in Chase Farm hospital had to cancel interviews, on the direction of those above—no doubt because of the £31 million deficit. No doubt that will affect front-line services and those dealing with screening services. Where is the reassurance in the Health Bill about the protection of general ophthalmic services?

Mr. Barron: That is more a matter for the Minister than for me. There are many things involved. One Member—it might have been the hon. Member for North Shropshire (Mr. Paterson)—talked about Herceptin and whether people in his constituency could get hold of it, because people in a neighbouring constituency could. I do not see many examples of patient care being affected at this stage.

I have had this debate twice in one week with the general secretary of the Royal College of Nursing and I have asked her to send me examples. I am sure that the Health Committee, which I chair, would want to look at examples if patient care is being affected—as opposed to jobs being affected in certain circumstances. There are several things involved. The general secretary of the Royal College of Nursing said on BBC radio that the safety net was being removed from under national health service patients in this country. I challenged her to give evidence of that. To date I have not found any evidence whatsoever. If it is out there, I would like to see it.

The hon. Member for South Cambridgeshire (Mr. Lansley) did not entirely answer the intervention made by my hon. Friend the Member for Dartford (Dr. Stoate) about seeing suspected cancer cases within two weeks, and the situation that existed before. More than 99 per cent. of suspected cancer cases are now seen within two weeks. That is up from 63 per cent. in 1997. Again, there has been a substantial increase. Those are the figures that the hon. Gentleman should have given.

My final point relates to my earlier intervention on the Gentleman. In my view, we should measure what is happening inside our national health service in terms of its impact on patients, not jobs. The national health service is there primarily for patients, and not as an employer. There were many times when large parts of the public sector were there to provide social employment; that is not the case any more. God knows, in my own constituency, I saw thousands of jobs go from public sector industries that were there for social employment reasons. That is how we should look at the situation now.

A MORI poll on public attitudes to our national health service draws attention to users' good personal experience of the NHS. It says that 81 per cent. of hospital users were satisfied with their last visit. In a Populus poll, 70 per cent. said that, based on their own experience, a good service was provided in the NHS. That is not anecdotal evidence. We are not talking about vested interests being shouted out in television studios or conference halls. The polls reflect the views of the people whom the NHS is there for. There is no doubt at all in my mind that in 1997 a turnaround team was put into the Department of Health, and it is working wonders for an area of the public sector that was badly neglected for many years.

5.53 pm

Mr. Stephen Dorrell (Charnwood) (Con): I will begin by following on pretty directly from what the right hon. Member for Rother Valley (Mr. Barron) was saying. On the basis of his speech, I could couple him with the Secretary of State and ask him to reflect on why the reaction that the Secretary of State received to her statement that the NHS had just enjoyed its best year ever was as strong as it was. On the basis of his speech, he is clearly bemused by the reaction that the Secretary of State received and he prefers to believe that it was all got up by a group of Tory politicians and journalists. The right hon. Gentleman and the Secretary of State would serve their cause better if they reflected a little longer on the fact that the Secretary of State's comment received an intense reaction not just in the political world, but right through the national health service. They might serve themselves better if they set out to understand why people reacted as strongly as they did.

Mr. Barron: I made this point, in effect, in an earlier intervention. If the statement had been that patients had had a better year, nobody could have grumbled about that, because that is the case. The right hon. Gentleman was a Health Minister so he should know all about the issues inside the health service. We then come to the question of how there could be a so-called spontaneous demonstration at a conference—with hundreds of people sitting there all wearing the same protest T-shirts. The simple answer is that that was not patients being mad at the national health service; it was people who might have to move and change their jobs in the next few years. If that improves patient care, they should get on with it.

Mr. Dorrell: The right hon. Gentleman was kind enough to refer to the fact that I was once Secretary of State for Health. I have read briefs very similar to the speech that he just made to the House—on occasion, I have even read them to the House. They are no substitute for an honest reflection on why people react to circumstances in the way that they do. He is quite right to say—and the Secretary of State may reasonably reflect—that the national health service has been the beneficiary of record levels of expenditure. He is quite right to say that record numbers of people, in the history of the national health service, were treated last year, record numbers of clinicians were employed and records levels of resources were deployed. Given those facts, why did people dispute the proposition that it was the best year ever? I want to focus on that question, because some important policy conclusions can be drawn from the reasons people reacted in the way that they did.

Dr. Stoate: Perhaps I can help the right hon. Gentleman to explain why there was such a strong reaction. As someone who worked in the health service and spent a lot of time speaking to people who use the health service and people who work there, I know that the facts are that people have much higher expectations than they had before—and so they should. People expect to have better treatment. They expect to be treated more fairly and more humanely. That is the way things should be, and long may that continue. Things are available now that were not even conceived 10 years ago. As my right hon. Friend the Member for Rother Valley (Mr. Barron) said, most people receive a far better service than they did before—albeit that the health service staff might not entirely always agree with that point.

Mr. Dorrell: The hon. Gentleman is quite right to say that things are being done in the health service now that were not done in 1997. It is equally true that things were being done in the health service in 1997 that were not done in 1987. That is the first point to make when thinking about why the Secretary of State was so misguided as to present her case in the way she did. In fact, in every year of its history, the national health service has used more resources, treated more patients and employed more clinicians. The proposition that everything is better this year than it was last year—or better this year than in 1997—is one that every single Secretary of State for Health from Aneurin Bevan onwards has been able to make, and justify.

As my hon. Friend the Member for South Cambridgeshire (Mr. Lansley) said, the thing that causes offence in the national health service is the suggestion that that progress, which is the result of the efforts of individual clinicians and employees right through the service, is due to the interventions of politicians—in other words, politicians claiming credit for the endeavours of employees. My hon. Friend was entirely right to say that, in the health service today, there is a broad sense that people are making progress, as the health service has always made progress, but doing so despite the intervention of politicians, rather than because of it. That is the first point.

Tom Levitt: Will the right hon. Gentleman give way?

Mr. Dorrell: No, I want to make a bit more progress.

Let me move on to the second point. The argument that has not yet surfaced in the debate is that one of the reasons for low morale and demotivation in the health service, as well as one of the reasons for the major waste of resources in the health service in recent years, is the programme of constant reorganisation—the bureaucratic moving round of the deckchairs. Let me briefly recite the Government's record on the reorganisation of the service.

When the right hon. Member for Holborn and St. Pancras (Frank Dobson) was appointed, he said that he would abolish the internal market, but then the right hon. Member for Darlington (Mr. Milburn) was appointed and said that that was wrong and that the Government would reintroduce foundation hospitals. The present Secretary of State says that the Government were wrong to abolish not only the independent management of hospitals but fundholding, so back comes practice-based commissioning with a deadline of involving every general practitioner in GP fundholding, or practice-based commissioning—they are exactly the same—by December this year.

I intervened to ask the Secretary of State about the role of PCTs in the delivery of service, because it is one of the issues on which the Government have caused deep confusion throughout the service in the past 12 months. She said, as though it was somehow clear and everyone knew it, that PCTs would go on being involved in the delivery of community-based health service care. However, that is absolutely not what Ministers have been saying over the past 12 months.

It is worth repeating Ministers' words. In July 2005, the Government's position was:

> "PCTs will become patient-led and commissioning-led organisations with their role in provision reduced to a minimum."

There was confusion about that and Ministers announced an extension to the deadline, which was originally the end of 2008. When the then Health Minister, who is now Secretary of State for Work and Pensions, gave evidence to the Health Committee on 1 November 2005, he was asked by the hon. Member for Pendle (Mr. Prentice):

> "Are you telling us that the Government is as committed as it ever was to see frontline medical staff move away from employment in Primary Care Trusts? Is that what you are telling us?"

The then Health Minister replied:

> "I think we have set ourselves a long-term objective, yes, but I think what was clarified was the removal of the 2008 timetable for that."

There was thus a statement in July 2005 to say that PCTs would divest themselves of the services. By November, they were still going to do that, but do so without a deadline. However, today, the Secretary of State says that PCTs will not divest themselves of the services. It is small wonder that there is confusion in the service about where the bureaucratic deckchairs will come to rest when Ministers can give three fundamentally different answers in 12 months to a very simple question.

Tom Levitt *rose—*

Mr. Dorrell: I give way to the hon. Gentleman, who, on the basis of his earlier intervention, appears to be one of the very few people in the kingdom who knows the answer to the question.

Tom Levitt: I hope that I can demonstrate that I do. The right hon. Gentleman has been considering the question of what is good for the NHS in terms of structures and processes, rather than patients. However, on his specific point, let me refer again to a question that I asked the Secretary of State during Health questions on 25 October. Her reply was:

"I assure my hon. Friend that district nurses, health visitors and other staff who deliver services in the community will continue to be employed by the PCT unless and until it decides otherwise."—[*Official Report*, 25 October 2005; Vol. 438, c. 152.]

Her answer came after a debate that had taken place between July and October because of uncertainties. It means that the decision is in the hands of a PCT and will not be imposed on it.

Mr. Dorrell: If the Secretary of State said that on 25 October, presumably, since the rest of the world knew that the matter was an issue of the moment, her ministerial colleague was aware of her answer when he gave evidence to the Health Committee on 1 November. Presumably the then Health Minister was expecting to be asked about the matter, yet he said:

"I think we have set ourselves a long-term objective, yes, but I think what was clarified was the removal of the ... timetable".

What is the Government's policy on the subject?

Mr. Lansley: Further to add to the confusion about the policy, the interim chief executive of the NHS more recently told primary care trusts that insofar as they may continue to have a provider role, they must ensure that their governance arrangements wholly separate their commissioning and provider roles. We will thus end up with not just merged PCTs, but bifurcated PCTs.

Mr. Dorrell: I hope that those who heard the words of the senior manager in the health service will now regard the position as clear, although I gather from my hon. Friend's tone that it is not clear to him. It is certainly not clear to me whether PCTs in the long run will, as the Secretary of State said in July and her ministerial colleague said before the Health Committee in November, ultimately be divesting themselves of provision, or whether they will remain bifurcated in the way management describes. I do not want to dwell any longer on the matter. However, I wanted to emphasise it because it is an aspect of the process of constant management change that is one of the reasons why the Secretary of State received such a reaction when she tried to suggest that the NHS had had one of its best years ever.

The thing that makes me cross is that all this is unnecessary. Of course I do not disagree with the direction of a health policy that is an attempt to put commissioning back in the hands of GPs, to give the power to manage hospitals back to hospitals and to distance the Department of Health from the day-to-day micro-management of the NHS. I could hardly disagree with that direction of policy because it was the one that we pursued when I was both a junior Health Minister and Secretary of State for Health. However, it makes me cross that nine years after the Government came to power—it has been nine years of confusion, wasted resources and demotivation—they have made a 360° U-turn. That is a major factor behind the demotivation of the staff of the NHS.

Let me move on to another reason the Secretary of State received the reaction that she did. There is emerging knowledge in the NHS that the good times are over and that there has been, to an almost criminal extent, a wasted opportunity. That is not to say to the right hon. Member for Rother Valley that no good has been done—of course good has been done—but people in the NHS understand and increasingly reflect on the scale of financial mismanagement during the growth years as they find that the years of plenty are inevitably, under Governments of any political complexion, coming to an end. The Government get credit, as they should, for the fact that they have doubled the resources going into the NHS, but they must accept responsibility for management decisions on the use of money and the consequences of those decisions as they work themselves out in the coming years, as people in the service are increasingly seeing that they will.

I will offer two examples that people working in the NHS increasingly cite when they talk to me. They talk about the employment prospects for doctors and nurses coming out of the medical and nurse training schools. The Government are keen to claim credit for committing substantial extra resources to increasing the number of people going into medical schools and nurse training so that a greater number of skilled clinicians is available to the NHS. However, they do not tell us that there is no model for the future funding of the NHS that offers job opportunities for all the people coming out of the expanded nurse and doctor training schools. Those who are coming out of the schools have a pretty significant vested interest in understanding the economics and dynamics. They have done the maths and know that there are not enough jobs to go round. We are heading into a period in which there will be unemployed nurses and doctors because the Government have got their staff planning wrong and are producing more trained doctors and nurses than the NHS will be able to employ in any likely scenario over the next decade. That is mismanagement of resources and is known to be such by those who work in the service.

There is a second area of mismanagement of resources of which people are becoming increasingly aware, and it is not dissimilar to the one to which I have just referred. The Government are proud that in constituencies throughout the country they have launched the biggest capital investment programme in the history of the NHS, and that throughout the country there are new, expanded and renovated hospitals that reflect that huge investment programme. The Government do not tell us—the hon. Member for Northavon (Steve Webb) touched on this—that resources have been pre-empted elsewhere, and that the intelligent commissioners in the health service increasingly see that resources should have been made available in greater proportion to the development of the community-based and the less politically sexy aspects of the delivery of health care.

[Mr. Dorrell]

The NHS that the Government will bequeath their successors is one where major capital investment has committed resources for a generation to come that do not reflect—this is what the commissioners fear—the priorities of the NHS during the life of the investments that have been made and which have secured so many brownie points for the Government during their time in office. It is ironic that the Government should have issued a White Paper within the past 12 months stressing once again, as Health Secretaries have since Enoch Powell and before, the importance of moving health care out of the big general hospitals into the communities so that it is close to where patients live, is accessible to patients and uses the latest technology to deliver day case and ambulatory care, for example.

The Government talk the talk of the development of community-based health care while at the same time putting shedloads of money into a new district general hospital investment programme, which is preventing them from delivering the model of health service delivery that is so articulately described in the Secretary of State's White Paper.

Ms Diana R. Johnson (Kingston upon Hull, North) (Lab): Will the right hon. Gentleman comment on the shedloads of money, as he puts it, that are going through the LIFT schemes to build in communities the general practitioner practices to provide integrated services with social services and the voluntary sector? It seems to me that the investment is being made.

Mr. Dorrell: I am not saying that there has been no investment in community-based care. There has been a huge investment programme. As someone who supports the principles of the NHS, I welcome that investment programme. However, the Government must be held to account for a series of investment decisions that I do not believe in 10 years' time will represent the optimum use of that investment resource to support the delivery of health care that we will want to see, as described in the Government's White Paper.

Anne Milton: The hon. Member for Kingston upon Hull, North (Ms Johnson) mentioned the LIFT scheme. I have had phone calls from and meetings with the people who are holding the finance. They are appalled by the behaviour of the Government because they cannot get them to make a decision. Does my right hon. Friend agree that part of the confusion is that nobody really knows what the Government's plan is?

Mr. Dorrell: I could not agree more with my hon. Friend. I think that we know what the Government's aspiration is, but we are seeing increasingly as the months turn into years that it is dawning on the Government, after it has dawned on those making the policy within the service, that they do not have enough money to deliver all the things that they want to do. They have lived in a world where somehow money was no object. They took the view, "We can do everything because we, the Labour party, are committed to the NHS." They are discovering that in reality all of us are committed to the principles of the NHS. The thing that marks the Government out is that they are only now starting to address the hard questions that must be answered if we are to deliver the objectives of the NHS that we all share.

I think that I have probably taken up enough time of the House. I shall conclude by saying that there is no division in the House—I know that it suits the party political purpose of the Labour party to assert that there is a difference, but there is in reality no difference—in terms of our commitment to the principles of the NHS. We, the Conservative Opposition, the Liberal Democrats and the Labour party, are all committed to the delivery of the core principles of the NHS: high-quality medicine that is available on the basis of clinical need and on the principle of equitable access.

The issue is which party is prepared to face the difficult questions that will turn those fine words into actions that are experienced daily by clinicians and by patients of the NHS. It is the dawning recognition on the part of those who work in the service that their political masters, over the past nine years, have been more interested in their political skins than they have been in the delivery of the core principles of the NHS that led to the Secretary of State receiving the reaction that she did to her words a couple of weeks ago.

6.16 pm

Dr. Howard Stoate (Dartford) (Lab): It gives me great pleasure to follow the eloquent speech of the right hon. Member for Charnwood (Mr. Dorrell). We are told—breaking news—that the national health service faces a funding challenge. Was it not ever thus? I have been in the NHS now for more years than I care to share, and in every one there have been funding crises. We are in the difficulties that we now face because we are taking tough decisions that were avoided for far too many decades, let alone years. These decisions should have been taken many years ago.

I was talking extremely recently to someone who has been put in one of the turnaround teams to consider some of the failing and problematic primary care trusts, to see what he can do. He told me—this was off the record because he did not want to be quoted—"The problem is that because by avoiding making tough decisions for so long, because decisions have been swept under the carpet and because they have hoped that decisions will go away if they wait long enough, and because they hoped also that someone would come along and bail them out if only they kept their heads down, it was thought that everything would be all right." It is not all okay, and as my right hon. Friend the Secretary of State said, someone eventually has to make some extremely tough decisions. If not, the very fabric of the NHS will be undermined and under threat. It cannot continue as in the past.

The right hon. Member for Charnwood said that there are significant problems in producing too many medical students and too many trained nurses who will not be able to find jobs. Not only is that scaremongering for those people who dedicate their lives to the NHS, but it is not true. The NHS has imported doctors and nurses for the past 30 or 40 years because we have not produced anything like enough of them. The NHS has had an expanded medical school programme and an

expanded nurse training programme so as to reduce our reliance on overseas trained nurses and doctors, who are often sorely missed by the countries we take them from.

We are accused by the Royal College of Nursing and the British Medical Association of stripping countries bare that can ill afford to lose their trained doctors and nurses. Yet now we are suddenly told we have far too many of our own doctors and nurses. It is not true. I think that we are training about 5,000 doctors a year. That is barely enough. Indeed, I do not think that it is enough to keep up with natural wastage in the form of people retiring, leaving, emigrating and so on. Far from producing doctors and nurses who will not have jobs, we will still find in future that we are short of doctors and nurses and will need to fill the extra places that we are creating.

My right hon. Friend the Member for Rother Valley (Mr. Barron) eloquently produced statistics to illustrate the increased number of operations, reduced waiting times and the new treatments that are available. That being so, I need not go into those matters in great detail. However, I shall raise one issue with the House, and that is nurses' pay. Nurses are angry. We have heard many theories about why they might be so angry.

Mr. Devine: There was clearly an organised demonstration. As a former full-time union official I was capable of doing exactly the same thing when the Conservative party was in Government.

Dr. Stoate: I am interested to hear that from my hon. Friend. I do not wish to make points about the Royal College of Nursing. I speak to nurses daily. I talk to these people. Many have told me that they are embarrassed by the way in which their leadership has portrayed them in the media and has allowed them to be undermined, as well as allowing them to abuse the hospitality of the Secretary of State in the way that they did. That was unforgivable. I do not blame nurses for that, but I point the finger at some of the leaders who purportedly speak on their behalf. Let me cite some important statistics. Minimum starting pay for nurses is £19,000—a 55 per cent. increase since 1997. Nurse consultants start on £49,000 a year, senior professional nurses can earn up to £88,000, and modern matrons start on £35,000 a year. The typical starting pay for a junior doctor is £30,000—an increase of 40 per cent.—and a grade F nurse who earned £21,000 in 1998, received £28,200 in 2004, which represents a 23 per cent. increase. I could speak about those increases indefinitely, but it is not about pay or numbers.

Mr. Graham Stuart: As a general practitioner, is the hon. Gentleman embarrassed about the huge rises for general practitioners without a corresponding improvement in performance?

Dr. Stoate: The hon. Gentleman makes an interesting point, but I am not embarrassed at all, as most GPs do not earn anything like the figures that appear in the newspapers. According to the British Medical Association, the average pay for a general practitioner is £90,000 to £95,000, which is a reasonable rate for a good job. GPs undertake considerably more responsible work than before, and I shall come on to some of the things that they did not do a few years ago. For example, they have taken on some of the acute hospitals' work load—five or 10 years ago that would not have been possible—and they can provide facilities that they did not have at their disposal only a few years ago.

Daniel Kawczynski: The hon. Gentleman spoke about nurses' pay, but Macmillan nurses in Shrewsbury earn £5,000 a year less than Macmillan nurses on the same grade down the road at Wolverhampton. Does he share my concern about regional differences within such a small area, given that we may lose some of our Macmillan nurses to Wolverhampton?

Dr. Stoate: The hon. Gentleman is right. Those are matters for local decision making. It is not my responsibility to set the pay rate for nurses in different parts of country—it is not even Ministers' responsibility—as primary care trusts and other employers set pay scales. GPs can pay nurses according to their skills and expertise. That is not a matter for the Government or for me—it is for nurses' representatives to negotiate a rate with the employers, and that is how it has always been done.

Kali Mountford: My hon. Friend said that he will come on to GPs' extra responsibilities, and I should like to correct an embarrassing slip of the tongue. I remind the House of what happened under GP fundholding, and the difference that we see in current GP practices.

Dr. Stoate: There are some incredible differences between the way in which GPs were treated before and how they are treated now, and I shall expand on that later.

I want to look at what we can do in the community to expand health care and health care facilities. The community services White Paper called for far more services to be delivered outside hospital, along with practice-based commissioning and new initiatives on prevention and chronic disease management, thus demonstrating that the NHS can become leaner, fitter, much more efficient and capable of delivering much greater value for money. I am concerned, however, that those reforms may not be sufficient to reshape the health care landscape in favour of primary care. How can we reconcile the goal of moving more care closer to home and encouraging more integrated pathways of care with the Government's determination to allow more acute trusts to attain foundation status and to operate independently?

One problem is that, as a result of the NHS tariff system, acute sector providers are encouraged to try to generate as much business as possible to maximise their income. There is an increasing incentive for hospitals to treat more people more regularly than before, and I am afraid that that will put pressure on the NHS. Some have argued that more competition between trusts as a consequence of practice-based commissioning will help to negate any inflationary effect arising from the tariff-based system. Underperforming providers will be squeezed, and commissioners will seek to secure the

[Dr. Stoate]

greatest possible value for money. However, it is dangerous to rely on the market alone to achieve the reduction in acute activity needed to achieve the goals that the Government set out in the White Paper. Not only will that lead to imbalances in the way in which acute care is delivered but it will encourage acute trusts to concentrate on more lucrative health care activities at the expense of less lucrative ones.

Moreover, the experience of countries that have sought to shift more care into the community is that change is slower in health care systems composed of powerful, autonomous hospitals that compete with one another for patients. Having invested so much political capital in the foundation trust model, the Government would find it inconvenient to curb the very freedoms that it has worked so hard to give hospitals. Without a concerted and meaningful attempt to blur the boundaries between primary and secondary care to achieve vertical integration between the two sectors, we cannot achieve the vision of a prevention-oriented, primary care-led NHS that the Government wish to deliver.

Simply encouraging more consultants to see more patients in primary settings is not the answer. Primary and secondary-care consultants and professionals must be answerable to the same paymaster—a single care trust that it is openly committed to an integrated, primary care model—if we are to achieve meaningful change and resolve the problems facing the NHS. We could learn a great deal from the Kaiser Permanente model of health care in California, which has reduced secondary admissions and kept hospital stays to a minimum in a wide range of specialties. It owes much of its success to its decision to invest in a network of community-based specialty clinics, in which primary care professionals work alongside specialists. Those clinics have the facilities to cater for virtually every step of the patient pathway, from initial assessment to diagnosis, treatment and follow-up appointments.

One aspect of the Kaiser model is crucial to its success in reducing acute sector activity. Unlike the NHS, there are no structural distinctions between primary and secondary care. Not only is the model vertically integrated but the entire care package is based on prevention, integrated working and a belief that the most effective treatment is delivered as close to home as possible. The specialist doctors and nurses who work for Kaiser tend to support that model. It has been extremely successful, and we could learn a great deal from it.

Steve Webb: The hon. Gentleman is making a thoughtful contribution. If we blur the distinction between primary and secondary care, should we therefore blur the distinction between health and social care, and merge those budgets, too?

Dr. Stoate: Yes, I believe that we should. A few years ago, when I was a member of the Select Committee on Health, we looked at that issue and recommended blurring the boundary and breaking down that Berlin wall to achieve much more integration of budgets and personnel so that people work across both sectors.

If we removed the boundary between primary and secondary care, we could provide the care that the patients need, whatever the location, without competing pressures between social and health care, or between primary and secondary care. The system would be much smoother, and patients could understand it. It would achieve what they want and deliver efficiencies. I would go further, as we need to ask what is the role of the acute hospital in the 21st century. That dangerous question needs to be handled subtly—Members on both sides may fear that there is threat to their own unit—but we must have that debate. An acute unit capable of delivering emergency care, followed if necessary by transfer to a more appropriate unit after stabilisation, is required in each district, but what should be provided beyond that? Does the district general hospital need all its acute beds? Is that requirement appropriate in every instance? Is it appropriate for every speciality to be provided in every district general hospital? Do we need a full range of services in each unit?

The vast majority of acute admissions are entirely avoidable, particularly for people with chronic conditions such as asthma or diabetes. Those admission should be regarded first and foremost as a sign that the system has failed. If I have to make a phone call as a GP to admit a patient to hospital, I always ask what went wrong with their care package. Sometimes there is a simple answer—they have had a heart attack or stroke and need to be admitted to hospital to be stabilised and treated—but often there is a failure of social care. I have to send a patient to hospital, because there is not a safety package in the community that I can put into action fast enough to enable them to stay in their own home.

When we send a patient to hospital, it is usually a nightmare. Elderly people, in particular, become institutionalised after only a few days, and it is much more difficult to rehabilitate them so that they can return to their own community. They become disoriented and, all too often, end up spending a long time in hospital or being transferred from hospital to a social care bed, all of which could have been avoided with more planning and blurring of boundaries. Putting people in hospital is expensive, and in many cases it is harmful to their health, particularly to their psychological well-being, as most people would far rather be treated by their family and friends in a familiar environment. Hospital-acquired infections are, by definition, acquired in hospital, not in the community. Far too many people succumb to those.

Reviewing acute sector capacity is not just financially desirable, but essential from a clinical and a patient perspective. In the early 1960s, when the present model of the district hospital was developed, there was a need for large-scale repositories in each area, given the rather limited range of treatments that we could provide and the rather rocky patient pathway that many people followed. It was inevitable that people were kept in hospital for long terms. When I was a junior doctor, I remember working in a district hospital that had access to 1,000 beds, and we were always full. I used to admit acute surgical patients to the ear, nose and throat ward because I had nowhere else to put them. That was 20 years ago. We now have far fewer beds and do not face anything like the same pressures on the beds. Times have changed.

Mr. Burrowes: Although I agree that we can have a carefully reasoned debate about acute care strategy, there is a threat in my constituency of losing our accident and emergency department at Chase Farm hospital and of its being transferred to Barnet hospital, in the context of dealing with a £31 million deficit, and the financial concerns are paramount to residents when they see that they may lose their A and E department just to save money.

Dr. Stoate: Obviously, each area has its own problems. I cannot comment on the hon. Gentleman's area because I do not know it. I am suggesting a debate on a much wider scale than individual hospital budgets. I am suggesting that we have a debate on the meaning of the acute hospital in the 21st century and whether we need to provide care in the way that we are currently providing it.

I shall give the House another example. I have recently met several consultants—one came to my practice only the other day, to ask why there are so many fewer admissions and referrals to his hospital than before. His first thought was that perhaps the hospital had become unpopular and that we were sending patients elsewhere. In fact, we are not sending them anywhere. What GPs are doing is keeping far more people than ever before in their practices. They are all running diabetic clinics, chronic obstructive pulmonary disease clinics, asthma clinics and minor surgery clinics. Treatments that were impossible 10 years ago are now routine and commonplace in general practice. Patients like being treated in their own practice. We are therefore not making the referrals to hospital.

I would go further. I spoke to a consultant cardiologist the other day, and he was not joking when he said that heart attacks—coronary thromboses—were becoming a scarcity in his hospital. He said that the cardiac unit was having to look around for other things to do because there was no longer a steady flow of cardiac problems. Why was that? "Because," he said, "you GPs are preventing them. Because you are treating people with high cholesterol and blood pressure, managing diabetes, coping with the effect of their obesity and their smoking, we are not seeing the heart attacks that we saw before". In other words, we are already seeing a fall-off of need.

My acute hospital in Dartford, the Dartford and Gravesham NHS Trust at Darent valley, was built as a private finance initiative hospital a few years ago, one of the first since the Government came to power. When it was being planned, I was vilified, the NHS was vilified, everyone was vilified in the press because, it was claimed, the hospital would be far too small. It was replacing three hospitals with one hospital, and the result would be chaos, meltdown, disaster—all the usual hyperbole.

Only last month I went to see the chief executive and asked how he was getting on. He replied, "Far from being too small, we are planning alternative strategies as to how to use our capacity in the coming years, because the pattern of admissions has changed. We are not seeing the queues of ambulances outside that were predicted. We are looking at our hospital in a slightly different way and seeing what alternative services we could provide with the space that we have." Not only has he got enough space, but he may have more than he needs for the future. He is facing up to that and considering other ways in which his hospital might be used in the future. That is extremely good.

Far from the hospital service being static, it needs to be dynamic. I share the view of the right hon. Member for Charnwood that we need to consider the future of some of the facilities that we are building, including large-scale hospitals. Patterns of care are changing so rapidly, and so many more people are treated as day patients than ever before, that we need rational debates about whether we need so many beds or so many units and what we should do with the facilities that we are building.

I appreciate that many Members want to speak, and I do not want to go on too long. We must have these blue-sky debates in the House. Instead of hurling abuse at each other across the Chamber, I would much rather have a constructive debate with Opposition Members and the third party. What do we do with the health service? What should the health service stand for? It may be true that we are all in favour of the health service, but we have slightly different visions of it.

My vision is of a health service geared to patient need, where the episodes of care are delivered where it is best for the individual patient—not where it is best for the service, the Royal College of Nursing, the British Medical Association or Unison, but where it is best for that individual patient. My gut instinct is that patients being treated in their own home by their own practice nurse, their own doctor and their own team of associate support staff is the way to go. Big acute general hospitals are probably not the way to go. The interesting debate will be about how we get from here to there, and I look forward to many more of these debates in the future.

6.35 pm

Mr. Nicholas Soames (Mid-Sussex) (Con): I begin by saying how fascinated I was by the speech of my right hon. Friend the Member for Charnwood (Mr. Dorrell), and how right I think he is in his remarks about the nurses. I deeply regret the way the nurses treated the Secretary of State. It was a mistake on their part. It was clearly organised, and it was a foolish demonstration. I agree with the hon. Member for Dartford (Dr. Stoate) that nurses are far better paid than they were, and so they should be. That manifestation was not about pay at all. It was about the constant rate of change in the health service, which is proving so destabilising and bringing such great uncertainty not only to those who work in the health service, but in the long term to patients.

In speaking to the motion, I commence with the words of the magnificent Jeff Randall, one of our foremost economic correspondents, who remarked in his column the other day that it takes a very special, not to say a unique, genius to triple state expenditure on the NHS in 10 years to £96 billion, while simultaneously creating a financial crisis of such severity that perfectly good hospitals are closing, wards are having to be shut down and services cut, thousands of highly trained nurses are losing their jobs and there are few jobs for newly qualified doctors.

[Mr. Nicholas Soames]

In the south-east of England a health care crisis is developing throughout the region, and dealing with it will be extremely difficult. The Chancellor made a colossal error by announcing massive increases in public expenditure on health without demanding substantial productivity gains and further reforms. A very great deal of taxpayers' money has been wasted and is about to be so again, and there is a substantial managerial failure which lies at the door of the Department of Health. It is not a failure, by and large, at local level.

Let us start where credit is due. The NHS needed more money spent on it. There has been a broad improvement in a substantial range of services and the right hon. Lady is to some extent right to feel that the press, as always, concentrates too much on the reporting of people's negative experiences. All of us Members of Parliament know that serious complaints are made, but on the whole my postbag is filled not with complaints, but with letters from people saying how well they were treated and how grateful they are to the doctors and nurses for their skill and care.

However, much too much money is being wasted in the health service. For example, after seven years of wasted planning time, St. Mary's hospital, Paddington decided not to replace its Victorian buildings with a new hospital, by which time the trust had spent £14 million on consultants' fees. That is not acceptable, and there are many such examples.

There is a mixed picture, and in respect of my own constituency I shall say something about the Princess Royal hospital and the Brighton and Sussex University Hospitals NHS Trust. I have raised these matters on the Floor of the House on a number of occasions and at a series of meetings with Ministers, and I do not want to go over old ground. As I have said before, the trust is £21.3 million in debt, with no possibility, in my judgement, of paying it off in the time scale required. A similar point was made earlier.

I warned the Government at the time the trust was created what would inevitably happen when the two hospitals were merged. The position now is that a turnaround team has reviewed the situation with the trust managers and it is my firm conviction that, unless the debt is dealt with in a sensible manner—we must leave headroom and time to support a full recovery process—the trust inevitably will have to make substantial cuts in services, close wards and reduce vital services for local people. That cannot be what the Government want and it is certainly not what my constituents want. It would be a disaster locally and would, I am afraid, further damage my constituents' confidence; already bruised following the "best care, best place" consultation.

I appeal to the Minister to accept that the trust is struggling with long-term financial burdens; they are not its fault and are, frankly, beyond resolution. The Government should not reward poor financial stewardship, but where such a situation exists—as it does with this trust and many others in the country—alongside a genuine commitment from the management and capacity to reform and increase transparency, the Secretary of State should act in a sympathetic and understanding manner.

I want to speak briefly about the future of the NHS. The national health service employs 1.3 million people. In Surrey and Sussex alone—my part of the world—the budget is £2.8 billion and the NHS employs more than 50,000 people. On any one day, 4,500 people will be occupying a hospital bed and 1,100 will be admitted to hospital, of whom 720 will return home that day. About 2,350 people will attend an accident and emergency department on any one day in Surrey and Sussex, of whom about 560 will be admitted.

The local Surrey and Sussex health economy is now in great difficulty, from which it will be difficult to extricate itself. It is not possible any longer to run an organisation of this size as it is, and I believe that change is required, particularly around the issue of accountability at all levels. I applaud the work that the Government are carrying out to try to get that done, but I firmly believe that we need significant devolution of responsibility, autonomy and accountability at the local level and that it will be possible and equitable only if managers and clinicians are able together to set local strategies, targets and service delivery. They should be agreed by the strategic health authority, monitored according to that agreement and set within the SHA's financial framework, aligned to the strategy of the Government of the day.

The NHS will never work efficiently and truly effectively until empowerment and ownership of services and service delivery are an absolutely integral part of the success of achievement. At present, many of the clinicians to whom I speak are, as my right hon. Friend the Member for Charnwood argued so effectively, feeling disillusioned and disconnected from the process and restrained. Managers who, given their heads, could do a much better job, feel disempowered and are unable to take initiatives that they know to be right. Only in genuine partnership will clinicians and managers be able to deliver the sort of dynamic service that is really responsive to the needs of patients. We need that to happen now and the Secretary of State needs to do more to encourage it and to make it happen.

It has always been my experience in public life that pay is not the only driver for those who work in the NHS or elsewhere in the public services. Job satisfaction, improving patient outcomes, applying new and valuable initiatives and good systems changes, alongside feeling valued and respected, are just as important. Ethos matters very much to most public servants. There are some outstanding managers in the NHS, but there are also too many inadequate ones who are recycled from job to job. The good ones need to be nurtured and developed. Initiative, and particularly risk taking, needs to be encouraged and managed.

I have a suggestion for the Minister, which he is at liberty to use. I believe that the Government should set up a staff college, based on the services model, to which all managers marked out for further and higher command above a certain level in the NHS have to attend. Such a course could be run at business schools throughout the country to ensure that only the very best managers go on to the most important jobs. As in any other business, the leadership or senior management is absolutely crucial to the success of the enterprise. The NHS should be no different, so my right hon. and hon. Friends are right to be critical of the Secretary of State in that respect.

In the last five years, the NHS budget has increased by 40 per cent. in real terms, while output has increased by less than half that. In its doctors and nurses, the NHS has one of the most committed work forces in the country, yet management has significantly failed to motivate and engage those dedicated professionals towards a common goal of increased productivity.

David Taylor (North-West Leicestershire) (Lab/Co-op): The hon. Gentleman is perpetuating—unintentionally, I am sure—a bit of a myth here. Of the significant extra tranches of money invested in the NHS, it has been clearly demonstrated that 48 per cent. has gone into new posts, operations and new drugs; 30 per cent. into pay, which needed to be tackled; and a further 18 per cent. on capital investment, environment, equipment and so forth. Those are not unreasonable figures, so the suggestion that it is all somehow dribbling down the drain is not worthy of the rest of the hon. Gentleman's speech, which has otherwise been excellent.

Mr. Soames: I am attempting to suggest no such thing. The hon. Gentleman is right about capital expenditure and all the rest of it, but I am suggesting only that for an investment of this size, one would expect to see a greater degree of productivity right across the board. It is a fact, as the hon. Gentleman well knows, that the inefficiencies in the health service are legion. The way the NHS does its business is still many years behind what goes on in the private sector. I am not suggesting that the private sector is necessarily a perfect role model, but the NHS has many lessons to learn from how the private sector runs its affairs.

Daniel Kawczynski *rose—*

Mr. Soames: I am going to press on with my speech.

While the "payment by results" initiative has brought the impetus to improve productivity in the NHS, the real challenge lies in empowering and engaging its front-line staff and getting them to take personal responsibility for the performance challenge. That is a technique that has been implemented time and again in the private sector to very great effect.

I want to conclude by saying that the national health service is, in my judgment, a truly remarkable organisation, which is greatly valued by the people of this country, but it could be and should be so much better than it is. There is nowhere better to be, frankly, if people are really ill, and I know that most of the people who work in the NHS find the teamwork and comradeship extremely rewarding. Most feel that it is a great privilege to work in the NHS, but they all have one thing in common, as eloquently argued by my right hon. Friend the Member for Charnwood: they absolutely yearn for a period of stability. They yearn for the ability to take the best decisions for their local communities, to provide the best care that they can, and to deal with the abuses and inefficiencies that are all too rife. Many of the NHS's difficulties are systemic and the deficits can be wiped out only by fundamental change: the NHS and its people, wherever they work, need the time, the space and the resources to achieve it.

6.49 pm

Tom Levitt (High Peak) (Lab): The Opposition motion, which

"calls on the Government to appoint a turnaround team to the Department of Health",

is not so much tongue in cheek as foot in mouth. The Conservative party has opposed every penny of extra money that this Government have put into the NHS. As an alternative to our strategy, its current leader has, so far as we can tell, designed the patient passport, fought a general election on that issue and then ditched the policy. It is the party of GP fundholding, unfair competition and constraints on NHS spending, which lead to growing waiting times and waiting lists.

We have got every reason to be proud of what the NHS has achieved. If we think back to when my hon. Friends and I were elected in 1997, we realise how things have changed. We have already doubled spending since then, and it will have trebled by 2008. We were spending at well below the European average on health after years of Tory cuts, and waiting was the keynote that typified NHS services in those days, whether it was waiting on those ever-increasing lists for operations, waiting on trolleys in accident and emergency units or waiting for winter to end—the extra deaths caused by winter used to generate fear every year. In my first few years as a Member of Parliament, I used to receive far too many letters from constituents who did not know whether they would get their hip or knee operation done or whether they would die first. We used to get letters like that, but I am delighted to say that I have not received one for some years.

At that time, the health service in my constituency was typified by the Devonshire royal hospital, which rattled around inside a magnificent grade II* listed building. The building was in a poor state, and, although people were fond of it, few High Peak residents used it as an in-patient hospital, because it was a centre of regional excellence for head injuries and rheumatism treatment in the north-west—it happened not to be in the north-west region, which was one reason why its closure was proposed. Many people were against the closure, but when the hospital closed, no services were lost. Out-patient services were transferred to the two community hospitals or, as is increasingly the case, to GP surgeries. Now, nobody would attack the decision to close that hospital on the basis of the health care that is provided in the area.

David T.C. Davies (Monmouth) (Con): I am grateful to the hon. Gentleman for recognising that hospital closures and mergers can occasionally play an important part in improving services within the NHS. Does he therefore condemn the actions of previous Labour Oppositions, who used hospital closures and mergers as a political football to try and attack the Government of the day?

Tom Levitt: The shadow Chief Whip is not in his place. The hon. Gentleman has criticised the words of some Conservative Members, and I am sure that the shadow Chief Whip will notice.

Although there are no acute hospitals in the High Peak constituency, we have got a foundation three star hospital at Stockport Stepping hill, which is on the

[Tom Levitt]

outskirts of my constituency, and a brand new hospital, which is awaiting the outcome of its foundation application, is about to be built to replace the present Tameside hospital. No one waits for four hours in A and E in either of those hospitals, and in-patients, who typically faced a 12-month wait in 2002, now wait for less than six months. Out-patient waits in the area were typically 21 weeks in 2002, but they are now less than 12 weeks.

There are two PCTs in my constituency—Tameside and Glossop and High Peak and Dales—and they are both hitting all of their key targets, which benefits their patients, providing more and more services within communities and working closely with an excellent team of GPs. Furthermore, an increasing number of non-GP health staff are working inside GP surgeries delivering basic community health services. As far as Tameside and Glossop PCT is concerned, Shire Hill hospital in Glossop has now achieved step-up, step-down status, which means that people who do not need to take an acute bed can use a GP bed in that hospital. Similarly, people who have been in an acute hospital can use that hospital as a staging post on the way home. A walk-in centre will be built in Glossop through the local improvement finance trust programme, and I am delighted to say that the town has a high level of registration by dentists. Tameside and Glossop is an historically low-funded area, so I am pleased to say that it is getting a 9.4 per cent. increase this year and a 9.3 per cent. increase next year.

High Peak and Dales PCT also has a record of excellence, although the locality is different. The Corbar maternity centre is a centre of excellence, and it was recently reopened and reinvigorated in Buxton. The Stonebench ward is one of the most deprived wards in my area, and for the first time it has both GP and dental services provided through PCT investment in the Sure Start programme. It also has the first four dentists employed by the NHS who do not have the option of going private. That historically high-funded area will still get an 8.1 per cent. increase this year and an 8.2 per cent. increase next year.

There is an issue about the High Peak and Dales PCT budget, because—sin of sins—the PCT has overspent by 1 per cent. on its 2005-06 budget, which has resulted in the closure of the minor injuries unit in Buxton for eight hours a day between midnight and 8 am and the failure to bring an elderly person's ward at the Cavendish hospital back into use after refurbishment. I agree with the protestors who say that the minor injuries unit should be available 24 hours a day, and I hope that the PCT will make sure that it comes back into service in one form or another. Between midnight and 8 am, the unit used to serve an average of two people a night—on average, one of them would go to A and E, while NHS Direct would probably be able to deal with the other. Nevertheless, public pressure is such that the situation requires a response. Equally, I agree with the PCT that the elderly ward should be brought back into use first when the money becomes available. In dealing with that minor overspend, no redundancies have been necessary, and I hope that the situation will be corrected before too long.

Like PCTs in other areas, PCTs in my area face reorganisation. Tameside and Glossop PCT is perhaps the only PCT which straddles a regional border—Tameside is the north-west region and Glossop is in the Trent region. Greater Manchester SHA has proposed that Tameside and Glossop should stay together, which recognises the local affinities, the local needs of Glossop, transport connections and travel-to-work areas. Indeed, 1,601 people replied to the public consultation in Glossop, of whom 1,597 supported maintaining the current link. Greater Manchester SHA only consulted on that option, while Trent consulted on four options, two of which would take Glossop back into Derbyshire in order to make a Derbyshire-wide PCT, which would be coterminous with social services. I understand that argument and see why social services and health services should be run according to the same boundaries, where no overriding feature exists. However, because of the geography of Derbyshire, and, in particular, the geography of Glossop, it is essential to maintain the link between Tameside and Glossop, and I hope that the Minister will announce the adoption of the status quo when he makes the announcement in a couple of weeks' time.

I have already mentioned Corbar maternity unit. For some reason, the whole of High Peak is included in the north-west region, where a number of options are currently being considered for maternity and children's services. The consultation is open until the end of this week, and the large number of such units will be reduced to eight or nine in the Greater Manchester and north-west area, with the aim of improving staffing, quality, investment and opportunities for excellence.

That idea has come from within the NHS itself—it is not being imposed from elsewhere. I am happy to tell the Minister that I have supported option A, which is already the preferred option, because it not only retains Corbar maternity unit in Buxton—in fact, all the options do that—but is the only one that maintains the maternity services at Tameside.

Having said that, if Ministers find that there is an opportunity to show some flexibility, they might acknowledge that the reduction in choice from 13 or 14 units to around eight is a bit drastic. Perhaps they could consider the possibility of including Macclesfield in option A, because choice is an issue here. As someone who is used to representing a constituency on the fringe of a region, I am aware that one usually does not have as much choice as one does elsewhere.

The NHS has been a huge success under Labour. More staff are employed and they are better paid than ever. There are more community services and more flexible services. There is an imaginative use of private capital to support and expand, not replace, public services, and there will be more to come. In the NHS, change is always difficult and challenge is always complex. Champions of health care, especially in our most deprived communities, are worth their weight in gold. The principles on which the NHS was founded, which, we are told this afternoon, are espoused across the Chamber, are safe with this Government. Equally, the funding that has been championed only on this side of the House is safe with this Government. We have a job to do with the NHS—let us get on and do it so that we have a better NHS for all.

7.1 pm

Mr. Desmond Swayne (New Forest, West) (Con): I remain absolutely convinced that my constituents are fortunate indeed to live where they do and to be served by the national health service, and I make no apology for that. Labour Members who have implied that there is no common ground between us and that some of us are not committed to the NHS do themselves, and us, no justice whatsoever.

I caution Labour Members who have quoted reams of statistics at us with the intention of giving the impression that things are much better than they appear. I recall listening to "Yesterday in Parliament" during the late 1970s and mid-1980s, when Mrs. Thatcher was challenged week after week on the state of the NHS. She always answered robustly from the Dispatch Box with reams of statistics saying how many more operations had been carried out and so on. Even in those years, despite the myths that may be spun, the NHS was improving. Nevertheless, it did not work, because it did not match up to the ordinary people's perceptions based on their experiences. That is the problem that my constituents are having at the moment. Their perceptions of what is happening in the NHS are informed by the difficulty, or otherwise, that they face in seeing their doctor or dentist.

I should like to give hon. Members an impression of what it is like in my part of the world. We have a vastly expanding population. As the Deputy Prime Minister's rules, particularly on density, begin to bite in urban centres such as New Milton, and townscapes are changed for ever as family houses are pulled down and replaced with blocks of flats, the population is expanding fast. Yet only one GP practice south of the A337 is still taking on new patients. That outgrew its existing premises some time ago and is short of space, whatever measure one chooses to use, and sometimes the cramped conditions in the waiting room are unacceptable. A few years ago the practice secured the primary care trust's permission in principle to expand its premises, but before it could do so, a directive from the Department of Health instructed that that was not to happen because the funds were to be allocated not to the primary care trust but to Hampshire as a whole. Hampshire's priorities are different; they apparently lie in Portsmouth. There is now not the remotest chance of that practice, or any practice in my constituency, being able to expand its premises.

My constituents write to me in droves complaining that they can make an appointment with their GP only on the same day. It does not suit most people to have to spend hours ringing the surgery in the morning, only to find it engaged, when they would like to organise their lives so as to see the doctor at a time convenient to them, as they used to in the past. They feel that the situation is not as good as it was before. That is entirely a consequence of the targets to which general practitioners have been subjected.

During the election campaign, on the "Question Time" interview, the Prime Minister was confronted with that problem, appeared greatly surprised, and said that he was going to do something about it. I have not noticed any result. I have written to the Secretary of State saying, "Please find enclosed a copy of a letter from my constituent complaining about X, Y or Z. I remember the Prime Minister saying he was going to do something about it—what has happened?" The answer is, "You can rest assured that patient satisfaction will be one of the measures on which general practitioners will be remunerated in future." That does not deal with the perceived deterioration that my constituents experience in booking an appointment.

Let us examine the possibility of booking an appointment with one's dentist. A couple of years ago the situation deteriorated. It got so bad that constituents of mine who were lucky enough to have an NHS dentist were receiving letters telling them that there were not going to be any more NHS dentists, but they were welcome to stay on as private patients if they wished. When I raised that at Prime Minister's Question Time, the Deputy Prime Minister, who was answering on that occasion, said :

> "I am well aware of the problem that the hon. Gentleman mentions because I have experienced it. My dentist declared that he was going private and I declared that I could not stay with him. Many of our constituents have faced this problem. As the hon. Gentleman said, each one of us has been confronted with it."—[*Official Report*, 9 June 2004; Vol. 422, c. 270.]

That does not actually address the problem. He went on to tell me that it was all the Tories' fault for having closed down the dental schools. A decision by the university grants funding body more than 10 years ago is not germane to our problem now. The problem is that NHS dentists are leaving the NHS. It is not a question of a shortage of dentists but of how they are employed.

The problem got worse. Several constituents wrote to me complaining that they had received a letter from their dentist saying that he was no longer going to be an NHS dentist but would nevertheless continue to treat their children under the NHS as long as they, the parents, remained as private patients with the practice. They did not like being held hostage in that way, but felt fortunate at least to have their children still being treated as NHS patients. The Secretary of State acted to right that perceived wrong. Instructions were issued to primary care trusts whereby they were empowered to prevent dentists from maintaining children-only NHS lists. So in the past few months, parents in my constituency, particularly vulnerable families, have been receiving letters from those self-same dentists saying, in effect, "You will recall my letter of such and such when I undertook to keep your children on as long as you remained as a registered private patient at the practice—well, sorry, that deal is off and your children will either have to find another dentist or stay with me and pay." That is a very worrying letter for the many families with children who have orthodontic requirements and all sorts of work to be done.

As a consequence of the Government's policy, it is much more difficult to secure NHS dental treatment. However, my constituents have been told that the seventh cavalry is on the way, and that some 12,500 new dental registrations will be available to the good people of New Milton. To take advantage of those as yet virtual dental registrations, a new model is to be used to avoid the inconvenience—and, of course, the attendant unpleasant publicity—of long queues forming and being photographed.

The people of New Milton have been invited to telephone a number to secure their dental registration. I have a letter from a constituent who tried that. The

[Mr. Desmond Swayne]

announcement was made in February and he began to make telephone calls. The letter states:

"Since then I and friends have telephoned this number many times only to hear an automated voice saying 'The number you called is busy. To ring back please press five'. Furthermore, if you press five a similar voice tells you 'Sorry, there is a fault please try again' "

He writes that he tried the number on 3 April from 1.55 pm to 2.25 pm, from 3.30 pm to 3.50 pm and from 4.43 pm to 4.52 pm. He tried again on 4 April between 1.45 pm and 2.10 pm, and 4.10 pm and 4.35 pm. Each occasion met with the same result. Let that be a measure of the frustration of ordinary constituents in trying to secure the NHS treatment to which they rightly believe that they are entitled. Those perceptions mean that there is an understandable belief that things have got worse.

We have been told that the position on waiting times has changed; the claim was repeated today. We are told that a magnificent improvement has occurred, but that is not the experience of many of my constituents. At previous Health questions, I asked about audiological waits in my constituency. It has a disproportionate number of elderly people, and thus a disproportionate number suffering from poor hearing, which is one of the most socially isolating experiences. As I said in Health questions, there is a significant danger that many patients will die before they secure the hearing aids that they require.

Strangely, I received a letter about the problem today—although it is not an amazing coincidence, because I am afraid that I receive such letters almost every day. My constituent's 17-month wait for a hearing test was over in February. His appointment was on 6 February and the consultant told him that it would take three months for the hearing aids to be made up. My constituent wrote:

"A reliable person tells me it ought to take... say, a fortnight."

He waited and waited. After a further three months, he rang the hospital to find out what had happened to his hearing aids, only to be told that it would take another six months before they were delivered. That is a measure of ordinary people's experience of the health service. Can we blame them if they believe that it is getting worse?

We have five community hospitals in New Forest. We launched a massive campaign in the past year to save them because the primary care trust intended to close them. It backed off and said that it no longer planned to close them, but that it would have to work with the community to find a role for them—exactly the model that the White Paper, which the Secretary of State launched, set out. There was, therefore, progress.

However, community hospital supporters now experience huge frustration and staff morale is low because nothing has emerged from the process. Whatever is suggested about the role of a specific hospital—whether in Fordingbridge, which could be a centre for best practice or nursing excellence, or the hospital in Milford on Sea—the PCT response is that there is a difficulty because it is building a new hospital in Lymington. That is one of the first new hospitals in which the PCT will employ a private supplier to provide the health care. It does not yet know what services will be provided at Lymington, and will not therefore make any commitment about the services that need to be provided in any of the community hospitals. The new hospital in Lymington is due to open in January next year. Is that the way to run a national health service? We are only a few months away from the opening of the new hospital, yet we are told that decisions cannot be made about existing community hospitals because the PCT does not know about the services that it is commissioning at the new one.

I understand my constituents' frustration and anger. They say, "Yes, expenditure on the NHS has increased enormously, as have our taxes—but have we had value for money?"

Siobhain McDonagh (Mitcham and Morden) (Lab): I am delighted to be able to make a contribution to the debate because my constituents have experienced great improvements in the NHS since the election of a Labour Government in 1997. In contrast to the hon. Member for New Forest, West (Mr. Swayne), I have experienced—as a Member of Parliament, a lifelong resident of my area and, most personally important, the daughter of two very elderly parents—the most fantastic improvements in the local health service.

The improvements are due to the work of dedicated staff, as we have heard, and the investment in facilities, to which the increase in the money spent on the health service has directly led. Those improvements are tangible. The south-west London elective orthopaedic centre in Epsom has ensured that the waiting time for hip and knee replacements is less than six months. I have been a direct beneficiary of that centre because my mother, a nurse who was forced into early retirement by being made redundant in the 1980s, has had two hip replacements in the past three years. Her care has been fantastic and I thank the Government and the doctors and nurses for that treatment.

My father is 82 and, for him, the introduction of targets for waiting times has been fantastic. At accident and emergency in St. George's hospital, he was seen in less than four hours. Within 48 hours, he was diagnosed with bladder cancer, of which, thanks to the care of Mr. Bailey and his oncology team, he has now been cured. That is Government and staff working together—real people, not bluster or amazing, screaming headlines.

My experience is of not only my parents but my constituents. In my first three years as a Member of Parliament, I received regular letters about St. Helier and St. George's. Patients said that the wards were dirty and the care was poor. Such letters have, thankfully, reduced to a trickle.

Conservative Members may not like it, but they have so much previous on the health service that my constituents will not forget what they did to it in the 1980s and 1990s. They remember the winter bed crises, the people dying on trolleys and patients forced to wait in pain for two years for their operations. They remember our last local community hospital. I am glad that some Conservative Members have five, but, in 1992, our last community hospital—the Wilson—was closed.

There is a lot of talk these days about health inequalities. I genuinely appreciate that, because we were never allowed to talk about them under the Tories,

as people's poverty and working lives supposedly never affected their health. The Tories closed the hospitals in the poorest areas of the country, affecting the most vulnerable people.

Since 1997, the amount of money invested in the NHS each year has doubled, and the number of people serving in the NHS has increased by 300,000. That is a measure of the Labour Government's commitment to the health service. Instead of having to go to dingy, dirty, run-down hospitals or watch much-loved hospitals such as the Wilson close, my constituents are now experiencing something completely different.

The Wilson is scheduled to reopen, and almost all our GP surgeries have had facelifts or have even been rebuilt as state-of-the-art health centres. Those include Dr. Sheikh's surgery in Middleton road, Morden, the surgery of Dr. Patel and Dr. Ganesaratnam at Wide Way in Pollards Hill, the Tamworth House medical centre in Longthornton, and Dr. Colborn's surgery in Figges Marsh in central Mitcham. And only two weeks ago, in the teeth of opposition from Conservative councillors on Merton council, we obtained permission to build a new surgery at Ravensbury Park for Dr. Arulrajah. That will be a great surgery for people who need a new hospital.

Stephen Hammond (Wimbledon) (Con): Will the hon. Lady give way?

Siobhain McDonagh: No.

Most importantly of all, we have recently received the Secretary of State for Health's support for a new critical care hospital that will be the envy of everyone in our area. If hon. Members want to see an example of how this Government are tackling inequalities, they could do no better than to take a trip to look at health services in Mitcham and Morden. My constituency is probably the most disadvantaged in the whole of Surrey or outer south London. The Tories' approach to that inequality was to take away our health services, force us to cope with grotty GP surgeries and shut our hospitals. Labour's attitude involves doubling investment, building brand new GP surgeries and health centres, and reopening and rebuilding our hospitals.

Sadly, however, there are still some who share the ethos of the Tories, who believe that health care should go where the people shout loudest, rather than where the need is greatest. I do not wish to criticise dedicated and hard-working NHS doctors, nurses, ancillary staff and managers who share our commitment. However, there are still a few people in place who take a bureaucratic approach to health care, rather than a human approach.

Mr. Blunt: Will the hon. Lady give way?

Siobhain McDonagh: No.

I have first-hand knowledge of the commitment of this Government to confronting and dealing with health inequalities. Earlier this year, more than 250 people from two council wards in the south of my constituency braved a freezing February evening to attend a small celebration that I hosted to thank the Secretary of State for Health for saving and agreeing to rebuild their local general hospital, St. Helier. They wanted to thank her for listening to their concerns. Many of them were elderly or infirm, and they have suffered for years as a result of inequalities in the health service. They wanted to celebrate because they were so delighted that, in order to tackle health inequalities, an earlier decision by some in the health establishment about where to locate their new hospital had been overruled.

Several hon. Members *rose*—

Siobhain McDonagh: I will not give way.

As I have said, my constituency is one of the most disadvantaged in our strategic health authority's catchment area, with some of the greatest health needs, yet when the axe had to fall throughout the '80s and early '90s it was my constituency that suffered most. In the past few months, we have uncovered secret plans by the local health authority dating back to the mid-1990s. It proposed to shut St. Helier, but thankfully was unable to do so before Labour came to power.

St. Helier hospital is not in my constituency—it is in a Liberal Democrat constituency—but it serves half of my constituents. The health establishment has for many years scorned Mitcham and Morden. Even now, despite many complaints from me, no one who lives in my constituency is on any NHS board, either of a primary care trust or a hospital trust. So I should not have been surprised when St. Helier came under threat again more recently, when the administrators decided that they wanted to remove critical services from the hospital. It was saved only following the intervention of my right hon. Friend the Secretary of State for Health.

Those administrators argued that the site of the main hospital—the critical care hospital—was not important, as the community hospitals would take most of the people who normally go to hospitals. A public consultation was conducted, and it soon became clear that the main issue would be where to put the new critical care hospital, which would house the area's accident and emergency unit, and acute services such as maternity and obstetrics.

My view is that the people who need critical care services the most are those who are most disadvantaged and have the worst health. There is a strong link between social disadvantage and the need for emergency services and health needs such as low birth weight and teenage pregnancy. The bulk of the population live near St. Helier, and the vast majority of those with the greatest health needs live there. They are those with the lowest life expectancy, those who experience the most emergency admissions, the highest levels of child accidents, the lowest levels of good health and the most long-term illnesses. They also include those with the most babies with low birth weight, the least access to primary care, the lowest incomes and the least access to cars. The area also has the largest black and ethnic minority population. For all those reasons, I felt that having the critical care hospital at St. Helier was the best way to reduce health inequalities. The public consultation seemed to agree—*[Interruption.]*

Madam Deputy Speaker (Sylvia Heal): Order. There is far too much noise in the Chamber.

Siobhain McDonagh: Madam Deputy Speaker, the Conservatives do not like to hear the truth, but I will continue with this speech and I will not be abused—*[Interruption.]*

Madam Deputy Speaker: Order. The hon. Lady has made it clear that she is not going to give way. That is her prerogative.

Siobhain McDonagh: Thank you, Madam Deputy Speaker.

The public consultation seemed to agree with my views. Although fewer people from disadvantaged areas take part in public consultations, and although my own surveys were repeatedly ignored, St. Helier emerged as the top choice among the public for the location of the critical care hospital. However, last January, local NHS managers voted to overturn the views of the residents, and to build a new critical care hospital in Belmont, a very well-to-do suburb in Surrey, instead. They did so despite the fact that the health establishment initially gave St. Helier a 7 per cent. higher score than Belmont in its original assessments. That decision would have meant that St. Helier would lose its accident and emergency, maternity and other critical care services.

Belmont is one of the wealthiest areas in the country, and the people living close to it have a high life expectancy, good access to health care and high levels of private health care. The area around St. Helier has the greatest health needs in the whole catchment area, and the people living there have up to 10 years less life expectancy. They are also the least likely to have a car and the most likely to need to go to hospital. The whole catchment area can reach St. Helier well within the critical "golden hour" that our health experts agree is crucial to survival. Indeed, more people can get to St. Helier within 20 minutes than to Belmont, and St. Helier has far better public transport services than Belmont. St. Helier was the preferred choice of all the MPs in Sutton, Merton and Wandsworth, and of Sutton and Merton councils.

Given the harm that would be done in terms of health inequalities if Belmont was the location of the new critical care hospital, rather than St. Helier, Merton council called in the decision. Even the health establishment admitted that if the Belmont site was chosen, people living in seven of the 10 most deprived postcodes in the region would have to travel further than they do at the moment.

I was delighted, therefore, when the Government demonstrated once and for all to the whole NHS that health inequalities really do matter, and when the Secretary of State backed St. Helier too. She was brave to do that, because she must have been under a lot of pressure from the health establishment, and the decision must have been very close. She came down firmly on the side of reducing health inequalities. She decided that it was the patients who mattered most, and showed for all to see that reducing health inequalities was the Government's top priority.

This is the Secretary of State who has seen a fantastic growth in the NHS, a dramatic reduction in waiting times, and a significant increase in the number of staff and the amount that they are paid. She is the Secretary of State whose policies have uncovered modest overspends in some hospital trusts, and established the need for them to improve their efficiency while spending the extra money that the Government have given them. She is also the Secretary of State who has put tackling health inequalities firmly at the top of the political agenda. I back the Government's amendment.

7.29 pm

Dr. Richard Taylor (Wyre Forest) (Ind): I welcome the Minister of State, the hon. Member for Leigh (Andy Burnham)—I and other hon. Members welcomed his presence on the Select Committee on Health, so I am delighted to see him in his new job. I hope that he will be able to see through this afternoon's fog to the real state of the national health service. A visitor from outer space would think that Opposition and Labour Members were talking about different health services, and I am sure that the truth is somewhere between their portrayals.

Everyone agrees that all NHS staff are striving to do their best for patients. I resent very much the suggestion that the demonstration at the Royal College of Nursing conference was orchestrated. Many people whom I have known well for years feel strongly that they cannot keep up the current quality of care. There have been instances of only one trained member of nursing staff being present on a large ward, of patients being unable to find a member of nursing staff to help them, of relatives feeding patients because there are not enough nurses to do it and of relatives looking for a doctor who does not have time to talk to them. Therefore, while there are many improvements, which I acknowledge, there are still tremendous problems.

Dr. Stoate: The hon. Gentleman says that he does not think that what happened at the RCN meeting was in any way orchestrated, but does he think that it is pure coincidence that 100 people turned up with identical T-shirts and sat in the front row?

Dr. Taylor: I take that point.

The debate is about management of the NHS, so I shall refer first to reforms. In 2002-03, the Health Committee's report inquiring into foundation trusts started with a table quoted from the *Journal of the Royal Society of Medicine*, which listed the reforms that had taken place between 1982 and 2003 under Governments of different colours. There were 12 reorganisations between 1982 and 1997, another six between 1997 and 2003, and since then, as panic has set in, there have been at least 10 more—practice-based commissioning, payment by results, "Agenda for Change", new contracts, reorganisation of trusts, independent sector treatment centres, out-of-hours care, the computer program, the primary care White Paper and the abolition of the Commission for Patient and Public Involvement in Health. The NHS is supposed to be patient-led, but none of those has come up from the bottom; they are all top-down.

For example, by and large, independent sector treatment centres are against local wishes. I have just received a letter from one of my ex-housemen, who is now a professor of magnetic resonance imaging. In respect of independent sector scanners, he wrote:

"I am not aware of any attempt at all to evaluate whether or not the NHS could have provided this extra capacity. Many NHS MR systems are under-utilised owing to either revenue or staff shortages."

He also wrote:

"There was no consultation locally on Wave 1—it was presented as a 'fait accompli'"

In relation to primary care trust mergers, everyone in my area is against the loss of their own PCT for their own part of the county. That has been made clear at all levels, and any movement on the matter is most unlikely. I have heard other Members make similar comments this afternoon. PCT mergers are not in accordance with local wishes; they are top-down.

The abolition of the Commission for Patient and Public Involvement in Health will have a devastating effect on local forums, removing the very bodies that could communicate the patients' and public's needs and wishes. Abolishing the CPPIH two years after its institution does not strike me as good management. Equally, abolishing PCTs just two to three years after inception, just as they are beginning to work, does not seem to me to be good management.

The Government-inspired reforms, especially their number and top-down nature, lead to problems. The person who wrote the article listing the number of reforms from 1982 to 2003, quoted in the Health Committee report that I mentioned, wrote subsequently that

"perpetual reform is very costly, both in terms of the time and effort invested by managers and other NHS staff, and in terms of the financial costs of establishing the physical fabric of new organisations and of meeting the redundancy or retirement costs of displaced staff. It can create a significant diversion of time and effort from the focus on delivering improvements to patient care, and, crucially, may promote a cynical attitude to innovation and change in the NHS".

The Health Committee report on the merger of primary care trusts followed up that theme. In our summary, we wrote:

"It is clear that the impact of proposed reconfigurations on PCTs' day to day functions, including clinical services, will be substantial—it takes on average eighteen months for organisations to 'recover' after restructuring and to bring their performance back to its previous level."

We continued:

"After the immediate disruption of reorganisation, it is thought to take a further 18 months for the benefits to emerge—a total of three years from the initial reforms. Thus, just as the benefits of PCTs (established in 2002) are about to be realised, the Government has decided to restructure them."

The Government attempt to justify the NHS deficits on the basis that they only affect a minority of trusts. In relation to the 2005-06 deficits, that seems to be the case. What we desperately need to know—I am pleased that the Health Committee will undertake an inquiry about this in future, as we might then find out the real scale of the deficit—is what savings all trusts across the country must make to be in balance by the end of 2006-07. That will give us some idea of the true deficit.

I have thoroughly welcomed the extra money that has gone into the NHS, but the Health Committee has heard some worrying facts about what happened to the extra £6.6 billion this year. Nearly half has gone on pay rises and other expected things, but much of the other half has gone on uncosted or inaccurately costed contracts, PFI costs, independent sector costs, the computer system and the pharmacy contract. At that stage, there has been mismanagement of the vast amount of extra money that has gone in.

With regard to the private finance initiative, would people now allow a PFI contract to be written with a clause stating that if bed occupancy goes above 90 per cent, there would be extra payment? Before the changes removing the need for some hospital beds, not all of which have taken place, as the hon. Member for Dartford (Dr. Stoate) mentioned, initial PFIs were made with fewer beds. Allowing a contract to have a penalty clause for occupancy levels that would inevitably be reached was inexcusable. During one meeting of the Health Committee, we tried to find out from top civil servants how widespread the practice was. The civil servants promised to send a note because they could not answer at the time, but I think we are still waiting for that note.

There is another sad aspect of the private finance initiative. Forecasts were made of its unaffordability, and my own trust has now admitted that approximately £7 million of its deficit of nearly £30 million is owing to the PFI.

We should also ask what managers in any concern other than the health service would allow independent-sector treatment centres a fixed contract for a guaranteed number of cases, to be paid for within a fixed time regardless of whether they have been dealt with, while at the same time NHS treatment centres struggle to make ends meet? That strikes me as a little odd, and it strikes me as poor management.

Another thing that worries me, and worries many people in the NHS is who would go fast and furious down the road to privatisation when there is so much opposition from health workers of all kinds? The fact of resistance is proved by the appearance of the group called "Keep Our NHS Public", which has been joined by a good many junior doctors.

Some expenses resulting from Government rulings on top-down management seem to me fairly ridiculous. They may be controversial and I may be wrong, but I want to mention them. Clinical risk managers, for instance, are senior nurses who have been taken away from their jobs looking after patients in order to manage risk. Has there been any study of their value for money? The same question could be asked about quality managers. As for the plethora of "modern matrons", that is really just another name for the departmental nursing officers whom we have had for years and years.

The typical image of a matron is that of the archetypal figure in a smart uniform who sails around a hospital and puts the fear of death into all the nurses and doctors. That one person can do more in terms of risk, quality and the standard of care than any number of highly paid modern matrons. If I were looking for savings, rather than getting rid of practising, working nurses on the wards I would get rid of risk managers and quality managers. I would return the modern matrons to their jobs as nursing officers and bring back "the matron" who is not bothered by management or the reforms that she must introduce, but is purely and simply concerned with quality.

Ms Diana R. Johnson: The hon. Gentleman's comments seem to relate to a very rigid and old-fashioned method of hospital management, which, as I am sure we all recognise, involved severe problems.

[Ms Diana R. Johnson]

Would not a more flexible approach, featuring the use of different skills by different professionals, be preferable to that?

Dr. Taylor: The problem with having worked for the health service for even longer than the hon. Member for Dartford is remembering bits of it that worked and bits that did not. We have got rid of some of the bits that did not work, but one bit that did work was that leading figure, the single matron who kept an eye on all that was going on. She was far better than the modern matrons.

Anne Milton: I am sure the hon. Gentleman agrees that it is a shame that people use the term "old-fashioned". As one who worked in the NHS as a nurse for 25 years, I remember the matronly figure with fondness, but also—and I think that this is what the hon. Gentleman is talking about—as a figure personifying visible management, standards and a climate in which patients were given the best possible care, and a figure of whom everyone was in fear as she passed.

Dr. Taylor: Absolutely. Matron's ward round was seen as an event, and everything had to be just right. I think that some things in the past are worth remembering.

Another economy could be made. Every week the *Health Service Journal* provides two, three or four glossy brochures giving details of courses. The cost of a one-day course is £440.63, even for health service employees. That money comes from a health service fund. There are other ways of training people, and I think that the number of people we lose when they go on those terribly expensive courses is distinctly excessive.

There are many examples of the Department's making a mess of management. Perhaps there are examples of local bad management, but I wonder whether those involved have been given much of a chance. My plea is this: give the NHS a period of stability, stop the reforms for the moment and do not produce any new reforms just yet, and allow the NHS time to get into balance. It is impossible to be in balance within 12 months when some 15 per cent. of the budget must be saved.

If reconfigurations are necessary, the Government have established a mechanism to make them—politically, at least—acceptable: the independent reconfiguration panel. The case cited by the hon. Member for Mitcham and Morden (Siobhain McDonagh) was not referred to the panel. If it had been, it could have been seen to have been handled without political considerations.

If I were looking for savings, I would also sack some of the advisers. Prince Charles is often derided and some people do not think much of him, but some Members may recall that extracts from his diary featured in *The Times* on 23 February. One of them referred thus to the Government:

> "They then take decisions based on market research and focus groups, on the papers produced by political advisers and civil servants none of whom will have ever experienced what it is they are taking decisions about."

I consider that very significant. I should like us to get rid of a lot of political advisers, and to listen to the professionals, the patients and the public. The Government must ensure that replacements for the patient involvement forums are provided very soon, and that they have teeth and can do something. They are the very people who can help the NHS to be a genuinely patient-led service.

I will leave the last word to a retired consultant who wrote this to *The Independent* last Friday:

> "The crisis in the NHS appears to worsen, generating the usual knee-jerk response from politicians and the media: 'reform and reorganise'."

He went on to list the major problems.

> "The first",

he wrote,

> "is a surfeit of reforms and reorganisations. Should health care professionals introduce an untried and untested new treatment in an area of medicine of which they know little, there would be justifiable outrage. Yet ministers do this regularly without any protest other than from the professionals who have to try to cope with the resulting chaos and waste of money."

7.49 pm

Kali Mountford (Colne Valley) (Lab): As usual, this is an interesting debate. At some points, it has featured the breaking out of an understanding across the House that all parties should be committed to the NHS. However, as I listened to the speeches of some Opposition Members, it occurred to me that they could will the ends but not the means for that understanding to grow. Conservative Members have been critical. They cannot pretend that their opposition to providing proper funding was not clear, given that they refused to vote with us to ensure that the NHS was properly funded. They said then that it should be made clear that there will be reform and value for money, and it was obvious that they were not in favour of increasing the salaries of NHS staff. During today's debate, they are saying very loudly that they support NHS staff, including doctors and nurses, but they are still critical of the increase in pay.

Pay is a significant issue. Conservative Members have talked about motivating NHS staff, but we cannot motivate them without willing the means for them to feel valued. That must include a proper salary and a proper job design and structure, which has certainly been missing for many people. A nurse can now advance her career—or his career, given that nursing is increasingly a male occupation—from a starting salary of £19,000, through grades that used not to exist, and take on management and important clinical responsibilities that used not to exist. Such a structure makes it clear to nurses that they are highly valued.

Sandra Gidley (Romsey) (LD): I am curious to know which professions the hon. Lady thinks are lacking in direction and focus. Does she agree that although it is perhaps right to increase NHS pay, one problem is that the increased wage bill has not been linked to an increase in productivity? So we are paying more, but not necessarily getting anything for it, the prime example being the consultants' contract.

Kali Mountford: The hon. Lady is trying to have her cake and eat it, as ever, but that is the Liberal Democrat way, is it not? It is important—*[Interruption.]* The hon. Member for Beverley and Holderness (Mr. Stuart), who has been rather excited throughout the debate, should try to contain himself. He will doubtless get his opportunity to speak at some point. I await that with bated breath.

Mr. Graham Stuart: Will the hon. Lady give way?

Kali Mountford: No, I am finishing my response to the point made by the hon. Member for Romsey (Sandra Gidley), which deserves an answer. We are entitled to expect results from consultants, but should such an expectation be included in their contract? There is a proper argument to be had about what should be included in the contract, and in my view, we should be able to demand certain outcomes from consultants. On the other hand, there are those who criticise the Government for insisting on certain outcomes. *[Interruption.]* The hon. Member for Romsey shakes her head. Perhaps she is not among those critics, but Conservative Members certainly have made such criticisms. They say that the medical profession should decide for itself how it operates its businesses. *[Interruption.]* The hon. Member for Beverley and Holderness decries my argument, but I have heard his own Front Benchers say, "Leave it to the medical profession. Free it up to do whatever it likes." That is a nonsensical approach. However, the hon. Member for Romsey made a valid point and it is worthy of consideration.

It is very important that we motivate NHS staff and show that we value the work that they do. It is disappointing that they have other issues with us, and the House will be surprised to hear that I do not entirely blame them. Their concerns are entirely understandable. As someone who had to manage change in large organisations, I entirely understand how difficult it is for people to cope with continual change, which leaves them feeling in a state of flux. We need to do more to manage change.

I am not entirely convinced by the argument of the hon. Member for Northavon (Steve Webb), who said that the problem is that change is happening too fast. Some of my constituents would cry out for more and faster change if they felt that it would benefit patients. The question should be: what will bring about the best results for patients, not for doctors or managers? These are very difficult problems to grapple with. A continually changing NHS is having to cope with new treatments coming on stream, for example. We need to balance the NHS's differing demands in a sensible way. Simply slowing down the process of change would not, of itself, be the answer.

That brings me to a very difficult problem. A lot of change is taking place in my own area. The hon. Member for Shipley (Philip Davies), who slid out of the Chamber earlier, drew the House's attention to an independent candidate who stood on a ticket of opposition to change in the NHS. Incidentally, that candidate beat a Liberal Democrat in the local elections—a point that the hon. Gentleman failed to mention. I can understand why some people say, "We don't want change in the NHS." They have grown to value the NHS and they feel that it is best left as it is—until they hear of a new treatment, which they want "today". Herceptin is a valuable example. At first, the primary care trust in my constituency refused to supply it, but after some debate about the savings to which its introduction could lead, the PCT changed its mind, and patients now have that choice.

That brings me to the question of where the balance should be struck. We have said that decisions should be made as locally as possible, yet when they are so taken—free from political interference, hopefully—do PCTs, which are charged with responsibility of consulting the public on such changes, listen sufficiently carefully? How should they then balance public demand against what clinicians tell them is best for patients? Conservative Members have put forward both sides of the argument. They have said, "Save my hospital, because I don't want anything to change", and in the very next breath said, "We ought to allow such issues to be decided locally, and we should be brave enough to shut down certain hospitals."

The truth is that both positions can be right. Some hospitals have simply outlived their usefulness. St. Luke's hospital, in my constituency, mainly cares for patients with mental health problems. Mental health treatment has changed enormously in recent years, and it is right to reconsider how we provide such care. St. Luke's has acquired a new building that is closer to the general hospital, and it could be used in a different way. The administrative facilities could be moved into that building, thereby allowing new treatments to be delivered properly in a major hospital.

For some people, a major hospital is not a pleasant experience or a good place to be. It is better for those with mental health care needs, in particular, to be treated in their own homes by a community nurse or a community psychiatric nurse. Such decisions are the appropriate ones to take, but there are more difficult and demanding ones. Sometimes, the clinical need is not clear, and the community take a different view on what should be delivered from that taken by the PCT, the hospital trust or even the Member of Parliament. *[Interruption.]* I see that the hon. Member for Shipley has returned to his place, and I am very glad that he is here. When he stood against me in 2001, I enjoyed his company greatly. I also enjoyed it when he stood for election to the local council, and I am sorry to have to tell him that his friend, who stood and won, has now lost her seat. I am grateful to him for bringing to the House's attention the fate of his own party and of the Liberal Democrats.

The independent candidate to whom I referred earlier won her seat fighting on a ticket of opposition to NHS cuts. It is easy to utter slogans about health, but it is not a responsible thing to do. *[Interruption.]* Conservative Members laugh, which may sound fine in a debate, but it is not a very sensible attitude to take. If we are to make proper decisions about local health care, we have to accept that those decisions will sometimes be difficult and that sometimes the public need to be listened to. Part of the argument about hospital reconfiguration in my constituency—which needed more care in the decision making—concerned maternity services. The hon. Member for Romsey and I have discussed the issue in the Chamber before. The way in which maternity services can be delivered is changing and that should be part of a plan, but it should not be the only plan.

[Kali Mountford]

The difference between maternity services and, for example, mental health care, orthopaedic care, heart surgery or cancer treatment is that all those expecting a baby hope and expect that their experience will be normal and a family event. They do not necessarily consider it as a health intervention. In fact, it would be a bad thing if they did. Birth should be as ordinary and as happy an experience as possible.

Mr. Gray: I agree with the hon. Lady. It is important that maternity services are midwife-led and available in community hospitals. Given that that is the case, why have the Government closed the midwife-led maternity units in Malmesbury, Devizes and Trowbridge? Such units have been closed in seven hospitals across Wiltshire, so that the only places to have a baby are Bath and Swindon.

Kali Mountford: In fact, my community disagrees with the PCT. The community wants an ordinary maternity unit in the local hospital and does not want a midwife-led unit, so we are on opposite sides of the argument. My personal view is that midwife-led units can, in the right circumstances and with the right support, be of great benefit. Midwives are the right people to make decisions and help a mother through all prenatal care, the delivery of the baby and some of the postnatal care. The relationship that can be built up over a period of time is valuable to a safe birth and important in helping mothers to take decisions that lead them away from unnecessary interventions, such as elective caesareans. As soon as a pregnant woman visits the local maternity unit, she sees shiny pieces of equipment and thinks, "Oh my God, I need some of that. It is bound to all go wrong and I want to ensure that I am as near to that equipment as possible." That has been the undercurrent of the debate on health.

Some people in the community claim that the issue is cuts in public spending on health, but nothing could be further from the truth. In fact, the argument started five years ago when the health authority took a decision against the advice of the hospital, which wanted to move maternity services into one huge unit—a sort of super maternity unit. We rejected those plans, although the hospital claimed at the time that it was a matter of clinical need. The hon. Member for Wyre Forest (Dr. Taylor) has mentioned clinical need, but the problem is that clinical decisions are not always straightforward. Clinicians argue about them all the time. Indeed, clinicians from all over the country came to my constituency to argue about the best way forward for delivering babies. There is not only one point of view or one way of delivering excellence. That is fine, if the community backs the eventual decision. If everybody in my community demanded a midwife-led unit, I would not blame them for doing so, because it could be an excellent move. However, if it were introduced against the wishes of the community, we would have a problem, because it would be set up to fail—*[Interruption.]* The hon. Member for Westbury (Dr. Murrison) laughs, but—

Dr. Andrew Murrison (Westbury) (Con): That is a bizarre argument.

Kali Mountford: It is not a bizarre argument, because we would be introducing a service for a public who do not want it. Does the hon. Gentleman really expect that a young mother would decide not to go to a hospital where she could get all the intervention that she thinks she might require and that she has become used to over the years? My constituency has one of the lowest rates of home births. It is not the norm for mothers there to elect to have that form of delivery, nor is it the norm for them to consider midwife-led units. If such a unit is set up without a proper explanation of how it can benefit mothers and without proper support, does the hon. Gentleman think that they will elect to go there?

Dr. Murrison: The hon. Lady obviously has not listened to my hon. Friend the Member for North Wiltshire (Mr. Gray), who argues in favour of midwife-led maternity units. In my constituency, as in his, such units are being closed, and there are huge ructions in the community as a result. That is probably what she is trying to say and, if so, we may have found a point of agreement.

Kali Mountford: The hon. Gentleman misunderstands. I am saying that there is not only one way of delivering maternity services, nor is there only one public view on them.

Mr. Gray: We want the choice.

Kali Mountford: I accept that, and my constituents want the choice. However, they do not want the option that is being presented to them, after a lengthy consultation, by the PCT. The PCT received a petition with 50,000 signatures and 2,000 postcards from my constituents—the proposal covers three constituencies—and a different petition with 30,000 names. Despite that, it came to its bizarre conclusion because the clinicians thought that the best way forward was to separate out maternity services, send potentially difficult cases to another hospital in a different town and have only a midwife-led unit in Huddersfield. The community said, properly, that it was used to what it already had and did not buy into the PCT's suggestion. The hon. Member for North Wiltshire (Mr. Gray) said that his constituents value their midwife-led unit, but my constituents do not yet agree with him. They demand the choice, and perhaps that is where we agree.

Mr. Gray: The hon. Lady is doing a masterful job in making up for the shortage of Labour Members wishing to speak, so I am sorry to encourage her further. However, she is missing the point entirely. Seven hospitals across Wiltshire are being closed and there will be no choice for mothers. The units will not be midwife-led or use any other system, because her Government are closing those hospitals. Why?

Kali Mountford: The hon. Gentleman needs to think again about how he presents his argument—*[Laughter.]* Well, Opposition Members laugh, but they are misrepresenting the case. It is the primary care trusts who are charged with the task of consulting the hospital trusts and making the decisions. It was a clear decision by the Government that such decisions should be made locally, and that is where the next dichotomy arises. The community in my area want one thing, but the PCT and the hospital trust have come to a different

conclusion. I want decisions to be taken locally that take account of the community's views. Where do we go from there? Well, we go to the Secretary of State, who then acts as an arbiter.

My personal view is that we should have an independent inquiry into the issue. PCTs must take their responsibility for their communities seriously. They are charged with the duty of consulting properly. In this case, no fewer than 100,000 people—assuming that people signed only one of the petitions—made their views known, and if the PCT does not take account of that, it should look closely at the way in which it makes decisions—*[Interruption.]* Opposition Members are giggling and perhaps they will share the joke with the House when they make their own contributions. Why do Opposition Members think that it is funny that I want to champion the cause of my community, which has had a dreadful experience with a consultation with the PCT?

I have had several meetings, and a debate in Westminster Hall, about this matter. I am unhappy that my constituents will not get the service that they are demanding, but also at issue are important questions about how we set up the local delivery of health services. How do we charge PCTs with the task of making sure that those services are what is wanted by the people who, through their taxes, pay their wages? That should be a simple question for Opposition Members to understand, but ensuring that we have a democratic NHS might be too difficult for them.

The hon. Member for Wyre Forest said that clinicians were the only people who should take such decisions, and that the balance must lie somewhere between the outrage exhibited by Opposition Members on the one hand and that expressed by Labour Members on the other. He may be right about that, but arguments about the local delivery of the NHS should not cause us to blame the Government for local decisions, nor to do the opposite—that is, scurry back to the Government about every local decision that we do not like.

The argument is difficult, but there is one matter about which I agree with Opposition Members, so perhaps they should not giggle quite so much. The hospital trust in my area is being reconfigured, but changes in the PCT are also being considered, as I shall explain.

The PCTs have more money to spend in our communities than ever before, and they control huge budgets for the delivery of community services to our constituents. That is valid and valuable but, when PCTs were being set up, I argued fiercely that they should be as local as possible. I was very glad that it was decided that my PCT should be very small, as my community is very different from the ones that surround it. I thought it important that my constituents' views about how their money is spent on their health services should be taken properly into account, and I still do.

My right hon. Friend the Member for Rother Valley (Mr. Barron) spoke about health inequalities. The inequalities that exist between my constituency and that of my hon. Friend the Member for Huddersfield (Mr. Sheerman) are very stark. Given that PCTs are being reviewed, it is important that the proposed new structures are looked at.

I have made a counter-proposal and I hope that the Government will listen to it. It should be clear to the House that I place great value on giving people in the community a say in how the NHS is run. I understand why a bigger PCT could deliver better value for money, and why bigger management teams could be slimmed down. However, I fear that that approach could cause us to lose something that I value very much—community involvement in the NHS. The House may not value that as much as I do, but I believe that that is how we can make sure that what is delivered is in the best interests of my community.

My proposal is that we look at how we can build a smaller, locality-based form of PCT into the overarching management committee that covers a number of PCTs. I have discussed the idea at length with my right hon. Friend the Secretary of State and other Ministers. The advantage would be that funding for each area could be ring fenced and so deal in part with the problem raised by my right hon. Friend the Member for Rother Valley. That is, people in richer areas would not be able to raid the funds of the poorer areas.

There is a huge difference in how the two PCTs in my area are funded. The per capita funding has been greatly reduced for people living in areas where health inequalities have had less impact, whereas it has been greatly improved for the poorest people. That has to be right, but my fear is that a much larger PCT would have an adverse effect on the management of health inequalities.

Such problems matter. If we do not think about patients' experience of the NHS, value what they say about what they want and stop the richest raiding the funds of the poorest, how can those who need the most get what they need? I hope that Ministers and the Secretary of State will look carefully at the proposals for the Kirklees PCT, and the proposals that I have made about making the best use of resources. I accept that an over-arching executive board would be cheaper than having three separate boards, but we must retain the important and valuable role played by non-executive board members. Their work as advocates for their local communities will mean that, when future consultations are held about the provision of health services in my area, people can be assured that they will get value for money and the health service that they crave.

8.16 pm

John Pugh (Southport) (LD): It seems an eternity since this debate began. It is customary in such debates for Opposition Members to identify problems and blame the Government for them, and for the Government to identify successes and take the credit; for the Government to gloss over problems, and for the Opposition to ignore the successes; and for the cup to be seen as half empty by one side, and as half full by the other. What is missing is the perception that successes and failures are often intimately related.

I want to return to the substance of the debate. I have no reason to believe that civil servants or Ministers in the Department of Health are any stupider, less efficient or less caring than their counterparts elsewhere—at least I hope that they are not. I think that the fault lies

[John Pugh]

with a mistaken ideology based on flawed thinking and a false prospectus. I am sorry to say that that ideology seems to be shared by ranks of dubious advisers and think tanks, as well as the official Opposition and, sadly, the Prime Minister. That is what the Department of Health and Ministers have to contend with.

That false ideology is at the root of the problem, and it is possible that it will be the cause of this Government's ultimate downfall. It is an ideology dreamed up by people who do not understand what the NHS is. As I understand it, the NHS is the vehicle by which we—the healthy, the taxpayers—entitle the sick and infirm to a standard of care that they simply could not afford by themselves. The NHS is a provider of entitlements and a moral enterprise. It is not a business, but nor is it a fairy godmother to satisfy every whim and ill.

However, just as the sick are entitled to care, so the taxpayer is entitled to value for money, and to see that the money invested is well spent. We all welcome the new investment, and we all want value for money, which leads us to the mantra about investment and reform that the Government recite again and again—although the word "reform" should be a synonym for beneficial change, and not just for change itself. Moreover, not every change is a reform, and there is certainly something wrong with permanent reform that is too fast and too frequent, and which is ill-managed and incapable of being withstood by the organisation to which it is applied. That is what is called chaos.

Mao Tse Tung thought that revolution was a good thing, but discovered eventually that permanent revolution was not such a good thing, as it led to destitution and chaos. We have almost got to that stage in the NHS, caused by well-motivated but mistaken attempts to secure value for money.

In the early phase of this Government we had a target and inspection regime that in itself was not bad: setting targets and having inspections is one way to encourage a degree of efficiency in a public service. Gradually, however, it was recognised that the service could be distorted by performance indicators that caused silly things to be done, such as taking the wheels off trolleys so that they could be called beds. Moreover, targets could be politically driven. They were micromanaged and run to satisfy inspectors, and they were neither sufficiently focused nor alert enough to patients' needs or clinical priorities.

That approach has not been abandoned altogether: it is still around, being implicit in the contracts for dentists and GPs whereby activity is to be rewarded. In some ways the process has become more sophisticated and works a little more harmlessly than in the past. Now we simply have a new, more dominant model of reform; in the absence of another description I shall call it the market model. It seems to be widely accepted on both sides of the House, although not by me, and consists of turning our NHS institutions into autonomous trading units, increasing competition and importing concepts of consumer choice from private enterprise. Its rationale is relatively easy to understand: such models are supposed to encourage efficiency in the private sector, so, it is argued, they will necessarily encourage it in the public sector. It is believed that the model will eventually shake out waste and inefficiency in the NHS, which of course we are all against.

There are fears about the model, however. The fear that it will accentuate health inequality has been voiced in the debate. There is also the fear that the model will bring unpredictability, and the fear, which should dog Labour Members, that it will bring the collapse of much-needed services and district general hospitals. The reason for those fear is that markets do not deliver entitlements, and the NHS is not a market.

To deliver the complex entitlements that the NHS offers, it needs to operate seamlessly. There must be strong clinical networks spanning many agencies, co-operating and not trading with one another. The NHS needs strong partnership arrangements and good integration. I offer a practical example from my own neck of the woods, where there have been long-standing problems with children's services, which were to be ameliorated, in part, by co-operation between Alder Hey, the PCT and the acute trust to establish good and better clinical networks. That clinical network—the solution—has been blown apart, because the organisations concerned have acute individual financial needs and problems that they need to address separately rather than co-operatively.

I have another example. My local GPs have told me that they want to work co-operatively, to co-provide and fund new secondary care facilities, but they dare not because there are so many uncertainties about the effects of the choose and book system. The GPs might set up something for which there turned out to be no predictable demand, so their investment would go to waste.

Even if we concede that there is any merit in that dotty market model—and I do not think that we should—we must admit that the NHS is a strange marketplace. After all, what market has its costs and tariffs invented, varied, tweaked and tweaked again by civil servants on an irregular and unpredictable basis? What market rewards providers in one area more than in another, not by market circumstances but by Government decree? I am referring to the market forces factor, which may be subject to considerable debate at a later stage. What business—whether Tesco or any other—forces its newer branches, as the NHS forces hospitals, to bear the capital costs of newer buildings, so that it costs more to treat people in newer hospitals, which trade at a loss and are then charged 10 per cent. on their overdraft? The word "trade" is horrible in this context, but we are forced to use it.

That is the situation in my local hospital. It has new buildings and good clinical outcomes. It has a deficit, but it is cursed by the strange way in which capital charges weigh on it, and by dotty perverse solutions dreamt up by accountants who can see only financial solutions rather than clinical ones.

Tom Levitt: The hon. Gentleman is answering his own question when he asks what sort of market and competition the NHS is. It is clearly not a private sector market with private sector competition, so his parallels do not seem to be taking him anywhere. Is he really saying that choice is such a bad thing, and that if an elderly lady were offered a hip operation either in her local hospital or in a hospital near where her daughter lives, she should not be allowed to choose the latter?

John Pugh: I am saying that the fundamental job of the NHS, as established by Aneurin Bevan, Beveridge and so on, is to deliver entitlements. People are entitled to a degree of choice, but entitlement must come first. If the choice regime leads to things being unavailable that were previously available, entitlements are lost and disappear.

At present, we have a strange, perverse, hybrid market; we have a muddle, with mixed messages from the Government. Worse still, there is the potential for mayhem—that should put fear into Labour Members. It is not too late for the Department of Health to turn round and be sensibly pragmatic, which we will all support; to consult and inspire the NHS work force, which it has clearly failed to do so far; to proceed on an evidence-led basis, which it has not done so far; and to listen. But that would mean the Department of Health and the Labour party taking on the crazed ideologues who buzz around No. 10. Not to fight that battle is, ultimately, to betray the NHS, and the nation.

8.25 pm

Mrs. Ann Cryer (Keighley) (Lab): I shall try to be brief, partly because I feel a bit peckish and partly because quite a few Members want to speak.

The topic for debate is the management of the NHS by the Department of Health. Thank goodness the NHS is managed not by private business, as the Opposition would prefer, but by the Department of Health. I am not a dinosaur and I have no problem about the use of spare capacity in private hospitals. The hon. Member for Shipley (Philip Davies) will know what I am talking about, because the Yorkshire Clinic is near my house. The clinic is pleasant and I have attended it from time to time for minor diagnostic procedures, paid for by my health centre because my appointments were for 8 o'clock on Sunday mornings. I did not mind that, because my treatment took place at times when the clinic would otherwise have been unused.

In the main, however, acute health provision must remain free at the point of use for all and—dare I say it?—from cradle to grave, as is the case at the wonderful Airedale general hospital at Eastburn in my constituency. Airedale hospital is the biggest employer in my constituency; it is much loved and appreciated by patients from Settle in the north to Bingley in the south.

Martin Horwood (Cheltenham) (LD): The hon. Lady says that NHS care should be free at the point of delivery from cradle to grave. Would she include dentistry in that?

Mrs. Cryer: Yes, I certainly would.

Airedale hospital also serves Pendle on the other side of the Pennines, the constituency of my hon. Friend the Member for Pendle (Mr. Prentice), as well as the leafy suburbs of Leeds in the east, including magnificent Ilkley, and its moor, in my constituency. The air ambulance helicopter is crucial for carrying patients, including potholers, climbers and walkers in the dales, to Airedale's accident and emergency department. It is a hugely popular and life-saving facility. However, I live in Shipley, four miles outside my Keighley constituency, in the constituency of the hon. Member for Shipley, so I am in the catchment area for the Bradford Royal infirmary, which I use, but I want to describe various aspects of the NHS that I know something about.

Following the death of my second husband, John, from cancer 18 months ago, I appreciate the choices available for cancer patients. John could choose from ward 15, the oncology ward at the BRI; palliative care at home, with the support of the hospice at home team; or hospice care at Sue Ryder Manorlands at Oxenhope in my constituency or the Marie Curie hospice in Bradford. It was extremely important for our family to be able to discuss, around John's bed, how we should choose palliative care for the end of his life. It was a very positive experience.

I shall soon be an in-patient at the BRI. Being a coward, I am not looking forward to the experience one bit, but at least I know that when I go into hospital it is for necessary surgery, not because a gynaecologist wants to make money out of me. I do not have to think about how many bits of cotton wool will be used, and I do not have to worry about something going wrong. I know that if it did, I would be transferred to another part of the hospital for appropriate treatment.

On the subject of dentists and other things, I have two moans: yes, there are not enough NHS dentists, and yes, there are too many changes in the NHS. So let us now concentrate, consolidate and stop change for the sake of change. I want to mention to my hon. Friend the Minister—I wonder whether he will touch on this—that there are possibly too many elderly people, and I consider myself to be one of them, at 66, but I am not sure what we do about it. It is wonderful that we are living longer, but we must consider a bit more carefully where we will go when we get to the point of needing help.

Mr. Philip Dunne (Ludlow) (Con): On the subject of the elderly and where we should put them—I think that that was the point that the hon. Lady was just getting to—I hope that she will agree that what should not happen to the elderly and some of the most vulnerable in our society, the mentally ill, is what happened yesterday as a result of the decision made by Shropshire County PCT to close, at Ludlow community hospital, the only ward for the elderly mentally infirm available in my entire constituency, as a direct result of financial cuts. There is no clinical or patient need to close it, because the patients will be transferred to the only remaining Victorian asylum operating in England. The decision was taken purely for financial reasons—the result of the Government's mismanagement of the NHS.

Mrs. Cryer: Perhaps my hon. Friend the Minister will address the hon. Gentleman's comments, but I cannot; I do not know anything about it. Of course, yes, we must consider the care of the elderly very carefully.

My auntie died in January—it was just awful for me—and we discovered from the post mortem examination that she had a calcified broken femur. She was in a residential home. Why did that broken femur go undiagnosed? I could not understand why she was in pain. We found out why on her death. The cause was that undiagnosed broken femur. The residential homes that are looking after elderly people are frequently not up to the job.

Mr. Devine: I wonder whether we in the House should follow the lead of the Scottish Labour party and introduce free care for the elderly.

Mrs. Cryer: I am not sure whether that would answer the problem that I am talking about. My auntie was receiving free care, because her savings had gone down to a certain limit. I understand what my hon. Friend is talking about, but it would not have helped. I am concerned that the care must be adequate. Whether free at the point of use, or whatever, the care should be adequate.

Finally, I have been promised by the Department that the Coronation hospital at Ilkley in my constituency will not close until the services that it provides are up and running at the Springs medical centre next door. That is what I have been promised, and it is what I expect. I hope that my hon. Friend the Minister will comment on that.

8.33 pm

Anne Milton (Guildford) (Con): It has been an extremely interesting afternoon, not only with hon. Members sliding in and out, but with unanswered questions about what we do with elderly people—as I am approaching that place myself, I will give it some thought.

I should like to thank some hon. Members for their contributions—in particular, my hon. Friend the Member for New Forest, West (Mr. Swayne), who is not present now, and the hon. Members for Wyre Forest (Dr. Taylor) and for Dartford (Dr. Stoate), all of whom made thought-provoking contributions.

Philip Davies: And the hon. Member for Keighley (Mrs. Cryer).

Anne Milton: Of course, I include the hon. Member for Keighley (Mrs. Cryer).

I do not think that the staff have had much mention today, and in my constituency—Guildford—generally speaking, patients are getting an incredible standard of care, kindness and attention from an extraordinarily hard-working work force, whom we talk about in the House often without recalling that they are at the front line, delivering care. I know that there are problems in some instances, but their dedication and commitment are outstanding, and the one thing that they would always ask of us is to try to keep the use of the NHS as a political football down to a minimum. Many hon. Members have welcomed those of this evening's contributions that have been thought-provoking and considered some of the not easy issues that we must consider.

Tom Levitt: I am sure that the hon. Lady's generous remarks about NHS staff will be appreciated throughout the country. Does she agree and will she put it on record that NHS staff get a much fairer deal on pay under this Government than they did under the previous one?

Anne Milton: I thank the hon. Gentleman. That is just what I have been talking about: it is all too easy to say, "Well, five, 10, 15 or 20 years ago, it was so much worse." That is what NHS staff do not want us to talk about; they want sensible contributions. Of course, pay has gone up—so it jolly well should—but there are issues that we must address. In 1996, pay had gone up from 1994, and so it goes back. What the public and staff are looking for are sensible contributions, and I should like to talk a little bit about what is happening in my constituency.

My hon. Friend the Member for New Forest, West talked about perceptions. If nothing else this evening, I hope that we can bring Members on both sides of the House together, at least to recognise that what is happening in our own constituencies is not necessarily the same as what is happening in those represented by other hon. Members. Certainly, the bigger picture for Guildford and Waverley PCT is looking rather grim.

The PCT had a substantial and partly inherited deficit. Last week, to alleviate that deficit, it decided, against public opinion, to close community beds. It took that decision after many months of consultation and many hours of work by the local community. The PCT decided to close Milford hospital, which, although not in my constituency, is used by many of my constituents and is a specialist rehabilitation centre. It also decided to close beds at Cranleigh village hospital. That was one of five options that the PCT had to consider. Democracy and local opinion have been mentioned, and it is of note that 94 per cent. of local people did not want that option.

The decision was taken despite the fact that the local community in Cranleigh has raised considerable funds to rebuild Cranleigh village hospital. It was taken despite the fact that the Cranleigh village hospital trust has now been given a piece of land on which to build the hospital and despite the fact that it has planning permission to build the hospital and a partner within the project. In fact, the trust was going to build precisely what the Government would like to see: a community hospital that has flexible space, the opportunity for step-up or step-down beds and the space to perform diagnostics within the community.

By pulling the plug on the beds at Cranleigh village hospital, the PCT has put the project in jeopardy. The partners are unsure whether there is any real commitment from the NHS to buy services from the hospital. It is extremely disappointing to local residents in Cranleigh that the Government cannot see that. I share the frustration of my hon. Friend the Member for North Shropshire (Mr. Paterson), who said that he has written to the Secretary of State and to Ministers but nobody is listening. There are exceptional circumstances—Cranleigh village hospital is one—where the community have embraced some of the changes that the Government would like to see and have raised all the funds to build a new hospital, but still it seems impossible to get the attention of Ministers or the Secretary of State.

The problems have just started in the Royal Surrey County Hospital NHS Trust in my constituency, despite the fact that it has done so well on many fronts—in fact, the chief executive did so well that I understand he has moved on to greater things and is now the principal policy adviser to the Secretary of State. Having been in balance, the trust is now forecasting a £15 million overspend and today it announced plans to try to counter that. I have had some reassurance that the situation is unlikely to lead to redundancies at this stage, although I think that there will be some job losses.

The right hon. Member for Rother Valley (Mr. Barron) said that the public sector can sometimes be rather self-serving. I know what he is talking about

and I note his comments. I remember a time when I worked in the NHS, when the first aim and objective of many public sector workers was their pay and conditions of service. Their second objective was service delivery. That was in the '70s and I remember it well. I do not believe that that is the case now or that the Royal College of Nursing did what it did the other week—or is coming here to do on Thursday—because those people are self-serving and are simply thinking of their own jobs. People are behaving like that because they are frustrated and because they do not feel that the Government are listening.

Mr. Devine: The hon. Lady will remember from when she worked in the national health service that, when the pay review body was set up, for seven out of 10 years her party implemented a staged pay rise. That has not happened under this Government.

Anne Milton: My problem is that I was not a Member of Parliament then. I remember what it felt like in the NHS and perhaps it is of note that it was because of my experience in the NHS that I went into politics—and I am on the Conservative, not the Labour Benches. There is a reason I joined the Conservative party and not the Labour party and if Labour Members really want me to go back and describe the situation in the NHS when I was a nurse, I will gladly tell them about it. When I could not get a porter to take a patient to the ward and wheeled him myself, the porters went on strike for 24 hours because I was doing their job. We can all go back, but, as I said earlier, it is important that we look ahead.

The situation for my constituents in Guildford feels rather grim. We have a review of acute services in Surrey and while we would welcome many of the changes that the Government are talking about and that the hon. Member for Dartford mentioned, maternity services, paediatrics, and accident and emergency at the Royal Surrey county hospital are all going to be under threat. The problem is that, on the one hand, the Government talk about delivering services more locally and closer to people's homes and, on the other hand, they talk about reviewing acute services and moving such things further from people.

I admit to a certain amount of confusion and we have heard a confused story this afternoon and this evening. A lot of Conservative Members have talked about community hospitals and midwife-led units closing, while some Labour Members have told us how wonderful the NHS is. My constituents have been refused PET scans and DAT scans, and even a hernia operation, because the PCT is not buying them any more, on the grounds of cost. The hospital says that the PCT will not pay for them and the PCT says that it has funded them, but the patients are left terribly confused and do not know who is making the decision. The NHS about which some Labour Members talk is not the NHS that I recognise at the moment in Guildford. The situation is not all bad, but there are serious problems and we are finding that our services are being cut.

The headlines that we have seen in the papers recently are not just made up. Such headlines include "10,000 nurses 'can't find a job' in cash-strapped NHS" and "Treatment centre programme in disarray as contacts axed". The hon. Member for Wyre Forest talked about that problem earlier. The new independent sector treatment centres are being paid whether they do work or not. They are coining in the money, but are operating at about 50 per cent. They get the money even if they do not do the work. Other headlines include "How NHS cash goes to waste on private ops", "NHS 'facing worst financial crisis'", "Threat to funds for medical training as hospital advertises for four risk assessment managers" and "NHS faces job cuts as financial crisis deepens". Those stories are not made up.

I urge hon. Members on both sides of the House not to dismiss contributions from Conservative Members as political posturing. I also urge Conservative Members to consider what they have heard from Labour Members. We have to find a solution. I know that I need to protect and look after my constituents and that they need and deserve a better NHS than they are getting at the moment. It would be becoming of all of us to look ahead and find real solutions to some of the problems.

8.47 pm

Natascha Engel (North-East Derbyshire) (Lab): Thank you, Mr. Deputy Speaker, for calling me to speak in this important debate.

I am surprised by the choice of subject for this Opposition day. I seem to remember that a previous Opposition day was dedicated to welfare reform. Today, the Conservatives have once again been kind enough to choose a subject for debate on which we have led the way since 1997. I thank Conservative Members for giving us the opportunity to celebrate our successes.

Since 1997, we have doubled investment in the NHS, and by 2008 we will have trebled it. Waiting lists are at their lowest ever. No one now waits more than six months for an operation and no one with suspected cancer waits more than two weeks to see a specialist from the day that their GP refers them.

The hospital that serves my constituency of North-East Derbyshire, the Chesterfield Royal hospital, is beating those national statistics. The national standard for a first routine out-patient appointment is 13 weeks. At Chesterfield, a patient waits a maximum of 10 weeks, although most people do not have to wait even that long. That success is largely due to a close working relationship between our primary care trust and the hospital to ensure that waiting times are some of the lowest in the country. By the end of March last year, every single patient who was referred with suspected angina was seen within two weeks. Every single patient with suspected cancer saw a cancer specialist within two weeks, and every single patient diagnosed with cancer was treated within one month. The hon. Member for Guildford (Anne Milton) was absolutely right that this is not about politics or point scoring. What we have been doing since 1997 means that more people's lives are being saved.

I make no apology for being parochial. The successes and changes that we have seen in North-East Derbyshire have been astonishing, but what is most significant is the massive cultural shift that we have seen in the health service in empowering patients. From

[Natascha Engel]

direct personal experience, I can say that the shift in emphasis to put the patient at the heart of the NHS has been our greatest success.

I have recently had two children at Chesterfield Royal hospital. The first baby was born five weeks prematurely and had to spend 10 days in the special care unit. I cannot speak highly enough of the nursing staff and the doctors. It was our first baby. It was a terrifying experience. By informing us and involving us in every decision made, we knew exactly what was going on and what to expect.

I recently met the North-East Derbyshire patient and public involvement forum. If it is anything to go by, the voice of the patient is being heard loud and clear. This and other such forums were set up three years ago to provide a local voice for the community on health matters. They are independent of the NHS and it is the Appointments Commission that has responsibility for appointing members to the forum.

Martin Horwood: Will the hon. Lady give way?

Natascha Engel: I know what the hon. Gentleman is about to say. However, I shall complete my point.

The task of the forums is to gather views about the quality of service, to monitor the gaps and provisions and to make suggestions on improving services. They regularly meet the chief executive of the North-East Derbyshire primary care trust—a relationship that needs strengthening. I hope that the forums will become better resourced and will be a focal point in the health service, whatever their name is in future. They will do that by putting patients at the heart of the NHS. I would like some reassurances from the Minister that they will be able to continue to do their good work.

Martin Horwood: I had a similarly excellent experience—it was not quite the same as that of the hon. Lady's—with my wife at St. Paul's Cheltenham maternity wing. Sadly, it has been closed under the current financial cuts. The hon. Lady talks about patient involvement and a patient-centred NHS. Has she noted the comments by a governor who has resigned from the acute trust in Cheltenham. He said:

> "I was elected to represent the people of Cheltenham, but if no one takes any notice then it is quite useless. I am not going to be some sort of window dressing."

There is the recent resignation of the patient and public involvement representative on the primary care trust. There are the 13 governors of the acute trust—

Mr. Deputy Speaker (Sir Michael Lord): Order. The hon. Gentleman has made his point.

Natascha Engel: I really cannot comment. The forum is extremely well attended. It is successful in getting the voice of patients heard within the NHS. I cannot say more than that.

I shall end on a more personal note. I have recently been to St. Thomas's hospital over the river. I visited Calvin Thomas, who is one of the Doorkeepers. He was rushed to hospital just before Easter. I heard today that he has had a successful operation to have a special pacemaker fitted. I am sure that everyone in the Chamber will join me in wishing him a speedy recovery. We all look forward to hearing directly from him about the positive experiences that he has had from the NHS, which is free at the point of use for everyone, based on their need and not on their ability to pay. The NHS is still our greatest achievement, and I thank the Opposition for giving us the opportunity to highlight our greatest achievement since 1997.

8.54 pm

Mr. Brian Binley (Northampton, South) (Con): I welcome the new Minister to the Government Front Bench. I welcome, of course, the other Minister, but I greet the newly appointed Minister particularly.

I am not a doctor, and I have hardly any medical experience. I think that indigestion is a heart attack. I do not want to comment on medical matters. I know a bit about business management and a bit about financial structure. I know that there are some serious problems, not least for the area that I represent. I want, therefore, to dwell on those matters.

I have listened to the debate with interest and want to establish a couple of positions that I hold. I do not want to destroy the health service. Indeed, I have been a supporter of it all my life. I am a working-class boy, and I thank whoever started it, whoever it was. A wonderful institution was started.

I regret that myth and history are being used politically. I look directly at the Government Benches. It is a pity that that attitude should have been taken, and I think that it has belittled the debate. I remember 1977, and I remember the winter of discontent. We can all play the game, but that does no good in this debate. I have been rather saddened by some of the comments that have been made. I hope that that is taken on board. Finally, I wish to come to my main point.

Tom Levitt: Will the hon. Gentleman give way?

Mr. Binley: No, you have been up and down like a yo-yo, and you have said enough.

Mr. Deputy Speaker: Order. The hon. Gentleman is addressing the House, so he must use the correct parliamentary language, otherwise I shall find myself interrupting him frequently.

Mr. Binley: I apologise, Mr. Deputy Speaker. I am surprised, however, that someone on the payroll—never mind, I will not comment further.

Mr. Devine: As the hon. Gentleman expressed support for the national health service, will he confirm that he is not covered by a private medical insurance scheme?

Mr. Binley: I am proud to be covered by such a scheme, as there is room in the business for both sectors. Indeed, it is important that we attract more money into health. I am surprised that the hon. Gentleman does not realise that more money needs to

be spent on health or that we need to find various ways to attract it. He may wish to take that lesson on board.

Northamptonshire is desperately underfunded. We have heard that there are many problems and that people wish to transfer money from the wealthy areas to the poor ones. I am not sure that we are a poor area, but we are certainly heavily underfunded in local government, policing and health. The Minister for Local Government acknowledged those problems but did not act to deal with them when I visited him in December last year. They are caused by various factors—I shall not go into all of them, because time forbids—but a serious shortfall has resulted from the formulaic underfunding of Northamptonshire in general and Northampton in particular. We face an additional problem as the result of the sustainable communities programme that the Government have forced on us, but which most of us reject. There is sizable growth, but the need to fund extra medical provision has simply not been recognised by the Government.

The most serious problems are in health. Leicestershire, Rutland and Northamptonshire strategic health authority is the worst-funded SHA relative to the notional capitation formula. Together with our PCTs, it was underfunded by £88 million—5.3 per cent. of the budget—and thus significantly below the capitation funding level at the end of the last financial year. Northampton general hospital faces severe demands for a reduction in spending in two areas in particular. It has been forced to reduce spending on the 2006-07 budget by £7.8 million or 4.5 per cent. of the budget, which means reductions in the length of stay and staffing—particularly health service staff, as well as increased day care treatment. Doctors may wish to recommend that a patient remain in hospital, but the hospital fears that it cannot allow them to do so.

In addition, the hospital faces a further reduction of another £8 million because of the transfer of certain functions to the primary care sector. I accept that that is Government policy, but it creates a massive challenge for both the hospital and the primary care sector, as there will be a 10 per cent. cut in the hospital budget and a 5 per cent. minimum increase in work load for the primary care sector. Any business man knows that there is a huge risk attached to such change within a year. I am not sure that the Government have understood what that risk element means. I can tell them. It means possible cuts in services, a lack of resource to service the requirements, and less good treatment for the patient. On top of that, we have a further problem in Northamptonshire because £25 million of underfunding has been carried forward.

The Office for National Statistics said that we were to have no growth in Northampton between 2001 and 2008. I invite the Minister to come to Northampton. By God, he will see growth on a massive scale, yet the ONS said that we were to have no growth, which meant that we were not funded. That was accepted by the Government. What have they done? They have given us slightly increased growth for 2006-07, but have taken no account of the £25 million underfunding.

That is placing a massive burden on the primary care trust. I plead with the Minister to reconsider. Please come back to us with a more favourable view. That is what I mean by flexibility in the system. It is okay looking down from the macro level. I understand why you make the decisions that you do. I understand the problems that you are faced with and what you are trying to achieve, but at the micro level the impact is different and needs to be understood equally well. It will not be understood unless you come to my constituency and other constituencies around me—

Mr. Deputy Speaker: Order. I did warn the hon. Gentleman. I hope he now realises that he is using the wrong terminology.

Mr. Binley: I apologise again, Mr. Deputy Speaker. Thank you for your advice. My use of the wrong terminology demonstrates my care for the subject.

I hope the Minister will accept my invitation, come and talk to our primary care trust and see what problems we face. There is an underfunding problem in Northamptonshire that we will find it difficult to face and a level of risk that is unacceptable for the people whom I represent.

9.2 pm

Ms Diana R. Johnson (Kingston upon Hull, North) (Lab): I disagree with the hon. Members for Guildford (Anne Milton) and for Northampton, South (Mr. Binley). I passionately believe that the NHS and health care is a political matter. Hon. Members who choose to vote against increases in funding to the NHS and health care are making a clear political statement by doing so, and that is to be regretted.

In the city that I represent in east Yorkshire, Hull, we have people who are severely disadvantaged in terms of the economic success that they enjoy, the jobs that they are able to get and the health care that they were able to access in the past. Examining and investing in public health in Hull is key to the future prosperity and regeneration of Hull and that part of East Yorkshire. The life expectancy of a man in Hull is at least two and half years off the national average. For a woman, the corresponding figure is just over a year. That says something about the health of people in Hull. We need to discover where health inequalities exist and address them.

In Hull we have single-handed GP practices, with GPs operating in small houses that they have changed into surgeries. Those are not suitable for the kind of health care that we need in 2005-06. In the past, the emphasis was on acute hospitals—district general hospitals. We will always need hospitals, but we also need to ensure that we invest in our community sector. I was pleased that there was some debate earlier about the LIFT programme and the money that the Government have identified to go into enhanced service delivery for GPs, linked to the wider regeneration of areas such as Hull.

I would like to deal with the effect on my constituency of the massive investment that has been put into it over the last few years, particularly in respect of the Hull and East Yorkshire NHS hospitals trust, an acute trust. About £6 million has been invested in the creation of the Hull and East Yorkshire eye hospital and £35 million has been put into the building of the Hull and East Yorkshire women and children's hospital, which opened two years ago. Plans are afoot—the first contractors are

[Ms Diana R. Johnson]

on site—to build a £45 million cardiac and elective surgical facility at the Castle Hill hospital site, and £60 million is available for a new oncology centre at Castle Hill. Several other smaller capital developments are either planned or already in progress. My constituents are really seeing the benefits of massive investment in the NHS in Hull and east Yorkshire.

My area in Hull is rated ninth out of the 354 local authorities and districts in the country in respect of disadvantage and deprivation: health care is thus a key issue for us. I was very pleased that the Hull York medical school came to the Hull university site a few years ago, which meant that we were training doctors who would, we hoped, decide to make their careers in the Hull and East Riding area. We put in a bid for a new dental school, but it was unfortunately not successful. I remain hopeful of another round and another strong bid from the Hull York site, which should be viewed favourably by the Government.

I want to finish with a few comments on some recent visits that I have made. The first was to the East Yorkshire eye hospital. I encountered a fabulous NHS staff team there, including a consultant who told me that, from the day he sees someone who needs a cataract operation, he can be operating nine days later. I believe that that is phenomenal when we think that a few years ago, people in Hull and elsewhere had to face months of misery before having a cataract operation. Nine days is brilliant and something to be very proud of.

We should also pay tribute to the flexible way in which NHS staff now work. It was interesting to hear from the hon. Member for Wyre Forest (Dr. Taylor) about what I thought was a rather old-fashioned way of demarcating doctors, nurses, matrons and so forth. What I felt was so refreshing when I visited the eye hospital was the fact that the consultant, the nurses and the administrators worked incredibly well together to ensure that the patient experience was the best possible. It was a real team, which recognised the importance of working as a team. There was no pulling rank in the sense that the consultant had considerable experience while others did not: they operated as a team, which demonstrates the way forward.

I would like to say a few words about the Hull and East Yorkshire women and children's hospital, which provides midwifery-led care. We also have the Jubilee birth centre, which is totally midwife led, but the costs are quite high. We have to think about costs and the type of facilities that we provide to expectant parents.

Sandra Gidley: The hon. Lady mentioned the cost of the midwife-led centre, but there is a body of opinion that clearly demonstrates that the wider cost benefits are often not taken into account. The key benefit of a midwife-led unit is the one-to-one care, which means that there are fewer interventions. That is simply not taken into consideration when we look at the issue from a purely accounting perspective. Does she agree that that should be taken into account as well?

Ms Johnson: That is probably right. When I visited the Jubilee birth centre, I was rather taken aback when told the cost of each birth in comparison with having a baby at the women and children's hospital. It was because it was midwife led and no consultants or doctors were there to deal with any emergencies. Women then had to be put into an ambulance and taken back to the centre of Hull. There are many important issues there.

When the Jubilee centre was being designed, I suspect that management was not thinking sufficiently clearly. There are two sites in Hull—one in central Hull, the other in East Riding. It is now believed that elective surgery and planned occurrences such as having a baby should be carried out on the site outside Hull and that the acute hospital should deal with accident and emergency and provide urgent treatment that cannot be arranged in advance. The issue involves management and thinking about what will be most effective for people in a particular area. Ten years ago, such issues would not have been thought through as well as they are today, and I know that today's plans involve splitting off elective care from A and E and the acute sector.

Finally, I want to mention the PCTs in Hull, which are spearhead PCTs because we have some of the worst deprivation in the country. I am very pleased about the reconfiguration of the PCTs. At the moment, we have East Hull PCT and West Hull PCT, but we will have one PCT for Hull, which is sensible because it will be coterminous with the local authority. Furthermore, the local authority and the PCTs are already working together on the public health agenda: a public health director has been jointly appointed; work is going on in our schools to encourage healthy eating among young children; free swimming has been provided for young children; and smoking cessation groups are working particularly well.

Overall, I am very proud of the political investment that we have made in the NHS. We are kidding ourselves as politicians if we do not recognise that health is intensely political for the most disadvantaged people, such as my constituents.

9.11 pm

Mrs. Maria Miller (Basingstoke) (Con): We have had a wide-ranging debate today, so I shall keep my comments brief and focus on some of the pertinent issues.

The people of Basingstoke are proud of their health care professionals: we are proud that we have one of the top 40 hospitals in the country; we are proud that we have world leaders in bowel and liver cancer in North Hampshire hospital; and we are very proud of the Ark, which is a medical research and learning centre located at the hospital. We have a team of dedicated professionals, who do a very good job.

In response to my questions about the future of health care in my constituency, the Minister usually blames people on the ground for our problems—in my part of the world, the health care crisis is real. I think that the origins of the problem lie not with the people who work in my constituency, but with the Department of Health, which needs to take a long, hard look at its own management before pointing at people who live in north Hampshire.

The financial crisis in north Hampshire is real, but the problem runs deeper and stems from management practices in the Department of Health. Unless those problems are addressed, we will continue to pump

taxpayers' money into a structurally dysfunctional organisation. What is structurally dysfunctional about the Department of Health or, using language that the Government understand, where does the systemic failure lie? In too many cases, there is no link between the central strategies followed by the Department of Health and what is delivered on the ground. The Government are trying to micro-manage from Whitehall, but they do not take responsibility when things start to unravel on the ground in our constituencies, and we have heard many examples of that today. I follow my hon. Friend the Member for Guildford (Anne Milton) in hoping that Ministers are listening to the problems, which are real.

I shall give the House two brief examples. A key plank of Department of Health strategy is to move patients from being treated in an acute setting in hospital to being treated in the community. We have been told that that strategy reflects the patients' desire to be treated closer to home. In my experience, most patients want to be treated in the most appropriate place, which should be down to doctors, but we have been told to follow that strategy in order to reduce referrals to secondary care and to control the financial situation. GPs in my constituency have acted responsibly and organised themselves to take the challenge seriously and to examine delivering services in GP surgeries which have historically been delivered in hospital. However, we have no community hospitals in my constituency.

We have identified at least four surgeries that need a lot of investment, possibly even new accommodation, in order to be able to increase services of the kind that the Government are talking about. Staff at our doctors' surgeries are working in intolerable conditions, which I could go through in detail if time allowed. Despite the Government's strategy of trying to take people out of acute services and into our community, there is simply no money available from the primary care trust for any new doctors' surgeries to fulfil either the strategy of trying to increase the services that are available through surgeries or the demands of the many thousands of new people who are moving to Basingstoke every single year.

Our GPs have had problems with regard to the Department's accounting practices, which are beyond me. As a simple person who has been in business for about 17 years, I find that the way in which the Department tries to put together accounting practices is for the benefit of nobody but itself. When doctors look at creative ways of trying to improve services for their patients, financial limitations, in the shape of accounting procedures, are put in their way. That is deplorable.

As I said, a key plank of the Department's strategy is to move more patients from being treated in an acute setting in hospital to being treated in the community, but there is no money to invest to make it become a reality. It needs to take a long, hard look at that short-termism, which is destabilising the long-term robustness of the community health service in my constituency.

That level of dysfunction does not end there; it extends to departmental announcements that have no way of being delivered on the ground. One example that will have led to similar problems for many other hon. Members is that of IVF treatment. When the Department—indeed, the then Secretary of State, who is now Home Secretary—announced that by 1 April 2005 all hospitals would be able to provide at least one cycle of IVF treatment, that built up the hopes of a great many of our constituents. It received good media coverage for that—just before a general election, I seem to recall—but the reality is that health care providers in our constituencies cannot provide that service on the ground. There was no more money to deliver, and the result was a great deal of distress and pain for people who deserve better. It does not seem to matter much to the Department whether the headline matches the reality.

I am supporting the motion because I believe that the dysfunction in the health care service starts at the top, in the Department of Health, and it must be finished very quickly.

9.17 pm

Mr. Andrew Pelling (Croydon, Central) (Con): I am pleased to be able to speak in this debate to raise concerns about what is happening in my very well regarded hospital trust—the Mayday trust. It recently benefited from significant investment in the capital of its building, but now faces a £6.8 million overspend that is described by the departing chief executive as a significant financial problem. Indeed, it is a problem that will also be worrying staff, as it is expected that several rounds of reductions in posts, and some redundancies, will have an adverse effect on the performance of this excellent trust.

I listened closely to what the hon. Member for Keighley (Mrs. Cryer) said about supporting the elderly, because the Mayday trust has found it necessary to close down a ward that was dedicated to such support. In times of financial difficulty, inappropriate decisions are often made whereby services are in effect forced to transfer to other parts of the public sector, often to areas where the eventual cost of care will be greater than it would have been for the authority that has been trying to transfer it to others.

I am also worried about the distorting effects of centrally set targets on my local primary care trust. Croydon PCT found it necessary, in its desire to match a Government short-term target for the completion of operations, to pay over the odds for evening and weekend operations. The PCT's director of commissioning said:

> "We geared up to achieve a target, now we have got where we have to go and we don't need that extra capacity.
>
> I am not going to pretend that we wouldn't wish we had more money but having reached the target if we keep spending at this rate we are going to overspend."

Ministers will be pleased to know that the PCT was keen to live within its means. However, it found it necessary to spend an extra £500,000 because of its desire to meet a short-term target, which would later lead to an overall reduction in services to my constituents.

I am also worried about the future of an important investment that was made in the walk-in centre in Croydon. Estimates show that it has been successful in serving 32,000 visitors a year. It is an important service, especially when we bear in mind that it deals with many unregistered people, often migrants from Lunar house. That nurse-led service, which relied on support from

[Mr. Andrew Pelling]

doctors, now finds that, despite the good investment that has been made, it is no longer able to afford doctor support.

Those are examples of permanent damage and inefficient public investment in the health service, which can happen when one is confronted by short-term crises in investment and the ineffective application of centrally set targets.

9.21 pm

Stephen Hammond (Wimbledon) (Con): I want to make two brief points. First, I welcome the two new Ministers—the hon. Members for Leigh (Andy Burnham) and for Bury, South (Mr. Lewis)—to their posts and wish them success. I have sat through the long debate, in which we had, with one notable exception, thought-provoking, valid contributions of quality.

My first point is a macro point. No hon. Member wants the NHS to be out of financial balance. However, the Government's macro reality is that they are spending £96 billion on the NHS, whereas my micro reality is that my local acute hospital and my PCT are in deficit. The Government's macro reality is that, as the Secretary of State said, the financial problems are always created by the trusts. That is not so. The bulk of my constituents in Wimbledon look to St. George's as their acute hospital, which is in the constituency of the hon. Member for Tooting (Mr. Khan). I have spoken to the financial director, Mr. Colin Gentile, and the turnaround team has done a good job. However, one of the problems that exacerbated the deficit was the inability of the Department of Health to get its tariffs correct in the first place. Although the Government say that the problems are always caused by the trusts, that is not the case.

Secondly, let me consider the local point. The hon. Member for Mitcham and Morden (Siobhain McDonagh), who is no longer in her place, made an ill-tempered contribution, in which she allowed no interventions. Her constituency is next to mine and we share a borough council and a health reality. The health reality that she portrayed was not that that some of us experience. Yes, several improvements have taken place at Sutton and Merton PCT but she should also have said that it has deficits. Some are due to overspending, which it needs to put right, but others, as in the case of St. George's healthcare trust, are due to a problem about which it could do nothing. An arbitration settlement from three years ago hit it. Community practice nurses, the district nursing service and the home health visiting service are consequently being cut. The White Paper states that community health provision should not be cut as a result of short-term budgetary issues. I ask Ministers to think about that.

The hon. Member for Mitcham and Morden also spoke a lot about the "Better Healthcare Closer to Home" project, and about her supposedly great victory in retaining St. Helier hospital. St. Helier was never going to be closed: it was either going to be a local care centre or an acute care trust. She misrepresented the situation several times, and I look forward to reading *Hansard* carefully tomorrow and, I hope, making some points of order and asking for some corrections.

The overwhelming point is that, although the Secretary of State granted the hospital a reprieve as an acute care trust, she failed to consider what would happen to the local care trusts. As a result of that decision, the whole "Better Healthcare Closer to Home" project has now gone into abeyance, and the business case has been distorted. My constituents in Wimbledon, who want to see excellent local primary care delivered through the local care hospital, can no longer be certain that that will happen, either in the given time scale or at all. I am seeking reassurance from the Ministers that it will happen.

9.25 pm

James Brokenshire (Hornchurch) (Con): This is a timely debate, given the considerable uncertainty in the national health service, both nationally and in my local area. My local acute trust has overspent by £24 million, which means that it will have to make considerable savings. There is no doubt about that. Some of the reasons for the overspend are quite interesting. The trust talks about an overspend from the last financial year, as well as about money that needs to be spent over the next year in order to meet Government targets and to comply with other financial pressures. Therein lies the message.

Health trusts have tried hard to meet the various targets that the Government have set. They have had to reduce waiting times and perform a certain number of operations and procedures, for example, in order to meet those targets. The problem is that, in doing so, they have overspent. It is a bit rich of Ministers to point the finger at health trust bosses who have done their bidding and performed the tasks that they were asked to perform, and who are now being threatened with the sack because they have overspent. The Government cannot have it both ways, and it is absurd that they appear to want to take that position.

It is likely that 190 beds will be lost in the hospital sector in my local health community. That is partly due to relocation to a new hospital site funded by a public-private partnership. I welcome the creation of the new health facilities, provided that they are used effectively and properly. My concern, however, is that that is not going to happen, because efficiencies—such as those relating to the use of theatre time—that need to be put in place now have not been followed through properly.

In the Secretary of State's opening speech, she commented on the fact that my local hospital trust was going to make savings from the temporary agency staff budget. That might be quite clear, but she appeared to pass over the issue on the ground that that meant that there would be no loss of clinical staff on the front line. I simply do not accept that. While those savings are part of the recovery plan that the health trust is putting in place, it seems clear to me that the jobs of permanent front-line staff will be threatened.

The comments made by the chief executive of the health authority are germane to this argument. He said:

> "I hope we will not have to make any more reductions in staff—650 is a large number and will help to make substantial savings, but I cannot guarantee that there will not be further reductions next year."

We are talking about problems that are being experienced now, but I perceive that there will be significant problems next year, as we suddenly realise that the necessary

savings cannot be made and that more pressures are being brought to bear. As the chief executive of my health trust is suggesting, more job savings on the front line might be needed. Locally, there is considerable uncertainty. The local health economy faces a number of challenges, which the professionals, nurses and doctors are working extremely hard to meet, but the threats are there.

Mr. Michael Wills (North Swindon) (Lab): Will the hon. Gentleman give way?

James Brokenshire: I am afraid that there is not enough time, given that the wind-ups are about to start.

We are constantly told that what is going on is all down to local decision making. Therefore, the Government are in some way off the hook. However, I draw the Minister's attention to the fact that PCTs and other health bodies must adhere to the framework set by the Department of Health. Priorities set from the centre must be adhered to, spending levels must be followed and increases in spending cannot be applied elsewhere. The suggestion that it is all about local decision making and local management misses the point. It is about central direction, the priorities set by Government and failures from the centre. The localities must deal with that, but the problems are caused by the centre.

9.30 pm

Mr. Stephen O'Brien (Eddisbury) (Con): I welcome the new Minister of State, the hon. Member for Leigh (Andy Burnham), and the new Under-Secretary, the hon. Member for Bury, South (Mr. Lewis) to their posts. I also welcome the promotion of the former Under-Secretary of State, the hon. Member for Don Valley (Caroline Flint) to Minister of State.

We are here to hold the Secretary of State to account for the shambolic way in which she has mismanaged the finances of our national health service. She somehow avoided the Prime Minister's Cabinet purge last week. More than anything else, the Prime Minister's fatigue with the NHS is shown by the fact that he is happy for it to limp on under her misdirection. With the continued incompetent leadership of the Department of Health, it is timely that we should provide the Government with the chance to bring in a turnaround team.

In this debate, we have heard countless examples of the impact of that incompetence on constituents of Members on both sides of the House, and of the cuts in front-line patient services as a result of those financial pressures. We heard first from the Chairman of the Health Committee, the right hon. Member for Rother Valley (Mr. Barron), and methinks he doth protest a bit too much. Having given the Secretary of State a lesson in how to deploy statistics, he should reflect on the way in which his speech was analysed by the former Secretary of State for Health, my right hon. Friend the Member for Charnwood (Mr. Dorrell), who spoke immediately afterwards. He described accurately how and why many members of the national health service reacted to the Secretary of State as they did. He showed that the constant reorganisation and the way in which things have gone full circle have caused a serious collapse in morale, and that frustration and anger have been caused by the constant management changes from the centre, leading to mismanagement of resources. That illustrated the real difference between the approach taken by the governing party and the alternative.

We also heard the hon. Member for Wyre Forest (Dr. Taylor), who is in his place, talk from experience about the fear that underlies the quality of care issues. Apart from advocating the return of matrons, which is close to the Opposition's heart, he told us how reforms needed to be put on hold for a moment.

We heard an interesting contribution from the hon. Member for Dartford (Dr. Stoate), a practising doctor, who described the increase in pay for doctors as of some interest. I do not think that he is in his place at the moment. He was followed by the hon. Member for High Peak (Tom Levitt), whose many interventions must have lasted as long as his speech. He made only one point that I thought was worth putting on record—about the difficulty of being on the border between two English regions and the disparities that that creates. I ask him to consider the problems of being on the border with Wales. The health provision for my constituents in Farndon is completely different from that for those in Holt in Wales, 200 yd across the River Dee. Those disparities are caused by the ill-thought-through devolution of health in Wales.

One of the most interesting experiences in a long debate was the speech by the hon. Member for Mitcham and Morden (Siobhain McDonagh), who, after relating some personal stories, delivered one of the longest ranting press releases that any of us has had to hear. On the question of health inequalities, she made the serious point that the Secretary of State was advised by the director of public health in London, Dr. Sue Atkinson, who, I am told, said that the Secretary of State's decision was precisely the wrong one to address the health inequalities in her area. No wonder the hon. Lady did not like the professional health establishment. Not surprisingly, none of its members agreed with her, or, indeed, with the Secretary of State.

We then heard rather a long speech by the hon. Member for Colne Valley (Kali Mountford). We also heard some interesting definitions of markets from the hon. Member for Southport (John Pugh). I think we were all genuinely moved by the personal testimony of the hon. Member for Keighley (Mrs. Cryer), which was much appreciated.

It may have gone unnoticed by many Members that, having described her own experiences, the hon. Member for North-East Derbyshire (Natascha Engel) referred emphatically to the patients forums. She hoped that they would continue doing work that she thought would be useful. In fact, it has been announced that they will be scrapped. After much argument—not least an argument in which I was personally involved—the Government replaced the community health councils, which were scrapped. Yet again there had been a false claim by the Prime Minister, for which he had to apologise to me in a three-page letter, that he had consulted before he decided to axe them.

However, the hon. Lady also made an important point with which I think all Members would agree—that we should send our good wishes to the Doorkeeper Calvin Thomas. Some of us were around

[Mr. Stephen O'Brien]

when he collapsed, and I think the whole House will welcome the news that he has undergone a successful operation.

The hon. Member for Kingston upon Hull, North (Ms Johnson) was, of course, perfectly entitled to say that the NHS was a political issue, but she implied that if people did not agree with her about the way in which it was funded, they were clearly not in favour of the service itself. All Members throughout the House agree that it should be a national health service, free at the point of need and supported by central taxation, with equity of access.

At the time of the most recent general election, there was a clear commitment from the official Opposition to expenditure equal to the amount proposed by the Government and announced by the Chancellor for the period up to 2008, however the money was to be raised. The Government have not committed themselves to any amount beyond 2008. The suggestion being made in the Whips' handouts to the parliamentary Labour party is therefore a complete Aunt Sally. I have some of the notes here. The main argument that features in the material that the Whips keep handing out to Labour Members—they have done it before every health debate in which I have been involved for the past few months—is that there is a distinction between us when it comes to funding. There is not. We made a total commitment to the same level of funding as the Government's until 2008. The question concerns the way in which it is spent, how the Department of Health is led and the competence of the Secretary of State, her Ministers and the leadership of the Department of Health.

We heard a measured and thoughtful speech from my hon. Friend the Member for Mid-Sussex (Mr. Soames), who plainly felt that support for the health service was universal but that there was deep disappointment about the absence of productivity gains. He came up with an idea that we should all consider, involving the possibility of an equivalent of a professional training college for public service employees.

My hon. Friend the Member for New Forest, West (Mr. Swayne) was very articulate in demystifying issues relating to the perceptions of many people in constituencies about the needs that can be serviced by the NHS. I am sure that his constituents will be extremely grateful to him for ensuring that the Secretary of State personally heard his advocacy on behalf of those who are suffering serious delays, especially in connection with digital hearing aids, and what he said about the closure of community hospitals on his patch. They will hope that the Secretary of State takes the appropriate action.

My hon. Friend the Member for Guildford (Anne Milton) spoke of her personal experience of the health service. In particular, she stood up for her constituents in Cranleigh. She is finding it very difficult to get any Minister to take account of their health needs.

One Labour Member described her party's "greatest achievement", so I shall use the same phrase to describe my hon. Friend the Member for Northampton, South (Mr. Binley), who is our party's greatest achievement. Displaying his experience of management and gaining value for money, he invited the Minister to visit Northampton and see for herself what was needed there.

My hon. Friend the Member for Basingstoke (Mrs. Miller) expressed her clear expectation that health care provision should be redirected toward the primary end. However, the health budget has not been adjusted sufficiently to make that deliverable. The Government have resorted to policy rhetoric and failed to provide the mechanism to deliver such provision. My hon. Friends the Members for Croydon, Central (Mr. Pelling) and for Wimbledon (Stephen Hammond) identified on their constituents' behalf the need for efficient investment in the health service, and to balance finances in order to respond to local need. That point was reflected by my hon. Friend the Member for Hornchurch (James Brokenshire), who discussed costs.

We have to make it clear that the issue in today's debate, as my hon. Friend the Member for Mid-Sussex said, is the competence of the Secretary of State, not of the hard-working doctors and nurses whom we support, and who are doing their best to deliver health care for our constituents. The shadow Secretary of State made with forensic skill—as skilfully as if he had used a surgeon's knife—the case for the prosecution concerning the financial competence of the Secretary of State, her Ministers and the Department of Health.

Most people will agree that, sadly, the Secretary of State's reply was flat-footed and a touch too shrill. If there had been a bucket of sand in the Chamber, Mr. Speaker, you would have believed that, ostrich-like, she had her head buried in it. The problem is not only what she says, but the way in which she says it. Hard-working doctors and nurses—let alone the public at large—are fed up to the back teeth with being talked down to, and with everything being larded with a smile from here to Australia.

Let me recap the howlers that have been committed. The Secretary of State has not listened to NHS staff or to patients. She has consistently meddled and interfered, using centralised, top-down management under the cloak of the word "local", and ducking the blame as her meddling goes wrong. *[Interruption.]* Now her Parliamentary Private Secretary, who is from Scotland and has absolutely no relevance to this debate whatever, is trying to intervene from a sedentary position. The Secretary of State has presided over 13,000 job losses so far, with more expected to be announced any day. She has consistently underestimated the deficits, leading directly to real cuts in front-line patient services. She botched a needless reorganisation, and is now returning the organisation of the NHS to a map that applied until 2002.

The Secretary of State has allowed health inequalities to widen. More community hospitals are closing or being cut as we speak. She has had an adverse impact on training and employment throughout the service. Her handling of Herceptin was a fiasco, as my hon. Friend—and neighbour—the Member for North Shropshire (Mr. Paterson) forcefully highlighted. She miscalculated the demand for flu drugs by forgetting about Scotland, Wales and Northern Ireland. She underestimated the new doctors' and consultants' contracts, introduced a shambolic dental contract and wasted time and money delaying

the Barts private finance initiative. This year she is underfunding hospitals, and according to the *Health Service Journal*, the tariff was a "total cock-up". She has had to cut back, backtrack and apologise, and she has allowed the home oxygen service to collapse. She has made little progress on the targets for methicillin-resistant Staphylococcus aureus, and her NHS information technology programme is behind schedule, under fire from the experts and of uncertain cost—and what a cost.

The Secretary of State failed to get the Chancellor to address the NHS at all in the Budget. She axed the Mental Health Bill and allowed her Ministers to make spending commitments without the money to support them. Public health campaigns—notably the bowel cancer screening programme—have been severely delayed on her watch. Failure is rewarded with the spending of taxpayers' money in the Department of Health. The Under-Secretary with direct responsibility for public health was promoted. Before the reshuffle there were two Ministers of State and two Under-Secretaries; now there are three Ministers of State and one Under-Secretary. That amounts to a 3 per cent. pay rise within the faction of Ministers—at the very time when doctors and nurses are losing their jobs as a result of their financial mismanagement. Finally, the Secretary of State then tried to blame it all on the Conservatives.

To try to mitigate the financial mismanagement of the NHS, the Secretary of State has sent turnaround teams into the most troubled trusts. The full cost, like so much else, has been kept hidden. There is clearly a pattern, and we must look carefully at it. Of course the NHS deficit is the biggest scandal. It is the legacy that the Secretary of State will leave behind when the Prime Minister next needs to clear the headlines with a reshuffle. Indeed, it is the legacy that the Prime Minister will leave: he will be remembered as the leader of a Labour Government who could not be trusted with the NHS.

The Secretary of State has consistently underestimated the deficits and refused to come clean about the scale of them. If she covers up some failings with the empty cacophony of the restructuring programme, others are hidden by a deafening silence. Our national health service is too important for that. We want it to succeed, and we want it to succeed now. To remedy the financial mismanagement today, we need a turnaround team to go into the Department of Health today.

The Secretary of State survived last week's Cabinet purges, but turnaround in the Department is needed and her past form shows that she is not the person to deliver it. Bring on the turnaround team to reverse the decline of the NHS over which she has presided. I commend the motion to the House.

9.45 pm

The Minister of State, Department of Health (Andy Burnham): I thank the hon. Member for Eddisbury (Mr. O'Brien) and others for their kind words of welcome. Love identity cards as I do, it is nice to be back on home ground. I do not know whether the hon. Member for Wellingborough (Mr. Bone) had me in mind when he said that he thought that the Government were more interested in spin doctors than real doctors, but I can assure him that I did a real job once in my life, for the NHS Confederation, and I have served on the Health Committee, so I am not entirely new to health policy.

I pay tribute to my predecessor, my right hon. Friend the Member for Liverpool, Wavertree (Jane Kennedy). She can point to real improvements during her time in office that will be of direct benefit to patients, including the speeding up of the NICE appraisal process and, more recently, the conclusion of deals for the rebuilding of Barts and new hospitals in Birmingham and—closer to home for both of us—St. Helens. I hope to build on her work.

We have had a debate of two halves. We have heard serious contributions, raising legitimate points, from Labour Members, and some thoughtful contributions from Opposition Members, including the hon. Members for Mid-Sussex (Mr. Soames) and for Wyre Forest (Dr. Taylor). I listened carefully to every contribution and as a Minister new to the Department I was encouraged by the picture of progress on the ground that my colleagues mentioned. It was nice, too, that some balance was injected into the debate after the frenzy and overstatement from others. I am under no illusions about the difficult reality in some localities, but balance is important. The NHS is improving, and we have heard about that today.

On the other side of the debate today we have seen the unedifying spectacle of some Opposition Members being determined to talk down the NHS. Today's debate was all about destabilising the NHS and seeking to create crisis—a word used by several Opposition Members today. Their plan to do so will fail, because it is not backed up by the facts. We had overstatement and bluster from the hon. Member for Eddisbury and the hon. Member for South Cambridgeshire (Mr. Lansley). However, I got the impression that the latter's heart was not in it. I have a great deal of respect for him and he has a detailed grip of health policy, but his troops were not with him. Nor were they with the hon. Member for Eddisbury just now. That is because the facts do not bear out what they were saying.

At one point, the hon. Member for South Cambridgeshire feigned outrage. He said that patients were waiting nearly six months for an operation. That is a long time and we are determined to reduce it. Despite the problems in some areas, we will bring it down to a maximum of 18 weeks. However, I remind the hon. Gentleman that in March 1997 283,866 people had waited more than six months for an operation. Only 74 people were in that position in January this year, yet Opposition Members still claim that we have made no progress and still they talk of crisis.

I was pleased to hear the balanced contribution from the hon. Member for Northavon (Steve Webb). He mentioned the real improvements we have seen and he rightly reminded the House of the appalling record of the Conservatives in government. He was right, too, to draw attention to the collective amnesia that they have about policies such as the patient's passport. Only seconds ago, the hon. Member for Eddisbury said that there was no difference between us at the general election and that the Conservatives were committed to the same level of spending. He forgot to say that they were committed to a policy that would have taken millions of pounds out of the national health service. That has been airbrushed from history by the Conservatives and their leader.

[Andy Burnham]

They have forgotten about it. We will not forget about it. We know the damage that they have done.

The hon. Member for Northavon gave us a familiar Liberal Democrat refrain and railed against central targets but, if they were the problem, the same pressures would be replicated across the country. We have heard today that the vast majority of NHS organisations are doing well and improving their services, so it too simplistic for the Liberal Democrats to blame everything on central targets. They have brought about real improvements for patients across the country, and it is right that we should continue with them.

I was very pleased to hear the authoritative and knowledgeable contribution from my right hon. Friend the Member for Rother Valley (Mr. Barron), the Chairman of the Health Committee. He injected a note of reason and perspective into this fevered debate, and those who care about the NHS should listen to what he had to say. He painted a picture of improvement across the board in the NHS, and he was right to do so.

As a Minister new to his post, I welcome the inquiry into NHS deficits to which my right hon. Friend the Member for Rother Valley referred. It will be a useful exercise, and I look forward to working with the Select Committee on it. My right hon. Friend is a Yorkshireman and so made some characteristically robust comments about the RCN and its recent conference. I am only two days into my job, so I hope that I will be forgiven for not commenting directly on those remarks, but I am sure that people outside the House will have heard exactly what he said.

I was pleased that the right hon. Member for Charnwood (Mr. Dorrell) contributed to the debate, and am glad that he is back in his place. He reminded us, helpfully, of what the NHS was like in 1996, when he was in control. I was a mere Labour health researcher then, and I remember the right hon. Gentleman well. I felt that he was battling like mad to get more money into the NHS, and that he believed in it when all those around him did not.

However, the right hon. Member for Charnwood was not able to get more money into the NHS. I remember children in the north-west being turned away from paediatric intensive care beds, and the long trolley waits in accident and emergency departments. I also remember the winter hell that recurred—to use the right hon. Gentleman's own phrase—year on year on year.

Mr. Dorrell *rose—*

Mr. Paterson *rose—*

Andy Burnham: I remember the postcode prescribing lottery, and GP fundholding.

Mr. Paterson Will the Minister give way?

Mr. Speaker: Order. The Minister is not giving way. The hon. Gentleman is being very noisy—very noisy indeed.

Andy Burnham: The right hon. Member for Charnwood said in this debate that GP fundholding was being reintroduced, but I remind him of the inequitable situation that existed when there were fundholding GPs, and non-fundholding GPs.

Mr. Dorrell *rose—*

Mr. Paterson: Will the Minister give way on that point?

Andy Burnham: I will not give way to the hon. Gentleman. That completely arbitrary system gave people differential access to secondary care, and it would never be countenanced by this Government. I give way to the right hon. Member for Charnwood.

Mr. Dorrell: I am grateful to the Minister for giving way. When I was Secretary of State for Health, our policy was to encourage every GP who so wanted to become a GP fundholder. The Government's policy is to encourage every GP to engage in practice-based commissioning. Will he explain the difference to the House?

Andy Burnham: I will. The bureaucracy created by the right hon. Gentleman's system was strangling the NHS. As I said, he was not able to get the then Chancellor, the right hon. and learned Member for Rushcliffe (Mr. Clarke), to pay for the expansion that he envisaged. I listened carefully to the lecture that the right hon. Gentleman gave Ministers today, but it was undermined somewhat by what the shadow Secretary of State told the House in his contribution. He said that the percentage deficit was higher when the Tories left office than it is now, and gave the bizarre explanation that that was because the then Conservative Government were preparing to be succeeded by a Labour Government. I do not accept that: the large deficits that existed when the right hon. Member for Charnwood left his post as Secretary of State for Health were partly due to the fact that the previous Conservative Government would not put the money in.

As always, my hon. Friend the Member for Dartford (Dr. Stoate) spoke from the front line with great passion and knowledge. He was absolutely right to say that we must move to self-sufficiency in work force planning, and that we should blur the boundary between secondary and primary care. He also rightly drew attention to the Kaiser Permanente model, where specialists work alongside primary care workers. I believe that the LIFT centres that this Government have created in areas such as mine will enable us to make changes to that model of care so that secondary care services can be delivered in communities, and my hon. Friend the Member for Kingston upon Hull, North (Ms Johnson) was absolutely right to draw attention to that.

The hon. Member for Mid-Sussex made a measured contribution. His trust is dealing with financial pressures and the Department has offered support through the turnaround team. He made an impassioned call for decentralisation. I share that aim, which is precisely what foundation trusts are about. It is not just for professionals and managers to make local decisions; it is for local people on the boards of their hospitals. We are committed to seeing all trusts become foundation trusts.

My hon. Friend the Member for High Peak (Tom Levitt) spoke knowledgeably about issues in his

local health service. He said that there were no redundancies, which is the case in the vast majority of constituencies.

The hon. Member for New Forest, West (Mr. Swayne) drew attention to access to GP services and told us that there were 60 GPs per 100,000 people in the New Forest PCT. That may be so, but there are only 45 GPs per 100,000 in my PCT, so I hope that the hon. Gentleman understands that there are great needs in constituencies such as mine. We have to ensure that there is fairness and that resources go where they are most needed.

My hon. Friend the Member for Mitcham and Morden (Siobhain McDonagh) spoke about the situation in south London. I listened carefully as she told us about the excellent care that her parents receive. I served on the Health Committee with my hon. Friend, where she always spoke fearlessly about the problems faced in her local health service. I welcome what she said today.

The hon. Member for Wyre Forest (Dr. Taylor), with whom I also served on the Select Committee, mentioned its report on foundation trusts. If I remember correctly, he was one of those making dire, apocalyptic predictions when foundations trusts were being created. The predictions did not come true. Foundation trusts have been shown to work; they are a success. We do not want unnecessary reorganisation, but we do not want to stand still either. Where reorganisation is good for the NHS we should get on with it.

My hon. Friend the Member for Colne Valley (Kali Mountford) made a passionate speech, as did my hon. Friend the Member for Keighley (Mrs. Cryer) who spoke of her personal experiences. I pay tribute to her.

The hon. Members for Southport (John Pugh) and for Guildford (Anne Milton) made intelligent speeches. My hon. Friend the Member for North-East Derbyshire (Natascha Engel) made a particularly important point about strengthening the patient voice in the NHS—I have heard her remarks. She also asked us to send good wishes to the Doorkeeper, Calvin Thomas. I am pleased that she went across the river to visit him. I hope that the whole House will send him good wishes. As someone who debated football with him from the opposite side of the Merseyside debate, I hope that his recovery will not be halted by Liverpool's defeat in the FA cup final at the weekend.

The hon. Member for Northampton, South (Mr. Binley) made an entertaining speech. I listened carefully to his invitation and I will go to Northampton, but I want him to involve my hon. Friend the Member for Northampton, North (Ms Keeble) who has been discussing the issues with my right hon. Friend the Secretary of State. Let us work through them.

My hon. Friend the Member for Kingston upon Hull, North made the important point that the NHS is intensely political. Opposition Members, in a self-serving argument say, "Let's take the politics out of the health service—there's no real debate between us". Well, there are differences between us. The Labour party created the NHS; we believe in it and we believe in its future. There will continue to be major differences between us. My hon. Friend is right to reject the Conservative attempt to neutralise health. She was absolutely on the button when she made that point today.

There were interesting contributions from the hon. Members for Basingstoke (Mrs. Miller), for Croydon, Central (Mr. Pelling), for Wimbledon (Stephen Hammond) and for Hornchurch (James Brokenshire). I am sure that their points will have been heard.

In conclusion, I do not hide from the fact that this is likely to be a tough year for parts of our national health service and for the staff who work in it. But there are no major compulsory redundancy exercises, nor shall we be deflected from saying that the NHS is making outstanding progress.

As we reach the end of the debate, I urge Members to reflect on what they have heard from the Opposition. Conservative Front Benchers want to unpick and break the coalition of support that sustains the NHS, but whenever they add their voice in support of those whom they have never supported we have to ask why. Their aim is not save jobs or secure better conditions; they seek to undermine public confidence in the NHS and to splinter its support base. They propose vouchers and privatisation.

The Conservatives tell us that they have changed, but I remember the hon. Member for Woodspring (Dr. Fox), now a member of the shadow Cabinet, telling us about his four-point plan—his secret plan to destabilise the NHS—but we will have none of it. When the Tories talk about the NHS, we know that they will never change their colours. When people vote blue, they get blue with the NHS, and it is misery for people who work in the NHS on the front line. I am proud of what the Government have achieved, and I will defend it—

Mr. Patrick McLoughlin (West Derbyshire) (Con) *rose in this place and claimed to move*, That the Question be now put.

Question, That the Question be now put, *put and agreed to.*

Question put accordingly, That the original words stand part of the Question:—

The House divided: Ayes 236, Noes 309.

Division No. 225] **[10 pm**

AYES

Afriyie, Adam	Brazier, Mr. Julian
Ainsworth, Mr. Peter	Bread, Mr. Colin
Alexander, Danny	Brokenshire, James
Amess, Mr. David	Brooke, Annette
Ancram, rh Mr. Michael	Browne, Mr. Jeremy
Arbuthnot, rh Mr. James	Browning, Angela
Atkinson, Mr. Peter	Bruce, Malcolm
Bacon, Mr. Richard	Burns, Mr. Simon
Baldry, Tony	Burrowes, Mr. David
Barker, Gregory	Burstow, Mr. Paul
Baron, Mr. John	Burt, Alistair
Barrett, John	Burt, Lorely
Benyon, Mr. Richard	Butterfill, Sir John
Bercow, John	Cable, Dr. Vincent
Binley, Mr. Brian	Campbell, Mr. Gregory
Blunt, Mr. Crispin	Campbell, rh Sir Menzies
Bone, Mr. Peter	Carmichael, Mr. Alistair
Boswell, Mr. Tim	Carswell, Mr. Douglas
Brady, Mr. Graham	Cash, Mr. William
Brake, Tom	Chope, Mr. Christopher

Clappison, Mr. James
Clark, Greg
Clarke, rh Mr. Kenneth
Clegg, Mr. Nick
Clifton-Brown, Mr. Geoffrey
Cormack, Sir Patrick
Cox, Mr. Geoffrey
Crabb, Mr. Stephen
Curry, rh Mr. David
Davey, Mr. Edward
Davies, David T.C. *(Monmouth)*
Davies, Philip
Davis, rh David *(Haltemprice and Howden)*
Djanogly, Mr. Jonathan
Dodds, Mr. Nigel
Donaldson, Mr. Jeffrey M.
Dorrell, rh Mr. Stephen
Dorries, Mrs. Nadine
Duddridge, James
Duncan, Mr. Alan
Duncan Smith, rh Mr. Iain
Dunne, Mr. Philip
Ellwood, Mr. Tobias
Evans, Mr. Nigel
Fabricant, Michael
Fallon, Mr. Michael
Farron, Tim
Featherstone, Lynne
Field, Mr. Mark
Foster, Mr. Don
Fox, Dr. Liam
Francois, Mr. Mark
Fraser, Mr. Christopher
Gale, Mr. Roger
Garnier, Mr. Edward
Gauke, Mr. David
George, Andrew
Gibb, Mr. Nick
Gidley, Sandra
Gillan, Mrs. Cheryl
Goodman, Mr. Paul
Goodwill, Mr. Robert
Gove, Michael
Gray, Mr. James
Grayling, Chris
Green, Damian
Greenway, Mr. John
Grieve, Mr. Dominic
Gummer, rh Mr. John
Hammond, Stephen
Hancock, Mr. Mike
Hands, Mr. Greg
Harper, Mr. Mark
Harris, Dr. Evan
Harvey, Nick
Hayes, Mr. John
Heald, Mr. Oliver
Heath, Mr. David
Hemming, John
Hendry, Charles
Herbert, Nick
Hermon, Lady
Hoban, Mr. Mark
Hollobone, Mr. Philip
Holmes, Paul
Horam, Mr. John
Horwood, Martin
Howarth, David
Howarth, Mr. Gerald
Hughes, Simon
Hunt, Mr. Jeremy
Hunter, Mark
Hurd, Mr. Nick
Jack, rh Mr. Michael
Jackson, Mr. Stewart
Jenkin, Mr. Bernard
Johnson, Mr. Boris
Kawczynski, Daniel
Key, Robert
Kirkbride, Miss Julie
Knight, rh Mr. Greg
Kramer, Susan
Laing, Mrs. Eleanor
Lait, Mrs. Jacqui
Lamb, Norman
Lancaster, Mr. Mark
Lansley, Mr. Andrew
Leech, Mr. John
Leigh, Mr. Edward
Letwin, rh Mr. Oliver
Lewis, Dr. Julian
Liddell-Grainger, Mr. Ian
Lidington, Mr. David
Lilley, rh Mr. Peter
Llwyd, Mr. Elfyn
Loughton, Tim
Luff, Peter
Mackay, rh Mr. Andrew
Maclean, rh David
Malins, Mr. Humfrey
Maples, Mr. John
Mates, rh Mr. Michael
May, rh Mrs. Theresa
McIntosh, Miss Anne
McLoughlin, rh Mr. Patrick
Mercer, Patrick
Miller, Mrs. Maria
Milton, Anne
Mitchell, Mr. Andrew
Moore, Mr. Michael
Moss, Mr. Malcolm
Mulholland, Greg
Mundell, David
Murrison, Dr. Andrew
Newmark, Mr. Brooks
O'Brien, Mr. Stephen
Öpik, Lembit
Osborne, Mr. George
Ottaway, Richard
Paice, Mr. James
Paterson, Mr. Owen
Pelling, Mr. Andrew
Penning, Mike
Pickles, Mr. Eric
Prisk, Mr. Mark
Pritchard, Mark
Pugh, John
Randall, Mr. John
Redwood, rh Mr. John
Rennie, Willie
Rifkind, rh Sir Malcolm
Robathan, Mr. Andrew
Robertson, Hugh
Robertson, Mr. Laurence
Robinson, Mrs. Iris
Robinson, Mr. Peter
Rogerson, Mr. Dan
Rosindell, Andrew
Rowen, Paul
Russell, Bob
Sanders, Mr. Adrian
Scott, Mr. Lee
Selous, Andrew
Shapps, Grant
Shepherd, Mr. Richard
Simmonds, Mark
Simpson, David
Simpson, Mr. Keith
Smith, Sir Robert
Soames, Mr. Nicholas
Spelman, Mrs. Caroline
Spicer, Sir Michael
Spink, Bob
Spring, Mr. Richard
Steen, Mr. Anthony
Streeter, Mr. Gary
Stuart, Mr. Graham
Stunell, Andrew
Swayne, Mr. Desmond
Swinson, Jo
Swire, Mr. Hugo
Syms, Mr. Robert
Tapsell, Sir Peter
Taylor, Mr. Ian
Taylor, Matthew
Taylor, Dr. Richard
Teather, Sarah
Tredinnick, David
Turner, Mr. Andrew
Tyrie, Mr. Andrew
Vaizey, Mr. Edward
Vara, Mr. Shailesh
Viggers, Peter
Villiers, Mrs. Theresa
Walker, Mr. Charles
Wallace, Mr. Ben
Waterson, Mr. Nigel
Watkinson, Angela
Webb, Steve
Whittingdale, Mr. John
Widdecombe, rh Miss Ann
Wiggin, Bill
Willetts, Mr. David
Williams, Hywel
Williams, Mark
Williams, Mr. Roger
Williams, Stephen
Willis, Mr. Phil
Wilshire, Mr. David
Wilson, Mr. Rob
Wilson, Sammy
Winterton, Ann
Winterton, Sir Nicholas
Wright, Jeremy
Yeo, Mr. Tim
Young, rh Sir George

Tellers for the Ayes:
Mr. Henry Bellingham and Mr. David Evennett

NOES

Abbott, Ms Diane
Ainger, Nick
Ainsworth, rh Mr. Bob
Alexander, rh Mr. Douglas
Allen, Mr. Graham
Anderson, Mr. David
Anderson, Janet
Armstrong, rh Hilary
Atkins, Charlotte
Austin, Mr. Ian
Bailey, Mr. Adrian
Balls, Ed
Banks, Gordon
Barlow, Ms Celia
Barron, rh Mr. Kevin
Battle, rh John
Bell, Sir Stuart
Benn, rh Hilary
Benton, Mr. Joe
Berry, Roger
Betts, Mr. Clive
Blackman-Woods, Dr. Roberta
Blears, rh Hazel
Blizzard, Mr. Bob
Blunkett, rh Mr. David
Borrow, Mr. David S.
Bradshaw, Mr. Ben
Brown, Lyn
Brown, rh Mr. Nicholas
Brown, Mr. Russell
Browne, rh Mr. Des
Bryant, Chris
Buck, Ms Karen
Burden, Richard
Burgon, Colin
Burnham, Andy
Butler, Ms Dawn
Byers, rh Mr. Stephen
Byrne, Mr. Liam
Cabom, rh Mr. Richard
Cairns, David
Campbell, Mr. Ronnie
Caton, Mr. Martin
Cawsey, Mr. Ian
Challen, Colin
Chapman, Ben
Chaytor, Mr. David
Clapham, Mr. Michael
Clark, Ms Katy
Clark, Paul
Clarke, rh Mr. Charles
Clarke, rh Mr. Tom
Clelland, Mr. David
Coaker, Mr. Vernon
Coffey, Ann
Connarty, Michael
Cook, Frank
Cooper, Rosie
Cooper, Yvette
Corbyn, Jeremy
Cousins, Jim
Crausby, Mr. David
Creagh, Mary
Cruddas, Jon
Cryer, Mrs. Ann
Cummings, John
Cunningham, Mr. Jim
Cunningham, Tony
Darling, rh Mr. Alistair
David, Mr. Wayne
Davidson, Mr. Ian
Dean, Mrs. Janet
Denham, rh Mr. John
Devine, Mr. Jim
Dhanda, Mr. Parmjit
Dismore, Mr. Andrew
Dobbin, Jim
Donohoe, Mr. Brian H.
Doran, Mr. Frank
Dowd, Jim

Drew, Mr. David
Dunwoody, Mrs. Gwyneth
Eagle, Angela
Eagle, Maria
Efford, Clive
Ellman, Mrs. Louise
Engel, Natascha
Ennis, Jeff
Etherington, Bill
Field, rh Mr. Frank
Fisher, Mark
Fitzpatrick, Jim
Flello, Mr. Robert
Flint, Caroline
Flynn, Paul
Follett, Barbara
Foster, Mr. Michael *(Worcester)*
Francis, Dr. Hywel
Gardiner, Barry
George, rh Mr. Bruce
Gerrard, Mr. Neil
Gibson, Dr. Ian
Gilroy, Linda
Godsiff, Mr. Roger
Goggins, Paul
Goodman, Helen
Griffith, Nia
Griffiths, Nigel
Grogan, Mr. John
Gwynne, Andrew
Hain, rh Mr. Peter
Hall, Mr. Mike
Hall, Patrick
Hamilton, Mr. David
Hanson, Mr. David
Harman, rh Ms Harriet
Harris, Mr. Tom
Havard, Mr. Dai
Healey, John
Henderson, Mr. Doug
Hendrick, Mr. Mark
Hepburn, Mr. Stephen
Heppell, Mr. John
Hesford, Stephen
Hewitt, rh Ms Patricia
Heyes, David
Hill, rh Keith
Hillier, Meg
Hodge, rh Margaret
Hodgson, Mrs. Sharon
Hoey, Kate
Hoon, rh Mr. Geoffrey
Hope, Phil
Hopkins, Kelvin
Howarth, rh Mr. George
Hoyle, Mr. Lindsay
Hughes, rh Beverley
Hutton, rh Mr. John
Iddon, Dr. Brian
Illsley, Mr. Eric
Ingram, rh Mr. Adam
Irranca-Davies, Huw
James, Mrs. Siân C.
Jenkins, Mr. Brian
Johnson, rh Alan
Johnson, Ms Diana R.
Jones, Helen
Jones, Mr. Kevan
Jones, Lynne
Jones, Mr. Martyn
Jowell, rh Tessa
Joyce, Mr. Eric
Kaufman, rh Sir Gerald
Keeble, Ms Sally
Keeley, Barbara
Keen, Alan
Keen, Ann
Kelly, rh Ruth
Kemp, Mr. Fraser
Khabra, Mr. Piara S.
Kidney, Mr. David
Kilfoyle, Mr. Peter
Knight, Jim
Kumar, Dr. Ashok
Ladyman, Dr. Stephen
Laxton, Mr. Bob
Lazarowicz, Mark
Lepper, David
Levitt, Tom
Lewis, Mr. Ivan
Linton, Martin
Lloyd, Tony
Love, Mr. Andrew
Lucas, Ian
MacDougall, Mr. John
MacShane, rh Mr. Denis
Mactaggart, Fiona
Mahmood, Mr. Khalid
Malik, Mr. Shahid
Mallober, Judy
Mann, John
Marris, Rob
Marsden, Mr. Gordon
Martlew, Mr. Eric
McAvoy, rh Mr. Thomas
McCabe, Steve
McCafferty, Chris
McCarthy, Kerry
McCarthy-Fry, Sarah
McDonagh, Siobhain
McDonnell, John
McFadden, Mr. Pat
McFall, rh Mr. John
McGovern, Mr. Jim
McGuire, Mrs. Anne
McIsaac, Shona
McKechin, Ann
McKenna, Rosemary
McNulty, Mr. Tony
Meacher, rh Mr. Michael
Meale, Mr. Alan
Merron, Gillian
Michael, rh Alun
Milburn, rh Mr. Alan
Miliband, Edward
Miller, Andrew
Moffat, Anne
Moffatt, Laura
Mole, Chris
Moon, Mrs. Madeleine
Moran, Margaret
Morden, Jessica
Morgan, Julie
Morley, Mr. Elliot
Mountford, Kali
Mudie, Mr. George
Mullin, Mr. Chris
Munn, Meg
Murphy, Mr. Denis
Murphy, Mr. Jim
Murphy, rh Mr. Paul
Naysmith, Dr. Doug
Norris, Dan
O'Brien, Mr. Mike
O'Hara, Mr. Edward
Olner, Mr. Bill
Owen, Albert
Palmer, Dr. Nick
Pearson, Ian
Plaskitt, Mr. James
Pound, Stephen
Prentice, Bridget
Prentice, Mr. Gordon
Prescott, rh Mr. John
Primarolo, rh Dawn
Prosser, Gwyn
Purchase, Mr. Ken
Purnell, James
Raynsford, rh Mr. Nick
Reed, Mr. Andy
Riordan, Mrs. Linda
Robertson, John
Robinson, Mr. Geoffrey
Rooney, Mr. Terry
Roy, Mr. Frank
Ruane, Chris
Ruddock, Joan
Russell, Christine
Ryan, Joan
Salter, Martin
Sarwar, Mr. Mohammad
Seabeck, Alison
Shaw, Jonathan
Sheerman, Mr. Barry
Sheridan, Jim
Short, rh Clare
Simpson, Alan
Singh, Mr. Marsha
Skinner, Mr. Dennis
Slaughter, Mr. Andrew
Smith, rh Mr. Andrew
Smith, Ms Angela C. *(Sheffield, Hillsborough)*
Smith, Angela E. *(Basildon)*
Smith, rh Jacqui
Smith, John
Snelgrove, Anne
Soulsby, Sir Peter
Southworth, Helen
Spellar, rh Mr. John
Starkey, Dr. Phyllis
Stewart, Ian
Stoate, Dr. Howard
Strang, rh Dr. Gavin
Stringer, Graham
Sutcliffe, Mr. Gerry
Tami, Mark
Taylor, Ms Dari
Taylor, David
Thomas, Mr. Gareth
Thornberry, Emily
Timms, Mr. Stephen
Tipping, Paddy
Touhig, Mr. Don
Trickett, Jon
Truswell, Mr. Paul
Turner, Dr. Desmond
Turner, Mr. Neil
Twigg, Derek
Ussher, Kitty
Vaz, Keith
Vis, Dr. Rudi
Waltho, Lynda
Ward, Claire
Wareing, Mr. Robert N.
Watson, Mr. Tom
Watts, Mr. Dave
Whitehead, Dr. Alan
Wicks, Malcolm
Williams, rh Mr. Alan
Williams, Mrs. Betty
Wills, Mr. Michael
Winnick, Mr. David
Winterton, Ms Rosie
Wood, Mike
Woodward, Mr. Shaun
Wright, Mr. Anthony
Wright, David
Wright, Dr. Tony
Wyatt, Derek

Tellers for the Noes:
Mr. Alan Campbell and Liz Blackman

Question accordingly negatived.

Question, That the proposed words be there added, *put forthwith, pursuant to Standing Order No. 31 (Questions on amendments)*:—

The House divided: Ayes 302, Noes 232.

Division No. 226] **[10.20 pm**

AYES

Abbott, Ms Diane
Ainger, Nick
Ainsworth, rh Mr. Bob
Alexander, rh Mr. Douglas
Allen, Mr. Graham
Anderson, Mr. David
Anderson, Janet
Armstrong, rh Hilary
Atkins, Charlotte
Austin, Mr. Ian
Bailey, Mr. Adrian
Balls, Ed
Banks, Gordon
Barlow, Ms Celia
Barron, rh Mr. Kevin
Battle, rh John
Bell, Sir Stuart
Benn, rh Hilary
Benton, Mr. Joe
Berry, Roger
Betts, Mr. Clive
Blackman-Woods, Dr. Roberta
Blears, rh Hazel
Blizzard, Mr. Bob
Blunkett, rh Mr. David
Borrow, Mr. David S.
Bradshaw, Mr. Ben
Brown, Lyn
Brown, rh Mr. Nicholas
Brown, Mr. Russell

Browne, rh Mr. Des
Bryant, Chris
Buck, Ms Karen
Burden, Richard
Burgon, Colin
Burnham, Andy
Butler, Ms Dawn
Byers, rh Mr. Stephen
Byrne, Mr. Liam
Caborn, rh Mr. Richard
Cairns, David
Campbell, Mr. Ronnie
Caton, Mr. Martin
Cawsey, Mr. Ian
Challen, Colin
Chapman, Ben
Chaytor, Mr. David
Clapham, Mr. Michael
Clark, Ms Katy
Clark, Paul
Clarke, rh Mr. Charles
Clarke, rh Mr. Tom
Cleiland, Mr. David
Coaker, Mr. Vernon
Coffey, Ann
Connarty, Michael
Cook, Frank
Cooper, Rosie
Cooper, Yvette
Corbyn, Jeremy
Cousins, Jim
Crausby, Mr. David
Creagh, Mary
Cruddas, Jon
Cryer, Mrs. Ann
Cummings, John
Cunningham, Mr. Jim
Cunningham, Tony
Darling, rh Mr. Alistair
David, Mr. Wayne
Dean, Mrs. Janet
Denham, rh Mr. John
Devine, Mr. Jim
Dhanda, Mr. Parmjit
Dismore, Mr. Andrew
Dobbin, Jim
Donohoe, Mr. Brian H.
Doran, Mr. Frank
Dowd, Jim
Drew, Mr. David
Eagle, Angela
Eagle, Maria
Efford, Clive
Elliman, Mrs. Louise
Engel, Natascha
Ennis, Jeff
Etherington, Bill
Field, rh Mr. Frank
Fitzpatrick, Jim
Flello, Mr. Robert
Flint, Caroline
Flynn, Paul
Follett, Barbara
Foster, Mr. Michael *(Worcester)*
Francis, Dr. Hywel
Gardiner, Barry
George, rh Mr. Bruce
Gerrard, Mr. Neil
Gibson, Dr. Ian
Gilroy, Linda
Godsiff, Mr. Roger
Goggins, Paul
Goodman, Helen
Griffith, Nia
Griffiths, Nigel
Grogan, Mr. John
Gwynne, Andrew
Hain, rh Mr. Peter
Hall, Mr. Mike
Hall, Patrick
Hamilton, Mr. David
Hanson, Mr. David
Harman, rh Ms Harriet
Harris, Mr. Tom
Havard, Mr. Dai
Healey, John
Henderson, Mr. Doug
Hendrick, Mr. Mark
Hepburn, Mr. Stephen
Heppell, Mr. John
Hesford, Stephen
Hewitt, rh Ms Patricia
Heyes, David
Hill, rh Keith
Hillier, Meg
Hodge, rh Margaret
Hodgson, Mrs. Sharon
Hoey, Kate
Hoon, rh Mr. Geoffrey
Hope, Phil
Hopkins, Kelvin
Howarth, rh Mr. George
Hoyle, Mr. Lindsay
Hughes, rh Beverley
Hutton, rh Mr. John
Iddon, Dr. Brian
Illsley, Mr. Eric
Ingram, rh Mr. Adam
Irranca-Davies, Huw
James, Mrs. Siân C.
Jenkins, Mr. Brian
Johnson, rh Alan
Johnson, Ms Diana R.
Jones, Helen
Jones, Mr. Kevan
Jones, Lynne
Jones, Mr. Martyn
Jowell, rh Tessa
Joyce, Mr. Eric
Kaufman, rh Sir Gerald
Keeble, Ms Sally
Keeley, Barbara
Keen, Alan
Keen, Ann
Kelly, rh Ruth
Kemp, Mr. Fraser
Khabra, Mr. Piara S.
Kidney, Mr. David
Knight, Jim
Kumar, Dr. Ashok
Ladyman, Dr. Stephen
Laxton, Mr. Bob
Lazarowicz, Mark
Lepper, David
Levitt, Tom
Lewis, Mr. Ivan
Linton, Martin
Lloyd, Tony
Love, Mr. Andrew
Lucas, Ian
MacDougall, Mr. John
MacShane, rh Mr. Denis
Mactaggart, Fiona
Mahmood, Mr. Khalid
Malik, Mr. Shahid
Mallaber, Judy
Mann, John
Marris, Rob
Marsden, Mr. Gordon
Martlew, Mr. Eric
McAvoy, rh Mr. Thomas
McCabe, Steve
McCafferty, Chris
McCarthy, Kerry
McCarthy-Fry, Sarah
McDonagh, Siobhain
McDonnell, John
McFadden, Mr. Pat
McFall, rh Mr. John
McGovern, Mr. Jim
McGuire, Mrs. Anne
McIsaac, Shona
McKechin, Ann
McKenna, Rosemary
McNulty, Mr. Tony
Meacher, rh Mr. Michael
Meale, Mr. Alan
Merron, Gillian
Michael, rh Alun
Milburn, rh Mr. Alan
Miliband, Edward
Miller, Andrew
Moffat, Anne
Moffatt, Laura
Mole, Chris
Moon, Mrs. Madeleine
Moran, Margaret
Morden, Jessica
Morgan, Julie
Morley, Mr. Elliot
Mountford, Kali
Mudie, Mr. George
Mullin, Mr. Chris
Munn, Meg
Murphy, Mr. Denis
Murphy, Mr. Jim
Murphy, rh Mr. Paul
Naysmith, Dr. Doug
Norris, Dan
O'Brien, Mr. Mike
O'Hara, Mr. Edward
Olner, Mr. Bill
Owen, Albert
Palmer, Dr. Nick
Pearson, Ian
Plaskitt, Mr. James
Pound, Stephen
Prentice, Bridget
Prentice, Mr. Gordon
Primarolo, rh Dawn
Prosser, Gwyn
Purchase, Mr. Ken
Purnell, James
Raynsford, rh Mr. Nick
Reed, Mr. Andy
Riordan, Mrs. Linda
Robertson, John
Robinson, Mr. Geoffrey
Rooney, Mr. Terry
Roy, Mr. Frank
Ruane, Chris
Ruddock, Joan
Russell, Christine
Ryan, Joan
Salter, Martin
Sarwar, Mr. Mohammad
Seabeck, Alison
Shaw, Jonathan
Sheerman, Mr. Barry
Sheridan, Jim
Simpson, Alan
Singh, Mr. Marsha
Skinner, Mr. Dennis
Slaughter, Mr. Andrew
Smith, rh Mr. Andrew
Smith, Ms Angela C. *(Sheffield, Hillsborough)*
Smith, Angela E. *(Basildon)*
Smith, rh Jacqui
Smith, John
Snelgrove, Anne
Soulsby, Sir Peter
Southworth, Helen
Spellar, rh Mr. John
Starkey, Dr. Phyllis
Stewart, Ian
Stoate, Dr. Howard
Strang, rh Dr. Gavin
Stringer, Graham
Sutcliffe, Mr. Gerry
Tami, Mark
Taylor, Ms Dari
Taylor, David
Thomas, Mr. Gareth
Thornberry, Emily
Timms, Mr. Stephen
Tipping, Paddy
Touhig, Mr. Don
Trickett, Jon
Truswell, Mr. Paul
Turner, Dr. Desmond
Turner, Mr. Neil
Twigg, Derek
Ussher, Kitty
Vis, Dr. Rudi
Waltho, Lynda
Ward, Claire
Wareing, Mr. Robert N.
Watson, Mr. Tom
Watts, Mr. Dave
Whitehead, Dr. Alan
Wicks, Malcolm
Williams, rh Mr. Alan
Williams, Mrs. Betty
Wills, Mr. Michael
Winnick, Mr. David
Winterton, Ms Rosie
Wood, Mike
Woodward, Mr. Shaun
Wright, Mr. Anthony
Wright, David
Wright, Dr. Tony
Wyatt, Derek

Tellers for the Ayes:
Mr. Alan Campbell and Liz Blackman

NOES

Afriyie, Adam
Ainsworth, Mr. Peter
Alexander, Danny
Amess, Mr. David

Arbuthnot, rh Mr. James
Atkinson, Mr. Peter
Bacon, Mr. Richard
Baldry, Tony
Barker, Gregory
Baron, Mr. John
Barrett, John
Benyon, Mr. Richard
Bercow, John
Binley, Mr. Brian
Blunt, Mr. Crispin
Bone, Mr. Peter
Boswell, Mr. Tim
Brady, Mr. Graham
Brake, Tom
Brazier, Mr. Julian
Breed, Mr. Colin
Brokenshire, James
Brooke, Annette
Browne, Mr. Jeremy
Browning, Angela
Bruce, Malcolm
Burns, Mr. Simon
Burstow, Mr. Paul
Burt, Alistair
Burt, Lorely
Butterfill, Sir John
Cable, Dr. Vincent
Campbell, Mr. Gregory
Campbell, rh Sir Menzies
Carmichael, Mr. Alistair
Carswell, Mr. Douglas
Cash, Mr. William
Chope, Mr. Christopher
Clappison, Mr. James
Clark, Greg
Clarke, rh Mr. Kenneth
Clegg, Mr. Nick
Clifton-Brown, Mr. Geoffrey
Cormack, Sir Patrick
Cox, Mr. Geoffrey
Curry, rh Mr. David
Davey, Mr. Edward
Davies, David T.C. *(Monmouth)*
Davies, Philip
Davis, rh David *(Haltemprice and Howden)*
Djanogly, Mr. Jonathan
Dodds, Mr. Nigel
Donaldson, Mr. Jeffrey M.
Dorrell, rh Mr. Stephen
Dorries, Mrs. Nadine
Duddridge, James
Duncan, Mr. Alan
Duncan Smith, rh Mr. Iain
Dunne, Mr. Philip
Ellwood, Mr. Tobias
Evans, Mr. Nigel
Fabricant, Michael
Fallon, Mr. Michael
Farron, Tim
Featherstone, Lynne
Field, Mr. Mark
Foster, Mr. Don
Fox, Dr. Liam
Francois, Mr. Mark
Fraser, Mr. Christopher
Gale, Mr. Roger
Garnier, Mr. Edward
Gauke, Mr. David
George, Andrew
Gibb, Mr. Nick
Gidley, Sandra
Gillan, Mrs. Cheryl
Goodman, Mr. Paul
Goodwill, Mr. Robert
Gove, Michael
Gray, Mr. James
Grayling, Chris
Green, Damian
Greenway, Mr. John
Grieve, Mr. Dominic
Gummer, rh Mr. John
Hammond, Stephen
Hancock, Mr. Mike
Hands, Mr. Greg
Harper, Mr. Mark
Harris, Dr. Evan
Harvey, Nick
Hayes, Mr. John
Heald, Mr. Oliver
Heath, Mr. David
Hemming, John
Hendry, Charles
Herbert, Nick
Hermon, Lady
Hoban, Mr. Mark
Hollobone, Mr. Philip
Holmes, Paul
Horam, Mr. John
Horwood, Martin
Howarth, David
Howarth, Mr. Gerald
Hughes, Simon
Hunt, Mr. Jeremy
Hunter, Mark
Hurd, Mr. Nick
Jack, rh Mr. Michael
Jackson, Mr. Stewart
Jenkin, Mr. Bernard
Johnson, Mr. Boris
Kawczynski, Daniel
Key, Robert
Kirkbride, Miss Julie
Knight, rh Mr. Greg
Kramer, Susan
Laing, Mrs. Eleanor
Lait, Mrs. Jacqui
Lamb, Norman
Lancaster, Mr. Mark
Lansley, Mr. Andrew
Leech, Mr. John
Leigh, Mr. Edward
Letwin, rh Mr. Oliver
Lewis, Dr. Julian
Liddell-Grainger, Mr. Ian
Lidington, Mr. David
Lilley, rh Mr. Peter
Llwyd, Mr. Elfyn
Loughton, Tim
Luff, Peter
Mackay, rh Mr. Andrew
Maclean, rh David
Malins, Mr. Humfrey
Maples, Mr. John
Mates, rh Mr. Michael
Maude, rh Mr. Francis
May, rh Mrs. Theresa
McIntosh, Miss Anne
McLoughlin, rh Mr. Patrick
Mercer, Patrick
Miller, Mrs. Maria
Milton, Anne
Mitchell, Mr. Andrew
Moore, Mr. Michael
Moss, Mr. Malcolm
Mulholland, Greg
Mundell, David
Murrison, Dr. Andrew
Newmark, Mr. Brooks
O'Brien, Mr. Stephen
Öpik, Lembit
Osborne, Mr. George
Ottaway, Richard
Paice, Mr. James
Paterson, Mr. Owen
Pelling, Mr. Andrew
Penning, Mike
Pickles, Mr. Eric
Prisk, Mr. Mark
Pritchard, Mark
Pugh, John
Randall, Mr. John
Redwood, rh Mr. John
Rennie, Willie
Rifkind, rh Sir Malcolm
Robathan, Mr. Andrew
Robertson, Hugh
Robertson, Mr. Laurence
Robinson, Mrs. Iris
Robinson, Mr. Peter
Rogerson, Mr. Dan
Rosindell, Andrew
Rowen, Paul
Russell, Bob
Sanders, Mr. Adrian
Scott, Mr. Lee
Selous, Andrew
Shapps, Grant
Shepherd, Mr. Richard
Simmonds, Mark
Simpson, David
Simpson, Mr. Keith
Smith, Sir Robert
Soames, Mr. Nicholas
Spelman, Mrs. Caroline
Spicer, Sir Michael
Spink, Bob
Spring, Mr. Richard
Steen, Mr. Anthony
Streeter, Mr. Gary
Stunell, Andrew
Swayne, Mr. Desmond
Swinson, Jo
Swire, Mr. Hugo
Syms, Mr. Robert
Tapsell, Sir Peter
Taylor, Mr. Ian
Taylor, Matthew
Taylor, Dr. Richard
Teather, Sarah
Tredinnick, David
Turner, Mr. Andrew
Tyrie, Mr. Andrew
Vaizey, Mr. Edward
Vara, Mr. Shailesh
Viggers, Peter
Villiers, Mrs. Theresa
Walker, Mr. Charles
Wallace, Mr. Ben
Waterson, Mr. Nigel
Watkinson, Angela
Webb, Steve
Whittingdale, Mr. John
Widdecombe, rh Miss Ann
Wiggin, Bill
Willetts, Mr. David
Williams, Hywel
Williams, Mark
Williams, Mr. Roger
Williams, Stephen
Willis, Mr. Phil
Wilshire, Mr. David
Wilson, Mr. Rob
Wilson, Sammy
Winterton, Ann
Winterton, Sir Nicholas
Wright, Jeremy
Young, rh Sir George

Tellers for the Noes:
Mr. David Evennett and
Mr. Henry Bellingham

Question accordingly agreed to.

MR SPEAKER *forthwith declared the main Question, as amended, to be agreed to.*

Resolved,

That this House recognises the effective leadership given by the Department of Health in managing the NHS; acknowledges that the majority of NHS organisations are living within their budget and providing patients with better services; welcomes the turnaround in the NHS since 1997 as a result of the dedication and commitment of staff, backed by the Government's programme of investment and reform; congratulates the Government for trebling investment in the NHS by 2008 compared with 1997; welcomes the recruitment of more than 300,000 extra staff in the NHS since 1997 including 85,000 more nurses; notes that waiting lists are now at their lowest since records began with over 370,000 fewer patients waiting for an operation than in March 1997; further welcomes the fact that all patients can now expect to wait no longer than six months for their operation and that 98 per cent. of patients are now seen, treated or admitted within four hours in accident and emergency departments; and applauds the NHS for saving more lives than ever before, including 43,000 more people saved from cancer and 87,000 saved from coronary heart disease.'.

DELEGATED LEGISLATION

Motion made, and Question put forthwith, pursuant to Standing Order No. 118(6) (Standing Committees on Delegated Legislation).

TOWN AND COUNTRY PLANNING

That the draft Planning (Application to the Houses of Parliament) Order 2006, which was laid before this House on 19th April, be approved. —*[Mr. Roy.]*

Question agreed to.

Motion made, and Question put forthwith, pursuant to Standing Order No. 118(6) (Standing Committees on Delegated Legislation).

PREVENTION AND SUPPRESSION OF TERRORISM (NORTHERN IRELAND)

That the draft Terrorism Act 2000 (Revised Code of Practice for the Identification of Persons by Police Officers) (Northern Ireland) Order 2006, which was laid before this House on 15th March, be approved.—*[Mr. Roy.]*

Question agreed to.

Motion made, and Question put forthwith, pursuant to Standing Order No. 118(6) (Standing Committees on Delegated Legislation).

DELEGATED LEGISLATION

That the Statement of Changes in Immigration Rules (HC 1016), dated 30th March 2006, be referred to a Standing Committee on Delegated Legislation.—*[Mr. Roy.]*

Question agreed to.

Modernisation of the House

Motion made.

That Mr Geoffrey Hoon and Liz Blackman be discharged from the Select Committee on Modernisation of the House of Commons and Mr Jack Straw and Paddy Tipping be added.—*[Mr. Roy.]*

Hon. Members: Object.

PETITIONS

Bovine Tuberculosis

10.32 pm

Bill Wiggin (Leominster) (Con): I wish to present an important petition on bovine tuberculosis, which is a disastrous disease that the Government have singularly failed to curtail. Cattle have been slaughtered, although no traces of the disease have been found in their lungs and no culture achieved afterwards.

The Petition of UK farmers and others,

Declares that a more accurate, non user sensitive bovine tuberculosis test should be introduced, along with new measures to stop the spread of the disease from wildlife and further research on vaccination.

The Petitioners therefore request that the House of Commons urge the Government to stop the slaughter of healthy British cattle and to introduce an accurate test for bovine TB, new measures to combat the disease at source and vaccination of domestic and farm animals.

And the Petitioners remain, etc.

To lie upon the Table.

Tail Docking

10.33 pm

Bill Wiggin: This important petition concerns tail docking. Many people who breed dogs feel unhappy about the Government's proposals.

The Petition of dog breeders, dog owners and dog lovers,

Declares that dog breeds are docked for their own welfare against injury and infection. Scientists across the globe agree that tail docking does not cause pain as newborn dogs and their nervous systems are relatively immature at birth.

The Petitioners therefore request that the House of Commons urge the Government to revise its proposals to amend current legislation on tail docking and to preserve the petitioners' freedom of choice.

And the Petitioners remain, etc.

To lie upon the Table.

Proposed Closure of RAF Hythe

Motion made, and Question proposed, That this House do now adjourn.—*[Mr. Roy.]*

10.34 pm

Dr. Julian Lewis (New Forest, East) (Con): Anybody looking at the title of this Adjournment debate could be forgiven for anticipating that I am yet another Conservative Member standing up to complain about the Government's closure of an RAF base. That would be very far from the truth. I am delighted to say that the Minister has been giving the utmost support and consideration to my efforts to prevent the closure of the base. He has been able to do that not only because he has safely survived the reshuffle, which I am delighted to see—*[Interruption.]* I am delighted that he is delighted. He has also been able to do it because RAF Hythe is not a British base at all. Since 1967, when General de Gaulle threw NATO bag and baggage out of France in the atmosphere of fraternal French military support to which we have become so accustomed, the base has been a US army facility in my constituency. It masquerades under the title of a Royal Air Force base and deals primarily with water craft, as one would expect given such consistency so far.

What RAF Hythe has done over these years is quite phenomenal. It has developed from what was originally a storage base into an advanced network of shipbuilding maintenance repair and upgrading skills that is second to none in the US armed forces. That has been acknowledged. In order to give the House an idea of what the equipment that is so well looked after by the personnel at RAF Hythe is for, I ask hon. Members to imagine the Mulberry harbours, which, perhaps by coincidence, were also developed, constructed and deployed from the Solent and Southampton Water region. Mulberry harbours were the artificial harbours that enabled a port to be opened on the coastline of occupied France when opposed landings were being made.

That is the work to which RAF Hythe has been essentially committed. It is involved in the preparation of causeways and the maintenance and upgrading of port-opening vessels, floating cranes, and medium-sized and small landing craft. Another particular line of expertise has been the maintenance of fleets of small vessels that were originally deployed on the back of a very large ship based in Diego Garcia, a place that I may mention again later. That large vessel, which was a semi-submersible, would be able to transport the small vessels to anywhere they were needed, flood down, and float them off, and thereby enable a floating point of deployment for the application of military force to a hostile shore.

Over the years, the staff of RAF Hythe, who are, with the exception of two or three American personnel, entirely British, have been called upon to perform many functions, and they have never failed. They wrote the textbooks on the way to dehumidify and preserve water craft and other military assets so that they can be pre-positioned in various theatres around the world. What is more, they developed the techniques and wrote the manual for bringing those dehumidified and otherwise stored assets safely back into service and ready for deployment within a 10-day period. In 2002, it was decided that 30 of those vessels should be pre-positioned to serve the far east theatre at Yokohama north dock in Japan. In 2003-04, a similar pre-positioning of another 30 such vessels was arranged to be carried out in Kuwait naval base. That was in no way to diminish the role of Hythe, which was integral to setting up those two bases and has been essential in carrying out the missions that the bases perform.

At Yokohama north dock, an attempt was made to contract out one of the less skilled functions that the direct US army-employed work force of Hythe had previously performed. It was such a failure both in the quality of the work and the cost that the services of ITT, the contractor company, were dispensed with and Hythe was recommissioned to carry on with the work.

The key document to which I shall refer is an audit, which was carried out early this year and presented on 13 March to Major-General Johnson, who is at army field support command at Rock Island, Illinois. That is the next step up in the chain of command from which the facility at Hythe derives its work and instructions. The audit examined four options for continuing the work, which the work force at Hythe, who are directly employed by the US army, has hitherto carried out.

Option 1 was to carry on with Hythe, option 2 was to continue with full and open competition, and options 3 and 4 were to use other agencies that had done similar bits of work, which related to part of the functions that Hythe had hitherto performed either for the Army or the US navy and ascertain whether they could apply. Five criteria applied: technical capability of sustaining the water craft; overall cost of the operation; contract duration; lead time to the award, and resident skills and expertise.

Let me give the assessment of option 1—Hythe. The audit, by the US army's audit agency, found in favour of Hythe that maintenance costs were projected to be significantly lower through continuing with Hythe than the contracted operation alternatives of options 2, 3 and 4. It found that there was a completely trained work force, total resident knowledge and technical capability, and that Hythe provided maximum flexibility, resident expertise to support exercises and no security problems because all employees are security cleared through their affiliation to the US army.

What was against Hythe? Only two things. The base closure was stated to be already in process, although nothing had been announced and no explanation has ever been given, and Hythe was not funded for the financial year 2007 and beyond.

Options 3 and 4 did not come close. It is interesting that one of the arguments against option 2 was:

"Readiness may be impacted if any delays to contract award by 30 September FY06",

and that it would be a lower risk if the award date were postponed until 31 December 2007.

At the end of the process, a matrix was produced showing the four options and judging them against the five criteria. Hythe was the only one to score a 1—the top grading—for technical capability, a 1 for overall cost, and a 1 for resident expertise. The other two criteria, which covered contracts and how long it would take to get the operation up and running, did not apply because Hythe is already up and running. So Hythe

[Dr. Julian Lewis]

had a top score of 3—the lower the score, the better. Option 2 scored 10.5, option 3 scored 16, and option 4 scored 12.5.

This resulted in the realisation that, whereas it would cost $18.42 million for Hythe to carry on doing what it does, both locally and in running the bases in Japan and Kuwait, that sum would be at least doubled by option 2, to $37.73 million. The cost of closing Hythe—we assume that the Americans would act in good faith and pay off the pension fund in full—would have to be added to that $37.73. That would involve another $72.85 million, making a grand total of more than $110 million in the first year, compared with $18.42 million.

Three additional vessels in Hythe have been separately budgeted for, which would keep the base going until the end of 2007. That would lessen the risk even if option 2 were chosen. When that is taken into account, we need to add another $27 million to the costs that would result from the closure, because the uncompleted boats would have to be towed back across the Atlantic for completion in US dockyards. If they stayed at Hythe, however, and if the work force were allowed to continue to work on them for that extra year, it would cost only an extra $10 million. In other words, this is the economics of the madhouse.

The audit recommended to the commanding general in Rock Island, Illinois, that the closure notice that was under way—for reasons that have never been explained—should be rescinded, and that Hythe offered by far the best value for money. We do not know what went on when that audit report was received at the Rock Island base in Illinois. We do know, however, that no explanation has been given, and that no notice of any significance has been given. There seems to be a desperate rush to close the base at Hythe before the end of the American financial year on 30 September.

By contrast, other bases that carry out only part of the work—in Germany and Italy, for example—are not being closed, even though the base at Germersheim in Germany consistently fails to meet its targets. It carries out work not on the water craft but on flat-bed trailers and mobile military generators, in which Hythe also specialises. A similar function is carried out at a base at Livorno in Italy, which has frequently been beset by labour troubles and strikes.

We wonder whether Hythe is being picked on in this way because the American army authorities feel that it would be easier to divest themselves of their loyal work force in England than to divest themselves of people who are not direct employees of the US Army, and who are protected by all sorts of labour laws in countries on the continent that have shown themselves to be somewhat less reliable to the United States of America when the chips are down than have the people from this base in the United Kingdom.

In short, we have a facility that is versatile to the extent that when it was invited to send volunteers to Afghanistan, 14 went, and let us remember that they are civilians and do not get medals or other recognition. Incidentally, volunteers were requested from the Rock Island headquarters, and I believe that three were obtained. Out in Afghanistan, the volunteers from Hythe were able to turn their hands to augmenting the armour on armoured vehicles to protect the lives of US service personnel. This is an expert force: as I said, it wrote the manual for the preservation and reactivation techniques of pre-positioned stocks. It is an economical force—it is half the cost to the US taxpayer compared with the next best option, and that is only the yearly cost, apart from the colossal closure costs to which I have referred. It is a reliable force and has never taken industrial action in well over 30 years of service to the United States of America.

I have little time left, as I am anxious to hear the Minister's reply. I shall therefore mention quickly some of Hythe's commendations. One says:

"Reserve Storage Activity Hythe is official commended for extraordinary meritorious service in support of Operation Desert Storm".

Another says:

"Presented to Reserve Storage Activity, Hythe, for your outstanding support during the Somalia deployment".

Another reads:

"Certificate of Appreciation...Presented to Combat Equipment Base-North Atlantic, Hythe, England. In recognition of your outstanding support and contributions to Task Force 143 during the...download of the MV American Cormorant".

That is from Diego Garcia, an important base. We are showing rather more support to the Americans than they might perhaps be said to deserve given the way that they are treating RAF Hythe. On one occasion, RAF Hythe was told:

"Your commitment to excellence directly contributed to improvements in United States Army force projection capabilities".

It also received an official commendation:

"Their efforts, long hours and dedication has ensured that the work has been completed in a timely manner and within budget constraints."

Some of the tributes that I have read go back a number of years, but here is one from last Tuesday, from the manager of the watercraft equipment site at the Kuwait naval base:

"Just a note to let you all know that the crew of maintenance personnel I have out here supporting our mission is doing a superb job"—

those are the Hythe people out in Kuwait. It continues:

"They are well ahead of our forecasted production schedule, in fact so much so that we feel we can have 7 of the 8 LCUs"—

landing craft—

"at 10/20, minus the C41SR equipment, by the end of the"

financial year. It continues:

"The skill set mix is right for what we have to accomplish, very little diverting skills to another skill requirement."

Reading through the jargon, I think that that means that Hythe is doing a very good job.

I do not have time to quote from the 30 letters that I have from different companies whose ancillary business is worth £4.5 million to the local economies of this country. Those businesses are not just from around Southampton but from areas as far afield as Leicester, Sunderland and Cwmbran.

Will the Minister meet the work force, enlist the aid of the Foreign Office and, in particular, make written representations to the American authorities on behalf of the continuation of Hythe? There is no strategic reason for its closure or political justification for closing what amounts to 95 per cent. of the US army's footprint in this country. There is no economic justification, as it

is a betrayal of the US taxpayer as much as of our ancillary industries, and there is certainly no moral justification for the closure.

10.54 pm

The Minister of State, Ministry of Defence (Mr. Adam Ingram): First, let me express my appreciation to the hon. Member for New Forest, East (Dr. Lewis) for what was undoubtedly a thorough and well-rehearsed contribution, and for the support that he is showing for his constituents in seeking to understand the reasons for the United States' decision to withdraw from RAF Hythe. Of course, had his speech been more concise I should have had more than 10 minutes in which to respond.

As the hon. Gentleman knows, the decision to withdraw US Army operations from RAF Hythe by 30 September this year was confirmed in a letter to the Ministry of Defence only this afternoon. I agree with him that it will be very disappointing news for the local work force, especially given the valuable contribution made by RAF Hythe's highly trained and dedicated workers over the years. The hon. Gentleman paid generous tribute to them.

I remind the House that this was very much a US decision. I know the hon. Gentleman understands that. Notwithstanding the case that he presented, I know that he is also aware that the decision was made as part of a wider US review of the global posture of US forces across the world. That has resulted in the reconfiguring of the US "global footprint" and reductions in US forces, particularly those stationed in western Europe.

While I fully appreciate the hon. Gentleman's concern for the local community, the US decision should be viewed in a wider context. RAF Hythe is one of several RAF bases in the United Kingdom made available to United States visiting forces under the terms of the NATO Status of Forces Agreement of 1951. It is one of the smallest bases of that kind, and the only US visiting force facility in Britain that is used exclusively by the US Army. It is also unique in that it is the only US facility in the United Kingdom that handles marine assets by the waterfront, as the hon. Gentleman pointed out.

Although RAF Hythe is the only US Army base in the UK, there are other US visiting force bases in the UK that employ considerable numbers of US military personnel, including some members of the US Army. Overall, the US visiting force presence totals more than 20,000 service personnel and their families, who represent a considerable investment in the US-UK special relationship. I recognise that notwithstanding that wider presence, this will be a difficult time for the 200 or so civilians employed by the US Government at RAF Hythe who are now considering their future as a result of the US decision to withdraw from the base.

The hon. Gentleman dealt with the function of RAF Hythe, so I need not go into it now. There are currently only two US personnel stationed there, including the facility commander and a small complement of 12 Ministry of Defence police. However, there are around 210 civilians employed by the US Government in connection with the base. Those personnel are employed in a wide variety of trades. Approximately 170 are "blue-collar" workers, while around 40 fulfil "white-collar" functions in supply, administration and facilities management. The blue-collar posts are mainly in support of the marine repair function, and include marine mechanics, electricians, platers, pipefitters and painters. Many of the personnel have been carrying out those specialist roles since the start of the operation in 1975, and their loyalty and commitment are commendable.

RAF Hythe also has a first-class apprenticeship training regime, which has produced a highly trained and skilled work force. Such is the value of their skills that a significant number of them are in demand overseas: the hon. Gentleman mentioned many of the areas in which they are involved. They are employed by the US Government around the world—for instance, in locations in Kuwait and Japan. At any one time, between 30 and 50 of the personnel directly hired locally are deployed to overseas sites for periods of three months at a time. A full team in Kuwait comprises 23 staff, and a full team in Japan comprises 27. Given that the bulk of those posts require skilled blue-collar workers, the deployed task falls largely to the 170 marine engineering tradesmen.

The hon. Gentleman knows how disappointed I was to learn today that the US Army no longer requires RAF Hythe, when the US Government confirmed their decision to cease their operations at the base by 30 September 2006. The hon. Gentleman first raised this issue early in the new year—he [illegible] on to it early on—but it was not until early April that the Ministry of Defence received notification of the US Government's intention to withdraw from the base by this September. As I said, only today did final confirmation of the decision come through.

I know that our US ally will acknowledge the considerable contribution that RAF Hythe and its work force have made to both countries' defence over the decades. That will doubtless be reflected in their treatment of their committed local work force, who have given such loyal and sterling service over the years. Indeed, the US ambassador and I spoke about that very point.

During my discussions with the US ambassador, I fully recognised that the final decision can be made only by the US Government. I was keen to register then the MOD's interest for two principal reasons. First, if the decision to withdraw from the base were formalised, as has since proved the case, I wished to make it clear how important it was that all those affected understood the timing of, and reasons for, the decision. Secondly, I wanted to register the concern, expressed this evening by the hon. Gentleman, that careful consideration be given to mitigating measures to ease the effects of the withdrawal locally, and to the thoughtful and sensitive handling of the situation. I know that the ambassador duly registered that point.

I was made aware that the MOD police complement at RAF Hythe was informed by its management of the US proposals in early April. Separately, I have been made aware that the approximately 210 civilians employed by the US Government were notified of the decision earlier today. I mention this because I have been copied a letter that the chairman of the local national employee council wrote to the US President and to the Prime Minister, among others. Again, I

[Mr. Adam Ingram]

registered that point with the US ambassador during my conversation with him. That letter made some very significant points, which the hon. Gentleman cogently expressed in this debate.

Let me deal with the UK MOD personnel, which is where my responsibility lies. The MOD police senior management were quick to inform and brief their officers about the consequences of the US proposal to withdraw from the base. I understand that senior management within the MOD police are considering redeployment of their officers, as necessary, and it is appropriate that we handle our personnel accordingly.

It is too early to determine the long-term future of RAF Hythe. If the base is to be vacated, a detailed process will be gone through to look for alternative uses. The hon. Gentleman will be fully aware that that first involves looking for alternative defence uses. If that is not possible, the site will be offered to other Government Departments, and appropriate rules for disposal will be applied. We are very conscious of the quality of the property that we have. Even when we ourselves vacate such property, we try at all times to ensure that we are not divesting ourselves of valuable assets that would be difficult to replace or replicate. A sensitive process is gone through in that regard.

In concluding, I hope that I can go some way toward satisfying the hon. Gentleman's concerns. The news confirmed today is particularly disappointing for those civilian employees who have worked so hard in support of the US military mission at RAF Hythe for so many years. I will draw the US Government's attention to this debate, and I know that the hon. Gentleman will pursue his case with vigour at all appropriate levels within the US Administration. Like him, I am keen to continue our excellent relations with our closest ally, the United States, and I know that none of his comments attacked that very close relationship. He is a great admirer of that relationship, as are this Government, and it will continue in the decades to come.

Question put and agreed to.

Adjourned accordingly at four minutes past Eleven o'clock.

House of Commons

Wednesday 10 May 2006

The House met at half-past Eleven o'clock

PRAYERS

[MR. SPEAKER *in the Chair*]

PRIVATE BUSINESS

COMMITTEE OF SELECTION

Ordered,

That Gillian Merron and Joan Ryan be discharged from the Committee of Selection and Mr. Alan Campbell and Tony Cunningham be added to the Committee.—*[Liz Blackman.]*

Oral Answers to Questions

INTERNATIONAL DEVELOPMENT

The Secretary of State was asked—

HIV/AIDS

1. **Sandra Gidley** (Romsey) (LD): What progress has been made towards reaching the millennium development goals on HIV/AIDS. [69502]

The Secretary of State for International Development (Hilary Benn): There has been progress in the fight against AIDS. More resources are now available, and the number of Africans receiving treatment has risen eightfold—albeit from a very low base—since 2003. But on current trends, the AIDS millennium development goal will not be met. What is needed is clear: countries should draw up ambitious and comprehensive plans for treatment and care, fight stigma and promote prevention; and donors must ensure that no credible, sustainable country plan goes unfunded.

Sandra Gidley: The Secretary of State will be aware that the US programme known as the President's emergency plan for AIDS relief spends only 20 per cent. of its funding on prevention, at least a third of which has to be spent on abstinence before marriage programmes. What is his Department doing to address this imbalance?

Hilary Benn: We take a different approach and we are very frank about doing so. Abstinence works for those who can abstain from sex, but not everybody can, and my view is very simple: people should not die because they have sex. That is why, as part of our programme, we promote the distribution of information and condoms, so that people have the means to protect themselves from dying of this disease, which is preventable if they take the right steps.

Chris McCafferty (Calder Valley) (Lab): Will my right hon. Friend ensure that HIV prevention programmes—particularly those that link HIV/AIDS with sexual and reproductive health and rights programmes, services for young people and the empowerment of women—are re-emphasised at the forthcoming United Nations General Assembly special session in New York?

Hilary Benn: Like many others, I am certainly looking forward to ensuring that that happens. One has to look at the fight against AIDS and the promotion of reproductive and sexual health together, because the two are entirely integral. I hope that my hon. Friend, in her role as a member of the all-party group dealing with this issue, can join us as part of the delegation. It is very important that we be well represented and link up with others to make precisely the point that she has put to the House today.

Mr. Andrew Mitchell (Sutton Coldfield) (Con): The whole House will be relieved that the Secretary of State was not caught up in the Prime Minister's botched reshuffle at the weekend. In view of the commitment made at Gleneagles last year to providing universal access by 2010 to treatment for AIDS—and of the reality that today one child is dying every minute from AIDS—will the Secretary of State meet pharmaceutical industry representatives to encourage them to develop paediatric drugs for children with HIV, particularly given that there is no market for, or demand for, such drugs in the west?

Hilary Benn: I am certainly happy to meet anyone at any time. Following the points that were made at previous International Development questions on this very matter, officials have put down as the main item on the agenda of the next meeting with pharmaceutical companies paediatric diagnostics and paediatric versions of antiretroviral therapies. As the House is probably aware, there has been a lack of research in this area because AIDS has not been a disease of children in the west, which is where the investment went into. Getting the pharmaceutical companies to make that investment in research is a matter of urgency, so that there are appropriate treatments for children who are HIV positive and in need of treatment.

Mr. David S. Borrow (South Ribble) (Lab): Have my right hon. Friend and his Department had an opportunity to examine the antiretroviral programme in Botswana, where more than half of those who need such drug treatments are receiving them? Indeed, the aim is that the programme will provide 100 per cent. coverage within the next couple of years. Does he think that there are lessons to be learned from the experience of Botswana?

Hilary Benn: There certainly are lessons to be learned, not least from countries that are making progress in getting more antiretroviral treatment to those who need it. The biggest problem is simply a lack of capacity. The price of drugs is important, and their availability and having the right therapies matters enormously. But in the end, the problem will not be addressed if there are no nurses to do the tests, no doctors to say when antiretroviral drugs need to be prescribed, and no clinics, or clinics that people cannot

afford to visit because they charge fees. The central issue in the fight against AIDS, and in dealing with all the other diseases that claim so many lives every day in developing countries, is working as hard as we can to ensure increased health service capacity, because on that bedrock progress will be built.

Susan Kramer (Richmond Park) (LD): The Secretary of State will be well aware of the link between sexual exploitation and the spread of HIV/AIDS. In the light of that, what safeguards has the Department for International Development attached to its funding—whether bilateral or through multilateral agencies—to ensure that aid programmes are not used as a tool for sexual exploitation, which, as Save the Children has recently shown, is the practice in Liberia?

Hilary Benn: I share the concern that the hon. Lady expresses at the end of her question about the report put out by Save the Children yesterday on what seems to have been happening in Liberia. Sadly, that is not the first occasion when UN peacekeeping troops appear to have been involved in sexual exploitation: the House will be aware of the problems that came to light in the Democratic Republic of the Congo. It is essential that organisations involved in peacekeeping and development assistance ensure that that does not happen, and, if it does come to light, that those responsible are called to account.

I will reflect on the hon. Lady's first point about ensuring that we have appropriate procedures in place, but we work hard to ensure that the money that we give is used for the purpose for which it is intended and is not used as a way of exploiting young women. One has to recognise, however, that a high proportion of those who are HIV positive are young women, and that reflects fundamentally their lack of power in the societies in which they live.

Mr. Tom Clarke (Coatbridge, Chryston and Bellshill) (Lab): What expectations does my right hon. Friend have for the forthcoming high level talks at the UN in June, which I understand are meant to put the millennium development goals back on track? Who will represent the UK?

Hilary Benn: I will lead the delegation at the United Nations General Assembly special session. We hope that the special session will adopt a plan that will enable us to see how we may move from where the world is today to achieving the "all by 2010" targets that the Gleneagles summit agreed last year and which were endorsed by the UN millennium summit. That will involve countries having plans; the resources being available and the capacity to put those plans into effect; the availability of drugs, doctors, nurses, clinics and hospitals; the fight against stigma; and community support to help people to tackle the problem. The global steering committee has put forward its proposals, and the UK played an important part in co-chairing that. The African Union meeting in Abuja last week adopted an ambitious set of targets and, when we get to New York, we will have to grapple with the issue of putting the right targets in place to reflect what countries themselves want to do and continuing to apply pressure on everybody in the system to ensure that we see progress.

Mr. James Clappison (Hertsmere) (Con): I join the Secretary of State in welcoming the increase in the number of Africans receiving treatment and hope that much more progress will be made from the low base that he has described. As he has just said, there is a desperate need for more capacity, and more doctors and nurses, in Africa. What assessment does he make of the effect on treatment in Africa of the loss of 3,000 doctors and 37,000 nurses who have come to this country to work since 2000?

Hilary Benn: That undoubtedly has an effect and the hon. Gentleman will be aware of the Department of Health's code of practice. We could have a policy that banned doctors and nurses from certain developing countries from coming to work in the UK, but my view is that that would not be right. The right policy is to support developing countries in trying to address the reasons that force people with skills out of those countries. As the hon. Gentleman will be aware, those reasons include poor pay, poor working conditions, lack of opportunity for career and professional development, and lack of chances to use the skills that people have gained. That links directly to the question of capacity. If capacity can be built and more resources can be put into health care expenditure, we can begin to change over time the drift of people away from the health services in Africa to which the hon. Gentleman refers.

Burma

2. **Mr. David Jones** (Clwyd, West) (Con): What recent estimate he has made of the number of internally displaced people in Burma. [69503]

3. **Mr. Richard Benyon** (Newbury) (Con): What assessment he has made of the effectiveness of British aid to Burma; and if he will make a statement. [69504]

The Parliamentary Under-Secretary of State for International Development (Mr. Gareth Thomas): The overwhelming majority of internally displaced people are found among ethnic groups in eastern Burma. The Thai-Burma Border Consortium has estimated the number of IDPs in eastern Burma as being at least 540,000. Despite the extremely difficult operating environment, a recent review of our programme in Burma concluded that the projects we had initiated were making good progress against their initial objectives.

Mr. Jones: As the Minister says, eastern Burma is a frighteningly difficult area for aid workers to operate in, and only a few days ago there was news that a relief worker had been killed by a land mine that had been planted by the Burmese authorities to prevent escapees from returning to Burma at a later date. It is nevertheless essential that aid get through to the terrified people who are hiding in the Burmese jungle. What precise measures is the Minister taking with overseas Governments to ensure that that aid gets through?

Mr. Thomas: I am sure that the whole House will join the hon. Gentleman in his implicit recognition of the courage of the aid workers working with internally displaced people in eastern Burma. I certainly do. We currently provide some £500,000 a year to the International Committee of the Red Cross to work with people who have lost their homes, and often their families, as a result of the human rights abuses and fighting taking place in Burma. In addition, we support the Thai-Burma Border Consortium, which provides help to people who have left Burma, because of the fighting.

Mr. Benyon: The regime running Burma is clearly unfit to receive aid. What measures can the Government take to support the hard-pressed people of Burma, without propping up the murderous thugs who run the country?

Mr. Thomas: I agree with the hon. Gentleman's characterisation of the regime in Burma, and that is one of the reasons why we do not provide aid through devices such as that Government's budget. Our programme in Burma is worth £8 million, and it works with other organisations such as the ICRC, international non-governmental organisations and various UN bodies on programmes to do with health, education and rural livelihoods. We want to make a difference for people who have been displaced by the fighting, and for those living on less than $1 a day.

Ms Sally Keeble (Northampton, North) (Lab): My hon. Friend the Minister will be aware that many people, including many Karen, have been living in camps on Thailand's border with Burma for generations. What is his Department doing to ease the circumstances in those camps to make it easier for those people to survive and get back into Burma at some stage?

Mr. Thomas: My hon. Friend is right to describe the very difficult situation facing many people who have left Burma and who are living in refugee camps in Thailand. One way that we can help directly is through our work with the Thai-Burma Border Consortium, and we have committed some £1.8 million to that work over the next three years. We also make representations to the Thai Government to make it easier for those refugees to seek work and move around freely in Thailand.

Tony Lloyd (Manchester, Central) (Lab): Does my hon. Friend accept that the activities of the Burmese Government against people such as the Karen amounts to genocide, as defined by the convention on the prevention and punishment of the crime of genocide, since they destroy people and their way of life? He is right that we do not have much leverage on the Burmese Government, but will he at least begin to speak seriously to Governments with influence over the country, such as the Chinese Government, to make sure that they are aware of our great concern about what is taking place in Burma?

Mr. Thomas: I agree that it is clear that systematic human rights abuse is taking place on a very large scale in Burma. He is right that we in the UK do not have the substantial leverage needed to make an immediate difference. We work with our EU neighbours and through the UN to highlight the continuing human rights abuses. Successive UN resolutions have highlighted and condemned the human rights violations in Burma, and we have played a leading role in bringing the matter to the UN General Assembly in the past. We continue to press for it to be discussed in the UN Security Council, but it is true that a number of full members of that council do not yet agree that it should be placed on its formal agenda. We continue to work for a reversal of that situation.

Mr. Jeffrey M. Donaldson (Lagan Valley) (DUP): The Minister will be aware that religious persecution is one reason why people in Burma, and especially the Christian minority among some of the country's tribes, suffer displacement. Will he give the House details of the representations that his Department is making to the Burmese Government to protect the rights of religious minorities in Burma?

Mr. Thomas: The hon. Gentleman is right that one element of the human rights abuse in Burma arises out of religious differences. The Christian minority suffers, as do members of the Muslim community and various other ethnic groups. We are working through our ambassador, the EU and the UN to try to highlight those human rights abuses. We continue to hope that the pressure will lead to a change by the Burmese Government.

Mr. John MacDougall (Glenrothes) (Lab): Does my hon. Friend agree that as well as the other issues that have been raised AIDS is a particular problem in Burma? What are the Government doing to combat it?

Mr. Thomas: My hon. Friend is right to say that as well as focusing on the needs of internally displaced people, we must recognise the needs of other vulnerable people in Burma. As Burma has the worst AIDS epidemic in Asia, we have continued to seek agreement with like-minded donors for a common fund to address AIDS, TB and malaria. We were disappointed that, owing to difficult operating circumstances, the global fund had to cease its operations, but we continue to work for the establishment of such a common fund so that we can scale up the assistance that we are already providing.

Mr. Andrew Mitchell (Sutton Coldfield) (Con): With further internal repression and killing reported from Burma and serious difficulties for up to 1 million internally displaced people in a country with close ties to Britain in the past, will the Minister reconsider his Department's decision not to give humanitarian aid to those displaced, in view of the decision by the Americans and the Canadians, as well as other European countries, that they will help? Will he at least consult the Governments of those countries to find out how they are helping and the level of monitoring and accountability they have secured?

Mr. Thomas: I do not accept the suggestion that we are not providing humanitarian aid; the vast bulk of our programme to Burma is humanitarian assistance. The specific issue to which I think the hon. Gentleman refers is support for cross-border work in the Karen state. As I have indicated, we already provide substantial assistance: £500,000 to the International Committee of the Red Cross annually for its work in Burma, which helps internally displaced people, and the £1.8 million that we give for Burmese refugees based in Thailand. There are difficult issues involved in monitoring assistance work across borders, but we keep that under close review. We talk to other donors and balance the understandable demands for further assistance to meet the needs of internally displaced people with the need to provide assistance to other vulnerable members of the Burmese population.

Population Growth

4. **Richard Ottaway** (Croydon, South) (Con). What assessment he has made of the impact of population growth on sustainable development; and if he will make a statement. [69505]

The Secretary of State for International Development (Hilary Benn): The world's population is anticipated to increase from 6.5 billion to 9 billion by 2050. Most of that growth will be in developing countries, particularly in towns and cities. It will undoubtedly put pressure on natural resources and services such as health and education.

Richard Ottaway: The Secretary of State will be aware of dozens of examples, in countries such as Thailand, Indonesia and, currently, China, where stabilising population growth results in improvements in their economy. The net result is sustainable development, with reductions in poverty and hunger and improvements in maternal health. Will he ensure that the principles of that success story are enshrined in his forthcoming White Paper?

Hilary Benn: First, I pay tribute to the hon. Gentleman's work in the all-party group and I very much welcome the hearing that it is undertaking into this important issue. He makes an important point. In addition to the examples he gave, in Bangladesh, over two decades, average family size decreased from seven to three and a half, in particular because couples could choose when to have children, which links to an earlier question. I can assure him that continuing to support reproductive and sexual health services for people is one of the ways in which we can help to address the question of the globe's growing population.

John Barrett (Edinburgh, West) (LD): Does the Secretary of State agree that the best way to tackle population growth is to tackle poverty? High birth rates are often a desperate response in families suffering from poverty.

Hilary Benn: I agree completely. If people have more choice about family size, if they have better incomes and more confidence in the future, all the evidence from around the world—the whole process of development over the past 200 years—shows that as family wealth increases, average family size decreases, so the hon. Gentleman is absolutely right.

Schools (Developing Countries)

5. **Andrew Miller** (Ellesmere Port and Neston) (Lab): If he will make a statement on funding allocated to schools in developing countries. [69506]

The Secretary of State for International Development (Hilary Benn): The UK will spend some £8.5 billion on education in developing countries over the next 10 years. That long-term commitment will provide developing countries with predictable funding for 10-year investment plans to recruit and train more teachers, to get more pupils into and completing school, and to improve the quality of education. We will be pressing other wealthy countries to follow our lead to keep the promises that we made in 2005.

Andrew Miller: Over and above the fantastic work that is being done by my right hon. Friend, some amazing work is being done by young people from Cheshire. Has he seen my letter to him of 28 April, bringing to his attention the work of 12 young fire cadets who alone have raised £30,000 and who have been to Ghana to build a school themselves? That is the kind of leadership that we need for our young people. Will he engage with those young people and extend that scheme right across the country to help to match what he is doing in his Department?

Hilary Benn: I congratulate the fire cadets of the Cheshire fire service on the work that they are doing to build a school in Akrofu. I am sure that that experience will change the way they think about and see the world, as happens to most people who get the chance to go and visit. That is why the Government are also further extending the global schools partnership, which will allow more schools, more teachers and, over time, more pupils to benefit from that kind of involvement, not least because they will learn a great deal about what we and what children and young people in developing countries have to offer as well.

Alistair Burt (North-East Bedfordshire) (Con): How does the Department for International Development intend to ensure that those children most marginalised from education—those orphaned by HIV/AIDS and those with disabilities—can benefit from the increased support? Will country plans include achievable and measurable targets to ensure that those children are included?

Hilary Benn: The hon. Gentleman raises an important point. The most marginalised and disadvantaged group are, of course, disabled children. Unless disabled children are included in increasing primary enrolment, we will not achieve the universal primary education target by 2015. One of the things that we are doing in particular to help orphans and vulnerable children is targeting, as he will be aware, some of the money that we are using in the fight against AIDS to provide support and practical help to them, both through UNICEF and through country plans—for example, by helping to pay school fees where they still exist. So even though children have been orphaned and no longer have the care and love of their parents, they are at least able to continue to go to school.

Mr. Piara S. Khabra (Ealing, Southall) (Lab): Will my right hon. Friend tell us the total number of children in India who have benefited from the funding for education given by DFID?

Hilary Benn: If my hon. Friend will allow me, I shall write to him with the current and most up-to-date figure, but a significant part of our programme in India is indeed, as he will be aware, supporting the universal primary education programme. There is still some way to go, which is why India represents DFID's largest single bilateral programme in the world.

Mark Simmonds (Boston and Skegness) (Con): To achieve the millennium development goal of universal access to primary education, every sector in developing countries—state, private and other non-state actors—needs to be involved, particularly given that, as confirmed in the 2006 DFID annual report released yesterday, the targets to increase primary school enrolment and the ratio of girls to boys enrolled in schools are off track in both Africa and Asia. Many schools outside the state sector serve low-income families and outperform their state counterparts. What is DFID's strategy to encourage those non-state actors? How much of the £8.7 billion announced in April will go directly to schools and parents, to maximise enrolment?

Hilary Benn: The hon. Gentleman makes a very important point about the need to harness all the resources that are available to ensure that all those children go to school. That includes the voluntary sector and faith organisations, because, particularly in countries that are recovering from conflict, the only institutions that are still left standing are the Churches, the armed forces and, in some respects, the state, and we must consider all the means that are available to us. The real answer to his question is that it will depend on the plans that the countries themselves draw up, but if we are going to achieve that target by 2015, it is important that we draw on all the resources that are available to help to make it happen.

Malcolm Bruce (Gordon) (LD): Does the Secretary of State acknowledge that achieving the millennium development goal of universal education is welcome, but that making education free does not make it compulsory and that, in many cases, it can lead to a loss of quality, with very large class sizes and poorly trained teachers? What is he doing to make sure that we not only deliver volume in education, but ensure the quality that achieves what is intended?

Hilary Benn: The hon. Gentleman makes an important point. The school that I visited recently in Mozambique has 4,200 children and runs four shifts a day. Those in the last shift often have their education cut short because the lights go out, since the school cannot afford the electricity bill. There are holes in the roof, some children sit on the floor and class sizes of 70 and above. That demonstrates the need for more resources, more planning, more teachers, more classrooms, more books and more equipment. What developing countries need from us, as we play our part in helping them to achieve that goal, is money that they can rely on to plan, to put into their proposals and to add to the resources that they can raise, because that is the only way in which we are going to make progress.

PRIME MINISTER

The Prime Minister was asked—

Engagements

Q1. [69487] **Mr. Nigel Waterson** (Eastbourne) (Con): If he will list his official engagements for Wednesday 10 May.

The Prime Minister (Mr. Tony Blair): Before listing my engagements, I am sure that the whole House will join me in sending our condolences to the families of Lieutenant Commander Darren Chapman of the Royal Navy, Captain David Dobson of the Army Air Corps, Marine Paul Collins, Wing Commander John Coxen and Flight Lieutenant Sarah-Jayne Mulvihill, who are missing, believed killed, following the tragic incident in Iraq on Saturday. We owe them and others who have lost their lives in Iraq a great debt of gratitude and we again pay tribute to the heroism, commitment and professionalism of our armed forces in the service of their country.

This morning, I had meetings with ministerial colleagues and others. In addition to my duties in the House, I will have further such meetings later today.

Mr. Waterson: I thank the Prime Minister for that answer and join him in his condolences for those tragically killed in Iraq the other day.

How concerned is the Prime Minister that only one in four of the electorate thinks he is doing a good job?

The Prime Minister: I remind the hon. Gentleman that, in the end, the Government of this country is decided at a general election. There have been three; there was one a year ago. His party lost.

Q2. [69488] **Dr. Phyllis Starkey** (Milton Keynes, South-West) (Lab): My constituent, Mr. Jonathan Downey, was one of the victims of the 7 July bombings in London. He was killed at the Edgware road station incident. His widow has been in touch with me about a number of issues relating to support for the victims' families. Soon after the event, the Prime Minister and the Chancellor suggested that special compensation would be made available to the families of victims of the London bombings. Is the Prime Minister in a position now to say when that additional help will be made available?

The Prime Minister: I again express my condolences to my hon. Friend's constituent for the loss of her husband.

I think that there is recognition that the nature of the attack on 7 July was wholly exceptional. For that reason, we have been looking to see what more we can do in terms of additional support for the victims and their families. I hope that my right hon. Friend will be in a position to announce details of that shortly.

Mr. David Cameron (Witney) (Con): I join the Prime Minister in paying tribute to the servicemen and women who died in Iraq. They were serving their country.

Three weeks ago, I asked the Prime Minister about the crisis in children's hospitals. He said that everything was fine so can he explain why the Minister responsible for hospitals has resigned?

The Prime Minister: The Minister for hospitals has certainly not resigned, as far as I am aware, in respect of anything to do with children's hospitals. The right hon. Member for Witney (Mr. Cameron) did indeed ask me about children's hospitals and I explained that there were issues in respect of the payment-by-results tariff. Discussions are continuing between the hospitals that wrote to the Department of Health, and I hope that those discussions will result in a satisfactory conclusion.

Mr. Cameron: The right hon. Member for Liverpool, Wavertree (Jane Kennedy) was the Minister for hospitals and she has resigned. I know that things are bad, but the Prime Minister ought to know who is actually in his Government. She said that the Government's reforms had resulted in the crisis at Alder Hey and her attempts to speak out had been overruled by No. 10.

Last week, I asked about dangerous foreign criminals who were released instead of deported. We were told that there were 79 who had committed serious offences. Then we were told that there were 90. This week we are told that there are 150. Can the Prime Minister guarantee that the number will not go up again?

The Prime Minister: The number has gone up simply because as the police investigate each of the cases, the details change—*[Interruption.]* That is perfectly obvious, if one thinks about it for a moment. However, of the 1,000 cases of foreign national prisoners who were part of the backlog that had built up over a considerable time, three quarters have been considered. Almost 600 deportation orders have been given and about 30 deportations are already under way. There are 126 of those people in detention. We will continue to work through the backlog, as I explained before, but I might just state to the right hon. Gentleman that now, as a result of the changes that have been put in place, all cases are considered before release. As I explained to him last week, there is a quite separate issue with which we must also deal, which is, in the end, at the heart of the matter: we need to ensure that those people who are convicted of a serious criminal offence and become foreign prisoners are deported, not retained in this country.

Mr. Cameron: If it is all going so well, why did the Prime Minister sack the Home Secretary? After three weeks of investigations, he still cannot tell us how many dangerous criminals who have committed serious offences are roaming the streets? Are not the crises in the health service and the criminal justice system symptoms of a Government who are paralysed? In the past three days, former Ministers have been queuing up to tell the Prime Minister that it is time to go. We have heard from the former Education Secretary, Pensions Secretary, terrorism Minister and local government Minister, and they have all said the same thing. Presumably the Prime Minister appointed them because of their judgment. Why does he think that he has lost their confidence?

The Prime Minister: If I can just go back to deal with the two policy issues that the right hon. Gentleman raised—*[Interruption.]* Well, I know that he is not very comfortable with policy. Actually, because I thought that we might be debating these types of issues, I asked my staff to look up what policies he has. I have found two: one on children's clothes and one on chocolate oranges. Other than that, he does not seem to have any, so I am delighted to have a policy debate with him.

On the health service, in respect of children's hospitals, there is an issue to do with payment by results and the tariff. At a meeting a few days ago we listened to the representations of the four hospitals that wrote to us, and we are satisfied that we can reach a satisfactory conclusion. I might just point out to the right hon. Gentleman that we are putting more money into the health service than ever before and getting better results than ever before, but he opposed that additional investment.

I have explained the situation regarding the foreign national prisoners to the right hon. Gentleman. As I said a moment or two ago, for the first time we now have in place a proper system that allows us to consider deportation prior to a prisoner's release. However, as I said last week—I repeat it—in my view, there should be an automatic presumption of deportation for anyone convicted of a serious criminal offence, and I hope that he agrees with that.

Mr. Cameron: From that answer we can see that the Prime Minister will not even address the fact that he is losing the support of his party. He lives in a world best summed up by the analysis given to him about his local election results by the No. 10 planning committee. The leaked report said that

"people were angry with Tony because they love him so much, and they are angry because they think he might go".

I think that that is what they call the view from the bunker.

Until a week ago, the Prime Minister was telling us that he would serve a full third term. Why did he change his mind?

The Prime Minister: It will not surprise the right hon. Gentleman to know that I have no intention of debating that with him—[Hon. Members: "Why not?"] Frankly, there are probably enough lining up to do that already.

What is interesting about this exchange is that policy is the one thing that the right hon. Gentleman does not want to talk about. I agree that it has been a difficult time for the Government, but, in the end, it is policy—policies on the economy, on investment in our public services, on things like the minimum wage and lifting children and pensioners out of poverty, on overseas aid and, yes, on the environment, on which he has already changed the policy he had a few weeks ago—that will determine the fate of this Government and the decision of the electorate at the next general election.

Mr. Cameron: The issue of how long the right hon. Gentleman stays in office is of key public interest. I remind him of the clearest pledge that he gave about this issue. He said:

"A full term is a full term and that is what it means".

The right hon. Gentleman said that when he went to Khartoum. Presumably he wanted to see the place

where Gordon was murdered—*[Laughter.]* I am glad that I have put a smile on the face of the Deputy Prime Minister.

Will the Prime Minister unravel a mystery for us? Why does he not trust the Chancellor of the Exchequer to take over the Government now?

The Prime Minister: No doubt the right hon. Gentleman has been rehearsing those lines all morning. *[Interruption.]* I think so. I thought that it was a little rehearsed.

I simply issue an invitation to debate policy. The right hon. Gentleman has mentioned two—one on the health service and one on law and order—but he is not really prepared to debate those matters. He is not the first Conservative leader either to call for or predict my departure. There were four others, but I am still here, and they are not.

Mr. Cameron: There is hardly a politician in this place who is not predicting the right hon. Gentleman's departure. Has not the Prime Minister put himself in a Catch-22 situation? If he sets a timetable for leaving, he has told us that there will be paralysis. If he refuses to set a timetable, his Government will remain paralysed. Is it not becoming increasingly clear that he should go—and go soon?

The Prime Minister: I thank the right hon. Gentleman for that kind advice, which I am sure was meant in the interests of me and my party.

It is important for us to deliver our manifesto. That manifesto is about making sure that we keep a strong economy. We have the lowest interest rates and the lowest unemployment for decades. It is about delivering extra investment in the national health service and schools. It is also about improving the minimum wage, maternity pay and maternity rights. Further, as we shall see over the next few weeks, it is about sorting out the pensions issue and energy policy.

There is one difference between me and the right hon. Gentleman. I am here delivering the manifesto on which we were elected. The right hon. Gentleman wrote his party's last manifesto, and now he does not stand by a word of it.

Mr. Barry Sheerman (Huddersfield) (Lab/Co-op): *rose—[Interruption.]*

Mr. Speaker: Order. A Member is addressing the House.

Mr. Sheerman: Does my right hon. Friend agree that we still have a mountain to climb in terms of getting the right skills for the population? We had the news from Australia just a few hours ago that London has won the bid to host the London skills olympics in 2011. This is a real boost, considering we beat Australia, France and Sweden.

The Prime Minister: I congratulate all who managed to win the opportunity to host the world skills competition in London. We won the competition, as my hon. Friend has stressed, against fierce competition from other countries, because over the past few years we have put extra resources into skills education. We have allowed about 750,000 people to get qualifications that they did not previously have. It is the emphasis that we have placed on a skilled work force that has allowed us to make this progress.

Sir Menzies Campbell (North-East Fife) (LD): I join the Prime Minister in his expressions of sympathy for those who gave their lives in Basra and their families and friends.

Does the right hon. Gentleman understand the extent of anxiety and hardship that has been caused in rural areas by the Government's mishandling of the single farm payment scheme?

The Prime Minister: Yes. Of course we do. That is why, after the chief executive of the agency resigned, we tried to ensure that the money was paid through to people. It will be extremely important to ensure that the changes that have been made over the past few months are kept going so that people receive the payments due to them.

Sir Menzies Campbell: The Prime Minister knows that this arises not just from the Department for Environment, Food and Rural Affairs. There is trouble at the Home Office and, judging by today's report from the King's Fund, there is trouble in the national health service. Following the right hon. Gentleman's reshuffle, does he accept that the people of the United Kingdom are much more likely to be motivated by appreciation of the Government's performance than by personalities? Does he accept also that his Ministers will be judged by their achievements, not their preference for him or the Chancellor of the Exchequer? When will the Prime Minister do something about the NHS, about DEFRA and about the Home Office?

The Prime Minister: We actually are doing something about the national health service. I agree that difficult changes are being put in place—*[Interruption.]*

Mr. Speaker: Order. May I ask Members on both sides of the House to settle down?

The Prime Minister: Difficult changes are being put in place in the health service, but the important thing is that we achieve our target of an 18-week maximum wait not just for in-patients but for out-patients. That is revolutionising the national health service, and it means that people can book an appointment. It builds on the fact that we used to have hundreds of thousands of people waiting more than six months for an in-patient appointment, and we do not any more. People used to wait years for simple operations such as operations for cataracts, but they do not do so now. It builds on the fact that we have about 85,000 extra nurses in the national health service. That is a pretty good list of achievements, and I thank the right hon. and learned Gentleman for giving me the opportunity to say so.

Q3. [69489] **Mr. Chris Mullin** (Sunderland, South) (Lab): May I draw the Prime Minister's attention to Amnesty International's publication today of a report on the havoc caused by the trade in small arms? Does he recall that a recommendation of his Commission for Africa was that negotiations should begin on an arms trade treaty by the end of 2006? Will he put his weight behind such negotiations, because I fear that not much will happen if he does not?

The Prime Minister: The point that my hon. Friend makes is very important indeed. There will be negotiations so that we can achieve a treaty, hopefully at the United Nations General Assembly this autumn. That was raised not just during our European Union presidency but at the Commonwealth Heads of Government meeting. We are in touch, too, with all those people in civic society who have led the campaign, and I very much hope that we will secure a treaty that is sufficiently effective to include all the major arms-exporting states. This is not just about constraining illegitimate sales of defence equipment but about tackling illicit and irresponsible transfers, particularly, as he said, of small arms, which do so much damage and tragically kill so many people in Africa.

Q4. [69490] **Patrick Mercer** (Newark) (Con): May I draw the Prime Minister back to an answer that he gave my right hon. Friend the Member for Witney (Mr. Cameron)? Last week, he said unequivocally that

"everyone who is a foreign national who serves a prison sentence is automatically deported".—[*Official Report*, 3 May 2006; Vol. 445, c. 963.]

A few days later, the Lord Chancellor said that

"unless there are special circumstances we need to think about whether or not somebody who commits an imprisonable offence should be deported."

Can the Prime Minister tell the House who is determining Government policy?

The Prime Minister: Let me explain to the hon. Gentleman why the point that he is making is wrong. *[Interruption.]* He asked me, and I am about to give the answer. The fact is, the people who should be deported are foreign prisoners. In other words, they are foreign and they have been in prison. The point that my right hon. Friend the Lord Chancellor made was not that this is about everyone who is convicted of an imprisonable offence, as some of those people may not go to prison, but that everyone who is in prison should be deported. That is why they are called foreign prisoners.

Q5. [69491] **Michael Connarty** (Linlithgow and East Falkirk) (Lab): When preparing for a speech on workers' memorial day at the memorial in Bathgate, I was shocked to find that in 2004-05, 220 workers died in UK workplaces and that there was a 29 per cent. rise in deaths in Scotland to 36. What will the Prime Minister do to reverse the trend since 1998, as the UK index has risen from 100 to 107? In the same period, the index for workplace injuries has gone down to 82 in the European Union.

The Prime Minister: I accept, as my hon. Friend implied, that this is a serious issue, although I would point out that fatalities are at a record low, with major injuries down by two thirds since 1974. As he may know, the Health and Safety Commission published a strategy on workplace health and safety in Great Britain to 2010, and we will make further improvements based on the recommendations in that report. I hope that that will deal with some of the issues that he has raised.

Q6. [69493] **Mr. Simon Burns** (West Chelmsford) (Con): Will the Prime Minister please help to expedite authorisation of the Broomfield hospital private finance initiative scheme in Chelmsford?

The Prime Minister: As I understand it, the PFI review team visited the trust in the hon. Gentleman's constituency last week. I understand that it was a successful meeting. A number of financial and contractual issues need to be resolved, and we expect the work to take approximately six months but hope it will have an optimistic conclusion. The scheme is worth £170 million or more, so it is a very important development. I think I can give the hon. Gentleman an assurance that it will go ahead as quickly as possible, once the remaining issues have been sorted out.

Q7. [69494] **John Smith** (Vale of Glamorgan) (Lab): More than 25,000 people die every year in the United Kingdom from deep vein thrombosis. That is more than from breast cancer, AIDS and road traffic accidents put together. As this is national thrombosis week, will my right hon. Friend join me in congratulating Lifeblood, the thrombosis charity, on raising awareness of this deadly and debilitating disease? Can he tell me what measures his Government will introduce to reduce that alarming number of deaths in our hospitals?

The Prime Minister: I entirely understand my hon. Friend's concern. There are about 25,000 deaths a year from thromboembolism. It is a serious issue, as he rightly implies, that requires comprehensive action. Following the report last year of the Select Committee on Health, the Department of Health established an independent expert working group, which will report to the chief medical officer. Recommendations will be made by the summer, so within the next few weeks we will be in a position to say what more we can do to try and tackle the problem.

Mrs. Nadine Dorries (Mid-Bedfordshire) (Con): A 77-year-old farmer in my constituency fired a warning pellet at a stray dog that was worrying his sheep. A dozen armed policemen in six police cars arrived in his drive, arrested him in front of his terrified grandchildren and detained him in a cell for hours without allowing him to speak. When the Prime Minister said he was tough on crime and tough on the causes of crime, was that what he meant?

The Prime Minister: For fairly obvious reasons, and with respect to the hon. Lady, I do not know anything about the case that she has raised. How the police respond to a particular incident is for them. I have learned enough about such cases to be wary of commenting on them until the full facts are known.

Q8. [69495] **Mr. Tom Clarke** (Coatbridge, Chryston and Bellshill) (Lab): Given the African Union discussions last week culminating in the Abuja agreement, will my right hon. Friend explain to the House his understanding of the impact of that agreement on the long-suffering people of Darfur, who are of course entitled to the support of the whole international community?

The Prime Minister: I pay tribute to all who have been involved in the negotiations, particularly the President of Nigeria and my right hon. Friend the Secretary of State for International Development, who played a crucial role, with others, in achieving the agreement. I would make two points to my right hon. Friend the Member for Coatbridge, Chryston and Bellshill (Mr. Clarke). First, it is important that the Government of Sudan end their opposition to the UN force taking over from the African Union. Secondly, we must make sure that in the new force that is deployed, we have sufficient firepower to enable us to ensure that any agreement is properly policed. We are considering the matter urgently, with the United States of America, particularly, and with other NATO partners, to see what more we can do.

The situation in Sudan is very serious indeed. Thousands of people are dying needlessly. It is a classic example of why the Commission for Africa report recommendation about a standing peacekeeping force for Africa is so important. In the end, the problem in such situations is not just humanitarian: unless the opposing sides can be kept apart, which requires military force, it is extremely difficult for humanitarian aid to be effective. We will continue to work hard on the problem.

Q9. [69496] **Mr. Alistair Carmichael** (Orkney and Shetland) (LD): This Saturday will be the first anniversary of the massacre in Andizhan of innocent, unarmed civilian protesters by Uzbek security forces. What are the Government doing to ensure that President Karimov and his loathsome regime will be held to account by the international community for that act of butchery?

The Prime Minister: As the hon. Gentleman probably knows, the UK was at the forefront in condemning the disproportionate and indiscriminate use of force that resulted in that killing. It was under our presidency that the European Union imposed measures such as a visa ban and an arms embargo. We will look at strengthening those EU measures, and we have been sponsoring a United Nations resolution through the European Union. I assure the hon. Gentleman that we will keep up the pressure on Uzbekistan in order to make sure that the human rights situation is changed.

Q10. [69497] **Rosie Cooper** (West Lancashire) (Lab): As West Lancashire has very little burial space and no crematorium, local people are forced to pay neighbouring local authorities a high premium to use their burial plots or crematoriums. Will the Prime Minister join local clergy and residents in calling on Conservative-controlled West Lancashire district council to meet its moral obligation to allow local people to bury their dead nearby?

The Prime Minister: I know that that is an important issue in my hon. Friend's constituency. As she knows, local authorities currently have no duty to provide burial grounds, although most do so and planning for burial ground provision is part of authorities' normal strategic duties. We are reviewing the matter, and my right hon. Friend the Secretary of State for Constitutional Affairs will make an announcement shortly.

Q11. [69498] **Mr. Mark Harper** (Forest of Dean) (Con): On 8 February, the Prime Minister, the Secretary of State for Health and the entire parliamentary Labour party heard me present a petition to the House signed by 6,056 of my constituents to support the Dilke memorial hospital, which was built with contributions from coal miners in the Forest of Dean. Today, we have heard about plans to close the hospital owing to NHS deficits. My constituents receive just £1,128 of health spending per head, while the Prime Minister's enjoy £1,442. Does the Prime Minister think that that is fair?

The Prime Minister: It is fair to point out that funding for West Gloucestershire PCT, which includes the Forest of Dean, has increased by 31 per cent., which is £53 million, and will increase by a further 20 per cent., which is another £50 million, over the next two years. Whatever amount of money we put into the health service, PCTs and hospital trusts must live within their budgets. One thing is absolutely sure—if people vote Conservative and get a Conservative Government, they will get less money, not more, in the health service.

Mrs. Betty Williams (Conwy) (Lab): As my right hon. Friend will know, the only way to travel to and from the island of St. Helena is by sea. *[Interruption.]*

Mr. Speaker: Order.

Mrs. Williams: At a recent Commonwealth Parliamentary Association conference in Malta, delegates from St. Helena expressed their gratitude for UK investment, which will enable them to open an airport by 2010, but there are infrastructure problems involving water, electricity and the health network. Is my right hon. Friend aware of any plans by the international community to help the residents of that remote island—

Mr. Speaker: Order. I think that the Prime Minister can answer.

The Prime Minister: When my hon. Friend first mentioned St. Helena, I wondered what was coming in the rest of her question. I am happy to add that important issue to the other issues that I must resolve, but I am not entirely familiar with her point.

Q12. [69499] **Mr. John Maples** (Stratford-on-Avon) (Con): I offer my support to the Prime Minister on his decision to relieve the Deputy Prime Minister of departmental responsibilities—it is very good for all of us to see nine years of unremitting incompetence

finally rewarded. However, I want to go further in my support, because the Prime Minister has been criticised for allowing the Deputy Prime Minister to keep his salary and the vast perks of his office. I am with the Prime Minister, however, because the new arrangement is an improvement: he is right that it is better to pay the Deputy Prime Minister for not running a Department than it is to pay him for running one.

The Prime Minister: I remember the hon. Gentleman's Deputy Prime Minister—after his two years in office, the Tories achieved their worst election victory on record. [HON. MEMBERS: "Oh"] The hon. Gentleman remembers Michael Heseltine, who became Deputy Prime Minister and two years later the Tories had the worst election result in their history. This Deputy Prime Minister has presided over three election victories, so I prefer Prezza to Hezza.

Chris Ruane (Vale of Clwyd) (Lab): May I congratulate the previous Tory Government on their £8 million investment in the St. Asaph business park in my constituency in 1990 and on their £2.5 million investment on a flyover for that business park? Before the Prime Minister starts to think that he is dealing with the first Labour defection of this Parliament, may I say that that business park lay empty for seven years under the Tories and that, since 1997, the Labour Government have created 2,700 quality jobs. What measures will my right hon. Friend take to ensure that that economic success continues in my constituency and in the rest of Wales?

The Prime Minister: People remember that, in my hon. Friend's constituency and many others, those were the days when interest rates averaged 10 per cent., there were 3 million unemployed—*[Interruption.]* Oh yes, we do not forget those days. Under this Government, we have 2 million more jobs, the lowest unemployment rate for three decades, interest rates half what they were under the Conservatives and record investment in schools and hospitals. That is why my hon. Friend is right to be proud of his Government.

Points of Order

Greg Clark (Tunbridge Wells) (Con): On a point of order, Mr. Speaker. Two weeks ago, I raised a point of order to register my concern that information was given to the press that had been alleged in an answer to a parliamentary question as being unavailable. You kindly advised me, Mr. Speaker, to resubmit that question and I was concerned when, on 3 May, that question was answered with a holding reply, saying that the question would be answered shortly by the Minister with responsibility for planning. Since I am asking for information that has already been given to the press, surely it is a discourtesy bordering on contempt for Parliament that that information is not available immediately. Will you advise me what steps I can take to have that information provided to the House?

Mr. Speaker: Obviously, I do not know the full details behind the hon. Gentleman's point of order, so I will look into the matter further and get back to him.

Mr. Gregory Campbell (East Londonderry) (DUP): On a point of order, Mr. Speaker. Have you received notice of a statement from the Secretary of State for Defence, as I understand that a press release has been issued within the past hour announcing the closure of three Army bases in Northern Ireland, one of which is in my constituency? Its closure will put hundreds of civilians out of work within the next few months and many of them will encounter great difficulty in gaining employment outside the military environment. Have you, Mr. Speaker, received notice of an intention to make a statement to the House?

Mr. Speaker: I have not received any such notice—*[Interruption.]* Let me answer the hon. Gentleman. I understand that no one wants redundancies and job losses in their constituencies, so my advice is that the hon. Gentleman should call for a meeting with the relevant Minister to discuss the matter.

Regulation of Mortgage Repossessions

12.33 pm

Mr. George Mudie (Leeds, East) (Lab): I beg to move,

That leave be given to bring in a Bill to provide that the repossession of residential property may be sought only under certain conditions; and for connected purposes.

Last year, 10,250 owners had their homes repossessed as a result of mortgage arrears. That figure, which amounts to more than 200 properties a week, was more than 60 per cent. up on the previous year, and that upward trend is forecast to continue. It is lower than in the peak years of the late 1980s and early 1990s, but it is worrying and is only the tip of the iceberg, as the number of owners actually served with a court order can be more than 10 times that number. In most cases, the matter is settled before court and some have the order suspended, but the process of court action or even the threat of court action is traumatic to most of the people involved. The Council of Mortgage Lenders complacently states that the numbers, although rising, are below record levels, but that ignores the devastating effects on the families concerned, particularly the children.

Before I detail those effects, I must make the point that the Bill is not a measure to protect those who can pay but, for their own reasons, fail to do so. It is designed to protect those who are hit by circumstances outwith their control that make it difficult for them to meet their mortgage payments.

Anyone can be hit by unemployment, ill health and temporary loss of income, but their situation, given understanding by the lender, can be recovered. It is fair to say that in the majority of cases, particularly with the more responsible lenders, good sense and flexibility mean that the problem is worked out to the satisfaction of both parties. However, it is recognised that many lenders do not show the necessary patience and good will, and court action for repossession is sought prematurely. It is also notable that where a borrower is dealing with a bank on their own, the voluntary mortgage code is not always adhered to. Amazingly, much better sense is shown when bodies such as citizens advice bureaux become involved.

I should also say a word about insurance, which at first glance can be suggested as an easy solution. A large proportion of the properties involved are right-to-buy properties at the cheaper end of the market. Here, every penny counts with the borrowers, and most find insurance too expensive. Moreover, as is sadly the case with so many insurance products, the exclusions in the policies often make them of little use.

All Members will have had constituents who have endured the process, and may not need reminding of the damage done to families. Nevertheless, I should like to place on the record some details of a Rowntree Trust report on the social consequences of mortgage repossession for parents and their children. It found that repossession hits six main areas of people's lives: it alters their social status and identity, adversely affects personal and family relationships, affects their health and well-being, damages their quality of life, destroys future aspirations, and causes real problems for their children. Taking only three of those areas, the study lists the ways in which, for example, family

[Mr. George Mudie]

relationships were affected. It found marital breakdown, arguments, inability to invest trust in the partner perceived responsible, and parenting difficulties. It noted poor physical health, poor mental health, stress and depression. For children, it found problems with loss of friends, different schools, bad health and, understandably, emotional insecurity.

In the light of the continuing rise in the number of repossessions, the questionable and somewhat arbitrary behaviour of lenders and the huge personal cost to the borrowers, as well as the social costs to us all, the Bill seeks to strengthen and rationalise the regulation of mortgage repossessions. It would ensure that irresponsible lending had to be taken into account when repossession was sought. No one wants to inhibit the flexibility of banks, but if things go wrong, the lending history should be a factor in deciding whether repossession is warranted.

As has been found necessary in other areas of financial life, there should be one regulator. Some loans are currently regulated by the Financial Services Authority under its mortgages regime; others are regulated by the Office of Fair Trading under the new consumer credit legislation. In the eyes of professionals in the industry, that is leading to confusion and difficulty. The Bill would establish a single regulatory regime for secured loan products. There would be a requirement that repossession should not be sought when there is a given level of equity in the property. I recently had a case where one of the major high street banks was seeking repossession for debts totalling less than £5,000, yet there was £90,000 equity in the property. Clearly, there was no need for that bank to race to court under those circumstances.

Under the Bill, the length of time a borrower has been in the property would have to be considered by the court. Ironically, under current consumer credit legislation, a car that is bought by hire purchase cannot be repossessed once the borrower has made a certain number of payments, but that facility does not apply in the case of a home, which is more vital to every family.

The Bill would force courts to take into consideration the damaging effects on children of a forced repossession. It would also seek to regularise the approach of local councils, which often, regardless of a date being given for eviction, refuse to consider the family for alternative housing until the actual eviction has taken place, thus making hostel accommodation unavoidable.

As the National Association of Citizens Advice Bureaux pointed out, some lenders take court action for possession too quickly and with too little regard to good arrears practice or the costs and consequences of such actions for the borrower. The Bill would introduce a pre-court protocol for mortgage repossessions in keeping with the broad strategy of the Department for Constitutional Affairs for reducing unnecessary court action. It would also be modelled on the pre-court protocol for rent arrears possessions that the Department is currently developing.

The measures are all designed to strengthen the regulations so that innocent, hard-working people who have a temporary setback can be given every opportunity to keep the family home together and, when appropriate and by agreement, make good the default. The best building societies do that in the main, but sadly there are people in the industry who ignore the voluntary mortgage code and needlessly destroy people's lives.

Question put and agreed to.

Bill ordered to be brought in by Mr. George Mudie, Mr. Kevan Jones, Mr. Phil Willis, Mr. Andrew Love, Mr. Jim Cunningham, Bob Spink, Mr. Elfyn Llwyd, Helen Jones, Colin Burgon, Mr. Nicholas Brown, Mr. Ian Austin and Alan Keen.

REGULATION OF MORTGAGE REPOSSESSIONS

Mr. George Mudie accordingly presented a Bill to provide that the repossession of residential property may be sought only under certain conditions; and for connected purposes: And the same was read the First time; and ordered to be read a Second time on Friday 14 July, and to be printed [Bill 180].

Orders of the Day

Police and Justice Bill

As amended in the Standing Committee, considered.

New Clause 4

DELEGATION OF POLICE AUTHORITY FUNCTIONS

'(1) 'Section 107 of the Local Government Act 1972 (c.70) (application to police authorities of provisions about discharge of local authority functions) is amended as follows.

(2) After subsection (3A) there is inserted—

"(3B) Section 101 above, in its application to a police authority, shall have effect as if a reference in subsection (1), (2), (4) or (5) to an officer of an authority included a reference to a member of that authority."

(3) For subsection (4) there is substituted—

"(4) The Secretary of State may by regulations make provision regulating the power of a police authority under section 101 above to arrange for the discharge of their functions by a committee, sub-committee, officer or member of the authority as respects part only of their area.

(4A) Regulations under subsection (4) may in particular—

(a) impose limitations or restrictions on the functions which may be the subject of arrangements of the kind referred to in that subsection;

(b) make provision as to the membership or chairmanship of any committee or sub-committee discharging functions under such arrangements;

(c) impose limitations or restrictions on which officers or members of a police authority may discharge functions under such arrangements.

(4B) A statutory instrument containing regulations under subsection (4) shall be subject to annulment in pursuance of a resolution of either House of Parliament."

(4) Subsection (6) (members of police authority committees must be authority members) is omitted.'. —*[Mr. Byrne.]*

Brought up, and read the First time.

12.42 pm

The Minister for Policing, Security and Community Safety (Mr. Liam Byrne): I beg to move, That the clause be read a Second time.

Mr. Speaker: With this it will be convenient to discuss the following amendments: Government amendments Nos. 46, 47 and 54

No. 2, in page 66, line 32 [Schedule 2], leave out 'appointment' and insert 'election'.

Government amendments Nos. 55 and 56

No. 3, in page 66, line 36 [Schedule 2], leave out 'appointed' and insert 'elected'.

No. 4, in page 66, line 37 [Schedule 2], leave out 'appointment' and insert 'election'.

Government amendment No. 57

No. 5, in page 66, line 42 [Schedule 2], leave out 're-appointment' and insert 're-election'.

No. 6, in page 66, line 43 [Schedule 2], leave out 'appointed' and insert 'elected'.

No. 7, in page 66, line 48 [Schedule 2], leave out 'appointment' and insert 'election'.

Government amendments Nos. 58 and 59

No. 8, in page 68, line 46 [Schedule 2], leave out 'appointment' and insert 'election'.

Government amendments Nos. 60 and 61

No. 9, in page 69, line 2 [Schedule 2], leave out 'appointed' and insert 'elected'.

No. 10, in page 69, line 3 [Schedule 2], leave out 'appointment' and insert 'election'.

Government amendment No. 62

No. 11, in page 69, line 8 [Schedule 2], leave out 're-appointment' and insert 're-election'.

No. 12, in page 69, line 9 [Schedule 2], leave out 'appointed' and insert 'elected'.

No. 13, in page 69, line 14 [Schedule 2], leave out 'appointment' and insert 'election'.

Government amendments Nos. 63 and 64

No. 82, in page 73, line 18 [Schedule 2], at end insert—

'Referendums on proposals to alter police areas

20A After section 33 (Objections to alterations proposed by Secretary of State) there is inserted—

"33A Referendums on proposals to alter police areas

(1) Before making an order under section 32 the Secretary of State shall by order cause a referendum to be held in every area affected about the proposed alteration in police areas.

(2) The Secretary of State shall make an order under subsection (1)—

(a) in relation to a proposed alteration made under section 32(3)(a), after he has received a request under that subsection;

(b) in relation to a proposed alteration made under section 32(3)(b), after he has given further notice to objectors under section 33(4)(b).

(3) The question to be asked in a referendum to be held in pursuance of an order under subsection (1) above shall be agreed by—

(a) the Secretary of State,

(b) each police authority affected by the proposed alteration, and

(c) the Electoral Commission.

and specified in the order.

(4) The Secretary of State shall, in consultation with—

(a) each police authority affected by the proposed alteration, and

(b) the Electoral Commission

ensure that an order made under subsection (1) above makes such provision as is necessary to secure the proper conduct of a referendum.

(5) No order shall be made under subsection (1) above unless a draft of the order has been laid before and approved by resolution of each House of Parliament.

(6) The Secretary of State shall not exercise his power to make an order under section 32 unless a majority of votes cast in a referendum held under this section in each of the existing areas affected supports the proposed alteration." '.

No. 14, in page 74, line 11 [Schedule 2], leave out paragraphs 24 to 26.

No. 15, in page 74, line 14 [Schedule 2], after 'Where', insert

'following a recommendation of the Chief Inspector for Justice, Community Safety and Custody, or a request from a police authority responsible for maintaining a police force,'.

No. 16, in page 74, line 21 [Schedule 2], after 'Where', insert

'following a recommendation of the Chief Inspector for Justice, Community Safety and Custody, or a request from a police authority responsible for maintaining a police force,'.

[Mr. Speaker]

No. 19, in page 75 [Schedule 2], leave out lines 7 to 18.

No. 17, in page 75, line 36 [Schedule 2], after 'Where', insert

'following a recommendation of the Chief Inspector for Justice, Community Safety and Custody'.

No. 18, in page 75, line 41 [Schedule 2], after 'Where', insert

'following a recommendation of the Chief Inspector for Justice, Community Safety and Custody'.

No. 20, in page 76 [Schedule 2], leave out lines 17 to 27.

Government amendment Nos. 72, 73 and 75.

Mr. Byrne: I shall first deal briefly with the Government amendments.

Government amendment No. 75 is consequential to new clause 4. As hon. Members know, police authorities can delegate powers to construct committees, but only those that are organised across the entire geography of a region. New clause 4 and the associated amendment No. 75 will enable police authorities to delegate their functions either to a member of the authority or to an area committee of the authority. They would therefore provide police authorities with the flexibility to establish area committees and delegate some of their functions to such committees. That is important in the context of combined working with local authorities.

Government amendment No. 64 and the associated consequential amendments will enable police authorities to appoint more than one individual to the office of deputy chief constable when there is a compelling operational case for that. I have tabled the amendments to enable police authorities to delegate to area committees in response to strong representations by my hon. Friends the Members for Wrexham (Ian Lucas), for Alyn and Deeside (Mark Tami), for Clwyd, South (Mr. Jones), for Vale of Clwyd (Chris Ruane) and for Ynys Môn (Albert Owen). They have made the powerful case that, in the light of the special circumstances in Wales—including its geography and its transport infrastructure—an all-Wales police force could require more than one deputy chief constable and more than one police authority area committee.

Amendments Nos. 54 and 59 are technical. They reproduce the existing order-making power in schedule 3 to the Police Act 1996 that enables the Secretary of State to make regulations on the procedures to be followed by selection panels charged with identifying candidates for appointment as independent members of police authorities.

Amendments Nos. 55 to 58 and 60 to 63 correct a drafting error in the Bill to provide for the appointment of a chairman and one or more vice-chairmen from the membership of a police authority, as is set out in the Police Act 1996.

Amendments Nos. 2 to 13, tabled by the hon. Member for Hornsey and Wood Green (Lynne Featherstone), relate to the election of police authority chairmen and vice-chairmen. I can assure the House that we have no intention of exercising the regulation-making power in schedule 2 to provide for the Home Secretary to appoint chairs or vice-chairs of police authorities. Our aim is simply to give a greater measure of flexibility in the legislation in relation to the appointment of police authorities as a whole. Our proposal is therefore very straightforward: we propose to exercise the regulation-making power so as to provide that the chair and vice-chair of police authorities outside London will, as now, be appointed by the members of the authority. In the case of the Metropolitan police authority, we have consulted on a proposal that the Mayor of London should appoint the chairman. We are considering the responses to the consultation and will announce our conclusions in the summer.

My right hon. Friend the Member for Salford (Hazel Blears), now the Minister without Portfolio, said in Committee that candidates for chairmanships should have the right skills for the job. That was outlined clearly in the White Paper, "Building Communities, Beating Crime". We intend that candidates for the role of chair should be subject to a competency-based selection process. As in other areas, we will consult on the detailed provisions to be included in the regulations. In the light of my assurances on this issue, I hope that the hon. Member for Hornsey and Wood Green will agree not to press her amendments.

I turn now to amendments Nos. 14 to 20. I believe that the House is united in its ambition to ensure that recent improvements in police performance continue, and even accelerate. We all know that, in the real world, the prospect of outside intervention can be a great motivator for change.

12.45 pm

Mr. Patrick McLoughlin (West Derbyshire) (Con): I realise that the Minister is new to his responsibilities, but can he tell us whether it is the Home Secretary's desire to carry on the intention of his predecessor to merge our police forces? Will there be a review of that decision, particularly in relation to the merging of the police forces in the east midlands? Most people there think that the previous Home Secretary was wholly wrong to say that all five of the east midlands county forces should be merged into just one force.

Mr. Byrne: Amalgamations are not the subject of the Bill, but I will address the question of related powers in a moment.

Intervention powers are long-established, and they allow the Secretary of State to fulfil one of the most important responsibilities that he or she has, namely to address rapidly any failings in policing. The rationale for the Government's revisions to the existing powers is based not on theory but on the reality based on our experience since the inception of the original powers, and on our work in supporting forces to enable them to perform better.

David Howarth (Cambridge) (LD): I have heard the Minister's predecessor make that argument. Is not there a change of principle involved here, in that there will be no independent hearing under the new procedure? In fact, the powers are to be given directly to the Home Secretary, with no independent element at all.

Mr. Byrne: I will come to the question of amalgamations shortly.

In Committee, many hon. Members accepted the principle that powers of last resort to intervene should exist, providing the Secretary of State with the means to take remedial action where significant and enduring performance failings had been identified. These revisions are about ensuring that the powers are quickly usable. Sometimes a measure of speed is essential if the public are to secure the protection that they need, and that they pay for. Intervention powers are, and will remain, powers of last resort, and the revisions are not intended to change that.

The amendments tabled by the hon. Member for Hornsey and Wood Green—who is not in her place—seek to insert a number of unnecessary obstacles in the legislation. For example, amendment No. 14 seeks to remove all the proposed changes to the intervention powers. This overlooks the key role that intervention powers play in driving up police performance, and the changes needed to make them fit for purpose. Amendments Nos. 15 to 18 seek to reinsert the requirement that intervention will be undertaken only following a recommendation from the chief inspector for justice, community safety and custody or, as the new legislation provides, a recommendation from the police authority responsible for maintaining the police force. Enabling the Secretary of State to draw on the advice of a wider range of sources when considering intervention will mean that a wider base of knowledge on which to base an intervention decision is possible. That might include a recommendation from the inspectorate, for example, but experience has shown that a wider range of sources of information exist, such as a public inquiry—on Second Reading, my right hon. Friend the Member for Norwich, South (Mr. Clarke) mentioned the Bichard inquiry. There is every expectation that the inspectorate's opinion on whether to intervene would remain a central consideration. It is right, however, that other sources of information are not precluded from informing that decision.

Amendments Nos. 19 and 20 seek to remove the Secretary of State's ability to intervene without delay when he is satisfied that the chief officer or chair of the police authority has been given sufficient information and time to remedy those failings. When a police force or police authority has failed to address problems of which it has been made aware, and it has already been given time to address them, surely a different solution needs to apply. Where a long-standing and known performance issue has persisted and gone unresolved, we therefore feel that it would be illogical, and possibly irresponsible, simply to hand back the problem to the force or authority without any stronger or more immediate requirement for its resolution. I therefore hope that the hon. Member for Hornsey and Wood Green will not press her amendments on those provisions.

Amendment No. 82, tabled by the right hon. Member for Haltemprice and Howden (David Davis), requires that referendums are held before an order can be made under section 32 of the Police Act 1996 altering police force areas. I appreciate that a process of permanent revisionism is now taking hold on the Conservative Benches, but the amendment ignores the adequate provisions already in the Police Act for merging force areas. Indeed, those very provisions were substantially revised by the previous Administration in the Police and Magistrates' Courts Act 1994, when the right hon. and learned Member for Folkestone and Hythe (Mr. Howard) was Home Secretary.

Mr. Simon Burns (West Chelmsford) (Con): What is the difference in principle between the Government wanting to discover the wishes of local people with regard to regional government—in relation to the referendum in the north-east—and their not wanting to listen to the wishes of local people with regard to the regionalisation of police forces as a result of mergers?

Mr. Byrne: As I shall explain in a moment, the provisions for merging force areas set out in the 1996 Act put sufficient protection in place and require deliberation in the House. In our constitution, referendums are typically reserved for issues of significant constitutional development, such as regional government, to which the hon. Gentleman alluded, and our relationship with the European Union. Under the 1996 Act, a merger may take place either if the police authorities concerned have volunteered or if the Home Secretary considers that a merger would be in the interests of the efficiency or effectiveness of policing. Therefore, there are three lines of constitutional defence.

Mr. Tobias Ellwood (Bournemouth, East) (Con): The Minister referred to the fact that the previous Administration provided the opportunity for police forces to merge. How many of those police forces have taken up that opportunity? I ask that question because mergers are now being forced on them.

Mr. Byrne: No, a number of mergers are currently under consideration, and we are in a period of reviewing objections.

Mark Pritchard (The Wrekin) (Con): Is not the answer to my hon. Friend's question that many police forces have undertaken their own market research surveys? In West Mercia, for example, more than 80 per cent. of local people do not want their constabulary merged with other forces. The reason the Government will not have a referendum on the matter is that they already know that the answer from the overwhelming majority of people around the nation is a resounding no.

Mr. Byrne: I am grateful to the hon. Gentleman for that intervention, but two issues need teasing apart. First, there is the report from Her Majesty's inspectorate that says that the current structure of forces does not provide sufficient resilience or protective services to deal with level 2 crime. As he will know, organised crime is at work in our communities, especially in relation to drugs, and that requires greater resilience. Secondly, one of the purposes of this place is to consider the sort of changes now proposed.

Mark Pritchard: On that point, is not the Minister aware that there is already resilience in West Mercia and the west midlands generally, in the form of special branch, the regional taskforce and the advent of the Serious Organised Crime Agency? Why do we need all this change when such organisations are already in place? If the Government are serious about resilience, counter-terrorism and dealing with the global threat of terror, why does the Prime Minister still refuse to rule out appointing a Cabinet-level Minister to deal with those important issues?

Mr. Byrne: It is not for me to second-guess the Prime Minister's motives on anything. *[Laughter.]* Let me return to two issues. First, as the hon. Gentleman would accept, if Her Majesty's inspectorate has set out an argument that the current structure of 43 forces is insufficient to provide robust, effective and resilient protective services, it is surely incumbent on the Government to respond.

Mr. Stewart Jackson (Peterborough) (Con) *rose—*

Mr. Owen Paterson (North Shropshire) (Con) *rose—*

Mr. Byrne: I will just finish this point.

Secondly, on the role of the House, I want to answer directly the point about referendums. As the House knows, the process is that the Home Secretary must give notice of his intention to merge forces, and then there is a period of four months for the submission of objections. The Home Secretary must then consider those objections and respond to them before orders are made. Where a merger proposal is initiated by the Home Secretary—this is the most important point for the House—the necessary order is subject to the affirmative procedure, so that there is a debate and vote in both Houses.

I am not sure that it is the time to allow the new revisionism to run riot in the way proposed. I am a great advocate of direct democracy, probably more so than philosophers such as Michael Oakeshott or Edmund Burke. There is a place for referendums, and in our parliamentary system they should be reserved for major issues of constitutional significance, such as devolution and our future relationship with the European Union. It is for the House to deliberate and decide.

Mr. Ellwood: May I pose the same question to the Minister again? Since 1994, constabularies have been allowed to merge should they wish to do so, but how many such mergers have taken place?

Mr. Byrne: If the hon. Gentleman will permit me, I will focus on the object of the Bill.

Mr. Paterson: Will the Minister give way?

Mr. Byrne: I will do so in a moment.

The amendment tabled by the right hon. Member for Haltemprice and Howden contains a number of interesting features, which also compel me to urge the House to reject it. First, it would require a referendum even when the police authorities concerned have volunteered to merge. As you know, Mr. Speaker, I am a keen reader of the *Yorkshire Post*, and I therefore read with interest the article by Simon McGee on 26 April. I noticed that the North Yorkshire police authority, for example, had voted in favour of a merger. I understand that the right hon. Member for Witney (Mr. Cameron), who is not in his place, supported that decision, and said that,

"if individual police forces and individual councillors want to campaign for amalgamations they're absolutely free to."

He continued:

"That's actually what devolution should be all about."

The effect of the amendment, however, would be to deny that.

Secondly, the amendment requires that the Home Secretary, affected police authorities and the Electoral Commission must agree the wording, which leaves open the question of what would happen if they could not agree. Finally, the amendment requires majority votes in each of the affected areas, which is an odd form of democracy, because if two out of three areas said yes, but a smaller one, perhaps with the minority of the population, said no, it would effectively be able to exercise a veto.

Mr. Paterson: The Minister has mentioned the Home Secretary's role a couple of times. As we know, the Home Secretary represents a Scottish seat, and has no remit for policing in Scotland.

Interestingly, a vigorous debate took place in the Labour party in Scotland. A party insider said:

"We want police forces to be more accountable to the communities they serve."

The breaking up of Strathclyde police is being discussed where the Home Secretary has no remit. Then the Home Secretary comes down to England and tells our constituents, who massively oppose larger police forces, that they may be given them.

What is the Home Secretary's real opinion? On his home patch, his own party is debating the breaking up of a very large police force. Now he has come down here—he has only been in power over the past few days—and I should like to know his real views. Is he going to listen to us? Is he going to listen to our constituents? Is he going to let people have a referendum where there is huge local opposition to this measure?

1 pm

Mr. Byrne: There are two voices in particular to which I would expect the Home Secretary to listen. One is the voice of Her Majesty's inspectorate of constabulary, which has tabled a report; the other is the voice of the House, which will be heard in the debates that are required for any amalgamation initiated by the Home Secretary.

I think that there are strong arguments against the amendment, and I hope that it will not be pressed to a vote.

Nick Herbert (Arundel and South Downs) (Con): I welcome the new Minister of State to his post, and congratulate him on successfully seeking political asylum from the Department of Health. I also welcome the Under-Secretary, the hon. Member for Gedling (Mr. Coaker). I look forward to debating these issues with both of them.

Most of the Government amendments are technical, and we are happy to accept them. The Minister, however, raised one issue in relation to the new power to appoint a deputy chief constable, which has been introduced at a very late stage.

I do not object to the principle that new strategic forces should be allowed to appoint additional deputy chief constables, but it gives rise to a serious question about the whole rationale for mergers—which, after all, was intended to secure savings that could be reinvested in protective services. The essence of the savings that were to be achieved was to result from the reductions in the number of senior command posts.

Page 18 of a Home Office document supporting the proposal to create a west midlands regional force—the Minister will know about that from his constituency—refers to cost savings that are quantified, and suggests that the principal cost saving would derive from a reduction in the number of senior command staff. Now we are presented with an amendment that would allow such a strategic force to take on additional command staff, thereby eating into one of the main areas of saving that have been identified as a rationale for merger.

Chris Ruane (Vale of Clwyd) (Lab): Will the hon. Gentleman clarify his position, or rather his party's position? Does his party support the idea of deputy chief constables within regions or not?

Nick Herbert: I think that the hon. Gentleman misunderstood me. I said quite clearly that I supported the new provision that would allow strategic forces to take on additional deputy chief constables. My point is that the entire rationale for merger was that it would create savings. The savings have been poorly quantified, but one of the main sources of savings was to be the reduction in the number of command staff. It now appears that the Government are belatedly saying that there may not be the reduction in command staff that they at first suggested, and that forces will be allowed to take on an additional deputy chief constable, which will mean a significant cost. If that is the case, it undermines one of the key bases for the achievement of savings, and the basis for amalgamation.

Ian Lucas (Wrexham) (Lab): Is it not the case that police authorities may appoint, but such appointments will ultimately be subject to the decision of the Home Secretary? Although police authorities have a power, it will not be exercised in every case, so there may indeed be reductions in the number of senior staff.

Nick Herbert: The hon. Gentleman is absolutely right. There may be reductions in the number of senior staff. It now appears, however, that in many cases there will not be the reductions that were originally suggested. That undermines the costings that were the basis on which the proposal was presented to local people and to the House.

Michael Fabricant (Lichfield) (Con): Is my hon. Friend aware that Staffordshire police authority came to speak to Staffordshire Members of Parliament, both Labour and Conservative? Considerable doubt was expressed by Labour Members over the accuracy of their projections of the cost savings. The real fear is that police forces in Staffordshire will be diverted to the west midlands, where there tend to be more trouble spots. We have our needs, too.

Nick Herbert: My hon. Friend articulates precisely the fear expressed by police forces throughout the country that rural areas in particular will lose out as a consequence of amalgamation, and that resources will be diverted from the front line.

Mark Pritchard: Does my hon. Friend agree that there will also be an impact on rural market towns in Shropshire? Is he as shocked as I am that the cost of merging West Mercia police force into a new super-force for the west midlands is estimated at £57 million, an additional police precept whose cost will be borne by taxpayers throughout Shropshire?

Nick Herbert: I do find it shocking that mergers will cost so much. For several years, any savings that may be achieved—we now know that they are likely to be less than was initially suggested—will be outweighed by the costs. The Association of Police Authorities estimates that the cost of mergers will be about £500 million across England and Wales. The Government belatedly announced in a budgetary letter to the chief constables at the end of March that they would meet the costs of amalgamation, but it is clear that those funds are being raided from the existing police capital budget. Resources that should have been spent on improvements in policing will now be used to pay for management consultants, merged IT systems and new headquarters.

I should be grateful if the Minister asked for replies to be given to the questions that I tabled for written answer as long ago as January, asking about the costs of the employment of management consultants by the Home Office, police authorities and police forces themselves, as part of the police restructuring exercise. I have not yet received replies to those questions, and I am not surprised that I have not, but I think that months later replies are due.

With the Home Office budget effectively frozen by the Chancellor from 2008 onwards, the outlook for investment in level 2 services—a premise for amalgamation that is addressed by our amendment No. 82—and for other areas of policing is bleak.

Mr. Burns: Does my hon. Friend not find it rather bizarre that the Home Secretary is forcing on Bedfordshire, Hertfordshire and Essex an amalgamation that no one in Essex wants, and that the cost will be £29 million?

Nick Herbert: Again, I think it unacceptable that that amount will be taken from the police capital budget and used for an amalgamation that the local force does not want, the police authority does not want and people in Essex do not want.

In 2004, a leaked joint Home Office strategy unit report warned:

"Evidence from other sectors suggests that merger can be a costly, protracted exercise which does not always deliver expected benefits and inevitably causes distraction for management and staff".

[Nick Herbert]

In a letter published this week in *The Daily Telegraph*, *The Guardian*, *The Independent* and *The Times*, a group of cross-party chairmen of police authorities representing Cheshire, Cleveland, Northamptonshire, North Wales and West Mercia police authorities added to that warning, pointing out:

"The current proposals are being rushed through amid concern that they will lead to a damaging reduction in performance, a collapse in neighbourhood policing and a significant loss of accountability. Serious questions remain about the costs and financing of mergers, the impact on council tax, the timescales for transition and the governance arrangements."

Mr. Stewart Jackson: My hon. Friend is being very generous in giving way. Does he agree that the Government could have met their financial objectives, which were set from the O'Connor report onwards, had they not so obviously set their face against federated arrangements such as those offered by Cambridgeshire and Suffolk police authorities, and that they could have made financial cuts without affecting front-line operational services?

Nick Herbert: My hon. Friend is entirely right. Of course, the irony is that the federal option was proposed by the Prime Minister and the strategy unit, but the previous Home Secretary rejected it out of hand. In my own area, forces such as Sussex, Surrey and Kent have lost the option of going down the federal route. I am of course pleased that Kent is being allowed to remain as a stand-alone force, but I regret the fact that the impetus for such federal arrangements has been lost. Such arrangements could have met many of the cost-saving and reinvestment criteria for level 2 policing that amalgamation purportedly addresses, and without impacting on local accountability.

Serious issues have arisen from the speed with which these proposals have been developed; indeed, they have been a significant distraction from what the Home Office should have been doing in the past few months. Setting aside the obvious issue of whether sufficient ministerial and official attention was paid to the deportation of foreign offenders, the Home Office, as one chief constable remarked, has been moving the deckchairs around in driving through this disruptive and costly amalgamation, when it could have been focusing on other, more important aspects of police reform—not least driving up police productivity and work force reform.

The Prime Minister said in January that it

"is not a question of forcing"

—amalgamations—

"through".—[*Official Report*, 25 January 2006; Vol. 441, c. 1426.]

But only one amalgamation—Cumbria and Lancashire—has been agreed by both the police authorities concerned. All the others have been contested by at least one of the authorities involved. Now, as the Minister said, there is to be a consultation period, and the question is: what does that consultation really mean? In a letter to *The Times* of 12 April, 35 council leaders from across the parties and across the country condemned the Home Secretary's merger proposals, arguing the following:

"As policing is by consent it is crucial that the wishes of the people are heard and respected. Yet the Home Secretary is not listening. He continues to press ahead with his ill-thought out and ill-judged plans, riding roughshod over the vast majority of the people and their elected representatives."

The truth is that the public have been shut out of discussion about the future of their own police forces. They must be consulted properly.

Mr. Paterson: My hon. Friend is being very generous with his time. He knows that one of Peel's nine principles was that the police's ability to perform their duties is dependent on public approval of police actions. Some 96 per cent. of respondents to a telephone poll in West Mercia, which the police conducted in a thoroughly professional manner, wanted West Mercia to be a strategic force. Does my hon. Friend agree that there is a real risk that, if we do not consult the public through a referendum, these huge new forces will not have legitimacy in the eyes of the public?

Nick Herbert: I agree with every word that my hon. Friend says. If they were wise, the Government, the new Home Secretary and his team would pause to reflect on whether this is the right thing to do in seeking to rebuild public confidence and to establish the right set of priorities for the Home Office, in order that it can do its job of contributing more effectively to public safety.

Mr. John Hayes (South Holland and The Deepings) (Con): Will my hon. Friend invite Ministers and Members to hold their own plebiscites? I am carrying out a survey in my Lincolnshire constituency, in the form of a plebiscite, to find out just how many people support these dastardly plans. If all Members did that, we could send the results to Ministers, who would then know once and for all that these pl[illegible] are unpopular, unwarranted and unnecessary.

Nick Herbert: I like my hon. Friend's idea, and should the Government reject amendment No. 82, which calls for referendums, the option remains for police authorities to hold their own referendums, as authorities such as Essex have proposed. I hope that they do so.

1.15 pm

The Government have advanced a number of arguments against amendment No. 82 and the use of referendums, none of which I find convincing. The first objection was articulated in Committee by the former Minister with responsibility for policing. She said that

"if we simply ask people whether they want their police area to be merged, it is virtually guaranteed that an awful lot of them will say no."—[*Official Report, Standing Committee D*, 21 March 2006; c. 84.]

That was her principal reason for opposing an amendment calling for a referendum. So the Government do not want to hold referendums because they know that they would lose them. Every single local opinion poll has shown that the public want to keep their local force.

The second objection advanced in Committee was that referendums were not held in the 1960s and the 1970s, when police forces were previously amalgamated. But in the debate on the Police and

Magistrates' Courts Bill in July 1994, to which the Minister referred—that legislation now provides the statutory basis for driving forward amalgamations—the current Prime Minister, who was then shadow Home Secretary, pointed out the following:

"When the previous settlements were formed in the Police Act 1964, it was preceded by a royal commission. It was discussed, debated and properly consulted on. Where amalgamations occurred, they occurred as a result of public agreement."—[*Official Report*, 5 July 1994; Vol. 246, c. 273.]

There is no public agreement to these amalgamations, which is why the public need to have their say.

Mark Tami (Alyn and Deeside) (Lab): Given that the hon. Gentleman is very keen on referendums, can he tell us how many the Tories have held at national or local level over the years? *[Interruption.]*

Nick Herbert: I am very sorry but I did not catch the hon. Gentleman's question; there was some noise from behind me.

Mark Tami: That is probably because the hon. Gentleman's colleague next to him was shouting. Given that the Tories are now very keen on referendums, can he tell us how many they held at national or local level over the years when they were in power?

Nick Herbert: No, I cannot.

The third argument advanced by the Government against local referendums—indeed, the Minister has just advanced it—was that one area might be able to block the proposal. For example, even if West Mercia was the only area that objected to the proposal—there is no polling evidence to suggest that that would be so—that could prevent a west midlands super-force from coming into being. But Labour's own policy document, published in 1996, before Labour came to power, answered that very contention. It said:

"Our advocacy of referendums to measure popular support for elected assemblies is not intended to be a blocking device to prevent progress, but rather is a means of ensuring that these assemblies have their own legitimacy amongst local people."

Legitimacy is indeed the issue. If an area is to have amalgamation imposed on it—if it can be voted down by a majority vote of other areas—that is not a proper vote on policing for that area; rather, it amounts to a hostile takeover. That is why the Government's argument is wrong.

The Minister also said that referendums should be reserved for issues of major constitutional significance and change. Yes, they should—that is probably self-evident—but Denis O'Connor, the chief inspector of constabulary on whose report the Government rely in order to push forward these amalgamations, stated in the introduction to his report that

"the constitutional implications of this work are significant".

What is more, in 1994 the then shadow Home Secretary, the right hon. Member for Sedgefield (Mr. Blair), described the proposed amalgamation of police forces without public debate as a "denial of constitutional principle". If the Minister is relying on the argument that this is not a constitutional matter, he is on shaky ground.

Mr. Humfrey Malins (Woking) (Con): I am most grateful to my hon. Friend for giving way; he is arguing the case powerfully. He will know that there is a move to force Surrey police to amalgamate with Sussex, and that every Member of Parliament for Surrey is against this, on the basis that it will mean less local accountability and less-efficient policing; indeed, virtually everybody in the county is against the idea. Can he think of any reason why the Government will not be prepared to listen to the people of Surrey, through one means or another, and to take their views into account?

Nick Herbert: As a west Sussex Member, I agree with my hon. Friend. It is our force that will be merged with Surrey and the proposal is deeply unpopular in the county. It is sad that the advice of the police authority—in particular that of the former chief constable of Sussex, who is now the president of the Association of Chief Police Officers—that a federal option should be investigated, was simply not taken. The Government failed even to consider that option properly, even though it was the Prime Minister's preferred route.

The fifth reason advanced by the Government for rejecting referendums on police mergers is that they know what is best for the people. It is that contempt for public opinion that has led the Government to ignore the people's vote on regional assemblies and proceed by stealth to build regional government in any case. Back in 1996, before the Government came to power, there was a rather different message. The Labour party document on regional government, to which I have already referred, claimed:

"It is in no-one's interest that we impose unwanted new structures of government on areas of the country that have no great wish to change. We are determined to work in partnership with the people—with their active support and understanding."

That must be the kind of active support and understanding that the public gave the Labour party in the recent local elections. However, when my hon. Friend the Member for West Chelmsford (Mr. Burns) asked the previous Home Secretary if he would accept the verdict of the people of Essex if they voted emphatically for a stand-alone force, he replied:

"I can give the hon. Gentleman a categorical answer...no."—[*Official Report*, 20 March 2006; Vol. 444, c. 5.]

So that is what new Labour meant by

"the active support and understanding of the people."

It meant, "We don't want you to have a say and if, for some reason, you get a say, we'll ignore you."

I hoped that the new Minister might take a more enlightened view of local or direct democracy, which I know he supports. After all, he co-authored a pamphlet entitled "Power to the People", so let us give the people some real power. Last September, he also co-authored a Fabian Society paper entitled "Why Labour Won". That is now of course of only historical interest to readers. He might be planning a small but significant revision to the title.

In the pamphlet, the Minister argued for a manifesto to transform the choice and voice of the public in the services for which they pay. I agree with him, but he has fallen at the first fence in his new job by denying local people an important choice over the future of their

[Nick Herbert]

police forces. Before the local elections and in his previous incarnation under the Deputy Prime Minister—as it were—the new Secretary of State for the Department for Environment, Food and Rural Affairs made great play of what he called double devolution, in which citizens would have more choice. So where is the citizens' voice in the future shape of their local police force? That is not double devolution: it is doublespeak. Their rhetoric is about localism, community empowerment and the citizen's voice: the reality is a steady accrual of power to Whitehall.

Successive clauses in the Bill give more power to the Home Secretary and take it from police forces and authorities. This group of amendments also addresses schedule 2 to the Bill, which gives the Home Secretary sweeping new powers to intervene in police forces. ACPO has warned that by enabling the Home Secretary to act independently, the Bill

"creates a new linear relationship from chief constable at the bottom, to police authority and up to the Secretary of State at the top, replacing the tripartite arrangement that has been in place for many years".

Albert Owen (Ynys Môn) (Lab): The hon. Gentleman talks about localism and local debate. I have great concerns about the proposed all-Wales police force, and local people in great volumes are saying that they want some form of localism. Schedule 2 will give local people the say that they need, so we are moving towards that. It is the duty of Members of Parliament to listen to what people are actually saying, and that is certainly what north Wales MPs have been doing. We are feeding it into the debate today and it is being taken on board.

Nick Herbert: I understand, from all the public opinion polls and surveys that have been conducted in Wales and debates in which I have taken part that there is considerable opposition in Wales to an all-Wales police force. There will be a substantial loss of accountability, because police force headquarters will be a long way from the people of north Wales. That is why there has been such resistance to the proposals. The hon. Gentleman is right to say that we need to listen to the people, and they are telling us that they do not want these amalgamations.

Ministers claim that the powers in schedule 2 will be used as a last resort. That is what the Minister just told us and the explanatory notes to the Bill set it out in terms. But in Committee the Government refused to put the words on the face of the Bill. When they could offer no convincing reason for not including that uncomplicated safeguard, we became convinced that Ministers have every intention of using the powers more broadly. For that reason, we support amendments Nos. 15 to 18 tabled by the hon. Member for Hornsey and Wood Green (Lynne Featherstone), which will go some way to restoring the balance by requiring that intervention is preceded by a recommendation from the new combined inspectorate, or a request from the police authority. Those are not unnecessary obstacles, as the Minister described them. They are the existing safeguards in legislation against the abuse of power by the Home Secretary and this Bill would remove them.

The Association of Police Authorities has expressed alarm that the Bill

"amounts to a fundamental shift of power to the Home Secretary, which undermines the checks and safeguards on which policing is built."

It warns that that the

"changes will not only further centralise power...but could also exacerbate the disconnection from local communities that restructuring policing into larger units could involve".

The association's concern might well have increased if it had heard, as I have, a rumour of a new proposal to create a national policing board in the Home Office, to be chaired by the Home Secretary. There is nothing in the Bill about such a board; nor, to my knowledge, has it been suggested in Parliament. Perhaps the Minister will now confirm whether such a board is planned. If so, it should have been discussed when this Bill was before the House. It is especially relevant to the powers in schedule 2 and the amendments before us, because the concept epitomises the direction of Government policy and the increasingly central direction of policing. We will have half the number of forces, remote from their local communities, with chief constables effectively being appointed by and answering to the Home Secretary. The public simply have not been consulted about a fundamental transfer of power from their communities. That is what our amendment, requiring local referendums on the changes, seeks to address. It is right in principle and it is right because we believe in trusting people. I beg to move amendment No. 82.

Mr. Speaker: Order. The hon. Gentleman cannot move that amendment at the moment. It is up for debate now, but it will be moved when we reach it on the amendment paper.

Martin Horwood (Cheltenham) (LD): I must first apologise to you, Mr. Speaker, for the absence of my hon. Friend the Member for Hornsey and Wood Green (Lynne Featherstone), who is attending to vital constituency business but who will join the debate as soon as she can.

I congratulate the Minister on his new responsibilities. It is very impressive to hear new Labour Ministers quoting Edmund Burke; indeed, it must be a first. I suggest that he leaven it with a little John Stuart Mill from "On Liberty", which might be useful in this debate.

If I were optimistic, I would detect a slight softening of the Government's position in new clause 4. The suggestion that huge super-forces may not be such a clever idea after all is a welcome development, as is the proposal to delegate some authority to deputy chief constables or area committees. If it is the beginning of backtracking on the super-forces, I am pleased to see it.

I notice that the Minister credits Welsh MPs with some of the arguments that have persuaded him on the new clause, but there are plenty of other examples from my area in the south-west.

Lembit Öpik (Montgomeryshire) (LD): I have been watching the debate from the comfort of my office—[Hon. Members: "You should have been here."] Well, I was moved to come and compliment Welsh Labour Members who, like me, are uncomfortable with the suggestion of one super-force across Wales. Does my hon. Friend agree, therefore, that the Government need

to listen to the cross-party consensus that opposes one police force for the whole of Wales? This is not about scoring points off the Government; it is about getting the right settlement for Wales. Behind the Minister are four good men and true who speak for Labour and for Wales. All of them support keeping the police force in that nation roughly as it is.

1.30 pm

Martin Horwood: I certainly agree with that. My hon. Friend must be pleased that he and his Welsh colleagues seem to have had a real impact on Government policy in this area, and that they seem to be moving the Government in a positive direction.

However, I was about to say that Wales is not the only area to which that principle could apply. In the south-west, my area, the most northerly point of the proposed super-force is to the north of Gloucestershire, around Tewkesbury, while the most southerly is the Scilly Isles. The distance between those areas is about twice the distance between the north and south of Wales. In a sense, therefore, the argument for the south-west is even stronger, and there are signs that the Home Office may be thinking twice about the implications of establishing such an enormous force.

The metropolitan model of a successful force is the basis of the O'Connor report and the Home Office's response, but it is one thing to apply that model to a large metropolitan area such as Manchester, where there are many police officers, and resources can be reorganised and shifted around, and quite another to say that resources available in the Scilly Isles could resolve a problem in Gloucestershire.

Interestingly, Gloucestershire's chief constable has continued to make a strong case against the merger of forces in the south-west. In January he wrote to the Minister's predecessor and said that restructuring could cost at least £550 million. He offered shared services and collaboration as an alternative model, saying that it could

"offer a viable alternative to restructuring, and especially so in a disparate geographical region such as the South West. It can build on current strengths, avoid adverse costs associated with restructuring, and avoid disruption at the neighbourhood level."

If the Government are beginning to pause for thought on these huge, inappropriate and expensive mergers, that is a welcome development.

Angela Watkinson (Upminster) (Con): The hon. Gentleman mentioned metropolitan forces, but we need look no further than London's Metropolitan Police Service to see how difficult it is to police a metropolitan area with very different component parts. Outer London is very different from inner London: the policing needs are different, and there are constant pressures on budgets and the allocation of resources. Does he agree that the same will happen in the very large regional forces that the Government propose? They would face exactly the same problems, as they would cover both rural and more built-up areas, with their different policing needs. There cannot be a borough commander in the whole of Greater London who would not welcome more autonomy in dealing with his resources and budgets.

Martin Horwood: I do not know the details of the Metropolitan force, but the hon. Lady and other hon. Members make a powerful case against a one-size-fits-all solution. What is needed is local flexibility appropriate to an area's geography and the nature of its communities.

At first sight, Government new clause 4 seems to be positive but, as ever, the Government cannot resist increasing the powers of the Secretary of State at the same time. As a result, the new clause contains powers to impose limits on what may be delegated, and to direct police authorities and forces how and what to delegate to area committees or regional deputy chief constables. The Bill's theme is one of interference and creeping centralised control, and it reappears just when it seems that the Government might be beginning to move in the other direction.

As the hon. Member for Arundel and South Downs (Nick Herbert) pointed out, the Bill and its creeping centralisation have constitutional significance.

Mr. Stewart Jackson: Does the hon. Gentleman agree that there appears to be a dichotomy between his party's correct opposition to the proposals for police amalgamations and its consistent support for regional government in every form possible?

Martin Horwood: No, I do not. It is plausible to have a regional government appropriate to the community that it serves that is not based on the model that is emerging in this country. For the record, my party has always been in favour of elected regional government that takes power down from central Government. What we have is unelected regional government that takes power up from local communities—precisely the reverse of what we have campaigned for. There are good reasons, to do with civil liberties, and resistance to the undue centralisation of power, for not having a national police force, and for preserving a degree of independence for police forces and authorities.

Amendment No. 2, in the name of my hon. Friend the Member for Hornsey and Wood Green, would provide for a police authority's chair and vice-chair to be elected rather than appointed by the Secretary of State. Again, we are seeking to remove from the Bill a measure that increases centralisation and the Secretary of State's power.

When he was considering the amendment, the Minister said that greater flexibility would be allowed and that police authorities and forces, and the Government, would not be constrained. In this Bill, however, the Government always seem to be seeking more flexibility for themselves and less for local people and communities. He said that the Mayor of London would be able to appoint the chairs of police authorities. If that is good enough for the Mayor, why is it not good enough for police authorities all over the country? Why does the Bill have to reserve that power for the Government?

Given that the support for amendment No. 2 may not be as widespread as we had hoped, we may not press it to a vote. However, I want to place on record our clear support for the principle that police authority chairs and vice-chairs should be elected and not appointed. Interestingly, the first Home Secretary to try to interfere

[Martin Horwood]

in that process was the right hon. and learned Member for Folkestone and Hythe (Mr. Howard), so it is welcome that the Conservative party is beginning to move away from that centralising instinct. It is just sad that the Labour party seems to have moved past it in the opposite direction.

Amendment No. 82, in the name of the right hon. Member for Haltemprice and Howden (David Davis), is based on good instincts. The Conservative party's commitment to referendums has been questioned. That is rather uncharitable, although I remind the House of the trenchant opposition of the then Conservative Government to a referendum on the Maastricht treaty, but I am pleased that Conservative Members seem to have discovered the virtues of direct democracy.

The Minister said in connection with amendment No. 82 that there was good provision for the reorganisation of police forces. Certainly, existing legislation contains good provision for reorganisation, but there is no provision for the application of a brake on the sort of hasty and precipitate reorganisation proposed in the Bill. I am sympathetic to this amendment, which would apply just such a brake and make it possible for public opinion to exert an influence on what would be a hasty and unwise process.

However, the Minister identified a fundamental and practical problem with amendment No. 82, which I shall illustrate using an example involving the forces around Gloucestershire, Avon and Wiltshire. If referendums were held in each of those areas, and if Avon and Wiltshire voted in favour of a merger and Gloucestershire voted against, it is difficult to see how such a result could be resolved. The amendment would appear to give a veto to Gloucestershire over the other two areas. It is one thing to hold a referendum in a single area, such as happened with the devolution of power to Wales or Scotland, but it is much more difficult to hold one that involves the interlocking relationships between different areas.

I now turn to amendments Nos. 14 to 20, again in the name of my hon. Friend the Member for Hornsey and Wood Green. Amendment No. 14 is another attempt to remove the extraordinary powers that the Bill gives the Secretary of State. Not only will he be able to interfere when he feels that a police authority is failing but, as is made clear in schedule 2, paragraph 24, in proposed new section 40(2), he will also be able to interfere where he is

> "satisfied that the whole or any part of a police force will fail to discharge its functions in an effective manner".

Added to all the Secretary of State's many powers, therefore, is the psychic ability to predict when a police authority or force is going to fail. That is an extraordinary provision to include in the Bill.

I am pleased that the hon. Member for Arundel and South Downs suggested that the amendment would command wide support. However, if it fails we have amendments Nos. 15, 16, 17 and 18, which offer alternative safeguards and checks and an independent voice against the power of the Secretary of State to intervene. The Minister says that checks will be allowed under the legislation, but we have to take his word on trust and hope that we will have an enlightened enough Home Secretary in office to allow those independent voices to be heard. If the Government are so happy for there to be independent checks and balances in the process, why will they not accept them on the face of the Bill? The Minister constantly wants flexibility for himself and his ministerial colleagues, but none for the people and local communities in respect of their policing. It seems perfectly reasonable to include measures in the Bill to put in writing safeguards against abuse of power, from which we must all be protected.

If the opportunity arises, we shall seek the opinion of the House on amendment No. 14. I commend it and our other amendments to the House.

Ian Lucas: I support the Government amendments, in particular new clause 4 and amendment No. 64.

The proposals to set up an all-Wales police force have been extremely controversial in Wales, especially in north Wales. North Wales Labour MPs have been listening closely to their constituents' views about the proposals and were regularly in close and active discussions with the Minister's predecessor, the right hon. Member for Salford (Hazel Blears), who is now the Minister without Portfolio, and the previous Home Secretary, my right hon. Friend the Member for Norwich, South (Mr. Clarke). We look forward to continuing those discussions with my hon. Friend the Minister. I have already benefited from several talks with him.

Much of the reason for the strength of the controversy in north Wales is that we are extremely proud of our local police force. We have one of the lowest crime rates in the UK and one of the highest detection rates. A person who commits a crime in north Wales is more likely to be caught. North Wales police force is such a good force because of legislation introduced by the Labour Government. The Crime and Disorder Act 1998 was the most successful, far-sighted and effective legislation on policing since the second world war. It has made policing local.

If Opposition Members had an active and close relationship with their local police forces they would know that with the advent of community safety partnerships, co-operation between local authorities and police forces has developed hugely since 1997 under the Labour Government.

Mr. Burns: My hon. Friends and I recognise that the hon. Gentleman is absolutely right to say that it is important that police forces have an affinity and a closeness to local communities, so why are the Government trying to destroy that by merging police authorities into larger areas where they are divorced from the people?

Ian Lucas: It is essential that individuals and our constituents have links with the police at the most local level. Community safety partnerships enable that to happen. Basic command units in my area of north-east Wales have been extremely effective in linking local authorities and the police so that they can work together. I will give the hon. Gentleman a concrete example. In 2001, when I was first elected, if an individual came to me with a complaint about a police-related matter, I had no idea where in the police force I should refer the complaint. Now, every local

authority ward in north Wales has an identified police officer whom I can contact on their mobile phone to deal with individual complaints. I can thus link individuals with concerns about crime in their community to their local police officer, which means that the police force can be much more effective.

None of that existed under Conservative Governments. The crucial link between the community and the police has been fostered and developed under a Labour Government and I am extremely proud of that. That is why I am campaigning to continue local policing, and the progress that has been made under this Government.

1.45 pm

Mark Pritchard: Part of the Government's explanation of the reason for police mergers is that they will increase resilience and improve counter-terrorism and co-ordination between police force areas, so why are five special branch officers being removed from the important port of Holyhead, which has the fourth highest footfall in the country?

Ian Lucas: I have no detailed knowledge of that proposal, but my hon. Friend the Member for Ynys Môn (Albert Owen) is in active discussion about it, so I have every confidence that the matter will be satisfactorily resolved owing to his intervention.

Michael Fabricant: Will the hon. Gentleman give way?

Ian Lucas: I should like to make a little progress.

Albert Owen: Will my hon. Friend give way?

Ian Lucas: I will give way to my hon. Friend—

Hon. Members: Oh!

Albert Owen: The port of Holyhead is in my constituency. There was concern about the transfer of policing from the port to the local area but no decision has yet been made. I raised the issue with the Home Secretary, who said that he would look into it. The important issue of resources will follow.

Ian Lucas: I think that I had better give way to the hon. Member for Lichfield (Michael Fabricant) now.

Michael Fabricant: I am grateful to the hon. Gentleman. He mentioned basic command units and I agree with much of what he says, but when I have a problem with a constituent in Lichfield I can take them to police headquarters in Stafford, where they can talk to the top man. The hon. Gentleman knows that the drive from, say, Machynlleth to Cardiff can take as long as driving from London to Cardiff, and the drive from Wrexham to Cardiff takes even longer. Is not that why people in the north of Wales want to keep their own police force rather than being merged into a greater Welsh police force?

Ian Lucas: The previous Home Secretary was well aware that Members of Parliament representing north Wales had profound concerns about the proposals. The new Home Secretary will also be aware of that concern, which we have shown by our attendance in the Chamber today. I am aware of the hon. Gentleman's arguments and I have been making them, too.

I was talking about the development of community policing in north Wales, which is a major achievement of the Government. Not all of that progress has been easy; there was resistance to community policing teams being established in north Wales, but we now have community beat officers who are in charge of policing in individual wards. The Police Reform Act 2002 introduced police community support officers—an excellent innovation. I was privileged to serve on the Standing Committee on it, and am well aware of the opposition to PCSOs expressed at the time by the Conservatives and the Liberal Democrats, which has now been withdrawn due to the success of scheme.

Mark Tami: Is my hon. Friend surprised that despite everything that the three Tory MPs in Wales have said about policing, none of them is bothering to take part in the debate?

Chris Ruane: What about Plaid Cymru?

Mark Tami: Indeed. Plaid Cymru Members are not bothering to take part either.

Ian Lucas: That is a matter for concern. A lot of heat has been generated, but Labour MPs in Wales have done an awful lot of work on this issue, and that will continue.

Mr. Stewart Jackson: On the precise issue of basic command units, are there not smoke and mirrors, and sleight of hand by the Government? What we are actually seeing is, yes, an increase in police community support officers, but the basic command unit in the northern division of Cambridgeshire constabulary has experienced a reduction of 58 full-time police officers over the past three years. That is not making an impact in terms of combating crime.

Ian Lucas: I am delighted that the hon. Gentleman makes the point about police numbers, because I was going to say later that police numbers in north Wales have increased from 512 in 1996, under the last Conservative Government, to 836 under this Labour Government, in addition to the community support officers and neighbourhood wardens who have been introduced to the community policing team by the Government.

Not only is there resistance to community support officers from political opponents, but the chief constable of north Wales was resistant to them, and initially did not apply for the Home Office funding available to enable those community support officers to be introduced. I am pleased to say that the chief constable has now accepted that he was wrong, and we are seeing the widespread introduction of community support officers across north Wales. The development of community policing in north Wales has been very successful indeed. It has led to higher detection rates

[Ian Lucas]

and less crime. For that reason, I have been working extremely hard to ensure the survival, maintenance and improvement of neighbourhood and community policing in north Wales.

Lembit Öpik: The hon. Gentleman will be aware that I agree with the points that he is making—they are reasonable—and community policing has been helped by that initiative, and credit to the Government for it. Nevertheless, the great concern, which I am sure we share, about creating a single all-Wales police force is that it will cost us more than many of the benefits that he highlights. Does he share my hope that the new Home Secretary will revisit the issue of an all-Wales police force? Although I recognise that some improvements were made under the previous Home Secretary, the cost of a single all-Wales police force will more than outweigh all the good that he did.

Ian Lucas: There were enormous improvements to policing in north Wales under the previous Home Secretary. I am putting my case to my hon. Friend the Minister in my own way, but I will be very forthright in ensuring that neighbourhood policing continues to improve. I am therefore very disappointed indeed that the Liberal Democrat-led local authority proposes to abolish the neighbourhood warden scheme in Wrexham, thus undermining the progress that has been made to date. I would be delighted to know whether the hon. Gentleman supports that proposal. Perhaps he will intervene and let me know.

Lembit Öpik: I am conscious that we may be drifting a bit from the new clause, Madam Deputy Speaker, but the hon. Gentleman asks me a question and I will give him an answer. I assure him that the Liberal Democrats in his constituency have every intention of doing what is best for local policing. If he is suggesting a dialogue about these issues, it would be safe for me to say that the Liberal Democrats in his constituency would be happy to discuss the best way to police. However, they would agree that the big concern that all hon. Members have on a cross-party basis is that the single biggest threat is creating an all-Wales police force, because resources could be leached from his constituency and mine to high-crime areas. That is one of the reasons why we would have a bigger cost than benefit from that initiative.

Ian Lucas: I now turn specifically to the Government amendments that relate to the creation of an additional deputy chief constable and to allowing the delegation of police authority functions to a lower level. Those amendments represent progress. Clearly, the Home Office has listened to the strong representations from Members of Parliament in Wales and has acted as a result of those representations, for which I am grateful. Of course, I will therefore support those amendments.

Mr. Martyn Jones (Clwyd, South) (Lab): Although the amendments go some way towards helping with the situation that we foresee in north Wales under an all-Wales police force, does my hon. Friend agree that significant problems remain, and that the Government could do a lot more work to make a north Wales police force more viable? One of the other things on which he might want to press the Government is ensuring that the powers given under the amendments are enforced and used if—as, unfortunately, seems likely—we have an all-Wales police force.

Ian Lucas: My hon. Friend presages many of the remarks that I intend to make. The amendments represent progress, but they are not the result that I, as a north Wales Member of Parliament, seek. I accept that there is a recognition that governance issues are extremely important in Wales, because of the peculiar geographical circumstances in Wales and the practical difficulties of improving level 2 policing in Wales, given the country's identity and geography. However, the financing of policing in Wales is crucial.

Since 1997 there has been investment in creating the community policing teams that have been so effective in improving both the performance and my constituents' perception of the North Wales police force. The concern is that if a reorganisation takes place, the progress that has been achieved will be undermined by the transfer of the funding that North Wales police currently receive away from north Wales to other areas of Wales, which currently have lower performance, lower detection rates and higher crime. An all-Wales police authority, most of whose members are likely to come from south Wales, will be tempted to shift resources away from north Wales to south Wales.

Albert Owen: My hon. Friend echoes the sentiments of the North Wales police authority and the fear that resources will go to other parts of Wales. He says that the amendments are important in the sense that they move towards what the North Wales police authority has been requesting. Does he therefore think it appropriate for the Government to pause and take that on board, so that we can find out how these important changes will impact on policing in Wales? Does he therefore agree that the Home Secretary should take some time out and extend the period, so that those authorities can meet to discuss the amendments?

Ian Lucas: My hon. Friend the Minister has been in his current position for four days, as has his boss, the new Home Secretary. I am sure that there will be a period of reflection in the Home Office. I am sure that the difficult practical issues that I am raising will be looked at closely by the Home Office and that, to satisfy me, they must make proposals to ensure that the current financing for North Wales police is maintained.

Mark Tami: Will my hon. Friend join me in recognising that important work was done with council tax payers to explain that extra money was being invested, with a higher precept, but that they were getting more front-line policing with those resources? It is important that we demonstrate to them that we are ensuring that that extra money is being protected and spent on policing in north Wales.

Ian Lucas: My hon. Friend makes an excellent point. Investment pays off in policing. Community police teams, of which we are very proud, have been created in

north Wales. We are leading the way on that issue. We do not want the progress that has been made in north Wales to be undermined by any proposal being taken forward. I welcome the amendments and the continuing dialogue with the Home Office on this issue, and I look forward to receiving responses in due course from the new Minister to the concerns that I have expressed today.

Angela Watkinson: Does the hon. Gentleman not agree that the composition of the local teams that he has referred to should reflect the most local level? Whether resources are devoted to fully trained police constables, police community support officers or wardens, the decision should be made to reflect local need, and should not be made centrally.

2 pm

Ian Lucas (Wrexham) (Lab): I entirely agree with the hon. Lady. One of the interesting innovations and developments that has taken place in north Wales is that there has been a large-scale devolution of budgets from the North Wales police to the basic command units. The crime and disorder partnerships—as they are called in Wales—in each area have been developed. They can see which particular areas have policing issues that need addressing and can allocate resources accordingly. It is important that that localism should continue.

I hope that the Home Office and the Minister for Policing, Security and Community Safety, whom I wish very well in his new post, will listen to the concerns. I thank the Home Office for moving thus far, and I hope that it will be able to resolve the concerns that I have expressed.

Mr. John Maples (Stratford-on-Avon) (Con): We have just had a 25-minute debate on community policing in north Wales in the middle of a debate on the reorganisation of police forces across the country. I would like to drag the debate back to that broader subject. I want to speak in support of amendment No. 82. I am not, in general, in favour of referendums. I take the points that the Minister made and I think that, on the whole, Governments should make those decisions and then be responsible to the House and to the electorate for them. However, in this case there has been so little consultation and consideration of the alternatives that a referendum may be one of the only ways in which we can air matters.

The former Home Secretary had made up his mind what he wanted to do. The regional agenda was at work and he was not prepared to entertain the concept of the federalisation of forces or of having multi-level, two-tier police forces. I was told that very early on by one of the Ministers concerned—I was told not to bother to write about that. Within days of the so-called consultation period finishing, the Home Office had reduced our options in the west midlands to two—and it made it very clear that it did not like one of them. There has not been a proper consultation.

On the question of referendums and the Conservatives, when police forces were last reorganised—this is a once in a generation thing and it is important that we get it right, because Governments of different political colours will have to live with the arrangement—there was a royal commission and all the different options were studied. I do not know whether we came to the right conclusion, but nobody could pretend that there was not a full consultation and examination of the alternatives, which there has not been in this case. *[Interruption.]* I was in favour of a referendum on the European constitution—that is perfectly true. So, in the end, was the Prime Minister.

I realise that there is a trade-off, which the Home Office is trying to deal with, between the need for high-tech intelligence-led modern policing to deal with the professional criminal gangs, serious crime such as armed robbery, and terrorism, and the need for local community policing, which is what most of our constituents want and feel that they do not get. I can see the argument that, at a big regional level, a west midlands police force with 15,000 police constables will be able to have dedicated units to deal with drugs, organised crime, armed robbery and terrorism, whereas that cannot be done on an amalgamation basis or by having one police force taking the lead. On the other hand, there is no doubt that a police force such as Warwickshire, with 1,000 policemen, will provide a far greater level of local accountability and community policing than would be the case if it were part of the west midlands force. I am concerned about that.

The good thing about the old arrangement was local accountability and community policing in rural areas. The bad thing was the lack of resilience. If a couple of murders occurred in Warwickshire, until they were sorted out, that was the end of about half of the community policing. Under the new arrangements, those good and bad aspects are reversed. The arrangements will be good for serious crime and resilience, but bad for local policing and accountability. We need to consider another way of dealing with the matter.

I hope that the Minister will be able to address my specific concerns when he sums up. First, the high levels of crime in the conurbation of the west midlands—the Birmingham conurbation—will suck police forces out of rural areas. That seems inevitable. The problems that are faced in the conurbations will always result in higher crime rates than in rural areas. I do not see how there will be protection. I would be grateful if he could reassure me about that.

Secondly, there is the issue of accountability. Warwickshire police force is accountable to one county council, five district councils, five crime and disorder reduction partnerships and five Members of Parliament. If I want to speak to the chief constable, it is very easy, and, to be frank, there are so few of us that he has to take my call, but in the case of the west midlands police force, there will be about 70 Members of Parliament, about 14,000 policemen and about 32 basic command units. He will be as far from rural Warwickshire, or rural Staffordshire, or rural Shropshire—both in his head and geographically—as it is possible to be. He is going to say, "Gee, they don't have any problems in south Warwickshire. Crime there is half the rate it is in Wolverhampton. I am worrying about Wolverhampton." There must be some accountability in relation to the basic command unit.

[Mr. John Maples]

Thirdly, we do not have the ability to manage forces of that size. I know that the Met is held up an example and I think that the police force is quite strong on leadership in some areas, but it is not particularly good on management. It is a feature of the public sector that it does not appreciate or put into operation a distinction between leadership and management. The management of a force of 14,000 policemen and probably 6,000 or 7,000 civilians is a really big task. We have not proved at all that we are up to that. I am concerned that the Government never allowed us to examine the two-tier option. We could have done, because it exists in many other countries. France and the United States are two examples. We could have had a west midlands police force that dealt with big serious crimes and strategic issues, built in the necessary resilience, and dealt with terrorism, intelligence, and serious and organised crime. We could also have kept a Warwickshire police force, and other county forces, to deal with community policing.

The police say that there would be a problem of interaction between the two forces. That is true, but that exists at the moment between head office and basic command units. That would be a small price to pay for getting the two objectives that we want. The Government want a high level force to work well, but are sacrificing the value of community policing and community accountability at a lower level. A two-tier force would at least have given us the best of both those worlds and it would have been worth examining the issue of the weaknesses in communication—often clues about big, serious, organised crime are picked up at local levels by community officers. That would have been a smaller price to pay than the one that we are paying in the Government's reorganisation proposals. I bitterly regret that we were never given the opportunity to consult on that. We should have been, because, as I say, we are reorganising the forces for a generation.

I hope that the Minister can deal with the question of community accountability at a basic command unit level, or some other level that means something—rather than just having a dotted line that involves going along and talking to the district council once every three months. There should be a real obligation to take notice of what locally elected politicians and communities want.

The resources for community policing in rural areas should be protected from the demands and inevitable predations of policing and crime problems in urban areas. We all pay our taxes. The transition costs in the west midlands are estimated to be £50 million and the annual savings £30 million. When I wrote to the Minister's predecessor, I was told that part of the police's capital budget for those two years had been set aside to pay for that. I am glad that the money is not coming out of the current budget, because then it would be a long time before we saw the benefit of any savings, but I am concerned that the money is coming out of the capital budget. Will the Minister tell us exactly what that means? Does is mean that the police will not be able buy computers, fingerprint kits and police cars, or whatever else they need to buy out of their capital budgets, or that criminal justice centres will be set back?

Finally, I would like some reassurance that the police precepts, which tend to be higher in rural than urban areas, will be allowed to find an average level without that being rigged. There will have to be one police precept across the west midlands under the new arrangements. Given that that will benefit rural areas—almost uniquely in the context of anything that the Government have done in that respect for nine years—I suspect that local authority finance will be rigged to take that benefit away so that we will lose grant to make up for the fact that we have had our police precept reduced. I would like some reassurance on that, too.

Frank Cook (Stockton, North) (Lab): It is always a pleasure to listen to the hon. Member for Stratford-on-Avon (Mr. Maples) and I always enjoy doing so, but, in following him, I realise that I have to try to match his eloquence. That is somewhat difficult, especially as I approach this issue with a very heavy heart.

I apologise for arriving late in the Chamber. I had a huge backlog of admin work to do because I was in Committee all day yesterday, from morning until night, as the senior Chairman of the Standing Committee on the Education and Inspections Bill. I have to return to Committee very soon, so I will be making a bit of a breathless contribution to the debate. I want to complain not about policing standards, or police conduct and discipline, but the reorganisation.

The matter is nothing new to the House because I secured an Adjournment debate on it in Westminster Hall. It was probably the most heavily attended debate on any subject discussed in Westminster Hall, and I must say that I enjoyed it. I spoke for rather too long, but nevertheless the subjects were covered in adequate detail.

I point out to the Minister and the Government that ever since the topic came on the agenda and we were given three weeks in which to consider the proposal and come up with our options, I have consistently opposed it resolutely, in every syllable. I made the previous Home Secretary well aware of my opposition not only through the debate in Westminster Hall, but in private meetings with him and when he chose to raise the issue with me in the Tea Room—I did not chase him; he came to me. On each and every occasion, I had to make it plain to him and his then Minister of State, my right hon. Friend the Member for Salford (Hazel Blears), that I thought that the proposal was unjustified, unwarranted, illogical and unaffordable.

I am not against change to the structure of the police force. Modernisation is certainly needed, as are re-equipping and new methods of detection and pursuit, especially to take account of the changes that are occurring in not only terrorism, but drug and commercial crime. However, simply coming up with a set of proposals, giving people three weeks to consider them, stating that options could be put forward, but sweeping those options to one side without even considering them, was not only illogical and impolite, but verging on the insane.

I find it difficult to express myself in terms that are clear and polite. We were asked to concentrate on forces that would be able to supply 4,000 officers. When one questioned the basis for that figure, no logical justification was given. One then pointed out that there

are forces in Scotland—they will not be affected by the measure because it will not impinge on Scotland at all, which must be rather comforting for a Home Secretary who comes from Scotland—with only 400 officers, so how are they going to survive and provide protective services if we must have forces with 4,000 officers in this country?

David Taylor (North-West Leicestershire) (Lab/Co-op): Will my hon. Friend give way?

Frank Cook: If I must.

David Taylor: My hon. Friend is making a powerful point. Is he aware of any evidence that is adduced to sustain the argument that that 4,000 is some sort of magic figure? The Leicestershire force, with 2,000 officers covering 1 million people, is being absorbed into one with 9,000 officers covering 4.5 million people, but that will create serious risks, especially in relation to localised policing. Is he aware of any such academic or other professional evidence?

Frank Cook: Search as I might in all sources available to me, I can find no justification for asserting that particular criterion. It does not bear examination or stand up to scrutiny for me, although it did for the former Home Secretary. I have to say to the Minister, who I see is assiduously making notes, that although I can offer him sympathy in his new job and welcome him to it, I cannot offer him support—he will not get it from me.

We were told that there was to be no money, so the forces were supposed to change livery, get new equipment, reorganise themselves and restaff new establishments with no money. We asked about the police precept—we heard about that earlier—and were told that it would take care of itself, but will it? After last Thursday, I do not suppose that that will be very much the Labour party's problem in the next five or 10 years if what we experienced in the south happens in the north.

2.15 pm

We were told much later that the money would be provided. "Ah, fine," said I, when I returned to this country after duty abroad, "They've found the money. Okay, that's another one of my arguments gone, so I'm a little weaker than I was before." However, I was told, "Yes, Frank, but there's no new money." I asked where the money would come from. I was told that it would come from the Home Office, and when I asked where the Home Office would get it from, I was told, "Oh, they'll find it somewhere," but then we heard about the financial problems with the Home Office. The whole situation is approaching a fantasy. Walt Disney ought to make an epic on this one—it is absolutely crazy.

I have tried to conduct my arguments through correspondence, so I have quite a large file. I have also had to argue with some policemen who seem keen for the changes to go through, although I must say that they are the ones who think that they will get the top jobs. I hope that the Minister will take this point seriously and make it his business to watch the interview with the chief constable of West Mercia in a recent episode of "HARDtalk" on BBC News 24. The interview will give him great cause for a rethink. There was a man who was special branch and had anti-terror responsibilities, with a remarkable record and a force with an astonishing track record on policing efficiency. He was really given a hard time by Stephen Sackur—he was not on a soft hook at all—but gave a great account of himself, as have many police officers throughout the country who object right from their roots to the form of the reorganisation. It is not that they are against reorganisation—they will go for it if it is needed. However, they are professionals. They are right into policing and have spent their lives doing it, although the previous Home Secretary and the Minister have not, as I have not. I am not an expert. The only thing that I am an expert in is mediocrity.

Michael Fabricant: Not true.

Frank Cook: You bet—I will prove it.

I appeal to the Minister, through you, Madam Deputy Speaker, please, please, please go back and think again. Go back and re-examine, and think about the 82 per cent. of the people throughout the north-east who want a referendum. Go back and think of the 65 per cent. of people throughout the north-east who do not want the merger. Those people are talking to us. We are in the House because of the people. They send us here and pay us to be here, so let us listen to them for heavens sake—we might make history.

I do not enjoy voting against my Government and party, although I have done, I think, about 14 times in 23 years. It has always been painful, but I do it because of my conscience—believe it or not, I have got one. On this issue, the Government cannot count on my support, so I beg you—I apologise, Madam Deputy Speaker; I beg you too, in a way. I beg the Government: for God's sake, think again.

Mr. Paterson: It is a great honour and a pleasure to follow the hon. Member for Stockton, North (Frank Cook). He made a powerful speech, and spoke extremely well when he landed his debate in Westminster Hall.

I endorse virtually everything that the hon. Gentleman said. He may have been out of the Chamber when I intervened on the matter of Scotland, but the situation is rather worse. A report in *Scotland on Sunday* suggested that party insiders are saying that the enormous Strathclyde police force may be broken up because, according to certain members of the Labour party, it is not close enough to the community. We are subject to the extraordinary constitutional outrage of a Home Secretary from Scotland, who has no remit whatsoever for the Strathclyde police force, dictating to us—in the north-east in the hon. Gentleman's case, or to the West Mercia force in mine—and forcing a massively unpopular amalgamation when his own party is doing exactly the opposite, back in his own home patch. On those grounds alone, this process is illegitimate and the Government should think again.

The process is illegitimate also, as my hon. Friend the Member for Stratford-on-Avon (Mr. Maples) has said, because of the outrageous rush with which it has been conducted. On 16 September, Her Majesty's

[Mr. Owen Paterson]

inspectorate of constabulary published the report entitled "Closing the Gap", which referred to the utterly arbitrary figure of 4,000 police officers.

My parliamentary neighbour, the hon. Member for Wrexham (Ian Lucas), was talking about resources. The issue is not all about resources, but some of us are caught financially. I am not making a call for more money, but it should be noted that West Mercia constabulary receives £94.38 per head from central Government while North Wales police receives £116. If West Mercia received the same as North Wales, our force would be well over 4,000 strong. If that were so, I would probably not be speaking in this debate, because there would not be an issue to discuss. As we have only 2,380 officers, we are, however, caught by the absurd black-and-white figure of 4,000, for which there is no basis.

The West Mercia force has a splendid chief constable in Paul West. As the hon. Member for Stockton, North said, he was given a hard time last night on television, but really stood up for himself. There is also a strong police authority under Paul Deneen. The force polices a huge area—Shropshire, Worcestershire and Herefordshire. Despite the low rate of funding per head from central Government, when the HMIC base-line assessment and the police standards unit assessment of performance is taken into account, which includes level 2 performance—it must be the most comprehensive independent assessment of police forces, which took place in the autumn—West Mercia was rated as the No. 1 police force in the country. In terms of geographical area, that force is responsible for the fourth largest in the country. Yet we are to be rushed headlong, helter-skelter, into an amalgamation with Warwickshire, Staffordshire and the west midlands force.

A document was issued on 16 September, and the Home Secretary wrote to the police authority on 22 September saying, in effect, "You have got to be amalgamated and 4,000 is the limit." I have been involved in this matter and meetings took place down here. For instance, I got the chief constable and the chairman to meet the then Parliamentary Under-Secretary, the hon. Member for Slough (Fiona Mactaggart). Our chief constable was pretty straight with the hon. Lady and told her that it was nothing short of scandalous to reconfigure British policing in a few weeks. He said to her, directly:

"In my professional judgment as a Chief of a high-performing force"—

he was being modest because it is the highest-performing force—

"in a regional structure it would be extremely difficult to give the same level of performance as at present in West Mercia."

To touch on my political neighbour's comments on local policing, the chief constable said:

"BCU commanders will have much less influence. The proposal is untested and the regional model is not supported by the people of West Mercia. The way it is being imposed is outrageous; there is scant regard for professional advice on the ground."

Most importantly, the chief constable said:

"Level 2 could be delivered by collaboration and joint working."

As an example with regard to level 2, West Mercia officers are not only helping the West Midlands force after the incident at Lozells last year but helping the Met following the bombings last year. West Mercia officers are also in the Balkans helping authorities there. There must be collaboration across forces and we support that, but that does not mean subordination and a complete loss of the relationship between the smaller local force and the people.

In the Westminster Hall debate—

Frank Cook: Will the hon. Gentleman consider for a second the amount of co-operation that took place between different and various police forces during the miners' strike?

Mr. Paterson: I was pursuing another profession at the time of the miners' strike and I am not qualified to speak about that. However, I am sure that there was collaboration. I am sure also that the hon. Gentleman makes a valid point. There has always been collaboration between forces. The issue has been made even more pertinent following the arrival of the Serious Organised Crime Agency, as my hon. Friend the Member for The Wrekin (Mark Pritchard) said. SOCA is carrying out level 2 strategic work on terrorism, so there is no need to go through this massively expensive and unpopular process of amalgamation. Local policing should be as near as possible to local people.

As a final crushing comment, Paul West said:

"This is not some superficial numbers game. The analysis of 4,000, if written by a GCSE statistics student, would have been returned."

That is the opinion of the professional. I repeat that that is the view of the chief constable of the No. 1 police force in the country. His view on statistics were supported by Tony Lawrance, who is professor of statistics at the University of Warwick. He published a statistically based opinion which completely undermined the HMIC review, which is the only basis for the figure of 4,000.

I suggest that professors of statistics are not commonly known for colourful or exciting language, but I shall give a flavour of one of Tony Lawrance's comments. He said:

"This is an almost perfect example of how not to present a graph— no scales on either axis, no data plotted to justify the lines drawn. It is almost impossible to obtain any critical understanding from it, except that it is intended to prove that score for protective capability increases with force size...I can see little hard evidence in pages 30 and 31 to justify the figure of 4,000."

Touching on collaboration, that professor of statistics went on to say:

"Effectiveness of smaller forces depends on arrangements they have to deal with policing matters which outstretch their resources, by collaboration with adjacent forces. If these are good then they are effective. This would apply to the larger forces and the most serious matters needing massive response."

That is exactly as was cited.

David Taylor: Does the hon. Gentleman fear for the amalgamation in which his own force will be involved, which is parallel to the concern that many, including me, have in the east midlands, where forces such as Leicestershire and Derbyshire—good and effective

forces that are adjacent to Nottinghamshire, which, unfortunately, has a higher than average crime rate and other concerns—face the prospect of resources being sucked in that will weaken the existing effective structures in those forces, which were always good? Leicestershire has always been good at collaborating and in dealing with serious and organised crimes, drug offences and terrorism.

Mr. Paterson: I entirely agree with that. There is no question that the targets will be set by the Home Office; those targets will be set by conurbations that are big centres of population and big crime centres. The current efficient handling of crime matters and policing in areas such as that represented by the hon. Gentleman and myself will definitely be damaged. That is inevitable.

I return to the professor, whose comments are extremely relevant. Time and again the Government come back to HMIC. They say, "We are only following what HMIC says." It is one man's opinion, which is trashed by Tony Lawrance, a professor of statistics, who has said:

"It is hard to believe that professional statisticians were heavily involved in planning, analysing and presenting the quantitative information used by the report, or suggesting conclusions to be drawn from it."

His conclusion is damning. He says:

"The quality of the statistical information gathered for the HMIC report...is questionable. The statistical treatment of the data collected is largely unjustified and appears open to criticism in its combination of scores. The graphical presentation of the data is poor and trend lines could be misleading; The use of computer-produced statistical collaboration is unjustified...The conclusions drawn in respect of the 4,000 minimum force size almost totally ignores the variability of protected services performance at each force size, and no evidence is provided that this will be small at the 4,000 level."

How can the Government base the largest change in policing in 100 years on a report that is utterly flawed in its basic statistics?

Frank Cook: The hon. Gentleman has been generous in accepting interventions. Did the professor make a comparison between the HMIC report and the report that was jointly published two years before by the Home Office and Downing street, which rejected the proposal? The Home Secretary, however, has refused to allow me sight of that report.

2.30 pm

Mr. Paterson: No, the professor's analysis was purely of the HMIC report. Given that it is constantly thrown at us as the justification for a revolution in British policing, it is pertinent that a politically neutral professor of statistics rubbishes the data. Even though he uses such extraordinarily colourful language, the Government continue to produce that report as evidence.

Given that basic evidence and given that it is extremely unpopular, the proposal is illegitimate. The Prime Minister said before the Liaison Committee:

"the reorganisation of local police is something where it really is sensible to listen to local people."

On 18 January, he said:

"It is important that we listen to local people, and I can assure the hon. Gentleman that we will do so."—[*Official Report*, 18 January 2006; Vol. 441, c. 836.]

A week later, on 25 January, he said:

"Obviously, we will listen carefully to what people say.

Later that day, he said:

"I entirely accept that some people are in favour of mergers, that some are against them and that some are in between. We will have to take a decision on what is best for local forces, but we will do so listening to what local people say. In the end, surely, what we both want to see is the most effective form of policing."—[*Official Report*, 25 January 2006; Vol. 441, c. 1426-29.]

A comprehensive survey of public opinion has taken place in West Mercia. Not one of the area's 13 Members of Parliament wrote to the police authority to support the regional proposal, including a Parliamentary Private Secretary, the hon. Member for Worcester (Mr. Foster), who is now a Government Whip and, lo and behold, the right hon. Member for Redditch (Jacqui Smith), the Government Chief Whip. None of the county and unitary councils supports the measure, and neither do any of the nine district councils. None of the 108 parish and town councils supports it, and neither do the 11 police consultative groups or 15 community groups. They all support the proposal that West Mercia should become a strategic force, achieving that rank using its own resources. In more than 100 public meetings, overwhelming support has been expressed for the proposal that West Mercia handle level 2 crimes.

In a telephone poll, 94 per cent. of respondents were in favour of West Mercia promoting itself to level 2 within its own boundaries. Similarly, 96 per cent. of written responses supported West Mercia as a level 2 force. Why on earth do the Government think that the proposal, if it is rammed through, will be legitimate? The Minister effectively said that carefully selected Government toadies will have a little debate in a closed Statutory Instrument Committee to enable the measure to go through.

Jeremy Wright (Rugby and Kenilworth) (Con): My hon. Friend will have had conversations with police officers in his area, as I have had in mine. Those officers say that they police the public with the public's consent, and that they cannot do otherwise. If the measure goes through without public consent, as he clearly demonstrated, that will not assist the strengthening of the relationship that the police need to have with the public, and with which they have had difficulty in the past few years and months.

Mr. Paterson: That is a prescient intervention, as I was about to say that policing began as a civic duty in Elizabethan times. Then, as now, jury service was a civic duty and, the citizenry were also the police. My hon. Friend is right to raise the matter, because Sir Robert Peel's second principle stated that

"the ability of the police to perform their duties is dependent upon the public approval of police...actions".

Sir Robert continued:

"Police, at all times, should maintain a relationship with the public that gives reality to the historic tradition that the police are the public: the police being only members of the public who are paid to give full-time attention to duties which are incumbent upon every citizen in the interest of community welfare and existence."

[Mr. Paterson]

In 1839, the royal commission on policing recommended that there should be a national police force, but that recommendation was rejected by Parliament, which understood that policing could work only with public support and co-operation.

Having cited the figures, how can the Minister possibly believe that a new west midlands force will have any support or legitimacy, given the strength of public opinion? On 14 February, the West Mercia police authority unanimously rejected the merger proposal, and it supported my calls for the local referendum that is the subject of amendment No. 82. Only yesterday, seven policy authority chairmen from all parties stated that opinion polls show overwhelming public opposition, and pointed out that only two police authorities have volunteered to proceed with mergers. Some of them have initiated legal proceedings to halt the process; West Mercia will pursue the legal avenues against the measure, and it will seek judicial review at every stage. Last night, the chief constable appeared on "HARDtalk", and gave a robust defence in the face of probing questions from Stephen Sackur.

Mr. Stewart Jackson: Is my hon. Friend concerned about something that has not been mentioned in our debate—the negative impact on the morale of police officers and other staff? He is fortunate to have one of the best performing police forces in the country. On the other side of the equation, however, my force is in the bottom 10 per cent, but the ill-thought-out proposals will have a massive impact on staff morale and performance in both the best-performing and worst-performing forces.

Mr. Paterson: My hon. Friend is quite right—there will be chaos when the proposal is introduced. On the television last night, my chief constable made the point that there will be only one winner. There will be only one chief constable and one deputy, so four good deputies and four good chief constables will be fired. The police will lose a huge swathe of experience across the country, as chief constables, their deputies and other senior personnel such as financial staff will go. It is an extraordinary act of vandalism to get rid of that talent, given that SOCA, which should handle level 2 crime, only began its operations in April, and that forces such as West Mercia have proved that they can handle level 2 crime.

This is a bizarre story, as the hon. Member for Stockton, North said. The measure was rushed through at a week's notice on the basis of a bogus report and utterly false statistics that have been rubbished. It will be rammed through in my area in the face of extraordinary public opinion—I have cited opposition of 94 and 96 per cent. It lacks legitimacy and it has been rammed through in the teeth of professional advice from the most successful chief constable in the country and from police chairmen, who have made it clear that they will take legal action against the Government. To suggest that it can be introduced without a local referendum is insane, so I support amendment No. 82.

Mr. Stewart Jackson: This important issue has not received the airtime that it deserves. I shall confine my contribution to police structures. The Bill generally is a missed opportunity and will do nothing to tackle the underlying issue—the scourge of crime and disorder. The Prime Minister, we are told, is always looking for actions that will be his legacy. In the wake of the removal of the right hon. Member for Norwich, South (Mr. Clarke) from the post of Home Secretary, one could have been to listen to the massive opposition of people throughout the country to these ill thought-out proposals and to tackle the last bastion of restrictive practices, sclerotic working practices, bureaucracy, inefficiency and buck-passing. I am not speaking about ordinary policemen and women.

Under the Bill, we are moving, although the Government would no doubt deny it, towards a national police force, entrenching central control by the Home Secretary and the Home Office and reducing local accountability, not least by changing the role and responsibilities of members of police authorities. Some of the proposals in the Bill begin to infringe on operational police matters.

Through the Bill, we are embedding the general concept that senior police officers should be accountable upwards from their local area to the Home Office, not accountable downwards to residents, taxpayers, or even Members of Parliament and local elected councillors. We have strategic plans, police performance assessments, national policing plans, frameworks, the national policing improvement agency and so on. They are all part of a centralised, top-down, tick-box culture. The views of long-suffering residents are largely irrelevant. More importantly, the proposed reforms will have no discernible effect on the reduction of crime.

Nothing so perfectly sums that up as the obdurate disdain for the views of local people that we have seen from the Government over the past six months. In the teeth of opposition from hon. Members in all parts of the House, not least hon. Members from north Wales and other Labour Members, the forced police amalgamation plans are unwanted and unworkable and are being foisted on local authorities by the departed right hon. Member for Norwich, South.

I pay tribute to Cambridgeshire and Suffolk police authorities for refusing to be bullied into a so-called voluntary amalgamation. I commend to the House the views of Councillor Ian Bates, the leader of Huntingdonshire district council in Cambridgeshire, who challenged the Home Office unilaterally to submit its proposals for Cambridgeshire, Suffolk and Norfolk to a plebiscite of local people, to gauge whether the Government have a mandate to wreck the police service in Cambridgeshire, Suffolk and Norfolk. Like the councillor, I believe that the Government's plans are hasty, intellectually incoherent, as my hon. Friend the Member for North Shropshire (Mr. Paterson) said, and flawed.

Councillor Bates asked some pertinent questions of the Home Office, which bear repetition. He pointed out that the amalgamations will detract from the ongoing operational improvements that we have seen in Cambridgeshire, such as Operation Harrier, a major drugs operation in Peterborough three years ago. The amalgamations will have a major impact on operational and financial risk. They will undermine the concept of

neighbourhood policing. It is interesting that the Minister fought his own successful by-election campaign in Hodge Hill on neighbourhood policing and other policing issues, yet there is a dichotomy between neighbourhood policing and the drive towards regional government and regional policing, which he must know is motivating many of his hon. Friends to oppose the proposals.

2.45 pm

As I said earlier, morale is a major issue. Cambridgeshire could be construed as a failing authority, but we are through the worst, things are improving and the force has the strong leadership of Chief Constable Julie Spence. Yet all the senior officers in the three counties are now engaged in a game of musical chairs to try to get the best position. They are, therefore, focusing not on crime, but on new badges, new management suites, new structures and new buildings.

Questions remain. Will the Home Office meet all the net costs associated with mergers? I listened to the Minister but I remain unconvinced by the damascene conversion. What will the impact be on my constituents' council tax bills? Will democratic and lay justice representation be the same in Cambridgeshire as in Norfolk and Suffolk, under the proposals? Will the Home Office grant remain the same to fund more police, community support officers and other specialist police operational needs, in 2007 and in 2008? We know that the Government are obsessed with change, reform and altering structures. There will inevitably be consultancy costs for the amalgamations and reorganisations. Who will pay them? I do not want taxpayers in the Peterborough constituency to pay for the Government's administrative folly.

I fear that the Bill focuses on structures and ignores people's everyday experience of crime and disorder. Last week I visited South Bretton, part of the Peterborough Development Corporation development in the west of my constituency, where residents were plagued by youth crime and appalling antisocial behaviour. They were miserable about that and about the response from the police. I am taking the matter up with the chief constable. One lady who works on the night shift in a local factory told me in tears that she fears coming home from her shift. She knows she will not sleep because she is worried about criminal damage, harassment and youth crime. Is that any way to live?

What will be the outcome of the amalgamations? Will decent tax-paying people see a reduction in crime? Yes, we have action areas, a prolific and priority offender strategy, a joint working party locally, a safer schools partnership and a local respect action plan, and goodness me, there is a respect academy in the pipeline.

Jeremy Wright: Does my hon. Friend agree that in the scenario that he is describing, his constituents and mine are likely to find that not only are police management structures further away from them, but so is democratic accountability for the police? Larger police forces will have elected or partly elected police authorities, further removed geographically and in their thinking from the people about whom my hon. Friend and I are worried.

Mr. Jackson: My hon. Friend makes a good point. I am extremely concerned that we will see reductions in full-time police officer numbers in basic command units, as we have seen in Peterborough over the past three years. Fifty-two full-time police officers have been lost, and violent crime has risen from 2,761 offences in 2001 to 5,827 in 2005. In my basic command unit, detection rates are 15 per cent. for burglary, 28 per cent. for sexual offences and 20 per cent. for robbery. I worry that the democratic deficit that will be a consequence of huge regional police forces will mean that the particular policing needs of my constituency and other urban areas will be ignored, as will the specialist policing needs of rural areas under the new regional structure, as my hon. Friends have pointed out.

The changes will do nothing to stop the erosion of people's faith in the criminal justice system. I make no bones about my views. In my maiden speech on 6 June last year, I called for an elected police official for Cambridgeshire. If such an official is called a sheriff, that is fine. I believe that that is important, because I believe that the democratic deficit must be filled.

Accountability is needed not only on policing, but on prosecutions at a local level. I know that that issue is slightly different, but it relates to people's lack of faith in how structures work now. Council tax payers in the Peterborough unitary authority area now pay £46 a head for local policing compared with £20 a head in 1998, and I could entertain the House, if that is the right word, with many similar examples.

The Bill reveals the Government's fetish for structures, rather than focusing on delivery of outcomes. The Government want to talk about structures and avoid real reform, and the police service needs real reform. We need proper accountability by means of an elected sheriff or similar official. We must reform the pay and conditions of police officers, which should relate to skills, competence and results in combating crime, rather than length of service, Buggins' turn or the canteen culture. Incidentally, I speak as the son of a policeman and as the brother of two policemen, one of whom is serving and the other of whom is an ex-policeman.

We need to move away from situations in which policemen have two jobs.

Madam Deputy Speaker (Sylvia Heal): Order. I have been fairly generous with the hon. Gentleman, but he is going very wide of the new clause and amendments under discussion.

Mr. Jackson: I am grateful for your tolerance, Madam Deputy Speaker.

The proposals do nothing to tackle crime as it affects my constituents and others. There are many examples of best practice across the country, such as Middlesbrough and Essex. We must solve the epidemic of street crime, disorder and antisocial behaviour. As my hon. Friend the Member for North Shropshire (Mr. Paterson) has said, it is important that the police are supported and have the active sanction of local residents and local voters. For that reason, I cannot understand why the Government, who pay lip service to involvement and engagement at a local level, are afraid of the views of local people. They may have had their nose bloodied in the referendum in the north-east, but they may win the next referendum. Why are they afraid to put their views and policies to the vote and to trust the people, our constituents?

Mr. Burns: I support amendment No. 2, which was tabled by my hon. Friend the Member for Arundel and South Downs (Nick Herbert). I join my hon. Friend the Member for North Shropshire (Mr. Paterson) and the hon. Member for Stockton, North (Frank Cook) in their impassioned plea for greater democratic accountability through a referendum on the Home Office's extraordinary policy of merging police forces.

I had thought, perhaps naively, that, given last Friday's change of regime in the light of last Thursday's disastrous local election results for the Government, new Ministers might have had the nous to review whether it was sensible to proceed with a set of mergers that has united the vast majority in local communities against the Government's proposal. As the Minister said in his introductory comments, however, the new regime at the Home Office is not prepared to think again, and it seems determined to continue the mistakes of the old regime.

As my hon. Friend the Member for North Shropshire has said, we have a police service and police system that carries out its duties with the consent of the population. One criticism made over a period is that there is not enough communication and visibility between local communities and the local police force, which relates to the introduction in the '60s and '70s of motorised policemen rather than bobbies on the beat. Community after community and politician after politician have called for more bobbies on the beat, and in the past decade or so there has been a realisation that the needs and desires of the local community must be met. In my county of Essex, for example, the chief constable took over relatively recently, and we have seen a deliberate and successful policy to ensure that there are more policemen on the beat not only to reassure the local population, but to deter opportunistic crime. That approach has strengthened links between the local police force and the community, and the problem with mergers that create large police areas is that that local affinity will be broken.

Essex is one of the largest counties in the country geographically as well as one of the largest in terms of population, at just less than 2 million. To many people, Essex should, could and, I believe, must have a stand-alone police force, but we were told by the previous Home Secretary—this is being continued by the new Home Secretary—that Essex must be merged against its wishes and those of all national politicians in the county. Those politicians do not include the hon. Members for Harlow (Bill Rammell) and for Basildon (Angela E. Smith), who, to be fair to them, are bound by collective responsibility as members of the Government and have not therefore voiced an opinion. However, the other Labour MP in the county, the hon. Member for Thurrock (Andrew Mackinlay), is totally against the proposal, as are Liberal Democrat MPs and all the Conservative MPs. The Prime Minister told us at Question Time that the Government would listen to the wishes of local people. The campaigns by hon. Members, local authorities, the police authority and the chief constable in Essex have made it plain that Essex wants to remain a stand-alone force and not be merged.

Bob Russell (Colchester) (LD): Will the hon. Gentleman give way?

Mr. Burns: With respect, I will not. This debate has been going on for almost two hours, but the hon. Gentleman has hardly been present in the Chamber.

Despite all the representations and wishes of the local community, the Government refuse to listen and allow Essex to remain as a stand-alone force. That has confused many people in Essex, because the next-door county, Kent, has been allowed to remain as a stand-alone police authority, as has Hampshire. I would be grateful if the Minister reassured me that it is not because the Chairman of the Home Affairs Committee happens to be a Hampshire MP and that there are a number of highly marginal Labour seats in north Kent that those counties have been allowed to have their way, while Essex has not.

Amendment No. 2 is particularly attractive, because the Government, despite the promises and rhetoric of the Prime Minister, are not prepared to listen. When the previous Home Secretary told the House that he would listen to the views of people in the next phase of the process, I asked whether he would listen if the overwhelming majority of people in Essex voted in a referendum in favour of keeping a stand-alone force, and he at least had the decency to say that he would not. That shows that the Government have paid lip service to listening to local people and consultations, which are a waste of time. They have no intention of listening.

3 pm

As was said earlier, the last Home Secretary put before the House a set of proposals that he was determined to maintain, come hell or high water, and for appearance's sake he came out with all the usual platitudes about listening and consultation, but with no intention whatever of paying attention to what he was told or what he heard in the consultations. That is what is so frustrating, and it shows that we should have more referendums in this country, so that issues can be put to the people. If those most directly affected by proposals overwhelmingly support what the Government are doing—the evidence up and down the country seems to be that they do not—they can vote for the mergers in a referendum. If they are not supportive of what the Government are effectively ramming down their throats, they can vote no, and the Government would have to abide by the result, failing to continue with the mergers. That would follow as a result of the context set out in our amendments.

That is the best way forward and I shall certainly support my hon. Friend the Member for Arundel and South Downs. I hope that anyone else who is disgusted, upset or disappointed by the Government's attempt to create these large police forces, which so few people want, will join us, so that we can force the Government to listen to the people, if they are not prepared to do so voluntarily.

Mr. Crispin Blunt (Reigate) (Con): I apologise to the House for having missed the first part of the debate, but it was for the good reason that I was finishing the details of a letter that all 11 Surrey Members are sending to the new Home Secretary, begging him to review the proposals to merge the constabularies of Surrey and Sussex. I shall focus my remarks on amendment No. 82. The letter that I mentioned is now on its way to the new Home Secretary.

I have listened to the passionate arguments of my hon. Friend the Member for North Shropshire (Mr. Paterson), who has led a fantastic campaign to try to save the West Mercia constabulary. He has built up an enormous level of public support, providing an object lesson to the rest of us. I can tell him that opinion in Surrey is equally resolute and determined to sustain the Surrey constabulary. We may not have had quite so many public meetings, but I have to say that, at the moment, we are both having precisely the same effect on the Government—none at all.

I was intending to begin by larding the new Minister with praise for his wisdom and intellect. When one is on a hook and an opportunity to get off it presents itself, it seems sensible for one to take it. I heard my hon. Friend the Member for West Chelmsford (Mr. Burns) say that the Minister had made it clear in his opening remarks that he was determined to remain firmly on the hook, which was immensely disappointing. Speaking on behalf of all Surrey MPs, I know that many of my right hon. and hon. Friends representing the county believe that the only reason for larding Ministers is to put them on a spit over a large fire, particularly if they are going to continue to ignore all opinion within the county.

I beg the Minister—I repeat, I beg him—to re-examine the proposal. He may have noticed one or two other changes in the organisation of public authorities over the last nine years. Those who represent people across the piece as MPs—I am speaking for myself and for hon. Members throughout the House—are left bewildered about exactly who is doing what as a result of the various reorganisations. There is always a price to be paid with any reorganisation. Of course there will always be arguments for improving things by better co-ordination and more effective organisation, but this particular reorganisation of the police is pitched at one particular type of policing—level 2 policing.

The former chief constable of Surrey was an outstanding policeman, but I am sorry to say that his report has been taken and extended far beyond the remit that he would have anticipated as inspector of constabulary. I can tell the Minister that the price that will have to be paid for the reorganisation is simply not worth the benefits that it will produce.

Mr. John Gummer (Suffolk, Coastal) (Con): Before my hon. Friend leaves his encomium—stillborn—on the new Government Front Benchers, he might like to remind them that, particularly in view of the scant support for their proposals, they would not have so much difficulty with their own Back Benchers if they rowed back.

Mr. Blunt: My right hon. Friend puts the point extremely well. Far from there being any cost to the Government in withdrawing their proposals, there would be enormous benefits and great relief among the bodies that are going to have reorganisation imposed on them against their will. If police forces and police authorities believe that the reorganisation is a good thing, let them get on with it. I understand that there are one or two of them, and they will have to carry the people they represent on the police authority with them; that is their job.

It has to be said that amendment No. 82 is a pretty desperate last throw of the dice as an attempt to rescue the position. I shall be voting for this desperate last throw, although I do not necessarily approve of the ideology of referendums and all the rest of it. The problem is that the official Opposition have nothing other than the amendment left to rescue the position.

The Minister should reflect on what has happened in other public authorities—health and social services, for example, with whom the police are expected to co-operate. Under the latest health reorganisation in Surrey, we are moving towards having just one primary care trust for the county, so there is an opportunity for the borders of the PCT and the police to be coterminous. Yet just at the moment that we get health and social services in one shape around the county, along comes the reorganisation of the police, blowing all the potential benefits apart. Once again, I beg the Minister to think again. I know that opinion in Surrey is united on the matter.

I finish by stressing the important issue of identity for the police force and the areas it represents. The county of Surrey has had a constabulary on a county level since 1851. Since then, we have seen other bits and pieces of constabularies representing towns or other communities as the area has developed, but only in the year 2000 was part of Surrey policed by the Metropolitan police. We have just gone through a reorganisation, affecting half of my constituency, whereby the Surrey police force has taken over from the Met and now, fewer than seven years on, we are facing yet another change to the senior management of the police force. I say again that the price of this reorganisation is simply not worth any conceivable benefit that will come from it.

I add that as a marriage partner for the people of Sussex, the police of Surrey are a complete nightmare because the enormous subsidy that Surrey council tax payers give to their police dwarfs anything happening elsewhere in the UK. We have moved from a position in 1997 where 86 per cent. of the Surrey police's budget came from the Home Office vote to about 50 per cent. today. About half the money for Surrey police comes from Surrey council tax payers.

Surrey county councillors will wonder why they should vote taxes on to their council tax payers for a police force that is no longer theirs. The council tax payers of Surrey, led by their county councillors, have decided to protect their police force from the huge changes and swingeing cuts in funding that it has undergone since 1997. That determination on the part of Surrey county councillors has worked to the benefit of policing in Surrey and of the central Government budget, which has been significantly subsidised, in that respect and in many others, by the council tax payers of Surrey. The loyalty of the people of Surrey, through their police authority, to their police will disappear, along with any reasons for it, if it is no longer their police force. Yet that is what the Government propose to do.

I beg the Government, as do my 10 right hon. and hon. Friends who are writing to the Home Secretary today, to review this decision. I will support amendment No. 82 in the rather desperate hope that it will enable us to prevent this measure going forward, but it would be

[Mr. Blunt]

infinitely better if the Home Office took the opportunity of a new team reviewing the situation to pull this dreadful proposal.

Mr. Richard Shepherd (Aldridge-Brownhills) (Con): I, too, support amendment No. 82.

I represent a constituency on the far east of the west midlands area, in the metropolitan borough of Walsall. The drift of modern politics is anything but local. We refer to local government, but Walsall is no more local than a fly in the air. We talk about local policing, but we are constructing great structures that are questionable as regards whether they will meet the tests of loyalty and a sense of time and place that my hon. Friend the Member for Reigate (Mr. Blunt) mentioned.

If it would be a comfort to my hon. Friends and to my friends in Staffordshire, West Mercia or elsewhere in the greater west midlands, I would stand up for the principle of localism and the right to local policing. I note with regret that my own constituents in Aldridge-Brownhills—in Pelsall, Streetly, Rushall, and all the communities that form it, which are very much part of Staffordshire, historically and by linkage to the coalfields of south Staffordshire—have very little confidence, alas, in the policing that they are experiencing. We are divided between two command units based in Walsall and Bloxwich. They report, in theory, to central Birmingham, and a chief constable makes his dispensations. We are already some way down the line; goodness knows what would happen to Staffordshire or West Mercia if we were to go yet further down that line.

The sense of localism is important. The mantra is, "Let the people feel confident with their institutions and structures." In all my political career, the attachment to those structures has shrunk. We should let the people speak. That used to be a cry of the Liberal party, and I would expect it to stand up for that localism and the rights of people as regards the things that most matter to them—education, a health service and policing. As I said, in the former villages now coalesced into Aldridge-Brownhills, there is little confidence in centralised policing .

The huge proposed west midlands area gives us even less confidence that Bloxwich and Walsall will manage with due diligence the affairs and protection of the people of Aldridge-Brownhills. In vast structures, people do not look laterally or downwards, but upwards. This Government can testify to that. My chief superintendents want to curry favour with the chief constable, who in turn wants the indulgence of the Home Office and the Home Secretary. We become so utterly centralised that it squeezes out the judgment as to who is competent and who is incompetent.

This is a question of how the way in which we govern ourselves through our central administrations—through the Home Office and through Whitehall itself—echoes what the people of the country want. We speak from our local perspective; we vote with the party machine. That reinforces the strength of the centre. Where we over-centralise—that is what the whole Bill is essentially about—in the health service, education and the police service, we see the decline and fall of public confidence in those institutions. I hope that the House takes the amendment seriously and votes for it.

3.15 pm

Bob Russell: I wanted to intervene on the hon. Member for West Chelmsford (Mr. Burns) to support the case that he was making, but he has not returned to his seat in the past 15 or 20 minutes or so. He expressed the view of all Essex Members of Parliament, the district councils, the borough councils and the unitary authorities. We now have an opportunity for the Government to get off the hook on which they have put themselves in defending a line that everybody acknowledges is unpopular.

I invite the Minister to explain why Essex, with a population that is larger than several sovereign nation states in the European Union, is deemed incapable of having its own police force, whereas Kent, on the other side of the River Thames, is apparently competent to do so. The people of Essex are perfectly entitled to ask why that is okay for Kent but not for Essex. If there were to be mergers in the six counties of the east of England, the logical amalgamation would have been of Essex, Suffolk and Norfolk. We are getting the worst of all worlds.

Mr. Gummer: Lest it go unnoticed, Suffolk does not wish to be amalgamated with Essex, Norfolk or Cambridgeshire. It is one of the best police forces in the country. The Government cannot find any support for any such amalgamations, so the hon. Gentleman should not tempt me on Essex.

Bob Russell: I think that the right hon. Gentleman misunderstood my point. If there were to be a case for amalgamation—I am not accepting that there is—those three eastern counties would be more logical than the artificial creation of Essex, Hertfordshire and Bedfordshire. A readers' survey in the *Colchester Evening Gazette* showed that the solution that the Government have come up with is complete nonsense. There is absolutely no community of interest between the counties of Essex and Bedfordshire. A few communities on the Essex-Herts border may speak the same language, but if the Government are suggesting that there is a logical community of interest right across Essex, the most populous county in the east of England, and up into Hertfordshire and Bedfordshire, they must have a different map of the United Kingdom—or rather England and Wales—from the one that I have.

I recognise that there is a requirement to hold the line on what has been inherited, but I urge the Minister and the new Home Office team to listen to what is being said by right hon. and hon. Members on both sides of the Chamber. That would be to their advantage. I recognise that the Government will whip the vote through, no doubt with the assistance of Scottish votes. However, I hope that after a few days' reflection they will say, "Is this right? What is more important—holding the line on what the previous Home Secretary proposed or what is right for the police forces of England and Wales?"

Mr. Byrne: I am grateful to the hon. Member for Arundel and South Downs (Nick Herbert) for his warm words of congratulation and I sincerely look forward to debating many issues with him.

The hon. Gentleman ranged widely beyond the Bill, as is his right, to the subject of amalgamations, as did the hon. Members for North Shropshire (Mr. Paterson), for Stratford-on-Avon (Mr. Maples), for Peterborough (Mr. Jackson), for West Chelmsford (Mr. Burns), for Reigate (Mr. Blunt), for Aldridge-Brownhills (Mr. Shepherd) and for Colchester (Bob Russell), along with my hon. Friends the Members for Wrexham (Ian Lucas) and for Stockton, North (Frank Cook), in whose Disney epic I look forward to appearing.

Amalgamation is not the subject of the Bill, so I hope that hon. Members will forgive me if I confine my remarks on the matter to only two points. First, there is a balance to be struck between accountability and effectiveness. The hon. Member for Stratford-on-Avon put his finger on the nature of that balance. The Government are not the first Administration to be worried about the current structure of police forces. I recently read a Government report that was written not too long ago and stated:

"This pattern"—

of 43 forces—

"is partly the result of historical accident and the merging of organisations which were established haphazardly over more than 100 years... The result today is a patchwork quilt of forces of widely varying sizes and types."

It continued:

"The Government considers that for all these reasons it may be desirable in the long term to reduce the number of police forces."

That is taken from the police reform White Paper of June 1993.

Governments of all persuasions have therefore realised for some time that effectiveness must be tackled. When Her Majesty's chief inspector puts the question in such stark terms, surely it is right for the Government to respond.

Jeremy Wright: Will the Minister give way?

Mr. Byrne: I shall not because we have debated the matter at length.

It is right to add accountability to the mix and that is precisely why the measure does so much to strengthen the basic command units by making them coterminous with local authorities and giving police authorities the right to devolve functions and powers to members of local partnerships. The Bill enshrines the community call for action and gives new powers to local police forces.

My hon. Friend the Member for Wrexham was right to say that genuine affinity and real relationships are built with local forces and local officers. That is why 18,000 more police community support officers will be recruited in the months and years to come.

The second point is accountability for change. I am intrigued by the late conversion to referendums. I heard many of the arguments against and some of scepticism about them in the past. My political history is not especially strong, but I cannot remember Conservative calls for a referendum when the Greater London council was abolished. None the less, the conversion to referendums is a curious and interesting feature of modern political life.

We elected the House for a purpose and it would be wrong to abrogate responsibility for decisions such as the one we are discussing. Any proposal that the Home Secretary makes is subject to affirmative resolution, not only in this House but in another place.

The hon. Member for Arundel and South Downs made one or two more points that I want to tackle. I am sorry that he has not received answers to the questions that he put to the Home Office. I shall personally try to ensure that they are forthcoming.

The hon. Gentleman alluded to the ability to appoint additional deputy chief constables. We do not believe that that should be a free-for-all, which is why we seek the Home Secretary's sanction should that development occur. He also mentioned the national policing board. We are considering the case for such a non-statutory national board, which would need to reflect the tripartite nature of current arrangements.

The hon. Member for Cheltenham (Martin Horwood), who is not in his place, mentioned the flexibility that we propose for the Home Secretary. I emphasise that it is devoted to one thing—securing the improvement of policing in this country. I hope that he would sign up to that agenda.

The hon. Members for Stratford-on-Avon and for Peterborough mentioned restructuring costs. We said that we will meet 100 per cent. of the net costs of restructuring. That commitment covers capital and resources.

I commend the new clause to the House.

Question put and agreed to.

Clause read a Second time, and added to the Bill.

New Clause 5

Supply of information to police etc by Registrar General

"(1) The Registrar General for England and Wales or the Registrar General for Northern Ireland may supply information contained in any register of deaths kept by him—

(a) to a police force in the United Kingdom,

(b) to a special police force,

(c) to the Serious Organised Crime Agency, or

(d) to a person or body specified, or of a description specified, by order,

for use in the prevention, detection, investigation or prosecution of offences.

(2) The power to make an order under subsection (1)(d) is exercisable—

(a) in relation to England and Wales, by the Registrar General for England and Wales with the approval of the Chancellor of the Exchequer;

(b) in relation to Northern Ireland, by the Secretary of State after consulting the Registrar General for Northern Ireland.

(3) A Registrar General may charge a reasonable fee in respect of the cost of supplying information under this section.

(4) The supply of information in the exercise of the power conferred by subsection (1) may be made subject to conditions, including in particular conditions as to—

(a) the use and storage of the information;

(b) the period for which any record of the information may be retained;

(c) those to whom the information may be disclosed.

(5) This section does not limit the circumstances in which information may be supplied apart from this section.

(6) In this section "special police force" means—

(a) the Ministry of Defence Police;

(b) the British Transport Police Force;

(c) the Civil Nuclear Constabulary;

(d) the Scottish Crime and Drug Enforcement Agency.'.—*[Mr. Byrne.]*

Brought up, and read the First time.

Mr. Byrne: I beg to move, That the clause be read a Second time.

Mr. Deputy Speaker (Sir Michael Lord): With this it will be convenient to discuss Government amendments Nos. 44, 48 and 80.

Mr. Byrne: The purpose of the new clause is to give registrars general in England, Wales and Northern Ireland the statutory authority to share death registration information with the police, special police forces, the Serious Organised Crime Agency and other organisations specified by order, for use in the prevention, detection, investigation or prosecution of offences.

The primary purpose of the supply of such information is to allow the police and other organisations to identify attempts to perpetrate fraud by using the personal details of those who have recently died. The new clause will help us not only to combat such fraud but to mitigate the impact on recently bereaved relatives, who have to deal with the consequences of the identity of their loved ones being stolen.

Keith Vaz (Leicester, East) (Lab): I join others in congratulating my hon. Friend on his appointment as deputy Home Secretary. How will the new clause affect the review of the coroner service? It aims to improve the way in which death certification and the service operate.

Mr. Byrne: If my hon. Friend will permit me, I shall ensure that I have chapter and verse about that before I write to him with a full and thorough answer.

Death registration information is in the public domain as soon as a death is registered. Any person can obtain a copy of an entry in a death register in the form of a certificate, provided he or she can identify the entry and pay the statutory fee for the certificate. However, under current statutory provisions, it is available neither quickly enough to those organisations with an interest in preventing and detecting fraud involving the identity of a deceased person nor in a format that would assist them for those purposes.

Identity crime is increasing. The UK's fraud prevention service estimates that there were 70,000 instances of fraud involving the identity of a deceased person in 2004, at a cost to our economy of £300 million. At the current rate of growth, that figure is forecast to reach 100,000 instances a year by 2007.

The new clause and consequential amendments will allow us to stem the predicted increase by allowing registrars general in England, Wales and Northern Ireland to supply death registration information to specific organisations as soon as it becomes available to them. They will also be able to supply it in a format that can be used effectively by the police and others to help detect any attempt to use the identity of a deceased person.

All the evidence supports the proposition that the most effective use of that information is in the period immediately following a death. Administrative arrangements will be in place to monitor the supply and use of the information. There will also be sanctions for its misuse—for example, the suspension of the supply of information.

Keith Vaz: I thank my hon. Friend for his generosity in giving way a second time and I am grateful for his statement that he will write to me. Legislation on the new coroner service will be introduced this year. Is he satisfied that full consultation has taken place with the Department for Constitutional Affairs on the issues that we are considering? They have a direct impact on the work of the coroner service.

Mr. Byrne: I am grateful to my hon. Friend for raising that. I am advised that the proposals to release death registration information will follow completion of the death registration process and should not, therefore, affect other proposals for the processes and procedures prior to the registration.

Administrative arrangements will be put in place to monitor the supply and use of information. The ultimate sanction available to registrars general, should the information be misused, is the ability to withdraw the supply of information.

Amendments Nos. 44, 48 and 80 are consequential on the new clause, which I commend to the House.

Question put and agreed to.

Clause read a Second time, and added to the Bill.

New Clause 6

POWER TO DETAIN PENDING DPP'S DECISION ABOUT CHARGING

'In section 37 of the Police and Criminal Evidence Act 1984 (c.60) (duties of custody officer before charge), in paragraph (a) of subsection (7) (officer's duties when he determines that there is sufficient evidence to charge), for "shall be released without charge and on bail for the purpose" there is substituted "shall be—

(a) released without charge and on bail, or

(b) kept in police detention,

for the purpose".'.—*[Mr. Byrne.]*

Brought up, and read the First time.

Mr. Byrne: I beg to move, That the clause be read a Second time.

Mr. Deputy Speaker: With this it will be convenient to discuss the following amendments:

No. 32, in page 7, line 15, leave out Clause 12.

No. 33, in page 7 [Clause 12], leave out lines 27 to 32 and insert

'with the object of punishing the offender are limited to conditions that the offender attend a specified place at specified times.

(3AA) In subsection (3A) "specified" means specified by a relevant prosecutor.'.

No. 36, in page 7 [Clause 12], leave out lines 37 and 38.

No. 34, in page 7, line 38 [Clause 12], at end insert—

'(3D) The conditions attached to a conditional caution must not include a financial penalty.'.

No. 35, in page 7 [Clause 12], leave out from beginning of line 39 to end of line 31 on page 8.

No. 37, in page 8 [Clause 12], leave out lines 12 to 14.

No. 40, in page 8 [Clause 13], leave out line 39 and insert—

(2) If a relevant prosecutor determines that a person arrested under this section has failed, without reasonable excuse, to comply with any of the conditions attached to the conditional caution, the person arrested may be—'.

No. 38, in page 9, line 18 [Clause 13], after 'detention', insert

'for up to 12 hours'.

No. 39, in page 9, line 31 [Clause 13], at end insert—

'(6A) A person who is released following an arrest under this section shall not be re-arrested without warrant for the same suspected failure to comply with a condition attached to a conditional caution.'.

No. 41, in page 9, line 31 [Clause 13], at end insert—

'(6B) A person arrested under this section may be released on bail (without any variation of the conditions attached to the caution) if further investigations are necessary for the purposes of determining whether he has failed, without reasonable excuse, to comply with any of the conditions attached to the conditional caution.'.

Government amendment No. 43.

No. 28, in page 81, line 29 [Schedule 4], at end insert—

'(3C) Subject to subsection (3A), where a trained constable releases a person on bail under subsection (1) the trained constable may impose, as conditions of the bail, such requirements as appear to the trained constable to be necessary—

(a) to secure that the person does not commit an offence while on bail,

(b) to secure that the person does not interfere with witnesses or otherwise obstruct the course of justice, whether in relation to himself or any other person, or

(c) for the person's own protection, or if the person is under the age of 17, for the person's own welfare or in the person's own interests.'.

No. 29, in page 81, line 32 [Schedule 4], at end insert—

'(4A) In this section a "trained constable" means a constable who has appropriate training and expertise to enable him to make a reasonable and informed assessment of the need for and proportionality of the conditions of bail.'.

Government amendment No. 81.

Mr. Byrne: The purpose of new clause 6 is to render crystal clear the provisions in the Police and Criminal Evidence Act 1984—PACE—pertaining to detention and bail. When a custody officer refers a case to the relevant Crown Prosecution Service lawyer, the options available to prosecutors under section 37 of the Act require the person to be either released on bail pending charge, released without charge and on bail but not for that purpose, released without charge and without bail, or charged.

3.30 pm

A sensible reading of PACE would allow detention for a relatively short and reasonable time for a quick decision from the CPS, but PACE does not contain an explicit provision for a person to be detained while a charging decision is made. In order to avoid any confusion on the issue, new clause 6 and consequential amendment No. 81 make specific provision to allow a custody officer to detain in order to await the decision of the prosecutor.

Guidance will make it clear that such a power should be exercised only when a decision is expected from the prosecutor within a maximum of no more than three hours; that the custody officer must ensure that this period is not used simply as a means to keep a person in police detention; and that the custody officer must first consider the suitability and appropriateness of the person to be granted bail from police custody. The decision remains a matter for the custody officer.

Amendment No. 43 makes a minor technical change to clause 35. As the clause is drafted, only offenders sentenced to custody following conviction for offences under the Bail Act 1976 in the magistrates court could be awarded extra days for disciplinary offences. This provision will maintain the status quo for this group of offenders.

I shall now turn to the amendments in this group that were tabled by the hon. Member for Hornsey and Wood Green (Lynne Featherstone), whom I am delighted to see in her place. I shall start with amendments Nos. 32 to 37. One of the key measures in the Bill is the extension of conditional cautions. They have been trialled in a number of areas, and they have been very successful in dealing with low-level offenders who admit their offence. However, under the existing scheme, conditions may be applied only in cases either where there is a clear injured party who has suffered measurable loss or where the offending behaviour is attributable to a personal problem, such as alcohol dependency. We want to extend this scheme.

David T.C. Davies (Monmouth) (Con): The Minister just said that cautions had been very successful in dealing with persistent offenders. What is the reconviction rate of people who have been cautioned?

Mr. Byrne: The hon. Gentleman slightly misheard what I said. I said that conditional cautions had been trialled in a number of areas, and that the results from those pilot areas had shown the trials to be successful. We want to extend the scheme to include a broader range of offenders, including those who admit drunk and disorderly offences, which damage the community, and those who have already received a fixed penalty notice for similar offences and whose offending therefore requires a tougher sanction. Furthermore, we want to

[Mr. Byrne]

include instances where direct reparation is not possible, perhaps because the damage has already been repaired. By including punishment as an explicit additional aim of the scheme, clause 12 will enable indirect reparation to be required as a condition. It therefore opens the way to community justice, which certain Liberal Democrat Members have in the past professed to welcome.

Clause 12 is a sensible and considered addition to the conditional cautions scheme. It was widely debated in Committee, and it provides the opportunity to deal fairly with offenders who are willing to admit their guilt and are ready to make amends for their behaviour. However, amendment No. 32 would do away with the clause, so we would welcome its withdrawal.

Amendments Nos. 33 and 35 seek to remove the option of imposing a financial penalty as a condition of a caution. In the view of practitioners, financial penalties are a useful option, because they ensure that reparation is made to the community, especially in cases where the community itself is the victim. Amendment No. 34 sits quite oddly with amendments Nos. 33 and 35, as it provides that in every case where a conditional caution is given a financial penalty must be included as one of the conditions. Although we believe that there are good reasons to extend the scheme to include financial penalties, we do not think that such a penalty should be compulsory in every case.

Amendments Nos. 36 and 37 seek to remove the Secretary of State's order-making powers to amend the maximum levels of attendance and financial penalties under the conditional cautioning scheme. Without these powers, it would be necessary to introduce primary legislation if, in the light of the experience of operating the extended conditional caution scheme or with the passage of time, it proved necessary to amend the maximum levels specified in the Bill.

The purpose of the order-making powers is to ensure that the conditional cautioning scheme will in practice be sufficiently flexible and that it can be updated quickly. For example, attendance at a specified place may require slightly over 20 hours. On financial limits, we propose to provide a fractional link to summary conviction penalties. The power to change the alternative minimum is needed to help us to keep the legislation up to date with any changes in summary conviction levels passed by the House.

I understand the concerns expressed by the hon. Member for Hornsey and Wood Green about the appropriate protection of offenders, but I hope that I can give her some comfort. The code of conditional cautioning will provide that the conditions must represent an appropriate and proportionate response to the offence. Furthermore, one of the strongest safeguards will be that a conditional caution can always be refused by an offender. For these reasons, I urge her to withdraw her amendments to clause 12.

The hon. Lady has also tabled a number of amendments to clause 13. Amendment No. 38 seeks to impose a time limit of 12 hours on the period during which an offender can be held in police detention following a suspected breach of a conditional caution. Clause 13 does not specify a maximum length for the detention period. However, as my right hon. Friend the Member for Salford (Hazel Blears) made clear in Committee, the powers of arrest and detention provided for in clause 13 are intended to provide a speedier alternative to a summons for suspected breach of one or more conditions attached to a conditional caution. This power is important because, in some cases, police officers might need to make inquiries—for example, to verify information given by those arrested about possible excuses for the suspected breach. We do not want offenders spending a disproportionate length of time in custody, and we believe that 12 hours would be excessive in the overwhelming majority of cases.

In Committee, the arguments against imposing an arbitrary time limit on detention were rehearsed at some length, and I hope that I can give the hon. Lady some reassurance that there is a powerful safeguard in new section 24A(7) of the Criminal Justice Act 2003, as inserted by this clause, which provides that the suspect must either be charged with the original offence, or released without charge with or without bail "as soon as practicable". Police officers would be acting unlawfully if they acted in an unreasonably slow fashion in the discharge of this requirement. I do not doubt for a moment that the courts would be competent to enforce the requirement if called upon to do so by an aggrieved detainee.

In practice, the Crown Prosecution Service and police say that the length of detention would be limited, and would, for example, merely involve a phone call to check evidence. Clearly, when the CPS is not available, custody officers routinely bail people. PACE provides a safeguard, under which an offender cannot be detained without charge for more than 24 hours, subject to specified extensions. In addition, a review of offenders held in detention is carried out by an inspector after six hours and then at regular nine-hour intervals until the 24-hour deadline has been reached. As I have said, it is highly unlikely that inquiries will require the offender to be held for anything like that length of time.

The hon. Lady also tabled amendments Nos. 39 to 41. The intention behind them is to introduce safeguards to protect the offender from misuse of powers. Amendment No. 39 would place a bar on re-arrest for the same suspected breach of a conditional caution. However, that could be problematic if, for example, on an earlier occasion, the offender gave a false explanation that was accepted in good faith by a custody officer who then released the offender. The purpose of the new power of arrest—to ensure quick and effective enforcement—would be severely undermined if a further arrest in the light of fresh evidence required an application to the court for a warrant. For that reason, I oppose the amendment.

Amendment No. 40 seeks to ensure that any decision to charge, release on bail or release with no further action should be taken by the CPS prosecutor rather than the police. I should make it absolutely clear that once an offender has been arrested by a police officer, a prosecutor would determine whether the offender had failed to comply with the conditions attached to the caution. It would be the decision of the prosecutor to charge the offender for the original offence. That is beyond question, and is made clear in the existing provisions in the Criminal Justice Act and in the conditional caution code of practice. The amendment is therefore not required to secure that aim.

Amendment No. 41 makes explicit provision to ensure that a person arrested for suspected breach of a conditional caution may be released on bail pending further investigation into the suspected breach. Again, the amendment is unnecessary, as the power is already available under new section 24A(2)(b) inserted by clause 13. That includes an option for a person to be

"released without charge and on bail to enable a decision to be made as to whether he should be charged with the offence".

I hope that that will be enough to persuade the hon. Lady to withdraw her amendments to clause 13.

Finally, in relation to the hon. Lady's s amendments Nos. 28 and 29, the use of a "trained constable" is a precursor to all activities carried out by a police officer. The amendments refer to an officer who

"has appropriate training and expertise to enable him to make a reasonable and informed assessment of the need for and proportionality of the conditions of bail".

However, discretion and proportionality apply to everything that a constable does. It would be unique to indicate that a trained officer can only deal specifically with bail conditions. Instead, there is a more general requirement that a constable must be able and competent to deal with the powers and responsibilities attached to the office of constable. As the then Minister, my right hon. Friend the Member for Salford, indicated in Committee, guidance accompanying the commencement of those provisions will make clear the need for supervisory management to monitor the use of conditions attached to street bail and to ensure that its application is not subject to any stereotyped images or inappropriate generalisations. Those are important safeguards, which provide scrutiny and monitoring of the actions of a constable, and should serve to highlight any additional training requirements. I therefore hope that the hon. Lady will withdraw her amendments to schedule 4.

Lynne Featherstone (Hornsey and Wood Green) (LD): I want to make it clear that we are not against sanctions such as street bail; we believe that they can be beneficial when used constructively. However, we are concerned about the extension of summary justice without adequate checks and balances. I have listened to the Minister's comments, and as well as apologising for my lateness in attending the debate, I welcome him to his new post.

The Bill allows further powers. It effectively allows the police and prosecution services, as opposed to judicial oversight, to administer punishment before a guilty charge has been proven. It places no limits on the period for which such conditions can be imposed, for a wide range of reasons, on street bail. There are no restrictions on the category of officer who can impose conditions. There is nothing to stop those powers being used as long-term alternatives to criminal investigation. We discussed that in Committee, and although the proposition is unlikely—and I am sure that it would be noticed if an officer prolonged the period—the point of law is to have safeguards in place that cannot be abused. Independent judicial oversight plays a vital role in a democratic legal system.

Cautions are not always issued on low-level crimes. The Magistrates Association says that the offences for which a caution can be administered include actual bodily harm, affray, criminal damage, possession of class A or B drugs, having a bladed article in public, carrying an offensive weapon, burglary—non-commercial and non-residential—and theft. Those do not appear to be minor or low-level offences. If those are dealt with outside the court there is no public knowledge—and the level of offences involved is not as low as the Minister says.

As for the amendments, our first preference was to leave out clause 12, which would be the effect of amendment No. 32. Clause 12 enables conditions to be imposed on cautions whose object is punishment. At present, conditions can be imposed only for purposes of reparation or rehabilitation. As the Minister suggested, the Liberal Democrats would support the proposal wholeheartedly if it involved reparation or rehabilitation, but I am not sure that that applies to a monetary fine. The clause would allow the police and the criminal prosecution service to act as investigator, prosecutor, judge and jury, removing the courts and judicial oversight. It could also produce a two-tier criminal justice system.

3.45 pm

Ms Diana R. Johnson (Kingston upon Hull, North) (Lab): My understanding is that a person must accept the caution, and that if they are not happy to do so, the case will go through the judicial system. Is that not correct?

Lynne Featherstone: The hon. Lady is right to an extent, but a person who was rich and able to pay might well accept a condition that imposed a financial penalty. It would be a way of committing a crime and getting away with it. A two-level system of punishment would be created, in which those who could not afford to accept a conditional caution would have to go through the criminal justice system, while those who could afford it might say, "OK, I'll pay. It was worth it."

Amendment No. 33 retains the current legal position whereby the only conditions that may be applied to cautions are those intended to facilitate the rehabilitation of the offender, and to ensure that the offender makes reparation for the offence. The Bill proposes to allow conditions to be imposed on cautions when the object of the caution is punishment. That is not a small change. In Committee the former Minister for Policing, Security and Community Safety, the right hon. Member for Salford (Hazel Blears), acknowledged that the proposal was an "innovative and radical departure" from the current law. It will affect a great many people—an estimated 30,000 or so a year, according to the former Minister in Committee. This is not a matter of a few people in connection with virtually nothing; it will affect quite a lot of people, and a whole range of possibilities. The amendments would remove the proposed power to impose a fine as a condition of a caution, which would deal with the two-tier system that I described to the hon. Member for Kingston upon Hull, North (Ms Johnson).

In amendments Nos. 36 and 37, we seek to restrict the punitive conditions that could be imposed on a caution to those specified in the Bill. We also seek to prevent the Secretary of State from increasing by means of secondary legislation the maximum hours of

[Lynne Featherstone]

attendance and the maximum fine that could be imposed. As the magistrates' briefing suggests, the scope of the powers that the Secretary of State would assume under clause 12 opens up the possibility that more serious offences will be involved. I think that everyone assumes that the clause relates to extremely low-level offences, but that may not be so rigorously enforced.

In Committee the former Minister sought to assure us that the provision would not be used in the context of more serious crime, citing guidance from the Director of Public Prosecutions on conditional cautions. I have looked at that guidance, and it does not contain an assurance that punitive conditional cautions will not be used to deal with more serious offences. As the former Minister herself has said, the most realistic safeguards against the use of the procedure to deal with serious offences are the restrictions on the severity of the conditions that may be imposed. That is why we propose that the Bill should prevent secondary legislation from being used to allow the imposition of more serious penalties.

Amendment No. 38 seeks to place a 12-hour limit on the length of time for which a person arrested on the suspicion that he or she has breached a conditional caution can be held in custody. It would also prevent a person from being rearrested for the same suspected breach of a condition. The Minister said something about a falsehood being presented and an officer listening kindly to it. The Bill gives the police power to arrest someone suspected of breaching a conditional caution, and to detain that person indefinitely until they feel able to decide whether to charge or release him or her.

Given the restricted purpose of the detention and the Government's confidence that conditional cautions are to be used only for low-level offences, it seems entirely disproportionate for the police to be given an indefinite power of detention in such cases. That distinct disproportionality is highlighted when we consider that in the case of pre-charge detention when a person is suspected of having committed a criminal offence, the suspect can be detained for only up to 24 hours initially, with extensions of up to four days. For police gathering evidence within that time frame, deciding whether to charge the person is surely a harder task than deciding whether a condition of bail has been breached.

Our concern is that the Government are trying to give the police the power to keep those suspected of breaching a conditional caution in custody for longer than those suspected of committing a criminal offence, which seems disproportionate. However, our amendment No. 38 acknowledges that some flexibility is required, and that it would be unworkable to impose a limit of one or two hours. We consider a 12-hour limit more than adequate, and a reasonable amount of time, given the low-level nature of the crimes that the Government say will fall within the framework of these conditional cautions.

Our amendments Nos. 40 and 41 clarify the various options specified in proposed new sections 24A to 24C of the Criminal Justice Act 2003, making it clear that they would be available only when a prosecutor had decided that a condition of the caution had been breached without reasonable excuse. A person could therefore be released on bail before it had been determined whether they had breached the condition of their caution. We do not dispute the use of powers listed in proposed new section 24A(2) where such a breach has been established; however, our worry is that that section does not limit the use of the powers in that way, but enables them to be exercised purely by virtue of the fact that a person has been arrested on suspicion of a breach.

Where a person accepts a conditional caution instead of prosecution, they enter into an agreement—a contract, of sorts—with the state. So it would be unnatural and unfair for the state then to change the terms of that agreement and to charge them with the original offence, without having established that the condition of the caution had been breached, and the offender had therefore broken their side of the deal. The same argument applies—

David T.C. Davies: Surely people who are cautioned are jolly lucky that they are not being charged with an offence in the first place. Is not the real unfairness the fact that many people are being let off with a slap on the wrist and a requirement to sign a piece of paper, instead of being charged with offences that they have admitted committing?

Lynne Featherstone: The hon. Gentleman makes a good point, but that is a completely different discussion.

It is clear that it might sometimes be necessary to release someone on bail while the decision is being taken on whether they breached the conditional caution. In fact, that might be a more proportionate measure than detention in custody. It is also clear that if investigations into the suspected breach have not been concluded within 12 hours—the time limit for detention—it might be necessary to release the person on bail, to ensure their attendance at a police station for further questioning at a later date. The last amendment in the group would retain the power to release on bail in such circumstances.

We are concerned about the training provided for constables who administer summary justice. If the police are to be able to impose punishments, they need a particular level of training. Amendments Nos. 28 and 29 would require constables to have appropriate training before they imposed bail conditions, to ensure that the suspect did not commit an offence on bail, interfere with witnesses or obstruct the course of justice. All constables would be able to impose such conditions as they considered necessary to ensure that the suspect surrendered to custody.

The granting of bail in a police station is the responsibility of the custody sergeant, who is a figure independent of the investigation; it is not the arresting officer—the policeman on the beat—who imposes bail. A custody sergeant has specialist training and expertise in order to perform a semi-judicial role in deciding whether bail conditions are justified. We want such training to be transferred to those who will administer conditions. Clearly, the custody officer will not be present when street bail is given. Instead, the officer responsible for deciding on the conditions to be imposed will be the investigating officer, who is not impartial and would not have the training and experience of a custody officer.

The proposal that would require constables to make decisions about conditions needed to ensure that a suspect did not offend when on bail is not viable either. A decision involving street bail places on the arresting constable the responsibility of achieving a balance between the aims of the conditions of bail and the rights of the suspect. The constable would also have to make judgments about the suspect's likely future behaviour. That is a very grey area. We believe that constables should have the requisite training and expertise before they can impose conditions on street bail for purposes broader than ensuring attendance at a police station.

In Committee, the previous Minister accepted those arguments and said:

"Of course, we will expect officers exercising such powers to be properly trained. We expect that with any powers that the police are given. They have extensive training, and we will expect them to be properly trained in those powers."—[*Official Report, Standing Committee D*, 21 March 2006; c. 134-5.]

In the light of that statement, we can see no reason why the Government should reject the proposal to include the requirements in the amendments in the Bill. We could then write the expectations of the previous Minister in Committee, and our proposals today, into the legislation.

Nick Herbert: I wish to lend my party's support to some of the concerns that underlie the amendments, if not the amendments specifically. We believe that limits on conditional cautions should be taken seriously. The Government favour what appears to be a considerable extension of summary power, and just before the local elections they slipped into the press—it was obviously intended to be a much bigger story, but was drowned by the events that engulfed the Government at the time—a further extension of the ability of police officers to issue on-the-spot fines for a range of offences. We look forward to hearing more about those proposals when they are properly announced to the House, and not by way of newspaper articles just before local elections.

The common denominator in the extension of summary power is that the courts are being taken out of the equation. Fixed penalties and conditional cautions are both alternatives to prosecution and have generally related to minor matters. My party supported the introduction of conditional cautions when they were introduced, but if punishment is involved it should, in principle, be a matter for some form of court involvement. The punishment becomes a form of sentence and the Magistrates Association has expressed great concern about the fact that it is being entirely removed from oversight of the operation of conditional cautions, which will be a matter for prosecutors.

When Lord Justice Auld, in his 2001 review of criminal courts, supported the introduction of a more general, formalised and conditional cautioning system, he also said:

"Any such scheme should, save for the most minor offences, be the responsibility of the CPS and subject to the approval of the court. Without the protection of the court's approval, its use could be used or perceived as a 'cop-out' by the prosecution to avoid prosecuting cases that should be prosecuted, or of innocent criminals being at risk of pressure to accept onerous compromises to avoid prosecution, or of the rich being able to buy their way out of prosecution when the poor could not."

The Magistrates Association points out that judges and magistrates take an oath, receive training, operate in public and have to announce the reasons for a sentence in open court—including any departure from sentencing guidelines—but the same does not apply to prosecutors. Where will the public accountability be for the operation of the conditional cautions?

This direction of policy is described as the extension of summary power, but magistrates courts are summary courts. That is where summary justice should be administered. The proper response to the Prime Minister's concern that the operation of justice has not been fast enough, which we share, would be to look at the operation of the court system and the Crown Prosecution Service. The recent NAO report pointed out that between 150,000 and 180,000 ineffective hearings every year were caused by the prosecution, the police and the CPS.

4 pm

We will not oppose the extension proposals in the Bill, although we have reservations about the sort of offences that will be involved. As the hon. Member for Hornsey and Wood Green (Lynne Featherstone) said, some of them will be quite serious, and we will watch this policy development with some concern. We need reassurance about the proposals flagged up in the media for a further extension of summary justice. We need to know the extent to which magistrates courts are being closed out of the sentencing process simply for the sake of more rapid justice.

James Brokenshire (Hornchurch) (Con): This issue was discussed in some detail in Committee, so I shall be brief. However, I shall begin by welcoming the three new Ministers to their Front-Bench responsibilities. The Under-Secretary of State for the Home Department, the hon. Member for Enfield, North (Joan Ryan), used to be a Whip, so I am pleased that her promotion allows her to speak on Home Office matters.

The direction of policy in respect of summary justice has brought conditional cautions into closer focus. The obvious change that the Bill introduces is that the conditions attached to cautions are intended to punish the offender. That is the aspect of the Bill that has caused most disquiet when it comes to the intended operation of the cautions, and the comments of John Thornhill, the chairman of the Magistrates Association's judicial policy and practice committee, are interesting in that regard. He said:

"We consider it contrary to the principles of justice for prosecutors and police to be able to impose punishment without the involvement of the judiciary. A democratic legal system ensures that an independent tribunal—the judiciary—should sentence and impose punishment, thus preventing bias from prosecutorial authorities."

Is it right for the police or prosecutorial authorities to extend their jurisdiction much further? If so, how far do we go? That is the substance of the debate on these amendments. However, if conditions that in essence are sentences or punishments are to be imposed, is a person from the police or the CPS the right person to impose them? Two possibilities arise. First, a person might accept a caution with conditions less stringent than would be the case if the matter were referred to

[James Brokenshire]

the magistrates court or some other judicial body. Secondly, and alternatively, a person might be advised or required to accept a caution without realising that the conditions are more draconian than those that a court would impose.

Other amendments in the group apply to police bail, to which a similar quasi-judicial approach should be adopted. The Magistrates Association believes that bail conditions must be examined very carefully, and that as much information as possible be obtained when the conditions are set. Sufficient training must be given to officers, and the proper safeguards put in place, to ensure that the conditions that are attached are appropriate. In that way, the people on the street who use street bail can do so in a way that is both effective and fitting.

Mr. David Burrowes (Enfield, Southgate) (Con): Does my hon. Friend agree that there is a wider concern? As the Carter review recommends restricting the involvement of solicitors to a fixed-fee basis, solicitors could be reluctant to give the quality of advice about police bail and conditional cautions that the interests of justice demand. There is concern that justice will not be done if we move from a system of summary justice with effective representation to a system of police representation with a squeeze on solicitors' budgets.

James Brokenshire: My hon. Friend speaks from his practical experience as a criminal solicitor before he entered the House and he makes an important point. If the use of conditional cautions is increased while legal advice on whether to accept them is restricted, it is a cause for concern, so I hope that the Minister will take that on board and monitor the issue to ensure that unfairness does not result, and that the playing field is not skewed. Sentencing and punishment and the conditions for street bail and cautions must be applied appropriately, proportionately and effectively. The prosecuting authorities must not become judge, jury and executioner or even judge, jury and punisher.

There are valid concerns about the general policy approach. We must ensure that the process is robust and that the whole procedure is used appropriately.

Mr. Byrne: With your permission, Mr. Deputy Speaker, I shall make one or two concluding remarks.

Many years ago I read my Maitland—"The Constitutional History of England"—and I can still remember that flexibility has characterised the English system of law for the past 1,000 years. I am not a lawyer, however, so I hope that my historical reading is right, because that debate is at the heart of the issue we have been discussing.

The hon. Member for Hornsey and Wood Green (Lynne Featherstone) expressed concern about two-tier justice. Too many of our communities already experience two-tier justice when offenders go unpunished and cause havoc in their communities. That is exactly why the extension that we propose in conditional cautioning and street bail is so important. It is also important to note that it is for the Crown Prosecution Service and the police to decide whether to issue a caution or press the matter to court. We often hear from both sides of the House that we should put great trust in the judgment of front-line professionals, and that is a useful reminder in this case.

I can advise the hon. Lady that the conditions attached to cautions must, according to the code on conditional cautioning, be appropriate and proportionate. Secondly, it is certainly not the case that unlimited detention is envisaged for breach of the conditions. Under the relevant guidance, custody officers must release individuals, or release them on bail, as soon as practicable. There is additional back-up in the protection offered by PACE—the Police and Criminal Evidence Act 1984. On the hon. Lady's final point about appropriate training, it is a prerequisite that a constable is fit to execute his or her responsibilities.

The hon. Member for Hornchurch (James Brokenshire) expressed concern about the attaching of punitive conditions. That is an important issue. One of the great virtues of being a by-election winner is that I can share experience of my community with the many Members on both sides of the House who visited it in 2004. For many people in the area that I was elected to serve, the possibility offered by indirect reparation is extremely significant as we go about rebuilding a community of which we are proud.

I commend the Government proposals to the House and urge Opposition Members to withdraw their amendments.

Question put and agreed to.

Clause read a Second time, and added to the Bill.

New Clause 1

PROTECTION OF CHILDREN: PROHIBITION OF POLICE AND CONDITIONAL CAUTIONS

'(1) Police cautions, including conditional cautions under Part 3 of the Criminal Justice Act 2003 (c. 44), shall not be issued in relation to offences against a child under the Protection of Children Act 1978 (c. 37) and Part 1 of the Sexual Offences Act 2003 (c. 42), save in the circumstances provided for in subsection (2).

(2) Subsection (1) shall not apply where the person issuing the caution believes that the person in receipt of the caution is not likely to commit further offences under the Protection of Children Act 1978 or Part 1 of the Sexual Offences Act 2003.

(3) In this section, child means a person under 16 years old.'.—*[Bob Spink.]*

Brought up, and read the First time.

Bob Spink (Castle Point) (Con): I beg to move, That the clause be read a Second time.

Mr. Deputy Speaker: With this it will be convenient to discuss the following: New clause 2—*Encrypted data and indecent photographs of a child—*

'(1) The Regulation of Investigatory Powers Act 2000 (c. 23) is amended as follows.

(2) In section 53 (failure to comply with a notice)—

(a) after subsection (5A)(a) there is inserted—

"(aa) in a case to which subsection (6) applies, seven years;"

(b) after subsection (5B) there is inserted—

"(6) This subsection applies where—

(a) a person has been previously convicted of an offence contrary to section 1 of the Protection of Children Act 1978 (c. 37) or section 160 of the Criminal Justice Act 1988 (c. 33); or

(b) the apparatus or data storage device containing the protected information contains an indecent photograph or pseudo-photograph of a child; or

(c) the apparatus or data storage device containing the protected information has come into the possession of any person together with other apparatus or a data storage device which contains an indecent photograph or pseudo-photograph of a child; or

(d) the court is satisfied that the protected information is likely to contain an indecent photograph or pseudo-photograph of a child.

(7) Subsection (b) will not apply where the person to whom the notice is given can show that the protected information does not contain an indecent photograph or pseudo-photograph of a child.

(8) In this section 'indecent photograph or pseudo-photograph of a child' shall have the same meaning as that set out in the Protection of Children Act 1978 (c. 37)".

(3) After paragraph 36 of Schedule 3 of the Sexual Offences Act 2003 (c. 42) there is inserted—

"36A An offence under section 53 of the Regulation of Investigatory Powers Act 2000 (c. 23) if subsection (6) of that section applies."'.

New clause 3—*Extension of offences requiring notification*—

'After paragraph 29 of Schedule 3 to the Sexual Offences Act 2003 (c. 42) there shall be inserted—

"29A An offence under sections 48 to 50 of this Act (abuse of children through prostitution and pornography) where the offender—

(a) was 18 or over, or

(b) is or has been sentenced in respect of the offences for a term of at least 12 months".'.

New clause 9—*Police powers of entry and examination of relevant offender's home address*—

After section 88 of the Sexual Offences Act 2003 (c. 42) there is inserted—

"88A Police powers of entry and examination of relevant offender's home address for confirmation of residency and risk assessment

(1) Upon application by a constable of a relevant force a justice of the peace may grant a warrant authorising him to enter premises named on the warrant if he is satisfied that the conditions in subsection (2) are satisfied and that it is necessary for a warrant to be issued.

(2) The conditions mentioned in subsection (1) are—

(a) that it is necessary to enter the premises named on the warrant to confirm the residency and risk assessment of the relevant person;

(b) that it would assist the carrying out of the purpose of confirmation of residency and risk assessment, for a constable of the relevant force to examine and search the premises and the things in them; and

(c) that on more than one occasion a constable of the relevant force has attempted to examine and search the premises and the things in them for the purpose of ascertaining residency and risk assessing the offender and has been unable (whether by not being able to search and examine the premises and the things in them, or by not being able to obtain entry to the premises) to do so.

(3) Section 16 of the Police and Criminal Evidence Act 1984 (c. 60) applies to warrants issued under subsections (1) above as though it were a search warrant issued under that Act.

(4) The power to issue a warrant conferred by this section is in addition to any such power otherwise conferred.

(5) This section does not prejudice any other power of entry, examination, search or seizure.

(6) In this section—

'premises' means an address whose address has been notified by a relevant offender under sections 83 to 85 of this Act.

'the relevant force' means the police force maintained for the area in which the premises are situated." '.

New clause 10—*Duty on sexual or violent offender to co-operate*—

After section 67 of the Criminal Justice and Court Services Act 2000 (c. 43) insert—

"67A Duty on offender to co-operate

(1) A relevant sexual or violent offender shall co-operate with any reasonable steps requested of him by the responsible authority.

(2) 'Reasonable steps' shall:

(a) include, but not be restricted to, providing access to his home address during a reasonable time of day to facilitate a risk assessment by the responsible authority; and

(b) be restricted to steps necessary for them to discharge their responsibility under section 67 of this Act to assess the risk posed by the offender.

(3) A person who without reasonable excuse fails to comply with a reasonable step requested by him under subsection (1) of this section shall be liable upon summary conviction to imprisonment for a term not exceeding six months or a fine not exceeding the statutory maximum or both.

(4) In this section—

'relevant sexual or violent offender' has the meaning given by section 68;

'responsible authority' shall have the meaning given by section 67;

'home address' shall have the meaning given by section 83(7) of the Sexual Offences Act 2003 (c. 42)." '.

Amendment No. 42, in title, line 8, after 'children', insert

'and offences relating to child pornography.'.

Bob Spink: According to answers to my parliamentary questions, the police cautioned 807 people in the past two years alone, mostly for taking indecent photographs of children. Given the nature of paedophiles and their tendency to reoffend, it is a fair assumption that some and probably many of those 807 people went on to commit further offences, which may or may not have been detected. Those offences clearly damage our innocent young children. The use of cautions in those circumstances, rather than the public trial that such people deserve, helps them to reoffend and therefore damages our children.

All hon. Members know that those offences destroy children and families. I put it to the House that, if only one of those 807 people went on to reoffend—the House must remember that they have admitted their offence and that they are guilty of an offence against innocent children—the use of the caution was wrong in all cases and should not have been used. Cautions should be used generally only where, first, the offence, which must be admitted in full by the criminal, has only minor consequences for either individual victims

[Bob Spink]

or society at large and, secondly, where offenders are unlikely to reoffend, where the caution will do the job of pulling them up, showing them that what they did was wrong and preventing them from going on to reoffend. Clearly, neither of those two tests is usually met in the case of paedophile activity.

Instead of leaving the decision about whether to caution to a police officer, who may or may not be an expert in dealing with serious child abuse, Parliament—which should protect our children, not the abusers—should prevent the use of cautions for paedophile activity in all but truly exceptional cases. New clause 1(2) sets out the exceptional case, where the officer believes that the offender is unlikely to commit further offences, but that exception would not normally apply. Once paedophiles are apprehended, they should be put through the courts—the right place for such serious offences, thus ensuring that the public are aware of their proclivities and giving parents in the locality a better chance of defending their innocent children by keeping an eye on the offenders.

When the subject was debated before in the House, the argument was advanced that it is sometimes easier to secure a confession and therefore to impose a caution than to secure a conviction. It was argued that it is therefore sometimes possible to pin down someone as an offender by offering a caution, when they might escape conviction if the matter was taken before the courts. That is a serious argument against taking people who abuse children before the courts, and I should like to address it very briefly now.

The offence and its consequences are so serious that I believe that, on balance, a trial in court is the right way forward in almost all cases. The use of summary powers that the Bill generally seeks to extend is not appropriate for such particularly obnoxious offences. I strongly suspect anyway that an offence is only admitted and a caution only accepted by paedophiles when they know that the evidence against them is so compelling that they would be found guilty, since the cautioned criminal will be entered in any event on to the sex offenders register and no reasonable person would accept that lightly without the very high probability or almost certainty of being found guilty at trial.

I am sure the House will be surprised that the use of cautions for such offences has increased almost tenfold over the past few years. I want that trend to be reversed. I want paedophiles to get the justice that they deserve and our children to get the protection that they deserve. I hope that hon. Members will support my new clause, which would let the police, the courts and the public know that the House takes the matter very seriously and is intent on giving maximum protection to our innocent children.

4.15 pm

Sir Paul Beresford (Mole Valley) (Con): I shall speak to new clauses 2, 3, 9 and 10 and amendment No. 42, on behalf of my hon. Friends and myself. I welcome the Minister to his new post. We are not discussing teeth, and I am sure that he and I are both pleased about that, but the subject that we are discussing is very grim, and it is a bit hard for him to be covering it on his first day at the Dispatch Box.

The new clauses strengthen the law against sex offenders, especially against those who offend against children. As the Minister will know from his background research, I have spent some time with the Metropolitan police paedophile unit and the issue has developed into something of a minor campaign for me. There has been enormous co-operation between various Home Office Ministers, civil servants, Conservative Front Benchers and me. Perhaps the best example is the Committee stage of the Sexual Offences Act 2003, which saw some very close discussion and changes. It was an unusual Committee stage because of the co-operation. In effect, the new clauses derive from those discussions.

At that stage, the then Minister, the hon. Member for Wythenshawe and Sale, East (Paul Goggins), asked that the ideas that I am putting forward today be stored for further consideration. Over recent weeks, my small team of Alisdair Gillespie, who is an academic barrister and a specialist in this area, Detective Chief Inspector Matt Sarti and I—we are all on the unit that is working on this area in the Home Office, although I must admit that their attendance is considerably better than mine—had a number of meetings with the Minister's predecessor to discuss the way forward on the new clauses.

Amendment No. 42 simply broadens the long title to enable the new clauses to be covered. The meat of the clauses starts with new clause 2 on encryption. It is well known that paedophiles collect child abuse pornographic photographic images, some of which are real and some of which are pseudo. There has been a huge increase in such activity with the arrival of the internet, and the activity is expanding massively at the moment. Paedophiles use the images to stimulate themselves and others. The images are sold between individuals, frequently not for financial gain, but for new abuse images. One must remember that every single abuse photograph represents at least one child being abused on one occasion. The thought of new images being constantly produced to fulfil that demand is quite horrific.

Many of the images are in the form of videos or DVDs or are on computers. Increasingly, they are kept on remote storage. Some of the computers that the police collect have no hard drives at all. They are driven or initiated by a disk and the information is stored remotely. Increasingly, the information is hidden by encryption. We used to have simple encryption, but we have moved to 128 bit and, even more, to 256 bit encryption. The software is freely available on the internet and relatively easy to use. Essentially, it is unbreakable.

The other thing that particularly alarms me is that Vista, which is the replacement for Windows OS, is due out generally next year. Once that system is on board the security is such that, when the computer is turned off, it automatically encrypts all the information on it so that when the police collect the computer and turn it on, they cannot break through the encryption. Some information can be destroyed, preventing access by the police. The police clearly need access for obvious reasons. They need to seek evidence against individuals and, frequently—because offenders sometimes work in packs or groups—against others. In a way, perhaps it is even more important that the police can identify the children in the photographs and movies. Once those

children have been located, it is possible to seek care and counselling for them to try to bring them back into a normal life. There is some evidence that abused children go on to become abusers themselves.

The new clause deals with encrypted data found on computers and storage in cases where the police believe that the encrypted data contain abusive images of children. It does not create any new offence or scheme, but rather amends the sentencing regime under section 53 of the Regulation of Investigatory Powers Act 2000, which is commonly known as RIPA. Part III requires a person to comply with a notice issued by the police to hand over the encryption key for protected data. The penalty for a breach is two years, but that is ludicrous for a paedophile because the alternative penalty, if the information was turned over, would often be five years or more and, frequently, having to go on the sex offenders list. Accordingly, it is unlikely that an offender who has indecent and abusive photographs of children on his computer would comply with the notice. To achieve compliance, we need to step up the penalty, so I suggest that such offenders should be liable for up to 10 years' imprisonment, which is the penalty for contravening section 1 of the Protection of Children Act 1978—there is thinking and a link behind the idea.

The new clause would simply raise the sentence if a court was satisfied that it was more than likely that the majority of the encrypted data consisted of indecent photographs of children. I suggest that the civil burden is permissible because the offence would be not possessing the photographs of children, which would be punished separately, but the failure to hand over the key. The higher sentence would apply only when one of two thresholds was passed: first, that the computer had non-encrypted indecent photos of children or a child on it, as an indication; or, secondly, that the person had been previously convicted of an offence contrary to section 1 of the Protection of Children Act 1978 or section 160 of the Criminal Justice Act 1988.

I will move on to new clause 3. Sections 48 to 50 of the Sexual Offences Act 2003, which make provision for the offences of recruiting or controlling a child involved in pornography or prostitution, are not, for some reason, prescribed for the purposes of notification requirements under part 2 of the Act. I am afraid that my Front-Bench colleagues and I missed that when the legislation was passed. Those sections are not being used by the police and prosecutors because they do not have the notification that applies to most of, if not all, the other provisions relating to the abuse of children. I hope that the Minister will agree that there is no valid reason why people convicted of such an offence should not be required to notify the police of their details, because they are directly involved in the abuse and exploitation of children and need monitoring and risk assessment.

New clauses 9 and 10 are two different approaches to the same problem: the risk assessment of offenders on the sex offenders list. It is coincidental that we are debating the matter today because it relates to two recent high-profile cases: today there was a report on the rapist and murderer of Naomi Bryant, and, three or so weeks ago, a paedophile was reported as having persistently raped a nine-year-old girl over a period of three years. Both people were on the sex offenders list, and it is possible that a change along the lines that I am suggesting could have helped in those cases.

The police in this country are required to risk-assess offenders. The House will be aware that paedophiles are especially prone to reoffend. If I may quote a well-known barrister steeped in the practice of defending paedophiles—I cannot think of a more obnoxious task—they are the "most devious, lying individuals" she has ever had to deal with.

Most western countries have sex offenders lists and virtually all require risk assessment. Most give the police the opportunity to do that, but, unfortunately, those undertaking such risk assessments in this country have limited rights of access. Here, to date, most offenders co-operate, but I am fairly sure that that is mainly because they are ignorant of the fact that they can shut the door in the face of the police or their agents who come to check a residency for the purposes of a risk assessment.

Unfortunately, it is increasingly becoming apparent that more and more such individuals are realising that there is a flaw in the legislation. Many give false or temporary addresses. They move to caravans or move around in caravans. I know of a group of them who live in canal boats in London. Some live with relatives, or give 'relatives' addresses. It is quite hideously worrying for the police that one individual, whom I will not name, owns a block of flats, and, as far as he is concerned, the front door of the block of flats is his front door. The police thus cannot get into the block, although they are aware that single-parent mothers and their children live in flats in that block—one's imagination can run with that.

We discussed all these matters with the Minister's predecessor. I felt that there was general agreement between my team and the Minister that change was needed, but it was the approach that we were discussing. New clause 9 follows the approach that I believe the Minister and his advisers wish to follow. I understand that it is the approach that has been taken in Scotland. Ministers prefer that both countries should have comparable legislation, unless we can arrive at better legislation. In spite of my Scottish ancestry, it might be appropriate that we have better legislation here in England and that the Scots copy us rather than the other way round.

New clause 9 enables the police to obtain a warrant to ensure confirmation and risk assessment. I personally feel that new clause 10 is a better approach. It is a lateral-thinking approach in that it requires the offender to co-operate, both within a reasonable excess request and to co-operate with any reasonable risk assessment requests. The clause goes further than new clause 9 but is gentler. New clause 9 requires admission and new clause 10 co-operation. I think that we will find that most of our beleaguered police forces would prefer new clause 10 because it goes that step further.

I suspect that some people may believe that the human rights of the offenders that we are discussing are being breached. I point to the word "reasonable", which appears in both of the new clauses. Secondly, it would be rather nice if we considered the human rights of the children who could be abused. Child sex offenders frequently go on to abuse. They abuse the human rights of individuals. Some offenders may rape,

[Sir Paul Beresford]

something which I have mentioned already. There is sometimes murder, as has been reported in today's media.

I hope that the Minister will see that there is an opportunity to act now. It is an opportunity to move: before even Microsoft is ready for us, we are ready for it. Delay would leave a breathing space for some horrible offenders who have a record of often horrendous abuse towards innocent members of our society, especially children. There is a figure that the police gave me some years ago; they conservatively estimate that there are 230,000 active paedophiles, many of whom are women, in this country. That is a sufficient number for one in every street.

David T.C. Davies (Monmouth) (Con): I support the amendment tabled by my hon. Friend the Member for Castle Point (Bob Spink). I understand that conditional cautions were being handed out as a means of discouraging people who might have committed one offence from committing further offences. It was a form of warning. As my hon. Friend said, it was a way of pulling people up short. It is clear that the system is being flagrantly abused. It seems to have been transmogrified into a means of keeping people out of the courts and ultimately out of prison, which I believe is a means of saving money. I find that unacceptable.

Labour Members will know that only one crime in 20 is solved. I believe that that includes the 30,000 or so people who are issued with cautions every year. That means that anyone who commits a crime can be assumed to have committed at least 20 offences before being caught. We have been discussing paedophiles disseminating child pornography, and it is reasonable to assume that they will have committed many more than 20 offences when they are finally caught.

It is ludicrous that we caution people who have committed such serious offences. We issue cautions for offences such as burglary or grievous bodily harm. I would much rather scrap the system of cautions when people have committed serious crime and bring them to court, punish them and give their victims justice. If we must continue with the ludicrous system of cautions, which is abused, the very least that we can do is try to ensure that those who have committed the most serious offences are not able to escape justice by accepting caution. There are not many offences that are more serious than disseminating child pornography and abusing children for some perverted and twisted personal enjoyment. It is only appropriate that we remove the right of criminals to be able to accept a caution for something as serious as the offences that they have committed.

4.30 pm

Joan Walley (Stoke-on-Trent, North) (Lab): In welcoming my hon. Friend the Minister to his new post, I should like to draw his attention to a loophole in the existing legislation. Individuals on the sex offenders register can be elected as local councillors. They are not covered by guidance from the standards commission, as they were included on the sex offenders register before it was introduced. If we expect local councillors to have close links with local schools and vulnerable people there ought to be a means whereby their inclusion on the register is considered in risk assessment by local authorities and the police.

In the past 12 months and over a longer period, I have gone round the houses raising the issue with the Standards Board for England, the Office of the Deputy Prime Minister and the Home Office. I raised it with my right hon. Friend the Member for Bolton, West (Ruth Kelly), who was then Secretary of State for Education and Skills, during the passage of earlier legislation in the House, and I tabled a parliamentary question on the matter in January. I asked the Home Office

"whether the proposals to develop a new vetting and barring scheme will include provisions to bar those on the sex offenders register from holding office...as a local councillor and...on a police authority".—[*Official Report*, 3 May 2006; Vol. 445, c. 1630W.]

I was told that that was a matter for the Education Secretary and that responsibilities for vetting procedures for the police lie with the Home Office and those for local councillors with the Office of the Deputy Prime Minister.

Having gone round the houses, there is still a flaw or loophole in the legislation. My constituents are very concerned indeed that a local councillor in a position of authority may have to deal with residents' worries about people on the sex offenders register, so I urge the Minister to consider whether that loophole should be allowed to exist.

Mr. Dominic Grieve (Beaconsfield) (Con): I, too, welcome the Minister to the Dispatch Box.

In tabling new clause 1, my hon. Friend the Member for Castle Point (Bob Spink) has done the House a considerable service, as he has raised an extremely important issue that causes people anxiety. The granting of cautions for serious offences is bound to cause public disquiet. The circumstances surrounding recent cases tend to relate to serious allegations of sexual misconduct against children or others which, however, are very old—sometimes those allegations were made 20 to 25 years previously. The Crown Prosecution Service may have considerable anxieties about whether a conviction can be secured, whether the evidence can be put together, and whether a trial will be a difficult undertaking in the circumstances. I entirely accept that one must bear that in mind, so I have some sympathy with the problems faced by the police and the Crown Prosecution Service.

Sir Paul Beresford: The paedophile police, if I may use *Daily Mail* terminology, say that if they get offenders or potential offenders early, they use the caution as a means of forcing them to get treatment, which does not necessarily land on the taxpayer.

Mr. Grieve: My hon. Friend makes an important point. The cases that I was citing are cases in which, I fear, the person concerned has gone on to commit a multiplicity of offences, but there is no evidence that he has been committing offences for some time. In some cases the alleged offender is very old.

Difficult issues are involved. I have anxieties about the principle of cautions being used in serious offences. It cuts both ways. If the offence is very serious, people may end up accepting cautions when they ought to be pleading not guilty to the offence. That is a form of plea bargaining, and we know—we will come to it in the next group of amendments—that there may be a massive disparity between the sentence that a person may attract if they are convicted in court, and the relatively lenient sentence that may be visited on them if they accept their guilt previously.

Bob Spink: I am following my hon. Friend's arguments carefully, and he is making a lot of sense, but given that accepting a caution means that the offender will go on the sex offenders register for offences against children, does my hon. Friend acknowledge that it is highly unlikely—indeed, unthinkable—that anyone would accept a caution and not go to court, if they were innocent?

Mr. Grieve: I hesitate to be so certain in my own mind. We know enough about the criminal justice system to know that it is human and fallible. Sometimes accusations are made against individuals that are subsequently shown at trial not just to be unproven, but to be wholly wrong. There are circumstances about which I have anxieties. Those go beyond cautioning to extensive plea bargaining, with huge disparities between the sentence that will be attracted on conviction and that which will be visited on a guilty plea. One can end up with a situation—I see the Minister nodding—where there are excessive inducements to individuals to try to bring the matter to a premature conclusion.

These are difficult matters, and those of us who have practised in the courts know the difficulties that we sometimes have in getting our clients to sign the back sheets of our briefs to indicate that they have been fully advised about cases before they accept any form of formal or informal plea bargaining. I wait with interest to hear what the Minister says in response. The point made by my hon. Friend the Member for Castle Point is that this is a matter that should properly concern Parliament.

I shall not repeat the arguments ably put by my hon. Friend the Member for Mole Valley (Sir Paul Beresford). Over a number of years he has been assiduous in trying to deal with the problem of paedophile sex offenders. We have had a number of opportunities, which we have sometimes missed, to try to firm up the framework of the legislation that we need to deal with them. As my hon. Friend rightly said, they are sometimes offenders whose high intelligence means that they have a unique capacity to wriggle off the hook, coupled with their unique capacity for self-denial about their behaviour.

On the issues of child pornography that are at the centre of new clause 2, we know from all the research that has been carried out that there is an absolute causal link between the use of child pornography and the commission of substantive offences. That is becoming so abundantly clear that it raises some extremely difficult questions about, for instance, pseudo-photographs and even cartoons, and the extent to which we are over-tolerant of those and reluctant to prosecute those who may possess them. That is one of the serious matters that the House must go on to consider in future.

What my hon. Friend proposes strikes me as eminently reasonable, and we support him. We take the view that penalties must be sufficient to act as a clear incentive to provide the keys to the encrypted data. If, in fact, people can escape with a rap over the knuckles by not providing the data and thereby save themselves from a substantial term of imprisonment, it is clear that many will avail themselves of that opportunity, and that such cases will become more frequent when encryption becomes more readily available.

So far as notification and powers of entry and examination are concerned, I have no difficulties in terms of human rights in saying that those who have been convicted of such offences can properly be placed under a regime on release—we know that we must do this for public protection—which may curtail some of the rights that others may enjoy. Entry into a person's property to check whether there are clear signs that, notwithstanding whatever treatment that person may have received when they were in custody, the problems, which are of an wholly obsessional nature, are present and that that person is liable to commit further offences or is committing further offences such as downloading pornography or having pornographic material in their home seems to strike a reasonable balance. Whether the Government adopt new clause 10 or new clause 9, I hope that they respond positively, because we have raised the matter previously and the contribution by my hon. Friend the Member for Mole Valley is valuable.

I do not want to take up any more of the House's time. The matter has no party political aspect, and I hope that the Government will provide some reassurance that they will take this opportunity. On a number of occasions, we have missed such opportunities, and those of us who want to see something done look at each criminal justice Bill to see whether we can hang something on it. There is an opportunity, and when the Bill finally goes through, I hope that we receive reassurance that some of the loopholes have been covered.

Mr. Byrne: I begin by associating myself wholeheartedly with the sentiments expressed by my hon. Friend the Member for Stoke-on-Trent, North (Joan Walley) and the hon. Members for Castle Point (Bob Spink) and for Mole Valley (Sir Paul Beresford). The hon. Member for Mole Valley welcomed the approach adopted by my hon. Friend the Member for Wythenshawe and Sale, East (Paul Goggins) when he was responsible for these matters, which I intend to continue in future. The motivation behind all the new clauses is shared on both sides of the House.

I will assist my hon. Friend the Member for Stoke-on-Trent, North in obtaining an answer to her questions. I led for the Department of Health on the Safeguarding Vulnerable Groups Bill, so I am familiar with some of the issues that she has highlighted.

New clause 1 seeks to ensure that an offender who is involved in making and distributing indecent photographs of children or who commits a sexual offence—for example, rape, sexual assault or sexual

[Mr. Byrne]

grooming—is not given a caution, with or without conditions, unless it is clear that that person is unlikely to commit further offences of that nature again. Conditional cautioning may not be considered for any of those offences, bar one, because they are all either-way or indictable-only offences and are therefore not included in the list of offences in the Director of Public Prosecutions guidance on conditional cautioning issued in December 2004.

Decisions about cautions cannot be taken by the police alone. The DPP's guidance on charging issued in January 2005 makes it clear that police must refer all indictable-only offences to a prosecutor, which is a point that the hon. Member for Castle Point made forcefully. It is important that police officers have recourse to the specialisms that prosecutors can bring, and police cannot administer a simple caution in those cases at their own discretion.

The decision on the right course of action is framed by the simple guidance set out in the code for Crown prosecutors—the more serious the offence, the more likely it is that prosecution will be needed in the public interest. Indeed, one of the specific factors in favour of prosecution is listed in the code at paragraph 5.9:

"there are grounds for believing that the offence is likely to be continued or repeated, for example, by a history of recurring conduct".

A review of cases in this area has shown that there are truly exceptional circumstances, as the hon. Member for Castle Point acknowledged, in which prosecutors should be allowed to consider caution. The hon. Member for Beaconsfield (Mr. Grieve) alluded to that sentiment and provided some examples. One further example could involve an allegation of rape by one child against another, where a final warning is accompanied by packages of treatment in a programme of interventions designed by youth offending teams or social services to address the offender's inappropriate sexual behaviour. In such truly exceptional circumstances, the offence may be suitable for disposal by a caution, but only providing that all the criteria are met.

4.45 pm

The hon. Member for Castle Point referred to some of the consequences of a caution. It is true that, in the absence of a charge, a caution is better than dealing with the case by no further action, or better than detecting but not proceeding. A caution has the benefit of ensuring that the offence at least appears on the person's criminal record and can be cited in future proceedings. It is also significant that the offender will become subject to the notification requirements of the Sexual Offences Act 2003 for two years from the date of the caution or for one year in the case of a youth offender.

The hon. Member for Castle Point is right to say that it is important to exercise great care in taking the decision whether to caution those who admit offences of this nature, and that a trial is right in almost all such cases. The risk of re-offending is, of course, one of the key factors to take into account in the decision-making process. The existing guidance on cautioning and charging, and the principles set out in the code for Crown prosecutors, provide the necessary safeguards.

For those reasons, we believe that it is desirable that the opportunity to use a simple caution for offences of this nature should continue to exist for extraordinary cases, but with reference to the important principle: the more serious the crime, the more important it is to prosecute. I think that the House is united in its view about the gravity of these offences.

Bob Spink: I welcome the Minister to his new position, which I forgot to mention earlier. I welcome his approach to the problem, but does he share my concern at the fact that, over the last two years alone, 807 cautions have been given, mostly for the taking of indecent photographs of children? Does not that massive increase give rise to serious concern?

Mr. Byrne: I share that concern and I was keen to understand the issue when it was raised in my briefing from officials at the Home Office. The assurance that I have been given is that the new codes, particularly the one for the Crown prosecutors, will confront those issues head on.

I would like to deal now with new clause 2, the ambitions of which are welcome. As the hon. Member for Mole Valley explained, the new clause is designed to increase the maximum penalty for an offence under section 53 of the Regulation of Investigatory Powers Act 2000—failing to comply with a requirement to disclose protected information or the key to it. The increase in the maximum penalty would apply in the circumstances set out in new subsection (6) of section 53 of RIPA, including where the offender has a previous conviction for possession of indecent images of a child.

The use of encryption is, as the hon. Member for Mole Valley pointed out, proliferating. Encryption products are more widely available and are integrated as security features in standard operating systems, so the Government have concluded that it is now right to implement the provisions of part 3 of RIPA, including section 53, which is not in force.

The threat to public safety posed by terrorist use of encryption technology was recognised in section 15 of the Terrorism Act 2006, which increased the maximum penalty for the section 53 offence to five years in a national security case. The Government will therefore publish for consultation a draft statutory code of practice for the investigation of protected electronic data and the exercise of powers in part 3 of RIPA.

We have previously given an undertaking to bring forward proposals in line with new clause 2 in the context of consulting on the implementation of part 3, and we shall shortly begin those consultations. We remain very sympathetic to what the new clause is designed to do, but we want to allow an opportunity for public consideration and comment on the proposals first, before implementing any legislative changes.

On new clause 3, schedule 3 to the Sexual Offences Act 2003 lists the offences for which a conviction, finding or caution will, subject to certain sentencing thresholds being met, result in the offender being made subject to the notification requirements of part 2 of the 2003 Act—more commonly known as the sex offenders

register. When schedule 3 was drawn up, we decided not to include the offences under sections 48 to 50 of the 2003 Act because we were of the view that such offences could be motivated by factors such as greed. We did, however, include the offences in schedule 5 to the 2003 Act. Inclusion in schedule 5 means that if there is a demonstrable risk of serious sexual harm from the offenders, courts can make a sexual offences prevention order either when dealing with such an offender or on subsequent application from the police. That order has the effect of placing the offender on to the sex offenders register as well as making him subject to the prohibitions imposed by the order itself.

I am, however, extremely sympathetic to the view of the hon. Member for Mole Valley that, while offences in sections 48 to 50 are not strictly sexual offences, those who perpetrate them demonstrate, at the very least, a callous disregard of the sexual well-being of children, pose a threat, and may require the monitoring that registration brings. My officials will therefore review the content of schedules 3 and 5 over the summer. I can assure the hon. Gentleman that his proposals will be central to that review. Changes to schedules 3 and 5 do not require primary legislation and can be made by order subject to affirmative resolution. Instead of making piecemeal changes today, we should await the results of the review and look to make all necessary changes through an order to be laid in the autumn. This morning, after we spoke, I explored precisely what order-making powers are available under section 130 of the 2003 Act.

New clause 9 introduces a new power for the police to enter and search the home address of offenders who are subject to the notification requirements of part 2 of the Sexual Offences Act 2003. On that point, I associate myself with the sentiments expressed by the hon. Member for Beaconsfield. I also pay tribute to the hon. Member for Mole Valley for the work that he has undertaken. In 2005, he dedicated his private Member's Bill to this issue, and I very much appreciate the thought that he has given to it. In March, my hon. Friend the Member for Wythenshawe and Sale, East said that although we had previously rejected measures similar to those contained in the new clause, we must keep our position open and under review.

In recent months, several developments have caused the Government to review that position. Professor Irving's report for the Scottish Executive looked carefully at the way in which offenders are managed in the community to minimise the risk that they pose. Professor Irving concluded that a power of entry for the police was necessary. Officials at the Home Office conducted a review of the effectiveness of the Sexual Offences Act 2003, taking into account the views of law enforcement professionals, prosecutors and the courts, and reached a similar conclusion. As the hon. Member for Mole Valley is aware, officials have been working on drafting an appropriate clause, and we are seeking an appropriate legislative vehicle to make the change. I assure him that we are giving these issues very serious consideration, and we hope to be in a position to put something before Parliament in the near future. Government conventions prevent me from going any further at this stage, but I know that he will be aware of programmes in another place.

Finally, I want to say a few words about new clause 10. Hon. Members will be aware that the Criminal Justice Act 2003 provides the statutory framework for inter-agency co-operation in assessing and managing violent offenders and sex offenders under arrangements known as multi-agency public protection arrangements. I should like to offer the House officials' first view of the new clauses drafted by the hon. Member for Mole Valley, which may need further reflection. Under the arrangements, the police and probation services and the Prison Service, supported by additional agencies, work together to manage the risk posed by dangerous offenders to the public. The "critical few" offenders who pose the highest risk are referred to a multi-agency public protection panel—MAPPP—where their cases are regularly scrutinised by senior representatives of local agencies.

As I understand it, new clause 10 tries to introduce a requirement on all such offenders to "co-operate" with any "reasonable steps" imposed on them by any responsible authority. That would include the probation and police services and the Prison Service. Failure to do that would be a criminal offence. However, we believe that the new clause may need further reflection because, in a great many cases, MAPPA offenders will be subject to the sex offenders register, a community penalty and/or release from imprisonment on licence. That means that there will already be clear requirements on the offenders, with repercussions if they fail to comply. We would therefore like the opportunity to give the matter further consideration.

In the light of those comments, I hope that my assurances will provide sufficient comfort for hon. Members to agree to withdraw the motion but to work with us on implementing their ambitions.

Bob Spink: I am grateful to the Minister for considering the amendments. I beg to ask leave to withdraw the motion.

Motion and clause, by leave, withdrawn.

New Clause 8

DESIGNATION OF PART 2 TERRITORIES: OMISSION OF UNITED STATES OF AMERICA

'(1) The Extradition Act 2003 (Designation of Part 2 Territories) Order 2003 (S.I. 2003/3334 is amended as follows.

(2) In the list of territories in paragraph 3(2) "The United States of America" is omitted.'. —*[Mr. Grieve.]*

Brought up, and read the First time.

Mr. Grieve: I beg to move, That the clause be read a Second time.

Mr. Deputy Speaker: With this it will be convenient to discuss the following amendments: No. 114, in page 125, line 3 [Schedule 14], at end insert—

'"(j) forum".'.

No. 115, in page 125, line 5 [Schedule 14], leave out '19A' and insert '19B'.

No. 116, in page 125, line 23 [Schedule 14], at end insert—

'"19B Forum

(1) If the conduct disclosed by the request was committed partly in the United Kingdom, the judge shall not order the extradition of the person unless it appears, in the light of all the circumstances, that it would be in the interests of justice that the person should be tried in the category 1 territory.

(2) In deciding whether extradition is in the interests of justice the judge shall take into account whether the competent UK authorities have decided to refrain from prosecuting the person whose surrender is sought for the conduct constituting the offence for which extradition is requested.".'.

Government amendment No. 66.

No. 117, in page 133, line 8 [Schedule 14], at end insert—

'Bars to extradition

15A (1) Section 79 (bars to extradition) is amended as follows.

(2) After subsection (1)(d) there is inserted—

"(e) forum".

(3) In subsection (2) "83" is omitted and "83A" inserted.

(4) After section 83 there is inserted—

"83A Forum

(1) If the conduct constituting the offence was committed partly in the United Kingdom, the judge shall not order the extradition of the person unless it appears, in the light of all the circumstances, that it would be in the interests of justice that the person should be tried in the category 2 territory.

(2) In deciding whether extradition is in the interests of justice the judge shall take into account whether the competent UK authorities have decided to refrain from prosecuting the person whose surrender is sought for the conduct constituting the offence for which extradition is requested.".'.

No. 118, in page 133, line 8 [Schedule 14], at end insert—

'Case where person has not been convicted

15B In section 84 (case where person has not been convicted) after subsection (7)(b) there is inserted—

"(c) The Secretary of State may not designate under this subsection if to do so would be inconsistent with any obligation set out in an extradition treaty or other extradition arrangements in force between the United Kingdom and a category 2 territory.".'.

Government amendments Nos. 67 to 71, 78 and 79

Mr. Grieve: It is clear from early-day motions, which numerous Members of Parliament of all parties signed—the last one I saw contained 154 signatures—that the amendments cover a matter of serious concern. The new clause deals with the Extradition Act 2003, especially its operation in relation to the United States of America, but also more generally, and whether it is a fair and reasonable way to proceed.

If new clause 8 were accepted, it would omit the United States of America from the list of designated territories in category 2 of the 2003 Act. The United States could not therefore continue to enjoy its current privileged status in securing extradition without producing evidence. That is linked to amendment No. 118, which would prevent any redesignation until the ratification of the United Kingdom-United States extradition treaty, which was concluded in 2003, on both sides of the Atlantic. Ratification has taken place here but, as yet, there has been no reciprocity from the United States.

Amendments Nos. 116 and 117 try to cover a separate but related issue. If they were accepted, they would introduce into European extradition proceedings, under the European extradition warrant, and into extradition to a category 2 territory, the possibility of the court's examining whether the conduct disclosed by a request or constituting the offence was committed partly in the United Kingdom. No order for extradition would be made unless it appeared, in the light of all the circumstances, that it was in the interests of justice for the person to be tried in the territory that sought extradition. Moreover, under subsection (2), in deciding whether the interests of justice required extradition, the judge would be entitled to look at whether the competent United Kingdom authorities had decided to refrain from prosecuting the person whose surrender was sought, and for whom the extradition was requested.

5 pm

I shall try to be brief, but it is important to understand the background to these matters. Before 1 January 2004 and the implementation of the Extradition Act 2003, extradition to many countries outside Europe—the United States in particular—was governed by a treaty entered into in 1972. There was reciprocity under that treaty. If we wished to extradite someone from the United States, it was necessary to show probable cause of an offence having been committed. If the United States wished to extradite someone from the United Kingdom, a prima facie case had to be established. Some play has been made of the fact that it might be easier to show probable cause than to establish a prima facie case. However, both requirements responded to national legal principles and, in reality, very little turns on the distinction.

There were problems with the 1972 treaty. It was suggested that it took a long time to get extradition from this country, although I believe that that says more about the problems with our court procedure than anything else. In addition, there were further blocks on extradition that presented a real problem. They included the fact that certain offences were not covered at all. For example, a person could not be extradited from the United States for child pornography, which we have just discussed. Indeed, that still applies. The statute of limitations was also frequently invoked in the United States, placing a bar on some offences for which we sought extradition. Speciality claims were made, and some offences became incapable of extradition. There were also problems when someone was in prison in the United States for a minor offence but was wanted in this country for a major one.

I welcome the fact that a new treaty was negotiated between this country and the United States of America. It went a long way towards solving those problems. However, although we have signed and ratified the treaty, and allowed the United States to operate a procedure for extradition that is akin to that of our European neighbours and requires no evidence whatever to be produced, no reciprocity has been provided by the United States at all.

The treaty was signed on 31 March 2003. On 16 December, Baroness Scotland gave assurances in another place that ratification was due to take place in the United States in early 2004. On 16 June 2005, she expressed

"genuine disappointment that the United States' authorities have not found the time or energy to ratify the provision."—[*Official Report, House of Lords*, 16 June 2005; Vol. 672, c. 1198.]

Twelve months later, we are still waiting. There is considerable evidence in the United States that there are many bodies—including civil rights groups and the senators linked to them—that intend to prevent ratification from taking place if possible.

It is not surprising that this state of affairs has come about. Why should the United States Government be bothered? As Baroness Scotland candidly explained, in a debate in the other place last year,

"the Extradition Act 2003 effectively implemented the provisions of the new UK/US extradition treaty."—[*Official Report, House of Lords*, 30 June 2005; Vol. 673, c. 408.]

She failed to add that this had happened on an entirely one-sided basis. The statutory instrument that was passed designated the United States under category 2. Extradition has become easy, and virtually all scrutiny has been removed. Bizarrely, this is completely contrary to article 9 of the treaty, which is still legally in force.

When the Government proceeded to include the United States as a category 2 designation under the Extradition Act, they told us that this was essential for the prevention of terrorism and for bringing suspected terrorists to justice. That is plainly an important consideration, of which the House must be mindful. That being said, in the case of Mr. Lotfi Raissi, the Algerian national and airline pilot whose extradition from this country was sought after 9/11 on the grounds that he had failed to disclose information to the US authorities that might have prevented that attack, the United States Government had to operate under the old system of showing a prima facie case. As was graphically described to the Home Affairs Committee by the district judge who handled that matter, it became apparent in the course of proceedings that there was no case against him whatever, and there was a complete mistake as to his identity, who he was and what his involvement had been. Under the Extradition Act provisions as they currently stand, Mr. Raissi would have been extradited to the United States without more ado.

Perhaps more relevantly, when anxiety was being expressed about the operation of the Extradition Act, the Government gave assurances that it would not extend to financial crime. Those were the very words of the hon. Member for Don Valley (Caroline Flint), then a Home Office Minister. She was responding to a *Financial Times* article expressing specific concern that offences such as price fixing, which were not offences in the United Kingdom but might have been offences in the United States in the past in parallel, could become extraditable. She said:

"We do not have such a range of offences involving financial crime. The cases mentioned by the *Financial Times*— such as price fixing—would not apply. Dual criminality would have to exist."—[*Official Report, Third Standing Committee on Delegated Legislation*, 15 December 2003; c. 26.]

It has become apparent that what she told the House on that occasion was completely erroneous.

United States district attorneys, discovering—to their considerable pleasure, I am sure—that extradition has become a mere mechanistic procedure in this country, have found ways of side-stepping problems with the lack of dual criminality. My constituent, Mr. Ian Norris, managing director of Morgan Crucible, is currently facing extradition for price fixing at a time when it was completely legal in the United Kingdom and all the decisions were taken here. The allegations have been changed to conspiracy to defraud, on the basis that that was the outcome as it affected the United States, thus getting round the dual criminality provisions. The Minister will be able to provide us with more information, but I understand that such examples are becoming numerous.

In addition, the United States has also asserted jurisdiction in cases in which every bit of common sense dictates that the connection with the United States is extremely tenuous. The mere passage of an e-mail through a United States server is sufficient for the purposes of jurisdiction. In theoretical terms, that must give the USA almost universal worldwide jurisdiction over every crime. In the Enron case, extradition is being applied for in relation to defendants whose alleged crime is to have defrauded—a serious offence—a British bank of many millions of pounds in this country, when the bank has never alleged fraud and no proceedings have ever been brought here.

Mark Pritchard: My hon. Friend mentions the Enron case, which involves serious amounts of money. Is he aware, however, that the powers extend to citizens who may have committed offences, however serious, involving no more than £1,000.01?

Mr. Grieve: Yes, I am aware of that. The lowest threshold for such extradition to operate is £1,000. My hon. Friend is right to highlight the fact that it can apply to individuals whose criminality may not appear high at all.

No system is perfect, and I fully acknowledge that there are strong reasons why countries should co-operate to combat crime: there is nothing wrong with that. In allowing for extradition and securing the reciprocity that is so desirable, we must sometimes accept minor concerns about the operation of other countries' criminal justice systems, as long as we know that justice is the aim that they strive to achieve. However, we could have done very much better in the Extradition Act to prevent abuses such as those involved in the cases that I have described.

Even if the United States does ratify the new treaty, there is a compelling case for our extending greater protection to defendants in extradition proceedings involving offences that are wholly unrelated to the United States. As I said at the outset, that is what amendments Nos. 116 and 117 seek to achieve.

The Government have suggested that all this is a figment of the Opposition's imagination—or of that of their own Back Benchers who signed the early-day motion. They have suggested that we are all getting worked up about nothing, and that the system is perfectly sensible. It is worth pointing out that many other countries provide exactly the protection that the British Government chose to avoid in the Extradition Act. Article III of the Irish-USA treaty provides for refusal of extradition when the alleged offence is regarded under the law of the requested state as having been committed in its territory. Article V of the treaty provides for no extradition when the requested state has decided to refrain from prosecuting, or has discontinued proceedings.

[Mr. Grieve]

Before it is thought that this is a piece of Euro-bashing by the Opposition and that somehow the European arrest warrant is being held up to opprobrium, I should point out that article 4(7) of the European Union framework decision, on the basis of which the European Union arrest warrant was put together, allows for precisely this kind of exemption, which the Irish have used and the Government have chosen not to incorporate. Article 7(1) of the original 1957 European convention on extradition, brought about by the Council of Europe—a model of its kind—says exactly the same. So it is not a question of a degree of Euro-scepticism; it is a question of a degree of scepticism about why the Government seem so resolute about setting administrative convenience against the interests of justice.

When the Scottish Parliament debated the issue recently, disquiet was expressed by every party about the way in which the system operates. There is no need for that disquiet to continue. The Government could see sense and do two things. First, they could enable us to have a better system that provides protection when there is no proper link between the individual and the state that seeks to extradite that individual for an offence. Secondly, in the case of the United States, the House should exercise a bit of will and common sense and say to a Government who seem to be incapable of carrying out sensible diplomatic negotiations, "You will not get what you want unless you withhold what you are offering at the same time."

The Government's decision—not to ratify the treaty, because it cannot be fully ratified until the United States has ratified it, but gratuitously to provide the United States with all that it sought in the treaty—is an error of judgment of monumental proportions. If the Government wish to see the advantages of the treaty, they would do well to accept new clause 8 and ensure that the United States is politely reminded that reciprocity is the absolute basis of international relations.

5.15 pm

Mr. David Heath (Somerton and Frome) (LD): I rise to speak in support of new clause 8, which stands in the name of the hon. Member for Beaconsfield (Mr. Grieve) and his colleagues, and in mine. I do not wish to repeat large parts of what the hon. Gentleman has said. He and I have not disagreed at any stage in our interpretation and construction of what this extradition treaty means for British citizens. I simply chide him gently on one point, of which he will be aware: on consideration of the statutory instrument that dealt with the provision, the Conservatives, unlike my colleagues and I, were unable to vote against it. That was a mistaken view on their part.

Mr. Grieve: The hon. Gentleman is absolutely right, in that the House and the Conservative party accepted assurances from the Government that in the existing climate of terrorism, the operation of the extradition treaty was necessary. We did not fully appreciate the consequences that would flow from it.

Mr. Heath: I accept what the hon. Gentleman says, and that he and his colleagues acted in good faith; I simply say that they were mistaken.

I want to deal first with the lack of ratification on the part of the United States Congress. I find it quite astonishing that this treaty, which we have signed with those who are supposed to be our closest allies, is apparently of so little import in the US legislature. It is far from being a priority for Congress, which has found opportunities to ratify extradition treaties with Lithuania, the Marshall Islands, Micronesia and Peru, but, apparently, cannot find an opportunity to give proper consideration to reciprocal arrangements with the United Kingdom. That says a lot for the supposedly special relationship that we enjoy with our friends in the United States.

That would be cause for concern in itself, were it not for the extraordinarily asymmetric position of the treaty that the Government entered into. As I said in the Committee on the statutory instrument, even a Government acting under duress could not have signed a treaty that so badly sold short the interests of the citizens of this country, in comparison with those of another. *[Interruption.]* The Minister of State, Department of Health, the hon. Member for Leigh (Andy Burnham), says from a sedentary position that my observation is nonsense, but he or his hon. Friends will have to demonstrate why. This is clearly an entirely one-sided treaty. In fact, the then Minister—*[Interruption.]* If the hon. Gentleman wishes to intervene, he can explain to me, from the Dispatch Box, why my argument is nonsense. He has only just been reshuffled, yet he wants to interfere.

In saying "Nonsense" from a sedentary position, the hon. Gentleman is asking the House to consider that the Minister then involved, the hon. Member for Don Valley (Caroline Flint), who is now a Health Minister, was mistaken in saying that the treaty was asymmetric. She said:

> "In contrast, when we make extradition requests to the United States, we will need to submit sufficient evidence to establish 'probable cause'. That is a lower test than prima facie but a higher threshold than we ask of the United States, and I make no secret of that. Under the terms of its constitution the USA cannot set its evidential standard any lower than 'probable cause'."—[*Official Report, Third Standing Committee on Delegated Legislation,* 15 December 2003; c. 7.]

So on that day, the hon. Lady made no secret of the fact that there was an imbalance in the treaty, yet the hon. Gentleman says that that view is nonsense. The House will come to its own conclusions. *[Interruption.]* The hon. Lady has arrived—she no doubt remembers the occasion when we last discussed this issue and what was said then.

All manner of changes were implicit in the proposal that was before us. First, the treaty changed the basis on which extradition could take place. A certain level of evidence used to be required, and there was a list of extraditable offences. However, the treaty removed that list and we now have simply a sentence threshold of 12 months. Any offence that attracts a sentence of more than 12 months becomes an extraditable offence. The House will immediately draw from that the conclusion that it is now open to any of the legislatures in the US to make any offence that it deems to require a sentence of more than 12 months an extraditable offence. That is my second point.

When we talk about the US, we are not talking about a relationship between our jurisdiction and their jurisdiction. We have two separate jurisdictions, but they have 51, including not only the federal jurisdiction, but the jurisdiction of 50 states, from Alabama to Wyoming, with vastly different concepts of jurisprudence and legal systems. To be frank, we also have vastly different levels of confidence in the ability of those various legislatures to conduct a trial in the way in which we would expect. Not only do we have an asymmetric view, but we have a treaty that applies to 51 different jurisdictions and we have no control over what they might determine to be an extraditable offence.

The defence that the Minister gave at the time was that we also have reciprocal extradition arrangements with other countries, and she mentioned other European countries and what could be termed the "Anglo-Saxon" jurisdictions of Canada, New Zealand and Australia. But those systems are very much more similar to ours than are the American systems, so those comparisons are of no particular value. The US is a one-off in such terms.

The next point is that the provisions were retrospective. Article 22.1 states:

"This Treaty shall apply to offenses committed before as well as after the date it enters into force."

Not only have we a prospective asymmetric arrangement with the US, but we will allow them to extradite British citizens for offences that took place before the treaty was even signed, let alone ratified—which looks unlikely to happen in the near future.

On all those grounds, we have legitimate reasons for concern. However, the hon. Member for Beaconsfield (Mr. Grieve) made another important point about the extraterritorial jurisdiction claimed by the US and by its states. My right hon. and learned Friend the Member for North-East Fife (Sir Menzies Campbell), who attended the Committee, recalled the old joke that if one flies in a plane above the state of New York on one's way to California, the state of New York assumes a territorial jurisdiction on anything one may do. That is not far from the truth, and as the hon. Gentleman pointed out, it is a real concern when it comes to email traffic.

We also have legitimate concerns when we see prospective extraditions for commercial crime against people operating in British companies that have connections with American companies, but whose activities are solely based in this country and who have never been to the great state of Delaware or Idaho, or wherever the American parent company may be based. Those people may be extraditable for matters that are not even offences in this country and were carried out in this country, not the US. They can be extradited and held in custody before trial in the US in a state in which they have never previously set foot. That is an extraordinary position to adopt.

Another problem is that the level of evidence required does not go much beyond simple identification. The subject arouses much concern in this country, but the American investigatory bodies are not entirely foolproof in that regard. The House may recall a case that was current when we considered the Bill in Committee. It involved a Mr. Bond, arrested in South Africa at the request of FBI officials on the basis that he was really a Mr. Derek Sykes, who had defrauded many people out of millions of dollars. However, he really was Mr. Bond, a retired charity worker who worked in the Rotary club in Clifton in Bristol. He was nothing to do with the US, but he was imprisoned in South Africa on the basis of an identification by the FBI. Had he been in this country, he could have been extradited to stand trial for an offence and in a country of which he knew nothing, and on the basis that he was someone that he was not.

That is not proper protection for people in this country. If we were sensible, we would say to the US Government, "Look, given that you haven't ratified the treaty, we must look again at its terms. This time, we shall protect the interests of British citizens and apply the sort of tests that American Congressmen apply as a matter of course, even if they are not part of the provisions of the constitution." The minimum American requirement of probable cause is not so very different from our requirement of prima facie evidence, but we have thrown away all that protection for British citizens because it seemed a good idea at the time. The aim was to please an American Administration who have not yet been prepared to put the treaty through the American legislature.

The Government are in a shameful position, and we were right to reject the proposal when it first came before us. We are right to support the new clause, which would bring an end to an asymmetric arrangement of no benefit to the UK.

Mr. Michael Howard (Folkestone and Hythe) (Con): I begin by welcoming the Minister to his new responsibilities. Far be it from me to give him advice, but I assure him that the Home Office need not be a dysfunctional Department. I wish him well as he discharges his new responsibilities.

My hon. Friend the Member for Beaconsfield (Mr. Grieve), the shadow Attorney-General, has expressed the widely shared reservations on this issue with his usual admirable clarity. That will enable me to be relatively brief in adding my voice to those who have expressed concern about the matter.

On 31 March 2003, the day that the treaty was signed, the then Home Secretary, the right hon. Member for Sheffield, Brightside (Mr. Blunkett), made a written statement to the House. He said:

"Before the treaty can come into force it needs to be ratified by the United States Senate"—[*Official Report*, 31 March 2003; Vol. 402, c. 42WS.]

The Lord Chancellor gave a similar assurance in another place. However, the provisions of the Extradition Act 2003 and the associated secondary legislation mean that those assurances have turned out to be completely worthless. This afternoon, the House has the opportunity to hold the Government to their word. If we are to take seriously our central responsibility of safeguarding the liberties of the individual against unfair, arbitrary or oppressive action by the Executive, we will seize that opportunity.

5.30 pm

It is difficult to imagine a more one-sided or unfair set of arrangements than those in existence at present. The treaty is itself one-sided: its effect, and that of the

Act, is to lower substantially the requirements that the United States Government have to satisfy to secure the extradition of those who are accused of offences under United States law. What was previously reciprocal and similar has become unbalanced and one-sided.

Today, we have the opportunity to put things right. As we have heard, the United States Senate has still to ratify the treaty. In plain language, the United States has not honoured its side of the deal: the ratification legislation is stuck in the Senate and shows no sign whatever of getting unstuck. That is hardly surprising, because as my hon. Friend pointed out, the United Kingdom has removed any incentive for the Senate to proceed. If, to gain the advantage that the treaty would, and the Act does, confer on the Government of the United States, the treaty had to be ratified by the US, it is a fair bet that more progress would have been made. By designating the United States, for the purpose of the Act, without the minimal degree of reciprocity that ratification would provide, the Government of the United Kingdom have surrendered the only lever of influence they possessed to secure what we assume is their objective.

Fortunately, the House has the opportunity today to do what the Government themselves should have done. New clause 8 would remove the United States of America from the list of territories in paragraph 3(2) of the designation order and that would give the US Senate the incentive it needs. If and when the treaty is ratified the matter could be looked at again and the US could be restored to the list, as a subsequent amendment provides.

I hope that the delay that the passage of new clause 8 would achieve would enable a fresh look to be taken at the arrangements in the treaty so that they can be revised. As has been said more than once, the arrangements are one-sided, and my hon. Friend has explained why. Some of the cases that have arisen since the Act came into force in that one-sided way have given rise to widespread concern.

In Committee, the Minister's predecessor asked why the United States was being singled out for expressions of concern. I refer not to the hon. Member for Don Valley (Caroline Flint)—now a Minister of State at the Department of Health—who was in the Chamber briefly a few moments ago, but to another former Home Office Minister, the right hon. Member for Salford (Hazel Blears), who is now Minister without Portfolio. The answer to the right hon. Lady's question is simple and twofold. First, as far as I am aware, no cases in respect of other jurisdictions have led to the same concerns. The proof of any legislative pudding is in the eating; it is in respect of the arrangements with the United States that cases of concern have arisen. That is no accident, and it brings me to the second point, to which my hon. Friend and the Liberal Democrat spokesman referred.

The United States has a particular view on extraterritoriality. It claims for itself jurisdiction over acts that have not been committed in the United States and for which other countries, including ours, would make no similar claim. That should mean that any arrangements for extradition with the US need to be scrutinised with great care if the liberties of Her Majesty's subjects are not to be jeopardised.

To make those points is not in any sense to be anti-American, and it was unworthy of the Minister's predecessor to make silly allegations of that kind in Committee. Some Opposition Members—I certainly include myself in this—have devoted a lifetime of energy to the improvement of relations between this country and the United States. That objective is not well served by the current unbalanced extradition arrangements between our two countries. Indeed, if they are allowed to continue they are likely to do significant damage to that relationship. I hope the House will make good use of the opportunity before us today to minimise that damage by restoring a degree of equity to the arrangements for extradition between our two countries.

Mr. Maples: I rise to support everything that has been said by the three Members who have spoken. My hon. Friend the Member for Beaconsfield (Mr. Grieve) made the speech that I should have liked to make in the debate. He covered the issues lucidly and made his points persuasively, and I should simply like to add some brief remarks.

First, I want to put things in context. Until 11 September 2001, we were pretty relaxed about extradition. Cases were dragging through our courts, where the French had requested the extradition of someone whom they thought was involved in the Paris metro bombings. The Americans had also requested the extradition of three people whom they thought were involved in the east African embassy bombings. Those cases were strung out through our courts. No one in the Government seemed at all worried about the fact that Rachid Ramda had been in prison for six and half years by then. I think that he has now finally been sent to France. I do not think that the three people whom the United States wanted have been sent there. No one in the Government—or, I agree, in the Opposition for that matter—was particularly worried about that at the time.

Since 9/11, we seem to have gone into a panic. We have all signed up to the European arrest warrant, which has thrown out of the window all sorts of protections that we have had for ages, and we have apparently done the same with the United States. I simply do not understand why. I can understand that we needed far faster extradition proceedings, particularly in terrorism cases, because we were all very worried about them, but in the process we have thrown out all sorts of common law protections that have existed for absolutely ages, including dual criminality and the prima facie rule.

There were two occasions on which the Home Secretary had to agree to the proceedings going ahead, each of which was subject to two appeals. I forget how many stages that process involved—seven or eight in the end—but they are the reason such cases often took so long. But why did we have to throw out all the existing protections? There was a perfectly good reason for dual criminality, and we have retained it in the treaty with the United States and in the European arrest warrant for those offences that are not included in the treaty list. I accept that we gave up the prima facie rule under an earlier Council of Europe treaty with our European partners and neighbours, but there was a backstop in that, the Home Secretary was

entitled to ask whether it was in the interests of justice that such rules could be disapplied. Various legal protections were built in.

I can understand the case for eliminating some of the protections. Perhaps the Home Secretary's discretion should have related to some fairly narrow points—the interest of justice, for instance—and perhaps he should have been able to exercise that discretion only once. Perhaps the prima facie rule could have been done away with in some cases. I have, however, always been worried about doing away with dual criminality. I do not understand how someone can be extradited from this country and prosecuted in another country if what they did was not an offence here at the time. However, we have now got ourselves into that position with the United States through the backdoor by allowing the prima facie evidence rule to be eroded. In so doing, we have effectively eroded the dual criminality rule as well.

I do not understand why we went into a panic in September 2001, which resulted in the European arrest warrant, the treaty with the United States and the Extradition Act 2003. Many hon. Members made a great many of those points in considering the European arrest warrant and the Bill in Committee, but the Government were deaf to those arguments.

Secondly, I want to deal with the US position. We got to this point as a result of bad negotiation, quite frankly. The Government did not foresee that the United States might not ratify the treaty. Anyone who has watched its refusal to extradite IRA terrorists over the past 30 years surely cannot be surprised that that is the main reason why ratification is being held up in the Senate Foreign Relations Committee by a couple of Senators, probably from New York and Massachusetts, who do not want to risk former terrorists who may still be living peacefully in San Francisco or somewhere else being extradited here. If we did not foresee that, it is a terrible mistake, but if we did, why did we not build into the treaty something to deal with it—or why cannot we do so now? If that is the problem, why cannot we try to renegotiate the treaty now.

As my right hon. and learned Friend the Member for Folkestone and Hythe (Mr. Howard) said, the United States now has no incentive to ratify the treaty. What bothers me is that all this is set in the context of a lot of other issues. No Conservative Member, possibly barring my right hon. and learned Friend, could be more pro-American than I am, but I am deeply concerned that we have allowed ourselves to be put in the position not just of a junior partner, but one without any influence.

There is a raft of things on which we are not getting what we want from the United States—the international traffic in arms regulations waiver, the second engine on, and the guarantee of the order for, the joint strike fighter, as well as the ratification of the treaty. I go to Washington about once or twice a year, and many of those things have been on that list for about nine or 10 years, and the Americans keep saying that something is happening, but it does not.

The fact is that the Government are not taken seriously because they are lousy at negotiating. They give away their position up front and do not retain any cards to play at the end of the game when things get difficult. That is what has happened in this case. The Minister is new to the job and I ask him to think seriously about the points that have been made. I hope that he is listening, because I do not think that this is a party political issue.

The Parliamentary Under-Secretary of State for the Home Department (Joan Ryan): I am listening.

Mr. Maples: I am sorry. I was looking at the wrong Minister. Perhaps she is not so new to the job. I ask her to think seriously about this issue, because British citizens are being put at risk of serious injustice. The case of Ian Norris involves price fixing, which was not a criminal offence here at the time when he committed it. If the dual criminality rule were properly applied, he could not be extradited to the United States for it. However, because the United States can pick up on an offence for which there is dual criminality and charge him with that, it can apply the weak prima facie evidence test that is now in the treaty.

I suggest that, inadvertently, the treaty with the United States and the Extradition Act are resulting in—and will continue to result in—serious miscarriages of justice in which innocent British citizens are put through extradition and a court procedure in the United States that they should not be put through. If the proper protections were in place, they would not be put through that. The Government must be galled that the United States Senate refuses to ratify the treaty, but they have it in their hands to accept the amendments, or something like them, and simply put the favourable treatment that the United States gets on hold—in abeyance, in escrow, or whatever one wants to call it—until the United States performs its side of the bargain. We would not have so much trouble then. However, I suspect that the United States will not ever implement its side of the bargain and that at some point we will have to renegotiate if we want to get the United States to sign up to a new treaty. Perhaps the sooner we get there, the better.

In pursuit of the interests of justice, I hope that the Government will consider the matter again. They should not feel that it would be a terrible climbdown or loss of political machoism to admit that a mistake has been made. They can blame the United States. They need to find some way out of the problem that we have been led into by the Extradition Act.

Mark Pritchard: I rise to support the new clause that has been tabled by my right hon. and hon. Friends. We can understand why the Government have introduced a new extradition regime. The events of 9/11 are an important political context. I think that we would all agree that extradition laws needed to be updated and speeded up. However, that has been done at the cost of explicit due process, equity and fairness. Many critics of the treaty with the United States quite rightly cite the lack of reciprocity, which we have heard mentioned many times in the Chamber today. They suggest that the treaty is unbalanced, unfair and leaves UK citizens at a great disadvantage compared with US citizens. They are right. Unless the legislation is amended, UK business men and citizens will become increasingly vulnerable to over-zealous and extraterritorial US prosecutors.

There is inequity not only in the process, but in the application of the law. It cannot be right that UK

[Mark Pritchard]

citizens alleged to have committed crimes in the United Kingdom, with perhaps the vaguest of links to any criminal activity in the United States, can be extradited without the requirement for prima facie evidence. In many cases, we no longer have physical borders when it comes to white-collar crime. Cybercrime and commercial crime through the internet are increasing. We need to be mindful of that. Nevertheless, cases need to be driven by evidence.

Like the UK, the US should be required to provide evidence amounting to probable cause. Instead, the Government have created an extradition regime that has lowered the evidence threshold for the United States authorities alone. They have entered into an agreement that allows the US authorities to use extradition powers that perhaps go far beyond what the Government originally envisaged—to be fair to them.

I would like, if I may, to ask the Minister on a point of law whether the 2003 extradition treaty is actually ratified. We know that the 1972 treaty was ratified here in the United Kingdom and in the United States, but the 2003 treaty was ratified in the United Kingdom, but not in the United States. Was the treaty ratified? There are 44 cases involving people who might go to the United States, and I believe that 12 UK citizens have already left the country and gone to the US. If the treaty has not been ratified, is there not a case to say that the Government or the judicial process have acted ultra vires, or beyond their legal powers? There might be a strong case to answer on that, and I would be interested if the great legal minds in the House would like to advise me on the matter either inside or outside the Chamber.

5.45 pm

As my right hon. and learned Friend the Member for Folkestone and Hythe (Mr. Howard) rightly said in his most excellent speech, there are many friends of the United States on both sides of the House. I declare an interest because my wife is a US citizen. However, we need to move to a position of equity, fairness and reciprocity so that US-UK relations are safeguarded.

Joan Ryan: It is with pride that I rise to speak at the Dispatch Box for the first time for my Government. I am especially pleased to be facing the hon. Member for Beaconsfield (Mr. Grieve) and to be in the Chamber with many other hon. Members, both in front of me and behind me, with whom I have long worked on Home Office matters. However, I have not been able to use my voice on these issues, certainly for the past four years, so I hope that I will use it well on this occasion and others to come.

Government amendments Nos. 66 to 71, 78 and 79 are largely technical in nature. Government amendments Nos. 66 and 67 simply correct a drafting flaw in the Extradition Act 2003 to ensure that it reflects the devolution settlement.

Paragraph 21 of schedule 14 to the Bill would extend legislative powers to allow time served abroad on remand while awaiting extradition to the UK to count towards a person's sentence. In practice, judges usually deduct time served abroad from sentences, but we had intended to take this opportunity to reflect the practice in legislation. However, on closer inspection, and bearing in mind recent changes to our domestic sentencing law, the provisions in paragraph 21 of schedule 14 do not close the technical gaps that we have identified in legislation relating to offenders who are convicted before, but sentenced after, extradition, and to certain juveniles. It became clear that paragraph 21 required amendment. Indeed, we have concluded that it would be better to omit paragraph 21 and its associated provisions and start again. The area of law is complex and it has taken further reflection to get an amendment right. Government amendment No. 69 ensures that the power to give credit for time served pending extradition applies equally to all, regardless of when the offender is convicted or sentenced in the UK, and regardless of the offender's age.

Let me turn to the amendments tabled by the right hon. Member for Haltemprice and Howden (David Davis) and new clause 8. I should say at the outset that many Labour Members will be surprised by the content and tone of Conservative Members' remarks. I will explain why during the course of my speech and attempt to respond to the points that have been raised. However, I ask Conservative Members to bear in mind the limited time at my disposal today, because we wish to allow time for all Back Benchers to have a full opportunity to contribute.

New clause 8 is perhaps the most surprising of the amendments and new clauses that have been tabled to this part of the Bill. We do not recall the official Opposition taking quite the same attitude to our extradition arrangements with the United States when the relevant legislation was debated in Parliament. They are now revealing a deep distrust of one of our longest and most trusted extradition partners. We look back to the Act of 2003. Conservative Members expressed shrill opposition to the European arrest warrant, which has proved its worth. We no longer hear that opposition. It seems that Conservative Members go about seeking their enemies. It is clear that—

Mr. Howard: Will the Minister give way?

Joan Ryan: I will give way in a moment.

It is clear that particular cases that we cannot discuss in the House have motivated some of the current concerns, but I am certain that those concerns are misplaced. The proposed amendments would have the effect of requiring the US once more to provide prima facie evidence with its extradition requests, as it did before the legislation of 2003, along with the subordinate legislation that came into effect.

As we have said on many previous occasions, the 2003 Act provides a better and faster approach to extradition than previous legislation. It applies not only to the US, but to all our extradition partners. Some 47 other countries have exactly the same agreement with us, and we have exactly the same extradition arrangements. It may throw some illumination on the issue if I mention some of those countries—for example, Albania, Australia, Azerbaijan, Bangladesh, Barbados, Chile, Colombia, the Cook Islands, Macedonia, Jamaica, Kenya and the Russian Federation. Where else can we go? There is Turkey, Sri Lanka, Swaziland, Australia, as I have said, Canada, Zimbabwe and the United States of America.

Mr. Howard: Will the Minister give way?

Joan Ryan: I will give way in a moment.

We have before us a better and faster approach to extradition. Among the provisions was secondary legislation to designate those countries that do not need prima facie evidence. Those countries, some of which I have listed, are in category 2 for extradition consideration. The removal of the prima facie requirement was possible long before the 2003 Act came into force. The possibility dates back to when the Opposition were in Government in 1991, when the UK became an active party to the European convention on extradition.

Mr. Howard: Will the Minister give way?

Joan Ryan: I will give way in a moment.

Signatories to the convention do not require prima facie evidence from one another. By the end of 2003, the convention applied between almost all European states. We have heard the convention praised by Conservative Members. It applied to almost all European states, including Russia and other former Soviet states, which are all members of the Council of Europe, as well as to Israel and South Africa. The convention still applies to our extradition arrangements with all these states except for those which have joined the European Union, with which we operate the European arrest warrant mechanism.

Mr. Howard: Will the Minister identify any cases from any of the countries that she has so painstakingly and painfully listed that have given rise to concern and therefore make those countries relevant as compared with the United States, where we know that there has been a series of cases that has given rise to concern? Will the hon. Lady deal with the cases of concern that have been referred to by everyone who has spoken from the Opposition Benches rather than—I am sorry to say this—insulting the intelligence of the House by reciting a list of countries in respect of which there have been no cause for concern?

Joan Ryan: The right hon. and learned Gentleman voices the deep distrust that we see in the new clause, and that is an astonishing position for the Conservative party to adopt.

Returning to the list, we have added Australia, Canada and New Zealand, which do not require prima facie evidence, and the US, which the Opposition seek to remove.

Mark Pritchard *rose—*

Joan Ryan: I am sorry that I shall not accept any more Back-Bench interventions, as there is very little time.

We added the US to the list because, despite what the Opposition imply, it is a trusted extradition partner and a mature democracy with a fair system of justice. Its requests therefore deserve at least the same level of consideration as requests from other countries.

Mr. Grieve: Why did we embark on a treaty revision with the United States if we could have proceeded on the basis of what she has said, and given the US what it wanted? We embarked on that revision because we believed that we could benefit from concessions by the United States. Surely, that is the basis of trust, but trust cannot be maintained without reciprocity. Furthermore, as the Minister well knows, while some aspects of the US legal system seek justice, they can be onerous and the extra-territoriality of US jurisdiction is quite extraordinary.

Joan Ryan: There is a deep misunderstanding on the part of the Opposition of the issue of reciprocity, perhaps because of certain cases that have arisen. We have reciprocity precisely because of the Extradition Act 2003. Before it was passed, the bar for the US to extradite people from the United Kingdom was much higher, and was based on prima facie evidence. For the UK to extradite people from the US, the requirement was probable cause but, as a result of the 2003 Act, we have come into line. One could characterise the requirement as one of reasonable suspicion, but the reciprocal arrangement is based on the fact that it is not just identification that is required. Sufficient information is needed to issue a warrant for arrest, and that is the basis of reciprocity with the United States. There is never 100 per cent. reciprocity, but probable cause and reasonable suspicion are equivalent. We do not require prima facie evidence from many of the countries on the list, because we trust their judicial system and we have reciprocity. However, we do require prima facie evidence from the Cook Islands and other countries.

Turning to the proposal to insert the word, "forum", in schedule 14, the Opposition wish to turn our prosecutorial system on its head and subvert it. They suggest setting up a system whereby a judge considering a request to extradite an individual makes a decision as to whether they should be prosecuted in this country. If they do not think that they should be, that individual could escape scot-free. Extradition aims to bring people who have committed a crime to justice. The ordinary people of this or any other country want justice to be applied equally to the perpetrators of white-collar crime and to the perpetrators of any other crime. The 2003 Act aims to speed up and simplify the process, but it has never applied only to terrorist acts. It applies to any crime that attracts a 12-month sentence. On that basis, I urge the House to reject the Opposition amendments.

Mr. Grieve: Although I warmly welcome the Minister's arrival at the Dispatch Box, I cannot welcome her words this afternoon. She has failed completely to meet the issues that have been raised. She suggested that asking judges to consider the question of forum is in some way wrong. Judges deal with abuse of process applications frequently. It is perfectly within their competence to do so. I find incomprehensible her misunderstanding of the issues concerning the United States, our friend and ally. If we want to maintain friendship and alliance, reciprocity is the basis.

It being Six o'clock, MR. DEPUTY SPEAKER *put forthwith the Question already proposed from the Chair, pursuant to Order [6 March].*

Question put, That the clause be read a Second time:—

The House divided: Ayes 224, Noes 293.

Division No. 227] **[6.00 pm**

AYES

Ainsworth, Mr. Peter
Alexander, Danny
Amess, Mr. David
Ancram, rh Mr. Michael
Arbuthnot, rh Mr. James
Atkinson, Mr. Peter
Bacon, Mr. Richard
Baldry, Tony
Barker, Gregory
Barrett, John
Beith, rh Mr. Alan
Bellingham, Mr. Henry
Benyon, Mr. Richard
Bercow, John
Beresford, Sir Paul
Binley, Mr. Brian
Bone, Mr. Peter
Boswell, Mr. Tim
Bottomley, Peter
Brady, Mr. Graham
Brake, Tom
Brazier, Mr. Julian
Breed, Mr. Colin
Brokenshire, James
Brooke, Annette
Browne, Mr. Jeremy
Browning, Angela
Bruce, Malcolm
Burns, Mr. Simon
Burrowes, Mr. David
Burstow, Mr. Paul
Burt, Lorely
Butterfill, Sir John
Cable, Dr. Vincent
Cameron, rh Mr. David
Campbell, rh Sir Menzies
Carmichael, Mr. Alistair
Carswell, Mr. Douglas
Cash, Mr. William
Chope, Mr. Christopher
Clark, Greg
Clarke, rh Mr. Kenneth
Clegg, Mr. Nick
Clifton-Brown, Mr. Geoffrey
Cormack, Sir Patrick
Cox, Mr. Geoffrey
Crabb, Mr. Stephen
Davey, Mr. Edward
Davies, David T.C. *(Monmouth)*
Davies, Philip
Davis, rh David *(Haltemprice and Howden)*
Djanogly, Mr. Jonathan
Dodds, Mr. Nigel
Dorrell, rh Mr. Stephen
Dorries, Mrs. Nadine
Duddridge, James
Duncan, Mr. Alan
Duncan Smith, rh Mr. Iain
Dunne, Mr. Philip
Ellwood, Mr. Tobias
Evans, Mr. Nigel
Evennett, Mr. David
Fabricant, Michael
Fallon, Mr. Michael
Farron, Tim
Featherstone, Lynne
Field, Mr. Mark
Foster, Mr. Don
Francois, Mr. Mark
Fraser, Mr. Christopher
Gale, Mr. Roger
Garnier, Mr. Edward
Gauke, Mr. David
Gibb, Mr. Nick
Gidley, Sandra
Gillan, Mrs. Cheryl
Goldsworthy, Julia
Goodman, Mr. Paul
Gove, Michael
Gray, Mr. James
Grayling, Chris
Green, Damian
Greenway, Mr. John
Grieve, Mr. Dominic
Gummer, rh Mr. John
Hague, rh Mr. William
Hammond, Stephen
Hancock, Mr. Mike
Hands, Mr. Greg
Harper, Mr. Mark
Harris, Dr. Evan
Harvey, Nick
Hayes, Mr. John
Heald, Mr. Oliver
Heath, Mr. David
Heathcoat-Amory, rh Mr. David
Hemming, John
Hendry, Charles
Herbert, Nick
Hoban, Mr. Mark
Holloway, Mr. Adam
Holmes, Paul
Horam, Mr. John
Horwood, Martin
Howard, rh Mr. Michael
Howarth, David
Hughes, Simon
Huhne, Chris
Hunt, Mr. Jeremy
Hunter, Mark
Hurd, Mr. Nick
Jack, rh Mr. Michael
Jackson, Mr. Stewart
Jenkin, Mr. Bernard
Johnson, Mr. Boris
Jones, Mr. David
Kawczynski, Daniel
Kirkbride, Miss Julie
Knight, rh Mr. Greg
Kramer, Susan
Laing, Mrs. Eleanor
Lamb, Norman
Lancaster, Mr. Mark
Lansley, Mr. Andrew
Laws, Mr. David
Leech, Mr. John
Leigh, Mr. Edward
Lewis, Dr. Julian
Liddell-Grainger, Mr. Ian
Lidington, Mr. David
Lilley, rh Mr. Peter
Llwyd, Mr. Elfyn
Loughton, Tim
Luff, Peter
Mackay, rh Mr. Andrew
Main, Anne
Malins, Mr. Humfrey
Maples, Mr. John
Mates, rh Mr. Michael
May, rh Mrs. Theresa
McCrea, Dr. William
McIntosh, Miss Anne
McLoughlin, rh Mr. Patrick
Mercer, Patrick
Miller, Mrs. Maria
Mitchell, Mr. Andrew
Moore, Mr. Michael
Moss, Mr. Malcolm
Murrison, Dr. Andrew
Newmark, Mr. Brooks
O'Brien, Mr. Stephen
Öpik, Lembit
Osborne, Mr. George
Ottaway, Richard
Paice, Mr. James
Paisley, rh Rev. Ian
Paterson, Mr. Owen
Pelling, Mr. Andrew
Price, Adam
Pritchard, Mark
Pugh, John
Randall, Mr. John
Redwood, rh Mr. John
Rennie, Willie
Rifkind, rh Sir Malcolm
Robathan, Mr. Andrew
Robertson, Hugh
Robinson, Mr. Peter
Rogerson, Mr. Dan
Rowen, Paul
Russell, Bob
Sanders, Mr. Adrian
Scott, Mr. Lee
Selous, Andrew
Shapps, Grant
Shepherd, Mr. Richard
Simmonds, Mark
Simpson, David
Simpson, Mr. Keith
Smith, Sir Robert
Soames, Mr. Nicholas
Spelman, Mrs. Caroline
Spicer, Sir Michael
Spink, Bob
Steen, Mr. Anthony
Streeter, Mr. Gary
Stuart, Mr. Graham
Stunell, Andrew
Swayne, Mr. Desmond
Swinson, Jo
Swire, Mr. Hugo
Syms, Mr. Robert
Tapsell, Sir Peter
Taylor, Mr. Ian
Taylor, Matthew
Taylor, Dr. Richard
Teather, Sarah
Thurso, John
Turner, Mr. Andrew
Tyrie, Mr. Andrew
Vaizey, Mr. Edward
Vara, Mr. Shailesh
Viggers, Peter
Villiers, Mrs. Theresa
Walker, Mr. Charles
Wallace, Mr. Ben
Waller, Mr. Robert
Waterson, Mr. Nigel
Watkinson, Angela
Webb, Steve
Whittingdale, Mr. John
Wiggin, Bill
Willetts, Mr. David
Williams, Hywel
Williams, Mark
Williams, Mr. Roger
Williams, Stephen
Wilshire, Mr. David
Wilson, Mr. Rob
Wilson, Sammy
Winterton, Ann
Wood, Mike
Wright, Jeremy
Yeo, Mr. Tim

Tellers for the Ayes:
Mr. Crispin Blunt and Andrew Rosindell

NOES

Abbott, Ms Diane
Ainger, Nick
Ainsworth, rh Mr. Bob
Alexander, rh Mr. Douglas
Allen, Mr. Graham
Anderson, Mr. David
Anderson, Janet
Armstrong, rh Hilary
Atkins, Charlotte
Austin, Mr. Ian
Bailey, Mr. Adrian
Baird, Vera
Balls, Ed
Banks, Gordon
Barlow, Ms Celia
Barron, rh Mr. Kevin
Battle, rh John
Beckett, rh Margaret
Bell, Sir Stuart
Benn, rh Hilary
Benton, Mr. Joe
Berry, Roger
Betts, Mr. Clive
Blackman, Liz
Blackman-Woods, Dr. Roberta
Blears, rh Hazel
Blizzard, Mr. Bob
Blunkett, rh Mr. David

Borrow, Mr. David S.
Bradshaw, Mr. Ben
Brown, Lyn
Brown, Mr. Russell
Browne, rh Des
Bryant, Chris
Buck, Ms Karen
Burden, Richard
Burgon, Colin
Burnham, Andy
Butler, Ms Dawn
Byers, rh Mr. Stephen
Byrne, Mr. Liam
Cabom, rh Mr. Richard
Campbell, Mr. Alan
Campbell, Mr. Ronnie
Caton, Mr. Martin
Cawsey, Mr. Ian
Challen, Colin
Chapman, Ben
Chaytor, Mr. David
Clapham, Mr. Michael
Clark, Ms Katy
Clark, Paul
Clarke, rh Mr. Charles
Clarke, rh Mr. Tom
Clelland, Mr. David
Coaker, Mr. Vernon
Coffey, Ann
Connarty, Michael
Cook, Frank
Cooper, Rosie
Cooper, Yvette
Corbyn, Jeremy
Cousins, Jim
Crausby, Mr. David
Creagh, Mary
Cruddas, Jon
Cummings, John
Cunningham, Mr. Jim
Cunningham, Tony
Curtis-Thomas, Mrs. Claire
David, Mr. Wayne
Davidson, Mr. Ian
Devine, Mr. Jim
Dhanda, Mr. Parmjit
Dismore, Mr. Andrew
Dobbin, Jim
Dobson, rh Frank
Donohoe, Mr. Brian H.
Doran, Mr. Frank
Dowd, Jim
Drew, Mr. David
Eagle, Angela
Eagle, Maria
Efford, Clive
Elman, Mrs. Louise
Engel, Natascha
Ennis, Jeff
Etherington, Bill
Farrelly, Paul
Field, rh Mr. Frank
Fisher, Mark
Fitzpatrick, Jim
Flint, Caroline
Flynn, Paul
Follett, Barbara
Francis, Dr. Hywel
Gardiner, Barry
George, rh Mr. Bruce
Gerrard, Mr. Neil
Gibson, Dr. Ian
Gilroy, Linda
Godsiff, Mr. Roger
Goggins, Paul
Goodman, Helen
Griffith, Nia
Griffiths, Nigel
Gwynne, Andrew
Hain, rh Mr. Peter
Hall, Mr. Mike
Hall, Patrick
Hamilton, Mr. David
Hanson, Mr. David
Harman, rh Ms Harriet
Harris, Mr. Tom
Havard, Mr. Dai
Healey, John
Henderson, Mr. Doug
Hendrick, Mr. Mark
Hepburn, Mr. Stephen
Heppell, Mr. John
Hesford, Stephen
Hewitt, rh Ms Patricia
Heyes, David
Hill, rh Keith
Hillier, Meg
Hodge, rh Margaret
Hodgson, Mrs. Sharon
Hoon, rh Mr. Geoffrey
Hope, Phil
Hopkins, Kelvin
Howarth, rh Mr. George
Hoyle, Mr. Lindsay
Hughes, rh Beverley
Hutton, rh Mr. John
Ilsley, Mr. Eric
Ingram, rh Mr. Adam
Irranca-Davies, Huw
Jackson, Glenda
James, Mrs. Siân C.
Jenkins, Mr. Brian
Johnson, rh Alan
Johnson, Ms Diana R.
Jones, Helen
Jones, Mr. Martyn
Jowell, rh Tessa
Joyce, Mr. Eric
Kaufman, rh Sir Gerald
Keeble, Ms Sally
Keeley, Barbara
Keen, Ann
Kelly, rh Ruth
Kemp, Mr. Fraser
Khabra, Mr. Piara S.
Kidney, Mr. David
Killoyle, Mr. Peter
Knight, Jim
Kumar, Dr. Ashok
Ladyman, Dr. Stephen
Laxton, Mr. Bob
Levitt, Tom
Lewis, Mr. Ivan
Linton, Martin
Lloyd, Tony
Love, Mr. Andrew
Lucas, Ian
MacDougall, Mr. John
MacShane, rh Mr. Denis
Mactaggart, Fiona
Mahmood, Mr. Khalid
Mallaber, Judy
Mann, John
Marris, Rob
Marsden, Mr. Gordon
Martlew, Mr. Eric
McAvoy, rh Mr. Thomas
McCabe, Steve
McCafferty, Chris
McCarthy, Kerry
McCarthy-Fry, Sarah
McCartney, rh Mr. Ian
McDonagh, Siobhain
McDonnell, John
McFadden, Mr. Pat
McFall, rh Mr. John
McGovern, Mr. Jim
McGuire, Mrs. Anne
McIsaac, Shona
McKechin, Ann
McKenna, Rosemary
Meacher, rh Mr. Michael
Meale, Mr. Alan
Merron, Gillian
Michael, rh Alun
Miliband, rh David
Miliband, Edward
Miller, Andrew
Moffat, Anne
Moffatt, Laura
Mole, Chris
Moon, Mrs. Madeleine
Morden, Jessica
Morgan, Julie
Morley, Mr. Elliot
Mountford, Kali
Mudie, Mr. George
Mullin, Mr. Chris
Munn, Meg
Murphy, Mr. Jim
Murphy, rh Mr. Paul
Naysmith, Dr. Doug
Norris, Dan
O'Brien, Mr. Mike
O'Hara, Mr. Edward
Olner, Mr. Bill
Owen, Albert
Palmer, Dr. Nick
Pearson, Ian
Plaskitt, Mr. James
Pound, Stephen
Prentice, Bridget
Prentice, Mr. Gordon
Primarolo, rh Dawn
Purchase, Mr. Ken
Purnell, James
Raynsford, rh Mr. Nick
Reed, Mr. Andy
Reid, rh John
Riordan, Mrs. Linda
Robertson, John
Robinson, Mr. Geoffrey
Rooney, Mr. Terry
Roy, Mr. Frank
Ruddock, Joan
Russell, Christine
Ryan, Joan
Salter, Martin
Sarwar, Mr. Mohammad
Seabeck, Alison
Shaw, Jonathan
Sheerman, Mr. Barry
Sheridan, Jim
Simon, Mr. Siôn
Simpson, Alan
Singh, Mr. Marsha
Skinner, Mr. Dennis
Slaughter, Mr. Andrew
Smith, rh Mr. Andrew
Smith, Ms Angela C. *(Sheffield, Hillsborough)*
Smith, Angela E. *(Basildon)*
Smith, rh Jacqui
Smith, John
Sneigrove, Anne
Soulsby, Sir Peter
Southworth, Helen
Spellar, rh Mr. John
Starkey, Dr. Phyllis
Stewart, Ian
Strang, rh Dr. Gavin
Straw, rh Mr. Jack
Stringer, Graham
Sutcliffe, Mr. Gerry
Tami, Mark
Taylor, David
Thomas, Mr. Gareth
Thornberry, Emily
Timms, Mr. Stephen
Tipping, Paddy
Touhig, Mr. Don
Trickett, Jon
Truswell, Mr. Paul
Turner, Dr. Desmond
Twigg, Derek
Ussher, Kitty
Vaz, Keith
Vis, Dr. Rudi
Walley, Joan
Waltho, Lynda
Ward, Claire
Wareing, Mr. Robert N.
Watson, Mr. Tom
Whitehead, Dr. Alan
Wicks, Malcolm
Williams, rh Mr. Alan
Williams, Mrs. Betty
Wills, Mr. Michael
Winnick, Mr. David
Winterton, Ms Rosie
Woodward, Mr. Shaun
Woolas, Mr. Phil
Wright, Mr. Anthony
Wright, David
Wright, Dr. Tony
Wyatt, Derek

Tellers for the Noes:
Mr. Michael Foster and Mr. Dave Watts

Question accordingly negatived.

Clause 35

SENTENCES OF IMPRISONMENT FOR BAIL OFFENCES

Amendment made: No. 43, in page 30, line 20, leave out 'a summary conviction for' —*[Mr. Byrne.]*

Clause 44

ORDERS AND REGULATIONS

Amendments made: No. 44, in page 35, line 36, after 'Secretary of State,' insert—

'( ) a Registrar General,'.

No. 45, in page 36, line 21, at end insert—

'( ) A statutory instrument containing an order under paragraph 48 of Schedule 1 made by the Scottish Ministers may not be made unless a draft has been laid before, and approved by a resolution of, the Scottish Parliament.'. —*[Mr. Byrne.]*

Clause 48

COMMENCEMENT

Amendments made: No. 46, in page 37, line 30, after 'paragraphs 9(3)(a)' insert ', 15A, 15B'.

No. 47, in page 37, line 32, after 'paragraphs' insert '27A, 29A,'. —*[Mr. Byrne.]*

Clause 49

EXTENT

Amendment made: No. 48, in page 39, line 23, at end insert—

'( ) Section (Supply of information to police etc by Registrar General) extends also to Northern Ireland.'. —*[Mr. Byrne.]*

Schedule 1

NATIONAL POLICING IMPROVEMENT AGENCY

Amendments made: No. 49, in page 53, line 12, leave out

'by a scheme under section 19 of'

and insert

'under an amalgamation scheme under'.

No. 50, in page 56, line 21, leave out 'Secretary of State' and insert

'appropriate authority (see sub-paragraph (3A))'.

No. 51, in page 57, line 3, at end insert—

'(3A) Power of the appropriate authority under sub-paragraph (1)—

(a) so far as it is power to make provision falling within sub-paragraph (3B), is power of the Scottish Ministers, and

(b) so far as it is power to make provision not falling within sub-paragraph (3B), is power of the Secretary of State.

(3B) The provision falling within this sub-paragraph is provision that would be within the legislative competence of the Scottish Parliament if it were included in an Act of that Parliament.

(3C) Power of the Scottish Ministers under sub-paragraph (1) is exercisable only with the consent of the Secretary of State.

(3D) Power of the Secretary of State under sub-paragraph (1)(a), (b) and (c), so far as it is power to make provision falling within sub-paragraph (3E), is exercisable only with the consent of the Scottish Ministers.

(3E) The provision falling within this sub-paragraph is provision—

(a) that affects, or may affect, any of the persons mentioned in paragraph 4(2) (police forces, and other policing bodies, in Scotland), or

(b) that affects, or may affect, the rights and powers of the Scottish Ministers.

(3F) Power of the Secretary of State under sub-paragraph (1)(d), so far as it is power to impose obligations on any of the persons mentioned in paragraph 4(2), is exercisable only with the consent of the Scottish Ministers.'.

No. 52, in page 57, line 12, at end insert—

'(4A) Before making an order under sub-paragraph (1), the Scottish Ministers must consult—

(a) the Agency,

(b) the Scottish Police Services Authority,

(c) persons whom the Scottish Ministers consider to represent the interests of chief constables of police forces in Scotland, and

(d) persons whom the Scottish Ministers consider to represent the interests of bodies within sub-paragraph (4C).

(4B) Before deciding whether to give consent for the purposes of sub-paragraph (3D) or (3F), the Scottish Ministers must consult—

(a) the Scottish Police Services Authority,

(b) persons whom the Scottish Ministers consider to represent the interests of chief constables of police forces in Scotland, and

(c) persons whom the Scottish Ministers consider to represent the interests of bodies within sub-paragraph (4C).

(4C) A body is within this sub-paragraph if it is—

(a) the police authority for a police area in Scotland that is not combined, by virtue of an amalgamation scheme under the Police (Scotland) Act 1967 (c.77), with any other police area in Scotland, or

(b) a joint police board constituted under such a scheme.'.

No. 53, in page 57, line 21, after 'including' insert

', without prejudice to the generality of section 20(2) of the Interpretation Act 1978 (c.30),'.

No. 119, in page 61, line 18, at end insert—

'67A In section 90(4) (impersonation etc: interpretation), for the words after paragraph (a) and before paragraph (b) (paragraph (aa) having been superseded by section 68(2) of the Railways and Transport Safety Act 2003) there is substituted—

"(ab) "member of a police force" includes a member of the staff of the National Policing Improvement Agency who is a constable, and".

67B (1) Section 91 (offence of causing disaffection amongst members of police forces etc) is amended as follows.

(2) In subsection (2) (offence under subsection (1) of causing disaffection etc amongst members of police forces applies also in relation to certain other police personnel), after paragraph (a) there is inserted—

"(aa) members of the staff of the National Policing Improvement Agency who are constables,".

(3) After subsection (2) there is inserted—

"(3) Liability under subsection (1) for any behaviour in relation to members of the staff of the National Policing Improvement Agency is in addition to any civil liability for that behaviour.".'.

No. 120, in page 63, line 2, leave out

'In section 29(3)(c) of the Police Reform Act 2002'

and insert—

'The Police Reform Act 2002 is amended as follows.

In section 9(3) (persons ineligible for membership of the Independent Police Complaints Commission), after paragraph (da) there is inserted—

"(db) he is or has been—

(i) the chairman or chief executive of, or

(ii) another member of, or

(iii) another member of the staff of,

the National Policing Improvement Agency;".

76A (1) Section 10 (general functions of the Independent Police Complaints Commission) is amended as follows.

(2) In subsection (1) (general functions), after paragraph (g) there is inserted "; and

(h) to carry out functions in relation to the National Policing Improvement Agency which correspond to those conferred on the Commission in relation to police forces by paragraph (e) of this subsection."

(3) In subsection (3) (functions conferred by other provisions), after paragraph (ba) there is inserted—

"(bb) any agreement under section 26B of this Act (National Policing Improvement Agency);".

(4) In subsection (7)(c) (Commission may impose charges for making recommendations, and giving advice, for purposes of subsection (1)(g)), after "subsection (1)(g)" there is inserted "or (h)".

76B (1) Section 11 (reports) is amended as follows.

(2) In subsection (6) (persons to whom Independent Police Complaints Commission must send copies of its annual reports), after paragraph (d) there is inserted "; and

(e) to the National Policing Improvement Agency."

(3) After subsection (9) there is inserted—

"(9A) Where a report under subsection (3) relates to the National Policing Improvement Agency, the Commission shall send a copy of that report to the Agency."

(4) In subsection (10) (persons to whom reports under subsection (4) must be sent), after paragraph (g) there is inserted "; and

(h) the National Policing Improvement Agency."

76C (1) Section 15 (general duties of police authorities etc in relation to Part 2 of the Act) is amended as follows.

(2) After subsection (1A) there is inserted—

"(1B) It shall be the duty of the National Policing Improvement Agency to ensure that it is kept informed, in relation to the Agency, about all matters falling within subsection (2)."

(3) For the second sentence of subsection (8) (meaning of "third force" in subsection (8)) there is substituted—

"(8A) Where the person who requires assistance and co-operation under subsection (5) is a member of the staff of the National Policing Improvement Agency—

(a) the chief officer of a third force, or

(b) the police authority maintaining a third force,

may be required to give that assistance and co-operation only with the approval of the chief executive of the National Policing Improvement Agency.

(8B) In subsections (8) and (8A) "third force", in relation to an investigation, means any police force other than the force to which the person whose conduct is under investigation belonged at the time of the conduct."

(4) In subsection (9) (approval that is needed before Director General of Serious Organised Crime Agency can be required to give assistance etc under subsection (5)), for the words after paragraph (b) there is substituted—

"the Agency may be required to give assistance and co-operation under subsection (5) only with the approval of the relevant directing officer."

(5) After subsection (9) there is inserted—

"(10) In subsection (9) "the relevant directing officer"—

(a) in a case where the person who requires assistance and co-operation belongs to a police force, means the chief officer of that force; and

(b) in a case where the person who requires assistance and co-operation is a member of the staff of the National Policing Improvement Agency, means the chief executive of that Agency."

76D After section 16 there is inserted—

"16A Investigations: National Policing Improvement Agency involvement

(1) Where a police authority or chief officer requires the NPIA and its chief executive to provide a member of the NPIA's staff who is a constable for appointment under paragraph 16, 17 or 18 of Schedule 3, it shall be the duty of the NPIA and its chief executive to comply with the requirement.

(2) It shall be the duty of the NPIA and its chief executive to ensure that a person appointed under paragraph 16, 17 or 18 of Schedule 3 to carry out an investigation is given all such assistance and co-operation in the carrying-out of that investigation as that person may reasonably require.

(3) It shall be the duty of the NPIA and its chief executive to provide the Commission and every member of the Commission's staff with all such assistance as the Commission or that member of staff may reasonably require for the purposes of, or in connection with, the carrying-out of any investigation by the Commission under this Part.

(4) Where the person who requires assistance and co-operation under subsection (2) is a person serving with the police, the NPIA and its chief executive may be required to give that assistance and co-operation only with the approval of the chief officer of the force to which that person belongs.

(5) Where the person who requires assistance and co-operation under subsection (2) is a member of the staff of the Serious Organised Crime Agency, the NPIA and its chief executive may be required to give that assistance and co-operation only with the approval of the Director General of the Serious Organised Crime Agency.

(6) Subsection (7) applies where the NPIA and its chief executive comply with a requirement under subsection (1) or (2) that is made in connection with—

(a) an investigation relating to the conduct of a person who, at the time of the conduct, was a member of a police force; or

(b) an investigation of a DSI matter in relation to which the relevant officer was, at the time of the death or serious injury, a member of a police force.

(7) The police authority maintaining the police force mentioned in subsection (6)(a) or (b) shall pay to the NPIA such contribution (if any) towards the costs of compliance with the requirement—

(a) as may be agreed between them; or

(b) in the absence of an agreement, as may be determined in accordance with any arrangements which—

(i) have been agreed to by police authorities generally and by the NPIA, and

(ii) are for the time being in force with respect to the making of contributions towards the costs of compliance by the NPIA and its chief executive with requirements of the kind mentioned in subsection (6); or

(c) in the absence of any such arrangements, as may be determined by the Secretary of State.

(8) Where the NPIA and its chief executive comply with a requirement under subsection (3), the Commission shall pay to the NPIA such contribution (if any) towards the costs of compliance with the requirement—

(a) as may be agreed between the Commission and the NPIA; or

(b) in the absence of an agreement, as may be determined in accordance with any arrangements which—

(i) have been agreed to by the Agency and by the Commission, and

(ii) are for the time being in force with respect to the making of contributions towards the costs of compliance by the NPIA and its chief executive with requirements under subsection (3); or

(c) in the absence of any such arrangements, as may be determined by the Secretary of State.

(9) In this section "the NPIA" means the National Policing Improvement Agency."

76E In section 17 (provision of information to the Independent Police Complaints Commission), after subsection (5) there is inserted—

"(6) In this section—

"chief officer" includes the chief executive of the National Policing Improvement Agency;

"police authority" includes the National Policing Improvement Agency."

76F After section 26A insert—

"26B National Policing Improvement Agency

(1) The Commission and the National Policing Improvement Agency must enter into an agreement for the establishment in relation to members of the Agency's staff of procedures corresponding or similar to those provided for by or under this Part.

(2) An agreement under this section—

(a) must not be made or varied except with the approval of the Secretary of State; and

(b) must not be terminated unless—

(i) it is replaced by another such agreement, and

(ii) the Secretary of State approves.

(3) An agreement under this section may contain provision for enabling the Commission to bring and conduct, or otherwise participate or intervene in, any proceedings which are identified by the agreement as disciplinary hearings in relation to members of the Agency's staff.

(4) An agreement under this section must not confer any function on the Commission in relation to so much of any complaint or conduct matter as relates to the direction and control of the Agency by the Agency's chief executive or by other members of the Agency.

(5) Procedures established in accordance with an agreement under this section shall have no effect in relation to anything done outside England and Wales by any member of the Agency's staff."

76G In section 29(3)(c)'.

No. 121, in page 63, line 4, at end insert—

'76H (1) Schedule 3 (handling of complaints and conduct matters etc.) is amended as follows.

(2) In paragraph 16(3) (investigations by the appropriate authority on its own behalf: appointment of person to conduct investigation), after paragraph (b) there is inserted "or

(c) a member of the staff of the National Policing Improvement Agency who is a constable,".

(3) In paragraph 17(2) (investigations supervised by the Independent Police Complaints Commission: appointment of person to conduct investigation), after paragraph (b) there is inserted "or

(c) a member of the staff of the National Policing Improvement Agency who is a constable,"

(4) In paragraph 17(4) (power of Commission to require different person to be selected to conduct investigation), for "or (b)" there is substituted ", (b) or (c)".'.—*[Mr Byrne.]*

Schedule 2

Amendments to the Police Act 1996

Amendments made: No. 54, in page 66, line 22, at end insert—

'( ) the conduct of proceedings of a panel, including any procedures that a panel is to follow,'.

No. 55, in page 66, line 32, leave out 'vice-chairman' and insert 'one or more vice-chairmen'.

No. 56, in page 66, line 35, leave out

'the chairman and vice-chairman are'

and insert

'a chairman or vice-chairman is'.

No. 57, in page 66, line 38, leave out 'the chairman and' and insert 'a chairman or'.

No. 58, in page 66, line 48, leave out second 'the' and insert 'a'.

No. 59, in page 68, line 36, at end insert—

'( ) the conduct of proceedings of the panel, including any procedures that the panel is to follow,'.

No. 60, in page 68, line 46, leave out 'vice-chairman' and insert 'one or more vice-chairmen'.

No. 61, in page 69, line 1, leave out

'the chairman and vice-chairman are'

and insert

'a chairman or vice-chairman is'.

No. 62, in page 69, line 4, leave out 'the chairman and' and insert 'a chairman or'.

No. 63, in page 69, line 14, leave out second 'the' and insert 'a'.

No. 64, in page 72, line 30, at end insert—

'Appointment of deputy chief constables etc

15A (5) Section 11A (appointment and removal of deputy chief constables) is amended as follows.

(6) In subsection (1) (police forces to have a deputy chief constable), for "a deputy chief constable" there is substituted "one or more deputy chief constables".

(7) For subsection (2) there is substituted—

"(2) The appointment of a person to be a deputy chief constable of a police force shall be made, in accordance with regulations under section 50, by the police authority responsible for maintaining that force.

(2A) Where the police authority responsible for maintaining a police force—

(a) proposes to increase the number of deputy chief constables that the force has, or

(b) proposes to appoint a particular person to be a deputy chief constable,

it may do so only after consultation with the chief constable and subject to the approval of the Secretary of State."

15B (1) Section 12A (power of deputy to exercise functions of chief constable) is amended as follows.

(2) In subsection (1), for "A deputy chief constable" there is substituted "The appropriate deputy chief constable".

(3) After that subsection there is inserted—

"(1A) The appropriate deputy chief constable for the purposes of subsection (1) is—

(a) in the case of a police force that has only one deputy chief constable, the deputy chief constable;

(b) in the case of a police force that has more than one deputy chief constable, the most senior deputy chief constable.

(1B) The chief constable of a police force that has more than one deputy chief constable shall, after consulting the police authority responsible for maintaining the force, designate the deputy chief constables in order of seniority for the purposes of subsection (1A)(b).

(1C) During any absence, incapacity or suspension from duty of the person who—

(a) is designated as the most senior deputy chief constable for the purposes of subsection (1A)(b), or

(b) is treated under this subsection as the most senior deputy chief constable,

the person designated as the next most senior deputy chief constable shall be treated as the most senior one for those purposes."

(4) For subsection (2) there is substituted—

"(2) The chief constable of a police force shall, after consulting the police authority responsible for maintaining the force, designate a person holding the rank of assistant chief constable in that force to exercise or perform any or all of the powers or duties of the chief constable during any period when—

(a) the chief constable is absent, incapacitated or suspended from duty and—

(i) the deputy chief constable, or each of the deputy chief constables, is also absent, incapacitated or suspended from duty, or

(ii) the office of the deputy chief constable, or of each of the deputy chief constables, is vacant;

or

(b) the office of the chief constable is vacant and—

(i) the office of the deputy chief constable, or of each of the deputy chief constables, is also vacant, or

(ii) the deputy chief constable, or each of the deputy chief constables, is absent, incapacitated or suspended from duty."

(5) In subsection (5), for "subsections (1) and (2)" there is substituted "subsections (1) to (2)".'.—*[Mr. Byrne.]*

Schedule 2

Amendments to the Police Act 1996

Amendment proposed: No. 82, in page 73, line 18, at end insert—

"Referendums on proposals to alter police areas

20A After section 33 (Objections to alterations proposed by Secretary of State) there is inserted—

"33A Referendums on proposals to alter police areas

(1) Before making an order under section 32 the Secretary of State shall by order cause a referendum to be held in every area affected about the proposed alteration in police areas.

(2) The Secretary of State shall make an order under subsection (1)—

(a) in relation to a proposed alteration made under section 32(3)(a), after he has received a request under that subsection;

(b) in relation to a proposed alteration made under section 32(3)(b), after he has given further notice to objectors under section 33(4)(b).

(3) The question to be asked in a referendum to be held in pursuance of an order under subsection (1) above shall be agreed by—

(a) the Secretary of State,

(b) each police authority affected by the proposed alteration, and

(c) the Electoral Commission.

and specified in the order.

(4) The Secretary of State shall, in consultation with—

(a) each police authority affected by the proposed alteration, and

(b) the Electoral Commission

ensure that an order made under subsection (1) above makes such provision as is necessary to secure the proper conduct of a referendum.

(5) No order shall be made under subsection (1) above unless a draft of the order has been laid before and approved by resolution of each House of Parliament.

(6) The Secretary of State shall not exercise his power to make an order under section 32 unless a majority of votes cast in a referendum held under this section in each of the existing areas affected supports the proposed alteration." '.—*[Nick Herbert.]*

Question put, That the amendment be made:—

The House divided: Ayes 223, Noes 295.

Division No. 228] **[6.16 pm**

AYES

Afriyie, Adam
Ainsworth, Mr. Peter
Alexander, Danny
Amess, Mr. David
Ancram, rh Mr. Michael
Arbuthnot, rh Mr. James
Atkinson, Mr. Peter
Bacon, Mr. Richard
Baldry, Tony
Barker, Gregory
Barrett, John
Beith, rh Mr. Alan
Bellingham, Mr. Henry
Benyon, Mr. Richard
Bercow, John
Beresford, Sir Paul
Binley, Mr. Brian
Bone, Mr. Peter
Boswell, Mr. Tim
Bottomley, Peter
Brady, Mr. Graham
Brake, Tom
Brazier, Mr. Julian
Breed, Mr. Colin
Brokenshire, James
Brooke, Annette
Browne, Mr. Jeremy
Browning, Angela
Bruce, Malcolm
Burns, Mr. Simon
Burrowes, Mr. David
Burstow, Mr. Paul
Burt, Lorely
Butterfill, Sir John
Cable, Dr. Vincent
Campbell, rh Sir Menzies
Carmichael, Mr. Alistair
Carswell, Mr. Douglas
Cash, Mr. William
Chope, Mr. Christopher
Clark, Greg
Clegg, Mr. Nick
Clifton-Brown, Mr. Geoffrey
Cormack, Sir Patrick
Cox, Mr. Geoffrey
Crabb, Mr. Stephen
Davey, Mr. Edward
Davies, David T.C. *(Monmouth)*
Davies, Philip
Davis, rh David *(Haltemprice and Howden)*
Djanogly, Mr. Jonathan
Dodds, Mr. Nigel
Dorrell, rh Mr. Stephen
Dorries, Mrs. Nadine
Duddridge, James
Duncan, Mr. Alan
Duncan Smith, rh Mr. Iain
Dunne, Mr. Philip
Ellwood, Mr. Tobias
Evans, Mr. Nigel
Evennett, Mr. David
Fabricant, Michael
Fallon, Mr. Michael
Farron, Tim
Featherstone, Lynne
Field, Mr. Mark
Foster, Mr. Don
Francois, Mr. Mark
Fraser, Mr. Christopher
Gale, Mr. Roger
Garnier, Mr. Edward
Gauke, Mr. David
Gibb, Mr. Nick
Gidley, Sandra
Gillan, Mrs. Cheryl
Goldsworthy, Julia
Goodman, Mr. Paul
Gove, Michael
Gray, Mr. James
Grayling, Chris
Green, Damian
Greenway, Mr. John
Grieve, Mr. Dominic
Gummer, rh Mr. John
Hague, rh Mr. William
Hammond, Stephen
Hancock, Mr. Mike
Hands, Mr. Greg
Harper, Mr. Mark
Harris, Dr. Evan
Harvey, Nick
Hayes, Mr. John
Heald, Mr. Oliver
Heath, Mr. David
Heathcoat-Amory, rh Mr. David
Hemming, John
Hendry, Charles
Herbert, Nick
Hoban, Mr. Mark
Holloway, Mr. Adam
Holmes, Paul
Horam, Mr. John
Horwood, Martin
Howard, rh Mr. Michael
Howarth, David
Hughes, Simon
Huhne, Chris
Hunt, Mr. Jeremy
Hunter, Mark
Hurd, Mr. Nick
Jack, rh Mr. Michael
Jackson, Mr. Stewart
Jenkin, Mr. Bernard
Jones, Mr. David
Kawczynski, Daniel
Kirkbride, Miss Julie
Knight, rh Mr. Greg
Kramer, Susan
Laing, Mrs. Eleanor

Lamb, Norman
Lancaster, Mr. Mark
Lansley, Mr. Andrew
Laws, Mr. David
Leech, Mr. John
Leigh, Mr. Edward
Lewis, Dr. Julian
Liddell-Grainger, Mr. Ian
Lidington, Mr. David
Lilley, rh Mr. Peter
Llwyd, Mr. Elfyn
Loughton, Tim
Luff, Peter
Mackay, rh Mr. Andrew
Main, Anne
Malins, Mr. Humfrey
Maples, Mr. John
Mates, rh Mr. Michael
Maude, rh Mr. Francis
May, rh Mrs. Theresa
McCrea, Dr. William
McIntosh, Miss Anne
McLoughlin, rh Mr. Patrick
Mercer, Patrick
Miller, Mrs. Maria
Mitchell, Mr. Andrew
Moore, Mr. Michael
Moss, Mr. Malcolm
Murrison, Dr. Andrew
Newmark, Mr. Brooks
O'Brien, Mr. Stephen
Öpik, Lembit
Osborne, Mr. George
Ottaway, Richard
Paice, Mr. James
Paisley, rh Rev. Ian
Paterson, Mr. Owen
Pelling, Mr. Andrew
Price, Adam
Pritchard, Mark
Pugh, John
Randall, Mr. John
Redwood, rh Mr. John
Rennie, Willie
Rifkind, rh Sir Malcolm
Robathan, Mr. Andrew
Robertson, Hugh
Robinson, Mr. Peter
Rogerson, Mr. Dan
Rowen, Paul
Russell, Bob
Sanders, Mr. Adrian
Scott, Mr. Lee
Selous, Andrew
Shapps, Grant
Shepherd, Mr. Richard
Simmonds, Mark
Simpson, David
Simpson, Mr. Keith
Smith, Sir Robert
Soames, Mr. Nicholas
Spelman, Mrs. Caroline
Spicer, Sir Michael
Spink, Bob
Steen, Mr. Anthony
Streeter, Mr. Gary
Stuart, Mr. Graham
Stunell, Andrew
Swayne, Mr. Desmond
Swinson, Jo
Swire, Mr. Hugo
Syms, Mr. Robert
Tapsell, Sir Peter
Taylor, Mr. Ian
Taylor, Matthew
Taylor, Dr. Richard
Teather, Sarah
Thurso, John
Truswell, Mr. Paul
Turner, Mr. Andrew
Tyrie, Mr. Andrew
Vaizey, Mr. Edward
Vara, Mr. Shailesh
Viggers, Peter
Villiers, Mrs. Theresa
Walker, Mr. Charles
Wallace, Mr. Ben
Walter, Mr. Robert
Waterson, Mr. Nigel
Watkinson, Angela
Webb, Steve
Whittingdale, Mr. John
Wiggin, Bill
Willetts, Mr. David
Williams, Hywel
Williams, Mark
Williams, Mr. Roger
Williams, Stephen
Wilshire, Mr. David
Wilson, Mr. Rob
Wilson, Sammy
Winterton, Ann
Wright, Jeremy
Yeo, Mr. Tim

Tellers for the Ayes:
Mr. Crispin Blunt and Andrew Rosindell

NOES

Abbott, Ms Diane
Ainger, Nick
Ainsworth, rh Mr. Bob
Alexander, rh Mr. Douglas
Allen, Mr. Graham
Anderson, Mr. David
Anderson, Janet
Armstrong, rh Hilary
Atkins, Charlotte
Austin, Mr. Ian
Bailey, Mr. Adrian
Baird, Vera
Balls, Ed
Banks, Gordon
Barlow, Ms Celia
Barron, rh Mr. Kevin
Battle, rh John
Beckett, rh Margaret
Bell, Sir Stuart
Benn, rh Hilary
Benton, Mr. Joe
Berry, Roger
Betts, Mr. Clive
Blackman, Liz
Blackman-Woods, Dr. Roberta
Blears, rh Hazel
Blizzard, Mr. Bob
Blunkett, rh Mr. David
Borrow, Mr. David S.
Bradshaw, Mr. Ben
Brown, Lyn
Brown, Mr. Russell
Browne, rh Des
Bryant, Chris
Burden, Richard
Burgon, Colin
Burnham, Andy
Butler, Ms Dawn
Byers, rh Mr. Stephen
Byrne, Mr. Liam
Caborn, rh Mr. Richard
Campbell, Mr. Alan
Campbell, Mr. Ronnie
Caton, Mr. Martin
Cawsey, Mr. Ian
Challen, Colin
Chapman, Ben
Chaytor, Mr. David
Clapham, Mr. Michael
Clark, Ms Katy
Clark, Paul
Clarke, rh Mr. Charles
Clarke, rh Mr. Tom
Clelland, Mr. David
Coaker, Mr. Vernon
Coffey, Ann
Connarty, Michael
Cook, Frank
Cooper, Rosie
Cooper, Yvette
Corbyn, Jeremy
Cousins, Jim
Crausby, Mr. David
Creagh, Mary
Cruddas, Jon
Cummings, John
Cunningham, Mr. Jim
Cunningham, Tony
Curtis-Thomas, Mrs. Claire
David, Mr. Wayne
Davidson, Mr. Ian
Devine, Mr. Jim
Dhanda, Mr. Parmjit
Dismore, Mr. Andrew
Dobbin, Jim
Dobson, rh Frank
Donohoe, Mr. Brian H.
Doran, Mr. Frank
Dowd, Jim
Drew, Mr. David
Eagle, Angela
Eagle, Maria
Efford, Clive
Ellman, Mrs. Louise
Engel, Natascha
Ennis, Jeff
Etherington, Bill
Farrelly, Paul
Field, rh Mr. Frank
Fisher, Mark
Fitzpatrick, Jim
Flint, Caroline
Flynn, Paul
Follett, Barbara
Francis, Dr. Hywel
Gardiner, Barry
George, rh Mr. Bruce
Gerrard, Mr. Neil
Gibson, Dr. Ian
Gilroy, Linda
Godsiff, Mr. Roger
Goggins, Paul
Goodman, Helen
Griffith, Nia
Griffiths, Nigel
Gwynne, Andrew
Hain, rh Mr. Peter
Hall, Mr. Mike
Hamilton, Mr. David
Hanson, Mr. David
Harman, rh Ms Harriet
Harris, Mr. Tom
Havard, Mr. Dai
Healey, John
Henderson, Mr. Doug
Hendrick, Mr. Mark
Hepburn, Mr. Stephen
Heppell, Mr. John
Hesford, Stephen
Hewitt, rh Ms Patricia
Heyes, David
Hill, rh Keith
Hillier, Meg
Hodge, rh Margaret
Hodgson, Mrs. Sharon
Hoon, rh Mr. Geoffrey
Hope, Phil
Hopkins, Kelvin
Howarth, rh Mr. George
Hoyle, Mr. Lindsay
Hughes, rh Beverley
Hutton, rh Mr. John
Ilsley, Mr. Eric
Ingram, rh Mr. Adam
Irranca-Davies, Huw
Jackson, Glenda
James, Mrs. Siân C.
Jenkins, Mr. Brian
Johnson, rh Alan
Johnson, Ms Diana R.
Jones, Helen
Jones, Lynne
Jones, Mr. Martyn
Jowell, rh Tessa
Joyce, Mr. Eric
Kaufman, rh Sir Gerald
Keeble, Ms Sally
Keeley, Barbara
Keen, Ann
Kelly, rh Ruth
Kemp, Mr. Fraser
Khabra, Mr. Piara S.
Kidney, Mr. David
Kilfoyle, Mr. Peter
Knight, Jim
Kumar, Dr. Ashok
Ladyman, Dr. Stephen
Laxton, Mr. Bob
Levitt, Tom
Lewis, Mr. Ivan
Linton, Martin
Lloyd, Tony
Love, Mr. Andrew
Lucas, Ian
MacDougall, Mr. John
MacShane, rh Mr. Denis
Mactaggart, Fiona
Mahmood, Mr. Khalid
Malik, Mr. Shahid
Mallaber, Judy
Mann, John
Marris, Rob
Marsden, Mr. Gordon
Marshall-Andrews, Mr. Robert

Martlew, Mr. Eric
McAvoy, rh Mr. Thomas
McCabe, Steve
McCafferty, Chris
McCarthy, Kerry
McCarthy-Fry, Sarah
McCartney, rh Mr. Ian
McDonagh, Siobhain
McDonnell, John
McFadden, Mr. Pat
McFall, rh Mr. John
McGovern, Mr. Jim
McGuire, Mrs. Anne
McIsaac, Shona
McKechin, Ann
McKenna, Rosemary
Meacher, rh Mr. Michael
Meale, Mr. Alan
Merron, Gillian
Michael, rh Alun
Miliband, rh David
Miliband, Edward
Miller, Andrew
Moffat, Anne
Moffatt, Laura
Mole, Chris
Moon, Mrs. Madeleine
Morden, Jessica
Morgan, Julie
Morley, Mr. Elliot
Mountford, Kali
Mudie, Mr. George
Mullin, Mr. Chris
Munn, Meg
Murphy, Mr. Jim
Murphy, rh Mr. Paul
Naysmith, Dr. Doug
Norris, Dan
O'Brien, Mr. Mike
O'Hara, Mr. Edward
Olner, Mr. Bill
Owen, Albert
Palmer, Dr. Nick
Pearson, Ian
Plaskitt, Mr. James
Pound, Stephen
Prentice, Bridget
Prentice, Mr. Gordon
Primarolo, rh Dawn
Purchase, Mr. Ken
Purnell, James
Raynsford, rh Mr. Nick
Reed, Mr. Andy
Reid, rh John
Riordan, Mrs. Linda
Robertson, John
Robinson, Mr. Geoffrey
Rooney, Mr. Terry
Roy, Mr. Frank
Ruddock, Joan
Russell, Christine
Ryan, Joan
Salter, Martin
Sarwar, Mr. Mohammad
Seabeck, Alison
Shaw, Jonathan
Sheerman, Mr. Barry
Sheridan, Jim
Simon, Mr. Siôn
Simpson, Alan
Singh, Mr. Marsha
Skinner, Mr. Dennis
Slaughter, Mr. Andrew
Smith, rh Mr. Andrew
Smith, Ms Angela C. *(Sheffield, Hillsborough)*
Smith, Angela E. *(Basildon)*
Smith, rh Jacqui
Smith, John
Snelgrove, Anne
Soulsby, Sir Peter
Southworth, Helen
Spellar, rh Mr. John
Starkey, Dr. Phyllis
Stewart, Ian
Strang, rh Dr. Gavin
Straw, rh Mr. Jack
Stringer, Graham
Sutcliffe, Mr. Gerry
Tami, Mark
Taylor, David
Thomas, Mr. Gareth
Thornberry, Emily
Timms, Mr. Stephen
Tipping, Paddy
Touhig, Mr. Don
Trickett, Jon
Truswell, Mr. Paul
Turner, Mr. Neil
Twigg, Derek
Ussher, Kitty
Vaz, Keith
Vis, Dr. Rudi
Walley, Joan
Waltho, Lynda
Ward, Claire
Wareing, Mr. Robert N.
Watson, Mr. Tom
Whitehead, Dr. Alan
Wicks, Malcolm
Williams, rh Mr. Alan
Williams, Mrs. Betty
Wills, Mr. Michael
Winnick, Mr. David
Winterton, Ms Rosie
Wood, Mike
Woodward, Mr. Shaun
Woolas, Mr. Phil
Wright, Mr. Anthony
Wright, David
Wright, Dr. Tony
Wyatt, Derek

Tellers for the Noes:
Mr. Michael Foster and Mr. Dave Watts

Question accordingly negatived.

Amendment proposed: No. 14, in page 74, line 11, leave out paragraphs 24 to 26.—*[Lynne Featherstone.]*

Question put, That the amendment be made:—

The House divided: Ayes 220, Noes 295.

Division No. 229] **[6.29 pm**

AYES

Afriyie, Adam
Ainsworth, Mr. Peter
Alexander, Danny
Amess, Mr. David
Ancram, rh Mr. Michael
Arbuthnot, rh Mr. James
Atkinson, Mr. Peter
Bacon, Mr. Richard
Baldry, Tony
Barker, Gregory
Barrett, John
Beith, rh Mr. Alan
Bellingham, Mr. Henry
Benyon, Mr. Richard
Bercow, John
Beresford, Sir Paul
Binley, Mr. Brian
Blunt, Mr. Crispin
Bone, Mr. Peter
Boswell, Mr. Tim
Bottomley, Peter
Brady, Mr. Graham
Brake, Tom
Brazier, Mr. Julian
Breed, Mr. Colin
Brokenshire, James
Brooke, Annette
Browne, Mr. Jeremy
Browning, Angela
Bruce, Malcolm
Burns, Mr. Simon
Burrowes, Mr. David
Burstow, Mr. Paul
Burt, Lorely
Butterfill, Sir John
Cable, Dr. Vincent
Campbell, rh Sir Menzies
Carmichael, Mr. Alistair
Carswell, Mr. Douglas
Cash, Mr. William
Chope, Mr. Christopher
Clark, Greg
Clarke, rh Mr. Kenneth
Clegg, Mr. Nick
Clifton-Brown, Mr. Geoffrey
Cormack, Sir Patrick
Cox, Mr. Geoffrey
Crabb, Mr. Stephen
Davey, Mr. Edward
Davies, David T.C. *(Monmouth)*
Davies, Philip
Davis, rh David *(Haltemprice and Howden)*
Djanogly, Mr. Jonathan
Dodds, Mr. Nigel
Dorrell, rh Mr. Stephen
Dorries, Mrs. Nadine
Duddridge, James
Duncan, Mr. Alan
Duncan Smith, rh Mr. Iain
Dunne, Mr. Philip
Ellwood, Mr. Tobias
Evans, Mr. Nigel
Evennett, Mr. David
Fabricant, Michael
Fallon, Mr. Michael
Farron, Tim
Featherstone, Lynne
Field, Mr. Mark
Foster, Mr. Don
Fox, Dr. Liam
Francois, Mr. Mark
Fraser, Mr. Christopher
Gale, Mr. Roger
Garnier, Mr. Edward
Gauke, Mr. David
Gibb, Mr. Nick
Gidley, Sandra
Gillan, Mrs. Cheryl
Goldsworthy, Julia
Goodman, Mr. Paul
Gove, Michael
Gray, Mr. James
Grayling, Chris
Green, Damian
Greenway, Mr. John
Grieve, Mr. Dominic
Gummer, rh Mr. John
Hague, rh Mr. William
Hammond, Stephen
Hancock, Mr. Mike
Hands, Mr. Greg
Harper, Mr. Mark
Harvey, Nick
Hayes, Mr. John
Heald, Mr. Oliver
Heath, Mr. David
Heathcoat-Amory, rh Mr. David
Hemming, John
Hendry, Charles
Herbert, Nick
Hoban, Mr. Mark
Holloway, Mr. Adam
Holmes, Paul
Horam, Mr. John
Horwood, Martin
Howard, rh Mr. Michael
Howarth, David
Hughes, Simon
Huhne, Chris
Hunt, Mr. Jeremy
Hunter, Mark
Hurd, Mr. Nick
Jackson, Mr. Stewart
Jenkin, Mr. Bernard
Jones, Mr. David
Kawczynski, Daniel
Kirkbride, Miss Julie
Knight, rh Mr. Greg
Kramer, Susan
Laing, Mrs. Eleanor
Lamb, Norman
Lancaster, Mr. Mark
Lansley, Mr. Andrew
Laws, Mr. David
Leech, Mr. John
Leigh, Mr. Edward
Lewis, Dr. Julian
Liddell-Grainger, Mr. Ian
Lidington, Mr. David
Lilley, rh Mr. Peter
Llwyd, Mr. Elfyn
Loughton, Tim
Luff, Peter
Mackay, rh Mr. Andrew
Main, Anne

Malins, Mr. Humfrey
Maples, Mr. John
Mates, rh Mr. Michael
Maude, rh Mr. Francis
May, rh Mrs. Theresa
McCrea, Dr. William
McIntosh, Miss Anne
McLoughlin, rh Mr. Patrick
Mercer, Patrick
Miller, Mrs. Maria
Mitchell, Mr. Andrew
Moore, Mr. Michael
Moss, Mr. Malcolm
Murrison, Dr. Andrew
Newmark, Mr. Brooks
O'Brien, Mr. Stephen
Öpik, Lembit
Osborne, Mr. George
Ottaway, Richard
Paice, Mr. James
Paisley, rh Rev. Ian
Paterson, Mr. Owen
Pelling, Mr. Andrew
Price, Adam
Pritchard, Mark
Pugh, John
Randall, Mr. John
Redwood, rh Mr. John
Rennie, Willie
Rifkind, rh Sir Malcolm
Robathan, Mr. Andrew
Robertson, Hugh
Robinson, Mr. Peter
Rogerson, Mr. Dan
Rosindell, Andrew
Sanders, Mr. Adrian
Scott, Mr. Lee
Selous, Andrew
Shapps, Grant
Shepherd, Mr. Richard
Simmonds, Mark
Simpson, David
Simpson, Mr. Keith
Smith, Sir Robert
Soames, Mr. Nicholas
Spelman, Mrs. Caroline
Spicer, Sir Michael
Spink, Bob
Steen, Mr. Anthony
Stuart, Mr. Graham
Stunell, Andrew
Swayne, Mr. Desmond
Swinson, Jo
Swire, Mr. Hugo
Syms, Mr. Robert
Tapsell, Sir Peter
Taylor, Mr. Ian
Taylor, Matthew
Taylor, Dr. Richard
Teather, Sarah
Thurso, John
Turner, Mr. Andrew
Tyrie, Mr. Andrew
Vaizey, Mr. Edward
Viggers, Peter
Villiers, Mrs. Theresa
Walker, Mr. Charles
Wallace, Mr. Ben
Walter, Mr. Robert
Waterson, Mr. Nigel
Watkinson, Angela
Webb, Steve
Whittingdale, Mr. John
Wiggin, Bill
Willetts, Mr. David
Williams, Hywel
Williams, Mark
Williams, Mr. Roger
Williams, Stephen
Wilshire, Mr. David
Wilson, Mr. Rob
Wilson, Sammy
Winterton, Ann
Wright, Jeremy
Yeo, Mr. Tim

Tellers for the Ayes:
Bob Russell and
Paul Rowen

NOES

Abbott, Ms Diane
Ainger, Nick
Ainsworth, rh Mr. Bob
Alexander, rh Mr. Douglas
Allen, Mr. Graham
Anderson, Mr. David
Anderson, Janet
Armstrong, rh Hilary
Atkins, Charlotte
Austin, Mr. Ian
Bailey, Mr. Adrian
Baird, Vera
Balls, Ed
Banks, Gordon
Barlow, Ms Celia
Barron, rh Mr. Kevin
Battle, rh John
Beckett, rh Margaret
Bell, Sir Stuart
Benn, rh Hilary
Benton, Mr. Joe
Berry, Roger
Betts, Mr. Clive
Blackman, Liz
Blackman-Woods, Dr. Roberta
Blears, rh Hazel
Blizzard, Mr. Bob
Blunkett, rh Mr. David
Borrow, Mr. David S.
Bradshaw, Mr. Ben
Brown, Lyn
Brown, Mr. Russell
Browne, rh Des
Bryant, Chris
Burden, Richard
Burgon, Colin
Burnham, Andy
Butler, Ms Dawn
Byers, rh Mr. Stephen
Byrne, Mr. Liam
Caborn, rh Mr. Richard
Campbell, Mr. Alan
Campbell, Mr. Ronnie
Caton, Mr. Martin
Cawsey, Mr. Ian
Challen, Colin
Chapman, Ben
Chaytor, Mr. David
Clapham, Mr. Michael
Clark, Ms Katy
Clark, Paul
Clarke, rh Mr. Charles
Clarke, rh Mr. Tom
Clelland, Mr. David
Coaker, Mr. Vernon
Coffey, Ann
Connarty, Michael
Cook, Frank
Cooper, Rosie
Cooper, Yvette
Corbyn, Jeremy
Cousins, Jim
Crausby, Mr. David
Creagh, Mary
Cruddas, Jon
Cummings, John
Cunningham, Mr. Jim
Cunningham, Tony
Curtis-Thomas, Mrs. Claire
David, Mr. Wayne
Davidson, Mr. Ian
Devine, Mr. Jim
Dhanda, Mr. Parmjit
Dismore, Mr. Andrew
Dobbin, Jim
Dobson, rh Frank
Donohoe, Mr. Brian H.
Doran, Mr. Frank
Dowd, Jim
Drew, Mr. David
Eagle, Angela
Eagle, Maria
Efford, Clive
Ellman, Mrs. Louise
Engel, Natascha
Ennis, Jeff
Etherington, Bill
Farrelly, Paul
Field, rh Mr. Frank
Fisher, Mark
Fitzpatrick, Jim
Flint, Caroline
Flynn, Paul
Follett, Barbara
Francis, Dr. Hywel
Gardiner, Barry
George, rh Mr. Bruce
Gerrard, Mr. Neil
Gibson, Dr. Ian
Gilroy, Linda
Godsiff, Mr. Roger
Goggins, Paul
Goodman, Helen
Griffith, Nia
Griffiths, Nigel
Gwynne, Andrew
Hain, rh Mr. Peter
Hall, Mr. Mike
Hamilton, Mr. David
Hanson, Mr. David
Harman, rh Ms Harriet
Harris, Mr. Tom
Havard, Mr. Dai
Healey, John
Henderson, Mr. Doug
Hendrick, Mr. Mark
Hepburn, Mr. Stephen
Heppell, Mr. John
Hesford, Stephen
Hewitt, rh Ms Patricia
Heyes, David
Hill, rh Keith
Hillier, Meg
Hodge, rh Margaret
Hodgson, Mrs. Sharon
Hoon, rh Mr. Geoffrey
Hope, Phil
Hopkins, Kelvin
Howarth, rh Mr. George
Hoyle, Mr. Lindsay
Hughes, rh Beverley
Hutton, rh Mr. John
Illsley, Mr. Eric
Ingram, rh Mr. Adam
Irranca-Davies, Huw
Jackson, Glenda
James, Mrs. Siân C.
Jenkins, Mr. Brian
Johnson, rh Alan
Johnson, Ms Diana R.
Jones, Helen
Jones, Lynne
Jones, Mr. Martyn
Jowell, rh Tessa
Joyce, Mr. Eric
Kaufman, rh Sir Gerald
Keeble, Ms Sally
Keeley, Barbara
Keen, Ann
Kelly, rh Ruth
Kemp, Mr. Fraser
Khabra, Mr. Piara S.
Kidney, Mr. David
Kilfoyle, Mr. Peter
Knight, Jim
Kumar, Dr. Ashok
Ladyman, Dr. Stephen
Laxton, Mr. Bob
Levitt, Tom
Lewis, Mr. Ivan
Linton, Martin
Lloyd, Tony
Love, Mr. Andrew
Lucas, Ian
MacDougall, Mr. John
MacShane, rh Mr. Denis
Mactaggart, Fiona
Mahmood, Mr. Khalid
Malik, Mr. Shahid
Mallaber, Judy
Mann, John
Marris, Rob
Marsden, Mr. Gordon
Marshall-Andrews, Mr. Robert
Martlew, Mr. Eric
McAvoy, rh Mr. Thomas
McCabe, Steve
McCafferty, Chris
McCarthy, Kerry
McCarthy-Fry, Sarah
McCartney, rh Mr. Ian
McDonagh, Siobhain
McDonnell, John
McFadden, Mr. Pat
McFall, rh Mr. John
McGovern, Mr. Jim
McGuire, Mrs. Anne
McIsaac, Shona
McKechin, Ann
McKenna, Rosemary
Meacher, rh Mr. Michael
Meale, Mr. Alan

Merron, Gillian
Michael, rh Alun
Miliband, rh David
Miliband, Edward
Miller, Andrew
Moffat, Anne
Moffatt, Laura
Mole, Chris
Moon, Mrs. Madeleine
Morden, Jessica
Morgan, Julie
Morley, Mr. Elliot
Mountford, Kali
Mudie, Mr. George
Mullin, Mr. Chris
Munn, Meg
Murphy, Mr. Jim
Murphy, rh Mr. Paul
Naysmith, Dr. Doug
Norris, Dan
O'Brien, Mr. Mike
O'Hara, Mr. Edward
Oiner, Mr. Bill
Owen, Albert
Palmer, Dr. Nick
Pearson, Ian
Plaskitt, Mr. James
Pound, Stephen
Prentice, Bridget
Prentice, Mr. Gordon
Primarolo, rh Dawn
Purchase, Mr. Ken
Purnell, James
Raynsford, rh Mr. Nick
Reed, Mr. Andy
Reid, rh John
Riordan, Mrs. Linda
Robertson, John
Robinson, Mr. Geoffrey
Rooney, Mr. Terry
Roy, Mr. Frank
Ruddock, Joan
Russell, Christine
Ryan, Joan
Salter, Martin
Sarwar, Mr. Mohammad
Seabeck, Alison
Shaw, Jonathan
Sheerman, Mr. Barry
Sheridan, Jim
Simon, Mr. Siôn
Simpson, Alan
Singh, Mr. Marsha
Skinner, Mr. Dennis
Slaughter, Mr. Andrew
Smith, rh Mr. Andrew
Smith, Ms Angela C. *(Sheffield, Hillsborough)*
Smith, Angela E. *(Basildon)*
Smith, rh Jacqui
Smith, John
Snelgrove, Anne
Soulsby, Sir Peter
Southworth, Helen
Spellar, rh Mr. John
Starkey, Dr. Phyllis
Stewart, Ian
Strang, rh Dr. Gavin
Straw, rh Mr. Jack
Stringer, Graham
Sutcliffe, Mr. Gerry
Tami, Mark
Taylor, David
Thomas, Mr. Gareth
Thornberry, Emily
Timms, Mr. Stephen
Tipping, Paddy
Touhig, Mr. Don
Trickett, Jon
Truswell, Mr. Paul
Turner, Mr. Neil
Twigg, Derek
Ussher, Kitty
Vaz, Keith
Vis, Dr. Rudi
Walley, Joan
Waltho, Lynda
Ward, Claire
Wareing, Mr. Robert N.
Watson, Mr. Tom
Whitehead, Dr. Alan
Wicks, Malcolm
Williams, rh Mr. Alan
Williams, Mrs. Betty
Wills, Mr. Michael
Winnick, Mr. David
Winterton, Ms Rosie
Wood, Mike
Woodward, Mr. Shaun
Woolas, Mr. Phil
Wright, Mr. Anthony
Wright, David
Wright, Dr. Tony
Wyatt, Derek

Tellers for the Noes:
Mr. Michael Foster and Mr. Dave Watts

Question accordingly negatived.

Schedule 7

AMENDMENTS TO THE CRIME AND DISORDER ACT 1998

Amendment made: No. 65, in page 91, line 27, leave out lines 27 and 28 and insert—

'(a) ", 6A(1)" is omitted;

(b) after "regulations under" there is inserted "section 6 or 17A or".'.—*[Mr. Byrne.]*

Schedule 14

EXTRADITION

Amendments made: No. 66, in page 133, line 6, leave out paragraph 15.

No. 67, in page 133, line 29, at end insert—

'Scotland: references to Secretary of State

In section 141 (Scotland: references to Secretary of State), in subsection (2), after "Secretary of State" there is inserted "in paragraph (b) of section 70(2), in paragraph (c) of section 93(4) and".'.

No. 68, in page 134, leave out from line 25 to line 11 on page 135.

No. 69, in page 137, line 23, at end insert—

'Credit against sentence for periods of remand in custody of persons extradited to UK

In section 101 of the Powers of Criminal Courts (Sentencing) Act 2000 (c.6) (detention and training orders: term of order, taking account of remands, etc), after subsection (12) there is inserted—

"(12A) Section 243 of the Criminal Justice Act 2003 (persons extradited to the United Kingdom) applies in relation to a person sentenced to a detention and training order as it applies in relation to a fixed-term prisoner, with the reference in subsection (2) of that section to section 240 being read as a reference to subsection (8) above."

In section 243 of the Criminal Justice Act 2003 (c.44) (persons extradited to the United Kingdom), in subsection (1), after "imposed" there is inserted "or he received that sentence".

(1) Section 47 of the Criminal Justice Act 1991 (c.53) (persons extradited to the United Kingdom) is amended as follows.

(2) In subsection (1), after "imposed" there is inserted "or he received that sentence".

(3) After subsection (3) there is inserted—

"(3A) This section applies in relation to a person sentenced to a detention and training order as it applies in relation to a short-term or long-term prisoner, and as it so applies—

(a) the reference in subsection (2) above to section 67 of the 1967 Act shall be read as a reference to section 101(8) of the Powers of Criminal Courts (Sentencing) Act 2000; and

(b) the reference in that subsection to a relevant period shall be read as a reference to the period mentioned in the said section 101(8).".'.

No. 70, in page 137, leave out lines 25 to 29.

No. 71, in page 137, leave out from line 33 to line 6 on page 138.—*[Mr. Byrne.]*

Schedule 15

MINOR AND CONSEQUENTIAL AMENDMENTS

Amendments made: No. 81, in page 139, line 35, at end insert—

' In section 37 of the Police and Criminal Evidence Act 1984 (duties of custody officer before charge), in subsection (7B)—

(a) for "released under subsection (7)(a)" there is substituted "dealt with under subsection (7)(a)";

(b) after "he is being released" there is inserted ", or (as the case may be) detained,".

(1) Section 37B of that Act (consultation with the Director of Public Prosecutions) is amended as follows.

(2) In subsection (1), for "released on bail under section 37(7)(a)" there is substituted "dealt with under section 37(7)(a)".

(3) In subsection (4), for "shall give written notice" there is substituted "shall give notice".

(4) After that subsection there is inserted—

"(4A) Notice under subsection (4) above shall be in writing, but in the case of a person kept in police detention under section

37(7)(a) above it may be given orally in the first instance and confirmed in writing subsequently."

(5) In subsection (8), for paragraph (a) there is substituted—

"(a) when he is in police detention at a police station (whether because he has returned to answer bail, because he is detained under section 37(7)(a) above or for some other reason), or"'.

No. 72, in page 144, line 2, at end insert—

'Police Act 1997 (c.50)

27A In section 94 of the Police Act 1997 (authorisations given in absence of authorising officer), for paragraph (a) of subsection (4) (meaning of "designated deputy") there is substituted—

"(a) in the case of an authorising officer within paragraph (a) of section 93(5), means—

(i) the person who is the appropriate deputy chief constable for the purposes of section 12A(1) of the Police Act 1996, or

(ii) the person holding the rank of assistant chief constable designated to act under section 12A(2) of that Act;".'.

No. 73, in page 144, line 13, at end insert—

'Regulation of Investigatory Powers Act 2000 (c.23)

29A In section 34 of the Regulation of Investigatory Powers Act 2000 (grant of authorisations in senior officer's absence), for paragraph (a) of subsection (6) (meaning of "designated deputy") there is substituted—

"(a) in relation to the chief constable for a police force in England and Wales, means—

(i) the person who is the appropriate deputy chief constable for the purposes of section 12A(1) of the Police Act 1996, or

(ii) a person holding the rank of assistant chief constable who is designated to act under section 12A(2) of that Act;

(aa) in relation to the chief constable for a police force in Scotland, means—

(i) a person holding the rank of deputy chief constable and, where there is more than one person in the police force who holds that rank, who is designated as the officer having the powers and duties conferred on a deputy chief constable by section 5A(1) of the Police (Scotland) Act 1967, or

(ii) a person holding the rank of assistant chief constable who is designated to act under section 5A(2) of that Act;".'.

No. 74, in page 144, line 14, at end insert—

'In section 40 of the Police Reform Act 2002 (community safety accreditation schemes), subsection (7) is omitted.'.

No. 123, in page 149, line 25, at end insert—

'Constitutional Reform Act 2005 (c.4)

In section 8(4) of the Constitutional Reform Act 2005 (appointment of Head and Deputy Head of Criminal Justice), in paragraph (b) (person appointed must be ordinary judge of Court of Appeal), for "an ordinary judge" there is substituted "a judge".'.—*[Mr. Byrne.]*

Schedule 16

REPEALS AND REVOCATIONS

Amendments made: No. 122, in page 151, line 14, column 2, at beginning insert—

'In section 10(1), the word "and" preceding paragraph (g).

In section 11—(a) in subsection (6), the word "and" preceding paragraph (d);(b) in subsection (10), the word "and" preceding paragraph (g).'.

No. 75, in page 151, line 27, at end insert—

'Local Government Act 1972 (c.70)	Section 107(6).'.

No. 76, in page 152, line 10, at end insert—

'Section 40(7).'.

No. 77, in page 152, line 38, at end insert—

'Crime and Disorder Act 1998 (c.37)	In section 114(2), ", 6A(1)".'.

No. 78, in page 155, leave out lines 30 to 35.

No. 79, in page 155, leave out line 42.—*[Mr. Byrne.]*

Title

TITLE

Amendment made: No. 80, in title, line 4, after 'others;' insert

'to make provision about the supply to the police and others of information contained in registers of death;'.—*[Mr. Byrne.]*

Mr. Garnier: On a point of order, Mr. Speaker. You may well say that what I am about to do is to make a point of frustration, rather than a point of order. However, the frustration is not just mine; it is shared by the House as a whole. The whole of part 4 has not been discussed today, as a result of the tight timetable that the Government have imposed on the House. Is there any way in which you, Sir, can advise the other place that this House has been unable to do its duty to the Bill in relation to part 4, which deals not with just some ordinary issue of party political debate, but with a matter of great importance: the inspectorate of prisons and of other Government services? Could you tell your counterparts in the other place that they need to do an awful lot of work to ensure that this Bill receives the proper scrutiny that it deserves?

Mr. Speaker: It takes me all my time to advise this House, without extending my advice to the other place. The hon. and learned Gentleman will know that the programme motion was agreed on by the House, so I am bound by it. I know the frustration and difficulties to which he refers.

Order for Third Reading read.

6.44 pm

Mr. Byrne: I beg to move, That the Bill be now read the Third time.

In concluding our debates on the measures before us, I want to put on the record my gratitude, and that of my Front-Bench colleagues, for the extraordinary contributions made by my right hon. Friends the Member for Norwich, South (Mr. Clarke) and the Minister without Portfolio, and my hon. Friend the Member for Wythenshawe and Sale, East (Paul Goggins), now Under-Secretary of State for Northern Ireland. They advanced not only this Bill

but an entire agenda of security, peace and safety that is already making a substantive difference to the communities we serve. The Bill strengthens the spine of policing in this country in a new century. It contains measures that deal with international justice, national support, force effectiveness and command unit power, and which provide a new step up for neighbourhood policing.

Yesterday, in the space of one afternoon, I had the privilege of seeing how policing is changing across that entire domain. At the commendation ceremony led by the Metropolitan Police Commissioner, the Home Secretary and I heard at first hand of the courage and devotion of officers in tackling an international threat that mobilised an entire country in response; that response was delivered through the force of the Metropolitan police. As I left that ceremony in the afternoon, I was lucky enough to meet Chief Superintendent Mark Ricketts, the borough commander of Barnet, and his neighbourhood officers, who, using the new investment in neighbourhood policing and new neighbourhood policing methods, in which we have put such trust and such investment, have cut crime in one ward by 17 per cent. in a year.

What unites these stories is the professionalism, innovation, dedication to duty and passion to change our community that lives and breathes in every serving officer in today's police. This Bill gives strength to those men and women and the teams they serve in, at every level and in every area of their operations. The provisions in the Bill will, at one end of the spectrum, help combat the antisocial behaviour that is the scourge of many neighbourhoods and, at the other end, enhance international co-operation in the battle against 21st century crimes such as computer hacking.

Internationally, crime is changing. A new alliance between failed states and criminality will foster new threats to us. We must prepare and respond. The provisions of the Bill do not touch on arrangements between the US and the UK, but they do make important improvements to our extradition regime, which should, I believe, be welcomed by both sides of the House.

Much of the debate so far has been characterised, as we saw again this afternoon, by myths and misunderstandings about the arrangements, compounded by some currently high-profile, but individual cases. As ever, we are ready to have a rational debate on these issues, but it needs to be on the basis of the facts, not on spurious assertions.

Nationally, there is much more we must and will do to support police effectiveness. Key to the future will be the establishment of the National Policing Improvement Agency, which will drive improvements in policing. The agency will be police "owned" and led. The creation of the NPIA will deliver a rationalised and more dynamic national landscape. It will give the police service the capability to deliver the mission-critical priorities set out in the annual national community safety plan, including the rollout of neighbourhood policing and full implementation of the recommendations of the Bichard inquiry.

Regionally, there are measures that we must take if we are to respond to the findings of Her Majesty's inspector of constabulary that too few forces have the resilience to tackle terrorism and organised crime. We cannot and will not fail to act in the light of those conclusions.

At times, the debate about police reform has overshadowed many of the proposals in the Bill. Of course, this Bill does not provide for the amalgamation of forces—for that we are following procedures set down by a previous Administration in the Police Act 1996. The amendments to schedule 2 adopted today, however, will help to ensure that strategic authorities can conduct their business effectively and that strategic forces have sufficient command resilience.

Locally, too, this Bill takes our agenda forward. The Bill will underpin much stronger partnerships in networks that make a difference, including networks with local communities. The accountability framework for police forces and their community safety partners will be rendered more robust and more responsive to the voice of the citizen.

We recognise that accountability is essential to the future effectiveness of the police. The Bill therefore seeks to strengthen the role of police authorities, first by ensuring that their members have the skills and experience necessary to undertake the challenging role that they perform and, secondly, by conferring on authorities an express duty to hold the chief officer to account.

The Bill will also strengthen the effectiveness of crime and disorder reduction partnerships, and their equivalent partnerships in Wales, in addressing local community safety priorities, and it will ensure that the citizen can raise areas of concern through the community call for action.

Finally, these changes frame the important stage for so many of us, which is the return of neighbourhood policing. These reforms are being implemented against the backdrop of our commitment to roll out neighbourhood policing in every community by April 2007. The embedding of neighbourhood policing teams will ensure that policing continues to be delivered locally, by officers and police staff working in local communities and responding to their community safety priorities.

The Bill will ensure that the police and the wider policing family have the powers they need to tackle crime and antisocial behaviour effectively. At neighbourhood level, community support officers will have a standard set of powers so that they can play their full part in neighbourhood policing. Safer communities cannot be achieved by the Government, or the police service, alone. Ultimately, people will feel safe and secure only when everyone behaves in a respectful way. That is why the drive behind the respect campaign is so important, and I am therefore very pleased that the Bill takes forward some of the key measures in the respect action plan. I am very glad that many of the Bill's provisions, such as the new truancy power for CSOs, the community call for action and the extension of parenting contracts and orders, have been broadly welcomed.

Finally, let me underline that, by making these changes, we wish to strengthen the tripartite relationship that so distinguishes the British service. It has always been the responsibility of Government to set the overall framework and the strategic priorities for policing. That is the Home Secretary's traditional role in the tripartite relationship. We seek to make the Government as effective a partner as possible in that relationship in future, but we want all partners in the tripartite relationship to be equipped to fulfil their role in meeting the challenge of delivering the high-quality policing that the public rightly expect and deserve.

[Mr. Byrne]

I very much welcome the good-natured contributions made by the hon. Members for Arundel and South Downs (Nick Herbert) and for Hornsey and Wood Green (Lynne Featherstone). I know that the Minister without Portfolio would want to associate herself with those sentiments. We have improved the Bill during our deliberations, and I have no hesitation in commending it to the House and wishing it a speedy passage in another place.

6.51 pm

Nick Herbert (Arundel and South Downs) (Con): The central premise of the Bill is that Ministers believe that they know what is best for local communities. They make the mistake of thinking that extending Government control over policing will cause standards to rise. If the Government had a record of excellence in administration, the people might be willing to trust them in the matter, but they do not: the Home Office is a shambles, and the National Audit Office has failed to sign off on its accounts. In addition, there have been the catastrophic failures to deport foreign offenders and to deal with offenders on release from prison.

What is in the Government's record that makes them think that they will do a better job of running the police than police authorities or forces? The centralising measures in the Bill are clear, and include new powers for the Home Secretary to shape police authorities and to intervene in them. The powers of CSOs will be standardised, and the National Policing Improvement Agency created.

On the other side of the equation, there are very few decentralising measures. The only one that I can see is the community call for action, but the former police Minister said that that involved powers of last resort and that it was not a

"mainstream way of doing business."

We had real concerns about some of the proposals in the Bill. They include the extension of summary justice, which we debated this afternoon, and the combined inspectorate of justice, communities, safety and custody. As my hon. and learned Friend the Member for Harborough (Mr. Garnier) noted in a point of order before this debate, we did not discuss that latter provision this afternoon. Thus, the timetable for this Bill denied debate on a very important matter that is causing wide concern outside the House, especially in relation to the prisons inspectorate. There is concern about that inspectorate's independence and the calibre of the inspector himself. In addition, the need to inspect prisons is a special case, as it is important to ensure that performance targets are met and human rights observed. We will have to leave to another place all those serious matters, which were barely discussed in Committee.

We tried to improve the Bill with amendments that would have made it clear that the Home Secretary should intervene in police authorities only as a last resort and given chief constables more discretion over the powers of CSOs. They were rejected, as was every Conservative and Liberal Democrat amendment. Although the Minister said that he thought that the Bill had been improved—I accept that our debate has been good natured—the truth is that the Government have not accepted a single Opposition amendment. I recognise that the Government exhibited good will in relation to the amendment on child protection measures tabled by my hon. Friend the Member for Castle Point (Bob Spink), but that is the exception that proves the rule.

Local accountability is being weakened. Policing in this country emerged from localities, and that is where it must surely remain if it is to retain legitimacy and consent.

A distinguished former Member of the House, Tony Benn, set three tests for institutions. He asked: who has power, where does it come from, and how does the citizen call an institution to account? Being able to communicate with local policing teams is no substitute for a proper link between citizens and chief constables. This Bill, together with police force amalgamation, seriously weakens that link. I therefore regret very much that we have been unable to improve it.

There is just enough in the Bill for us not to want to oppose it outright; in particular, there are the provisions on computer misuse and the forfeiture of indecent photographs of children. But that was a finely balanced decision on our part, and I regret that we have not had more opportunities to debate some of the more contentious measures.

In conclusion, the chief constable of West Yorkshire police, who speaks for the Association of Chief Police Officers on constitutional issues, has said that the Bill

"represents a centralisation of power over policing, which has never been experienced in this country since the founding of modern policing in 1829".

I emphasise that he is the spokesman for ACPO on the matter. We know, because the Minister confirmed it, that the Government are planning to introduce a national policing board with the Home Secretary in the chair. Let us be clear—

Mr. William Cash (Stone) (Con): Will my hon. Friend give way?

Nick Herbert: No, I apologise to my hon. Friend but I do not have time.

The Home Secretary is steadily assuming control of policing. That is the choice that the Government have made. Ultimately, that will make the Government, the Home Secretary and Home Office Ministers accountable for the performance of the police. That is their choice, and we will hold them accountable.

6.56 pm

Lynne Featherstone: Our debates on the Bill have been good natured, especially in Committee, and some interesting amendments were proposed. Unfortunately, the Government took none of them on board, although I have to correct the hon. Member for Arundel and South Downs (Nick Herbert) in one respect. The former Minister produced the same version of our amendment on computer hacking but it was very cold comfort in a Bill that will give the Home Secretary the biggest ever centralisation of power over the police.

Why were the Labour Government so unmoving on provisions that were eminently sensible and obvious to the Liberal Democrats and the Conservatives? With their complete centralisation of power, the Government seem to be getting tenser and tenser. Their grip on control is the result of fear. It has nothing to do with winning the arguments; it is fear of headlines. They need to legislate and intervene—to be seen to be active—rather than really getting to the bottom of a problem, or allowing the democratic processes of accountability and the police to do their job properly. There is a complete undermining of professional opinion and practice, which will spiral down and bring less effective and less local policing.

I object strongly to the doublespeak that the measure is about localism and local policing. In fact, it will bring a sweeping centralisation of power, such as we have never seen.

It is a great tragedy that we did not have time to debate the inspectorates. The changes to the prison inspectorate hold dangers for prisoners in future. That inspectorate casts a light where no light shines through it. expertise and independence, both of which will be compromised in a joint inspectorate. The chief inspector of prisons, Anne Owers, said that it would be a dilution of all the special protection for prisoners. Well trained prison inspectors can spot human rights abuses in a way that will not be possible if the inspectorates are merged. I am sorry that we did not have time to discuss a joint amendment to provide that prisons were not included. Prisoners need special arrangements to protect them.

Sadly, we are now dependent on the other place to put into the Bill all the proposals that the Government would not accept—amendment after amendment. Although the debate has been informative and interesting, it has not been at all rewarding for Liberal Democrats. We tried to work with the Government but all our good work and good intentions were rejected, so it is with a heavy heart that I leave it to the other place to make amends.

Question put and agreed to.

Bill accordingly read the Third time, and passed.

BUSINESS OF THE HOUSE

Motion made, and Question put forthwith, pursuant to Standing Order No. 15 (Exempted business),

That, at this day's sitting, the Motion in the name of Mr Jack Straw relating to Conventions (Joint Committee) may be proceeded with, though opposed, until any hour.—*[Mr. Roy.]*

Question agreed to.

Conventions (Joint Committee)

Motion made, and Question proposed,

That the Lords Message [25th April] relating to Conventions be now considered.

That this House concurs with the Lords in the said Resolution;

That, accepting the primacy of the House of Commons, a Select Committee of 11 Members be appointed to join with a Committee appointed by the House of Lords as the Joint Committee on Conventions, to consider the practicality of codifying the key conventions on the relationship between the two Houses of Parliament which affect the consideration of legislation, in particular:

(A) the Salisbury-Addison convention that the Lords does not vote against measures included in the governing party's Manifesto;

(B) conventions on secondary legislation;

(C) the convention that Government business in the Lords should be considered in reasonable time;

(D) conventions governing the exchange of amendments to legislation between the two Houses;

and that the Committee should report by Friday 21st July 2006;

That the Committee shall have power—

(i) to send for persons, papers and records;

(ii) to sit notwithstanding any adjournment of the House;

(iii) to report from time to time;

(iv) to appoint specialist advisers;

(v) to adjourn from place to place within the United Kingdom; and

That Mr Russell Brown, Mr Wayne David, Mr George Howarth, Simon Hughes, Sarah McCarthy-Fry, Andrew Miller, Sir Malcolm Rifkind, Mr John Spellar, Ms Gisela Stuart, Mr Andrew Tyrie and Sir Nicholas Winterton be members of the Committee.—*[Mr. Byrne.]*

7 pm

Mr. Richard Shepherd (Aldridge-Brownhills) (Con): I am very interested in the motion, and I am disappointed that the Minister did not rise to say something about it. There are certain assumptions that I find puzzling—one is to try to reform the conventions between the two Houses of Parliament, without knowing what the shape, form, powers or responsibilities of the House of Lords will be. At the moment it is at a discount, because it is accountable to no one. If the proposals for the reform of the House of Lords, which I understand are under discussion, suggest that it should be legitimised by being accountable to the electorate, the question of its being a subordinate House does not necessarily arise. It will be what it was historically: co-equal—the two parts of Parliament. I just make that point because it is very important. We are now trying to reform our constitution in the absence of any knowledge of what the House of Lords will be after the deliberations between the major parties. That is the first thing.

The second thing is that the motion—I recognise that it comes from the House of Lords—states:

"the Salisbury-Addison convention that the Lords does not vote against measures included in the governing party's Manifesto."

Every hon. Member who has heard the doctrine of the manifesto and served in the House for a long time knows indeed that it is a very thin concept for a variety of reasons, one of which is the nature of party manifestos. I must confess—it often shocks people— that, until the last election, I had never read my own party's manifesto from beginning to end, and I will give the House an indication of why.

[Mr. Richard Shepherd]

I travelled the Library for a few minutes to look at some of the past manifestos. In 1997, my party's manifesto, under the glorious title of "You can be sure"—or something—was 56 pages long. The Labour party was more realistic; it recognised that, in fact, the electorate would probably grasp only five concepts, so it issued a pledge card. "Make the Difference" was the Liberal Democrats' manifesto—63 pages. By 2001, we had learned something. "Time for Common Sense" was the Conservative manifesto—46 pages. I could not find the Labour manifesto for that election, but I looked at "Ambitions for Wales" and I take it that it was identical, because the Scottish one was "Ambitions for Scotland", and I guess that there was an "Ambitions for England". That was 44 pages.

By 2005, the Conservatives got down to "It's Time For Action"—28 pages. The Labour party had made great advance with "Britain forward not back", which it published as a paperback, retailing at £2.50. I cannot imagine the warehouses filled with that important document.

David Taylor (North-West Leicestershire) (Lab/Co-op): The hon. Gentleman refers to "Britain forward not back"—112 pages, and it is a right riveting read, I can assure the House, but does he accept that length does not necessary imply detail? Even a manifesto of that length will include something like:

> "We will ensure that councils are organised in the most effective way...to deliver high-quality services."

I support that, but what would a breach of that mean if the House of Lords rejected some local government legislation in a future Parliament? That is very difficult to establish.

Mr. Shepherd: I am glad that the very point is reinforced by what the hon. Gentleman says, because of course a generalised statement is not a detailed policy, so the consent to the general proposition does not of itself mean consent to the interpretation of what that general proposition means. I always explain that to my constituents by saying that the Government propose—it is in our manifesto—to build a new road to Birmingham; let us say, and we all say, "Hurray!"

David Taylor: A road out of Birmingham!

Mr. Shepherd: The hon. Gentleman is thinking of Scotland, I think.

When the detailed Bill comes before the House, we discover that the road goes by way of Ipswich. Am I going to vote for a road that goes to Birmingham via Ipswich? I put it in such simplistic terms because the truth is that the doctrine of the mandate is a wearisome concept that cannot bind Members of Parliament from dutifully examining the detail of legislation and, if necessary, rejecting it. However, that is what is inscribed in the motion—the doctrine of the manifesto.

Simon Hughes (North Southwark and Bermondsey) (LD): We have not yet heard from the new Leader of the House, but my understanding is that the job of the Committee will be to discover what it is thought that the conventions are and simply to offer that wisdom to both Houses of Parliament so that they can decide whether to keep them or change them. Like the hon. Gentleman, I am not signed up to a convention that says that whatever the manifesto is, Parliament has to follow it, but surely an academic exercise cannot do too much harm.

Mr. Shepherd: I am grateful to the hon. Gentleman and I notice that his name sits on the list—he is the only representative of the Liberal Democrats on it. I will leap to the part of the Order Paper that is of substance. It names a number of Members to sit on the distinguished Joint Committee. I notice that there are seven Members from the Labour party, three from the Conservative party and one from the Liberal Democrats. That is no longer representative of the many passions and interests that this House, of necessity, as a representative body, must have in the construction of our constitution. Where are the disparate souls from Scotland, Wales or the other parties? It looks to the observer like a carve-up between the three principal parties.

Mr. Angus MacNeil (Na h-Eileanan an Iar) (SNP): I thank the hon. Gentleman for making that point. The Scottish National party and Plaid Cymru, which have been to the fore in cleaning up the scandals that are happening in the far corridor, are not on the Committee at all.

Mr. Shepherd: I had hoped that I was not going to be the only one to speak in the debate. I hope that I have encouraged wider participation. The very fact that the motion was moved formally is an indication that it was expected that it would go through on the nod. However, I look to the Leader of the House, because I know of his concern. I am delighted to know that we have a man who is much respected in the House to make a case for the motion. We have a genuine Leader of the House of Commons and we should respect that. I certainly do and I wish him well in his great appointment. The Leader of the House was someone who represented not only the interests of the Government, but the interests of the House as a personality and an authority in its own right. I remember, as he will, John Biffen standing in the Chamber when guillotines were being proposed and saying, as the Leader of the House, that the routine guillotining of Bills would undoubtedly benefit the Government—and he was absolutely right. However, we have to remember that today's Government may be tomorrow's Opposition.

I hope that we will hear a little more about the thinking behind the motion. As it stands, we are examining the conventions against the background of a sudden lurch and rediscovered interest in reform of the House of Lords by the Prime Minister, no less, who ruled out an elected element. That is being discussed between the leaders of parties and not by any constitutional forum, as is the tradition of this House and other great constitutions.

Mr. Andrew Turner (Isle of Wight) (Con): My hon. Friend has just used the word "examining" the conventions. That word does not appear in the motion that was moved so briefly. Will he tell me whether he understands the word "codifying" to mean examining or to mean something more elaborate—perhaps institutionalising or institutionalising in a code that is binding? That is an important element of the proposal before us.

Mr. Shepherd: I have no doubt that the Leader of the House will give us his views on what that means.

My intention in speaking to this seemingly innocuous motion is to put down markers. The matter is profoundly important.

Simon Hughes: I want to clarify an implication of what the hon. Gentleman generously said about my colleagues and me. We did not sign up to the division of members of the Committee because we wanted to argue in support of it. We were told that the Committee's composition would have to follow the balance of numbers in the House, which is why it will consist of seven Government Members, three Conservative Members, one Liberal Democrat Member and no others. We certainly retain, as he would, our unhappiness about the balance and representation. I understand that the same procedure is applied in the Lords, although the numbers are different because the balance is different.

Mr. Shepherd: I am slightly surprised by the hon. Gentleman's response inasmuch as the House is the master. Amendments could have been tabled to address the composition of the Committee, but they have not been tabled. I came late to the motion—that is, yesterday. I would have tabled amendments on the names, but one has to ask people whether they are prepared to serve on Committees. The list of Committee members is ill-balanced and wrongly constructed. It can only have been carved up by Front Benchers, which must mean that the Liberal Democrats were complicit in the arrangement.

Simon Hughes: I can say, because I was consulted, that we did not agree to the division, but protested about it. I think that the motion was tabled yesterday, so the hon. Gentleman is right that amendments could have been tabled to it to open up the question of the composition. However, we certainly never voluntarily and happily assented to the division of numbers.

Mr. Shepherd: But, with great respect, the Committee could be meaningful only with the Liberal Democrats' participation. If they had said that they could not participate on the Committee because of the paucity of representation from elements in the House, the Government would have rethought the list.

Mr. MacNeil: Does the hon. Gentleman agree that both Liberal Democrat and Conservative Front Benchers have given the Committee legitimacy by participating?

Mr. Shepherd: Much of the business of the House often goes through in a spirit of comity and, in fact, ignorance. The truth is that it is dependent on hon. Members to examine propositions that come before us. I have often made the point that we are all party men in one sense or another, but there are some matters, namely about the House itself, on which we have to stand up and say what we believe is appropriate or right. The motion is a typical example of the way in which business has been done in the modern age. It would previously have been a hotly-contested matter. It bemuses me—I say this just as an observation—that the House of Lords would ever have agreed to such an arrangement, but it has, so we must accept that it wants such a Committee. It is thus incumbent on us to participate, but we should question vigorously why the House of Lords should enter into such an arrangement when it does not know what its future composition will be, or whether people such as myself will be satisfied that it is a legitimate check and balance on our constitutional arrangements.

John Bercow (Buckingham) (Con): I have read the proposed list of members of the Committee. It is august indeed, so no aspersion is cast on any individual who is proposed as a member. However, may I put to it to my hon. Friend that it would be helpful to know whether our right hon. and learned Friend the Member for Rushcliffe (Mr. Clarke) was asked to join the Committee? If so, did he decline, and if not, why not?

Mr. Shepherd: My hon. Friend should be aware that I am entirely ignorant of the answer to that question. Perhaps my right hon. and hon. Friends on the Opposition Front Bench will lay in front of us the reasoning for these matters.

Mr. Peter Bone (Wellingborough) (Con): Does my hon. Friend consider it wrong for a Parliament, at any one snapshot in time, to change conventions that have built up over many years?

Mr. Shepherd: I talk in that spirit. The Leader of the House is the individual who will lay bare to us the scheme behind the motion. I took in great faith that which was said by the hon. Member for North Southwark and Bermondsey (Simon Hughes). Although I am dubious and suspicious, I feel that this is merely a looking-at what the conventions are, and will not of itself cast anything in concrete.

Simon Hughes: I am happy to share with the House later, place in the Library and share with the hon. Gentleman correspondence that I have had with the Lord Chancellor on the status and the relationship of this Committee to other Government considerations. It is clear from a letter that I received from the Lord Chancellor that there was the intention to provide information and to advise both Houses. It is separate from the discussion about the future of the other place, but it was to be interrelated so that one could inform the other.

Mr. Shepherd: That is what worries me. The Lord Chancellor has sent a shiver down my spine.

Mr. George Howarth (Knowsley, North and Sefton, East) (Lab): I have been named as a potential member of the Committee. My understanding is, on this occasion, the same as the hon. Member for North Southwark and Bermondsey (Simon Hughes). We are seeking to examine the conventions, but there is the issue of whether a consensus can emerge on what would be appropriate in any alteration to the conventions. It is not unreasonable that a Committee should proceed in such a way. I know that the hon. Gentleman is a reasonable man. I hope that he will understand that there is before us an attempt by reasonable people to ascertain whether we can find a way forward that will find consensus across both sides of the House.

Mr. Shepherd: I greatly respect the hon. Gentleman. I cast no aspersions on the names that have been listed.

[Mr. Shepherd]

It is the process by which the names arrived on the Order Paper that worries me.

It is said that reasonable men can find a consensus. I have fear at the very thought that reasonable men—remember who we are dealing with—will inform us on how the House of Lords is shaped. I am not sure whether there is an interrelationship after what the hon. Member for North Southwark and Bermondsey has said. If that is the way we are proceeding, I am alarmed. The constitutional settlement of what the House of Lords should be would normally enable that place to determine its own standing orders and its relationship with this place. That is what we understood as politics—reasonable men negotiating from a position of strength, not a neutered Second Chamber.

Mr. Howarth: That is not my understanding. The composition of the other place is wholly without the terms of reference of the Joint Committee. Within the terms of reference is discussion about the arrangements between the two Houses in terms of legislation and what is acceptable and what is not. The hon. Gentleman is raising fears that are groundless.

Mr. Shepherd: This is cart and horses. How can we rationally examine conventions on behalf of a body, or inform the composition of a body, that may take upon itself a view that is entirely different from a House that has not yet been reformed?

Mr. William Cash (Stone) (Con): On a point of order, Mr. Speaker. Will we have an opportunity to discuss these matters after the Leader of the House has had his bite of the cherry?

Mr. Speaker: The Leader of the House is not winding up the debate—he is just starting.

7.19 pm

The Leader of the House of Commons (Mr. Jack Straw): It is a great pleasure to speak to the motion, which I tabled with my right hon. and hon. Friends. It fulfils the commitment given by the Government in our manifesto last year to conduct

"a review... by a committee of both Houses"

to

"seek agreement on codifying the key conventions of the Lords".

The focus of our debate is on the Joint Committee's terms of reference and its membership from the Commons, rather than the wider question of House of Lords reform, including the future composition of the upper House. However, to answer the hon. Member for Aldridge-Brownhills (Mr. Shepherd), our debate takes place in the context of the commitment by all three principal parties and some of the minority parties to look at the composition and the powers of the House of Lords. It was our judgment before the election—and it remains our judgment—that as the issue of the composition and thus the powers of the Lords were to be the subject of live debate in this Parliament it was essential that we establish a baseline by reaching a common understanding of the existing balance of powers between the Lords and the Commons.

I am talking not about the way in which the Lords manages itself—that is a matter for their lordships and no one else—but about the extent to which the House of Lords seeks to check and balance the powers of the Commons. Both Houses have a legitimate interest in the matter and, ultimately, it is for the elected Chamber to make decisions. If there had not been any debate about that, if there had not been any argument in the country and if political parties had not sought to put the issue on the national agenda there would be no need for the Joint Committee. However, those issues arise periodically—they were live issues in the last Parliament—so there is cross-party determination to try to seek a consensus on the composition of the Lords. We therefore need prior agreement on powers, and we need a common understanding of the existing powers.

I thank the hon. Member for Aldridge-Brownhills for the great compliment that he paid me when he spoke about the role of the Leader of the House. He dismissed the doctrine of the manifesto—he is entitled to his opinion—but he certainly wasted his time reading his party manifesto, because as soon as the ink was dry and the election was over, its author, the right hon. Member for Witney (Mr. Cameron), announced that he did not agree with a word of it. That appeared to be his manifesto in his party's leadership campaign.

John Bercow: It was an extremely shrewd and sensible one.

Mr. Straw: The manifesto drafted by the Leader of the Opposition should be torn up, but the hon. Gentleman's admission exposes the lack of judgment on the part of its author, behind whose banner he intends to stand.

Mr. Cash *rose—*

Mr. Straw: I shall give way in a moment.

The hon. Member for Aldridge-Brownhills may disagree with the doctrine of the manifesto, but it is the basis of our politics. He asked how the Committee will operate. The four conventions listed in the motion and other arrangements are already the subject of explanation in "Erskine May" and other authoritative textbooks.

Up to now, however, there has not been a description of those conventions by Members of this House and the other place, or an attempt to secure that. The Committee that we establish may conclude that the conventions are impossible to describe in the words of the English language, but that would be astonishing. It is possible to describe the conventions and for the Committee to go on to make recommendations about the manner in which they might be codified. It is for the Committee to make recommendations, and for the House and the other place to dispose of the matter.

The manner in which the conventions could be codified ranges from a codification in the body of the Committee's report, to a code that has been negotiated by both Houses and which we endorse in resolutions, through to its inclusion in Standing Orders or its enshrinement in law. That is a subsequent matter.

Mr. MacNeil: I have high hopes of the Leader of the House, who strikes me as a man of integrity, from first impressions. Given the current scandals—a police investigation and two parliamentary inquiries—surely the most live issue, as the right hon. Gentleman said, is the convention on appointments? Before we do anything with the House of Lords, we must make sure that the system of appointments is beyond reproach. That is what the Committee should examine. We must ensure that transparent—

Mr. Speaker: Order. The matter has nothing to do with appointments. It is about the conventions of both Houses. I call the Leader of the House.

Mr. Straw: I give way to the hon. Member for Stone (Mr. Cash).

Mr. Cash: I am grateful to the Leader of the House. Can he tell us, first, what he understands by the expression "convention" in the present context? Secondly, how does he justify the assertion in the message and the resolution that these are "the key conventions" or, indeed, conventions at all?

Mr. Straw: As I learned when I was studying at A-level what was then quaintly described as British constitution and is now described as politics, our constitution is not unwritten, but it is not in a body of higher law that has supremacy over ordinary law of Parliament. In addition, some of the basic tenets of our constitution, such as the fact that it is Parliament rather than any other institution that has the power, are not prescribed in legislation at all, but they are written down. They are written down in "Erskine May", as I say, and in many other authoritative textbooks and guidance, and everybody accepts them. They are perfectly capable of description.

We do not often discuss whether Parliament, rather than, say, the Crown, should be the final authority because there is consensus on that. Ever since government in this country moved from being representative but undemocratic to representative and gradually democratic, there has been a tension between the Lords and the Commons. The balance of power has shifted, and each time it has done so new conventions have had to be developed to ensure the smooth passage of legislation.

Again, those conventions are perfectly capable of being written down. They have to be understood, and the only way they can be understood is in words, rather than in emotions and sentiments. That is the purpose of the Committee. These are not the only conventions that govern the relationship between the Commons and the Lords. Most people are aware of the origins of the Salisbury-Addison convention, which raises the issue of the manifesto.

The length of manifestos can be charted from the occasion in the late 1940s when that convention was agreed. Earlier ones, as the hon. Gentleman will see if he looks in the Library's collection of manifestos, were very short, including Labour party manifestos. The conventions arise from that, and the Committee can consider them. The motion states "in particular", but it is by no means an exclusive list.

John Bercow: It will be to the right hon. Gentleman's enduring credit if, as I confidently expect, he, as a great House of Commons man, proves to be the House's representative in the Government, rather than merely the Government's representative in the House. However, he has already worried me: will he confirm that he does not envisage the Joint Committee as the first stage in a two-stage process to achieve the ultimate reform that is in the minds of right hon. and hon. Members? In other words, will he confirm that agreement in Committee on the conventions is not a necessary prerequisite—a sine qua non—of progress thereafter?

Mr. Straw: No one has suggested that unless the Committee reaches an agreement about the conventions, there will be no further opportunity for discussion on reform of the House of Lords. The hon. Gentleman will be familiar with our proposals, and we have said that we will introduce a series of options and that there will be a free vote, in the light of which the House will judge whether it wants legislation to be introduced. The hon. Gentleman thinks that he smells a rat, but there is no rat to smell.

David Howarth (Cambridge) (LD): I welcome the Leader of the House to his new post and look forward to many happy Thursday mornings with him. May I take him back to his statement about how the conventions might be codified, which may have involved a slip of the tongue? He said that one option would be to put the conventions into statute, but my memory is that when the Lord Chancellor was asked in the Constitutional Affairs Committee how he could guarantee that such conventions would not then become the subject of judicial review, his answer was that they would not be in statute and that they would be in some other form.

Mr. Straw: That will be a matter for the Committee. In my opinion, it would be a grave error to put any description of the convention into legislation, because that would embroil the higher courts in the powers of this House in relation to the other place, and it would also be unnecessary. I was asked to state how the conventions currently described in the textbooks could be described more formally, and I offered a range of alternatives. However, the matter is not for me—I shall not serve in Committee—but for the Members of both Houses who will serve in Committee.

Dr. Tony Wright (Cannock Chase) (Lab): I join in the universal welcome for my right hon. Friend's coming home and am sure that he will be a considerable Leader of the House. Conventions, by their nature, are things that change. At this moment, the relationship between this House and the House of Lords is changing, and it will change even further and faster when we have the promised second stage of House of Lords reform. I put it to my right hon. Friend that there is a practical difficulty in trying to freeze the definition of conventions at a moment in time, when they will necessarily be changed by what we do on a wider front.

Mr. Straw: The question whether conventions are frozen relates to the question of the status of the Committee's recommendations and conclusions. The House might take the view that it should simply receive the report and for the time being not decide to elevate the description of the conventions into a document that has any greater status than that. My hon. Friend has made the case for setting a baseline. All hon. Members understand that if the composition of the other place is to change to any significant degree—in particular, by moving towards an elected element—it is bound to affect the balance of power between the two Houses. It is therefore as well for everybody to understand that we cannot have a discussion about composition without also acknowledging the crucial inter-relationship of powers. We might as well have an agreement about where we are starting from and what the common understanding is before we move on.

There are practical reasons for doing that. For example, as I know from my time as Home Secretary, Labour Members complain that the House of Lords gives us a tougher time than the Conservatives when we are in government. Conservative Members might cast their minds back to the time when the right hon. and learned Member for Folkestone and Hythe (Mr. Howard) was Home Secretary. It is fair to say that there were, at least qualitatively, quite a number of occasions when he was given a hard time too. Mature reflection by this Committee might be helpful.

I am very grateful to all hon. Members who will serve on the Committee for the work that they are about to undertake, with the leave of this House. Plenty of Committee reports are received and no particular view is taken of them; it depends on the quality of the work that has been put in. My view is that in this case the quality will be high.

Mr. Bone: The Leader of the House is making a logical case for postponing this until we know about the reform of the other place. Can he explain why we have to do it now?

Mr. Straw: What I was trying to do—I obviously failed comprehensively—was to make a logical case for dealing with this issue before we got on to composition. Let me try to explain the point again, because it should be one on which there is agreement across the Chamber.

Each party is committed to seeking some changes in the composition of the House. For us, it is to make it more representative; for the Conservatives, it is to see whether there is a consensus on an elected element. I apologise to the Liberal Democrats for not having memorised their manifesto commitment. I dare say that, as ever, it seeks to outbid the two parties that have any prospect of government—but 'twas ever thus. With all due deference to the drafters of the Conservative and Labour manifestos, they are always couched in rather general terms—they raise expectations, but do not do much more than that. One of the good things about our manifesto was that it took the view that we had to sit down and describe where we were before we moved on to the next stage, and see whether there was broad agreement about the nature of these conventions—particularly, as the motion makes clear, in relation to legislation.

The crucial role of the Lords, as everybody knows, especially anybody who has ever been a Minister, is to revise Bills that come from this place. I personally think that in general their lordships do a very good job. My hon. Friend the Member for Cannock Chase (Dr. Wright) will recall that after I had accepted a shedload of amendments on the Freedom of Information Bill, I commented that although that could sometimes be irritating, it was one of many Bills that had been improved by the process of revision in this place and in the other place. I say that in all seriousness. Anybody who has ever experienced drafting legislation in government knows that, because the pace is fast, no Minister can, in practice, go through every detail of it. It is therefore absurd for any Minister to suggest that measures are written on tablets of stone and that there should be no change to them.

We accept—and I have always regarded as valuable—the role of the other place. However, I believe that all parties agree that this House must have primacy, not only because of the doctrine of the manifesto, but because this is the elected Chamber and the means whereby the view of the people is expressed. Somehow, there must be a way of squaring the circle between the other place's legitimate powers to revise legislation and ensuring that this House has primacy. That has been the purpose over the years of the development of conventions, especially in relation to legislation. Any change to the composition of the other place will inevitably change its appetite for its role in legislation and therefore, in practice, its sense of its power.

Our judgment is that it is a good idea to start by setting out the baseline. I hope that that answers—I have tried to do so—the point made by the hon. Member for Wellingborough (Mr. Bone).

Tony Baldry (Banbury) (Con): Like my hon. Friend the Member for Buckingham (John Bercow), I am something of a spectator at this debate, because I came into the Chamber to present a petition. I hope that I might be able to do that before midnight. However, the Leader of House, being—like me and many others—a student of law, acknowledges that conventions evolve.

Surely the conventions between an elected House and a fundamentally unelected House will be different from those between an elected House and another largely elected House at the other end of the building. The exercise that the Leader of the House and the Committee are about to undertake is totally academic. It will be overturned as soon as we know the composition of the other place.

Mr. Straw: The hon. Gentleman makes the point that I am trying to make: if we are to move to a wholly or partially elected House its powers are bound to change to some extent, and we need to know where we are at the moment. To answer the hon. Member for Buckingham (John Bercow), of course there will be the debate that we promised in our manifesto on considering options for the future of the House of Lords. I hope that those debates focus seriously on the role that we want the House of Lords to play, and that we will then seek a consensus on a Chamber that is

based on that role, not the other way round. If we are to do that, we might as well first ascertain whether we can agree about the role in relation to this Chamber. That is the purpose of the Committee. It would be bad, and would not serve our constituents' interests, if during the subsequent debate we spent the whole time arguing about our different understanding of the current role. That could easily result from leaving things as they are and not having the Committee.

Simon Hughes: *rose—*

Mr. MacNeil: *rose—*

David Taylor: *rose—*

Mr. Straw: I shall give way first to the hon. Member for North Southwark and Bermondsey (Simon Hughes), then to the other hon. Gentleman, and then to my hon. Friend the Member for North-West Leicestershire (David Taylor).

Simon Hughes: Let me try to summarise what appeared to us to be the sensible proposition—which, I believe, the Government support. There should be a three-stage process. First, both Houses should ascertain whether they can agree about the current conventions. Secondly, we should consider whether it is sensible to codify them, and if so, in what way. Thirdly, having done that, we can have a realistic debate about what changes should be made to the House of Lords. We all have our views on that, but at least we will approach it on the maximum common basis of knowledge and agreement.

Mr. Straw: The hon. Gentleman puts the point better than I, and I am grateful to him. He is right, and that is a good reason for his inclusion on the Committee.

Mr. MacNeil: May I expand on the point made by the hon. Member for Wellingborough (Mr. Bone) by saying that we are dealing with components here—almost like the components of a car? We are tweaking about with the components despite the fact that we might be buying a new car in a year or two. Surely we should look at the bigger picture before concentrating on the smaller details. Na h-Eileanan an Iar is my constituency, by the way.

Mr. Straw: The hon. Member for North Southwark and Bermondsey (Simon Hughes) has already addressed that point, and so have I. I do not regard the issue of the powers of the House of Lords in relation to this place as a small detail.

David Taylor: The Leader of the House suggested a moment ago that there was intra-Chamber consensus on the Salisbury-Addison convention on manifesto commitments. He said—I paraphrase slightly—that any manifesto was a blend of a snapshot of the present landscape, a broad aspirational sweep, and legislative nuts and bolts. This is a quote from page 61 of our 2005 manifesto:

"Given the pace of change within medical services we will ensure that it is possible for the NHS to change the way in which it organises its services as quickly as possible."

Into which of those three categories does that fall—

Mr. Deputy Speaker (Sir Michael Lord): Order. I do not think that the Leader of the House needs to respond to that question. Although this debate is completely open-ended, I have to say that it is getting rather circular.

Mr. Straw: I will talk to my hon. Friend the Member for North-West Leicestershire (David Taylor) about that question in the Tea Room, Mr. Deputy Speaker.

Andrew Miller (Ellesmere Port and Neston) (Lab): Further to the point raised by the hon. Members for Wellingborough (Mr. Bone) and for Na h-Eileanan an Iar (Mr. MacNeil), may I tell my right hon. Friend that the reason why I agreed to serve on this Committee was my sheer frustration at the way in which the House had dealt with the process the last time round? I chose to protest by voting for abolition last time, because I thought that it was absurd to have a discussion such as this before the House had had a reasoned debate on what the powers of the House of Lords are now and what we would like them to be. When we have discussed those issues, it will make sense to discuss the composition of the other place.

Mr. Straw: I agree with my hon. Friend.

Chris Bryant (Rhondda) (Lab): Architects say that form should follow function, and that should apply equally when we are designing our Government. We need to get the functions right first. I sat on the last Joint Committee, and I was not particularly keen on the idea of sitting on another one on this matter. We failed with regard to the issues of function and of role, because we all too easily said, "Oh yes, we all agree about that."

Mr. Straw: My hon. Friend puts his point very elegantly. I hope that we shall learn from what happened in the last Parliament. If we do not address the issue of function first, by describing what the House of Lords is for, grave errors will be made when we come to consider the issue of form.

Mr. Andrew Turner *rose—*

Mr. Straw: Will the hon. Gentleman allow me to make some progress?

I want to deal with three final points that might help to answer some of the questions that hon. Members have asked. With the leave of the House, I shall seek to respond at the end of the debate to any further issues that have been raised. The hon. Member for Aldridge-Brownhills asked about the political balance of the Committee. He expressed surprise that its formula for here was 7:3:1, which departs slightly from the traditional formula for Commons-only Committees of 6:3:2. The 7:3:1 formula has been adopted because this will be a Joint Committee. Overall, there will be 11 Labour Members out of a total of 22, so they will not even be in the majority. Of that number, seven Labour Members will be from this place and four from the House of Lords. For the Conservatives, there will be six altogether: three from this place and three from the other place. For the Liberals, there will be one from this place and two from the Lords. The balance will be made up by two Cross-Benchers.

[Mr. Straw]

The second issue—it has not been raised so far but it might be, so let me put it on the record—is the time that has elapsed to establish the Committee. The right hon. Member for Maidenhead (Mrs. May) might be about to raise that. I know that everyone in the Chamber would have preferred the Committee to have been set up earlier, but I gather that that was not possible. We spent a lot of time consulting other parties and, within the confines of our manifesto commitment, the terms of reference that we debate tonight have been agreed with the other parties. The leaders of the other parties voted for those terms of reference and the motion in the debate in the other place on 25 April.

The final point—to anticipate an issue—is the timetable from now. The proposed date for the Joint Committee to report is 21 July, four days before we rise for the summer recess, which, including the Whitsun recess, is around 10 weeks away. That is a short, but not unreasonable, deadline. Some Members have drawn a comparison, as did Members of the other place, with the Joint Committee of 2002, on which my hon. Friend the Member for Rhondda (Chris Bryant) served. That Committee was appointed in July 2002 and reported in December. However, the period in between included the summer recess—around two months—and the state opening of Parliament, which accounts for some of the additional time given. Furthermore, the remit of the 2002 Committee was far wider than that of the one that we are debating today.

Mrs. Theresa May (Maidenhead) (Con): I was indeed going to refer to the 21 July deadline in the motion. The Leader of the House says that that is 10 weeks away. As I understand it, however, the motion will be subject to a deferred Division, so technically, the Committee will not be set up until next week. Therefore, it will be set up only a week before the Whitsun recess, and is unlikely to meet until after that recess. That significantly reduces the time.

Mr. Straw: If the motion is agreed tonight, it is agreed. If it is objected to, however, the Division will be deferred. I hope very much, however, that the House will agree to accept it tonight. Deferred voting is a separate issue, but I understand, although I had absolutely zero to do with the idea of deferred voting one way or the other, that it is for the convenience of the House. If representations are made about changing that, I will certainly consider them. Although I accept that 10 weeks is not all that long, if the Committee comes to the view that it needs more time, we can return to the House to seek an extension—it will not be my intention to stand in the way of such a request from the Committee.

This has turned out to be a livelier and more interesting debate than I had anticipated, but it shows the appetite for this issue—

John Bercow: Insatiable.

Mr. Straw: I hope that it is not quite insatiable; otherwise there will never be any change. Meanwhile, for the reasons that I have explained, and that others have elaborated, I hope that the motion will enjoy unanimous support from the House, and I commend it.

7.53 pm

Mrs. Theresa May (Maidenhead) (Con): I am grateful for the opportunity to contribute to what, as the Leader of the House has said, has become a somewhat livelier and perhaps longer debate than many had expected, with contributions from a significant number of hon. Members.

Before I deal with the substance of the issue, may I welcome the right hon. Gentleman to his new position as Leader of the House? I also welcome his comments yesterday in response to Leader of the House's questions about his understanding and recognition of his responsibility to this House, and about how he intends to serve in his position in the best interests of this House. All Members of the House will welcome that.

There is, of course, a precedent for a Foreign Secretary becoming a distinguished Leader of the House—the late Robin Cook.

Mr. Straw: And Geoffrey Howe.

Mrs. May: Yes, I was not in the House at that time. There is more than one precedent, but I am sure that the right hon. Gentleman will follow in those steps and serve with distinction.

The motion arises from a pledge in the Labour party manifesto. We have already had quite a debate about manifestos and what the terms of manifestos mean. Last year's Labour party manifesto stated that the Government would

"seek agreement on codifying the key conventions of the Lords",

hence the motion setting up the Joint Committee to consider the practicality of codifying the key conventions and setting out the particular conventions that the Committee is intended to consider.

The Leader of the House referred to the time that it has taken to set up the Committee. It has indeed taken nearly a year. I understand that discussions between the Government and other parties began last summer, and that terms of reference were agreed some time ago. In the meantime, the Lord Chancellor has spoken of establishing a Committee on House of Lords reform. An idea that was due to be presented to this House at a time when House of Lords reform was not being actively considered has now been presented precisely when such reform is being actively considered. That obviously gives rise to questions about why it is being presented at this stage, and about its interaction with the debates on House of Lords reform.

On the basis that it represented a fulfilment of a manifesto commitment by the Labour party and on the basis of discussions between the parties, we supported the motion in the other place. I intend to support this motion, but, as has been made clear by Lord Strathclyde, the Leader of the Opposition in the other place, we do not accept any reduction in the powers of the House of Lords. It is on that basis that we have agreed to the establishment of the Committee. I therefore think it important to set out exactly what we understand it will do.

There has been some interaction between the Leader of the House and hon. Members, and indeed between hon. Members, on the Committee's role and on what its role should be. It is important to note that the terms of

reference do not even ask it to codify the conventions of the House of Lords: they ask it to consider the practicality of codifying the key conventions relating to the relationship between the two Houses, which is one step back from setting out the conventions in any form.

Chris Bryant: I have long held that codification is desirable, because it is difficult to establish the precise relationship between the two Houses other than on the basis of a gentlemen's agreement signed in a club many decades ago. Some constitutional lawyers, however, believe that codification is impossible. What is the right hon. Lady's personal view?

Mrs. May: My personal view is that it is doubtful whether it will be able to codify in a way that would retain the flexibility that I consider necessary. I shall deal with that point shortly, because I think that we should take it into account when examining the rather tricky role that the Committee will have to play.

The Committee is not being asked to decide whether certain conventions should be scrapped or amended, or indeed what the powers of the two Houses should be. The motion simply asks it to "consider the practicality" of codifying its role. It is, however, understandable that some Members have—in the words of my hon. Friend the Member for Aldridge-Brownhills (Mr. Shepherd)—smelled a rat, because the commitment in the Labour party manifesto on which the establishment of the Committee is based goes further. Having stated

"we will seek agreement on codifying the key conventions of the Lords",

it continues:

"and developing alternative forms of scrutiny that complement rather than replicate those of the Commons; the review should also explore how the Upper Chamber might offer a better route for public engagement in scrutiny and policy-making. We will legislate to place reasonable limits on the time Bills spend in the second chamber—no longer than 60 sitting days for most Bills.

As part of the process of modernisation, we will remove the remaining hereditary peers and allow a free vote on the composition of the House."

So the manifesto commitment on which the motion is based goes considerably further than the motion.

Mr. Andrew Turner: My right hon. Friend may have observed that three of the Members who intervened on the Leader of the House—members of his own party—clearly believed that one of the terms of reference was to discuss what should happen in the future. Indeed, the right hon. Member for Knowsley, North and Sefton, East (Mr. Howarth)—who is no longer present—referred to discussing what was acceptable and what was not.

Mrs. May: My hon. Friend is absolutely right. Indeed, the implication of the intervention from the hon. Member for North Southwark and Bermondsey (Simon Hughes) was that, according to his understanding of the Committee's role, it could go further than the terms set out in the motion. My point is that we have accepted this Committee on the basis of the motion, which sets it a very specific task. I will discuss later some of the problems of codification—an issue raised by the hon. Member for Rhondda (Chris Bryant).

Simon Hughes: I do not want there to be any misunderstanding. I am very clear that this Committee will deal simply with stage one, assessment, and stage two, consideration of whether we can codify. Its remit does not extend to thinking about what we do with the Lords after that.

Mrs. May: I am grateful to the hon. Gentleman for clarifying that point.

John Bercow: I confess that I disapprove of the whole basis on which Select Committees of this House are currently constituted—a view that I last expressed in the main debate on the composition of Select Committees on 13 July last year. Does my right hon. Friend know on what basis this Committee was constituted and at what point approaches were made? More specifically, did those approached know what the terms of the motion by which they would effectively be bound were to be?

Mrs. May: I am afraid that I am unable to enlighten my hon. Friend on the question of exactly when particular individuals were approached and asked whether they would be prepared to participate in the Committee. My understanding, however, is that when approached, it was made clear to them exactly what the Committee was about and what its job would be. The Government and other parties had discussed the terms of reference before the motion came before the House, so they were known and understood before people were asked to participate in the Committee.

Andrew Miller: Just to put at rest the mind of the hon. Member for Buckingham (John Bercow), I was familiar last week with the broad terms of reference, although not the specific wording. Nothing in the wording gives me cause for concern about my role as I understood it.

Mrs. May: I am grateful to the hon. Gentleman for explaining his own experience.

Simon Hughes: Will the right hon. Lady give way?

Mrs. May: Yes, and then I will make some progress.

Simon Hughes: I am simply trying to assist the debate. There was much discussion of this issue after the general election, but no agreement was reached. I do not think that the wording was shown to anybody in the Opposition parties until a couple of weeks ago—before this matter was first debated in the House of Lords.

Mrs. May: I am grateful to the hon. Gentleman for that clarification.

I want to move beyond the wording of the motion and on to the issues that lie behind this project, the first of which is the problem of definition and codification. There is a danger that codification could remove the flexible relationship between the two Houses that enables better governance. Indeed, in some cases, such a relationship enables the Government to pass business that would be difficult to get through if the codification was as suggested in the Labour party manifesto.

[Mrs. May]

Let us consider the example of the planning and compulsory purchase legislation that, at one stage, the Government were on the verge of losing because of the incompetence of the former Office of the Deputy Prime Minister. Agreements were reached in the House of Lords on progressing that legislation in such a way as to ensure its enactment. If the rules had been absolute, that would not have been possible, which is one reason why I said earlier to the hon. Member for Rhondda that it is very difficult to codify, while at the same time providing the necessary flexibility in the relationship between the two Houses, in the interest of getting legislation through Parliament.

My hon. Friend the Member for Aldridge-Brownhills (Mr. Shepherd) made several good points with great passion, as he always does, especially on issues relating to the constitution and Parliament. He talked about the problem of defining manifesto commitments, and he was right. It is one of the greatest problems that the Committee will face when considering the Salisbury-Addison convention. One example is the recent debate on the Identity Cards Act 2006, in which the Labour party's commitment to voluntary identity cards was challenged by the Opposition, because we believed that the manner in which they would be introduced effectively meant that they would be compulsory—because of the increasing requirement to hold a passport. If an identity card becomes automatic on having a passport, holding the identity card effectively becomes compulsory. That was a debate on the definitions of voluntary and compulsory in this House, and it shows how difficult it will be to define manifesto commitments, as the hon. Member for North-West Leicestershire (David Taylor) made clear by quoting his party's manifesto. Manifestos are often drawn very wide, so it is difficult for anyone to say exactly what was meant in terms of legislation. The danger is that codification will mean that decisions as to what such manifesto commitments mean are not taken by elected representatives in this House, but are left to lawyers, who will have to find a way through the problems caused by trying to codify the conventions. The Committee will face real difficulties in attempting such codification.

Why has this issue come up now, juxtaposed as it is with the whole question of House of Lords reform, including the intervention by Lord Falconer? The problem is that it is a circular argument. The hon. Member for Rhondda said that form should follow function, but the problem is that function may be determined by form in relation to the House of Lords. The functions that one would anticipate an elected House undertaking would be very different from the sort of functions that one would anticipate an unelected House undertaking. Therefore, if one identified the function and then fitted the form to it, the function might change once the form had been decided. I am sure that the hon. Gentleman will say that one has to break the circular argument at some point, but in this instance the function of the House of Lords will be determined by the form of the House of Lords.

Chris Bryant: Surely the point is that this is about the very important matter of how power is distributed within government in Britain. The only way to get the architecture right is by deciding what function Britain needs the House of Lords to perform, to add to the functions of this House, in terms of scrutinising legislation and the Executive. One has to start with function, not form.

Mrs. May: The hon. Gentleman has just made my point very well for me.

I raised the issue of timing, as have other hon. Members, and some of them may be concerned at the impact that the Committee will have on the debate about House of Lords reform—whether it will speed that up. In fact, it may be a way for the Government to kick House of Lords reform further into the long grass—despite the comments by the Lord Chancellor—by saying that it cannot take place until the Committee has met, deliberated and reported. Indeed, there was a slight hint of that in one or two of the comments by the Leader of the House, when he referred to the need to set out the conventions before considering reform.

A number of questions arise and I hope that the Leader of the House will answer them when he winds up. How will Lord Falconer's proposal for talks on House of Lords reform relate to the work of the Joint Committee? Will nothing happen until the Committee has reported, and who will Chair the relevant Cabinet Committees?

Mr. Straw: Moi.

Mrs. May: The right hon. Gentleman uses a foreign word in a way that I thought was not permitted in this Chamber, but he confirms that he will chair those Committees.

The question about the timetable was raised, and I am grateful to the Leader of the House for making it clear that, if more time is needed, he will be prepared to come to the House to seek an extension.

Mr. Bone: The motion specifies a date of 21 July for the Committee to report. If it is discussed on the Monday of the following week, 76 days will have passed before the House can scrutinise it. Does my hon. Friend agree that this matter is being rushed through?

Mrs. May: My hon. Friend is well known for his concern about the fact that the House does not sit in the summer recess. His point about timing is valid. One concern is that the Committee will not have enough time to deliberate properly, and another is that, even if the deliberations are rushed through to meet the 21 July deadline, neither House will be able to consider them until the autumn.

Lady Amos told the House of Lords that it will be up to the Committee, when it has met and decided what it will look at, to come back to both Houses and seek an extension if it thinks that the time scale is too short. Will the Leader of the House confirm that the motion does not mean that the 21 July report cannot be an interim report? If that is so, the Committee could report on that date, which might not be the end of its deliberations.

We supported the establishment of this Committee because it was a Government manifesto commitment. It will look at the practicality of codifying the conventions, and will not try to amend them or reduce the power of the House of Lords. However, I hope that the Leader of the House will answer one final question. If the Committee decides that it is not practical to codify the conventions and does not produce recommendations for improving the present arrangements, will the Government undertake not to produce a unilateral Bill constraining the powers of the Lords? That might achieve the same end by another means, but it would lead to confrontation with the House of Lords and with some Members of this House.

As I have said, we do not want the power of the House of Lords to be reduced, and we do not want the Committee to be a back-door route to that end. I trust that the Leader of the House will confirm that is not the Government's intention either.

8.13 pm

Dr. Tony Wright (Cannock Chase) (Lab): If I had been presented with this proposition a year or two ago, I would have opposed it instinctively. I would have made a speech saying that it was inconceivable that the conventional arrangements of the two Houses could be considered without looking at the larger context of what should be done about the Houses' broader composition and relationship.

Mr. Shepherd: That would have been an excellent speech.

Dr. Wright: It would, and probably even better than the short one that I am about to deliver, but things have changed. I hope that the House agrees with me that we must not repeat statements in respect of House of Lords reform that have already been repeated endlessly. On these occasions, we tend to make the same type of speech, saying the same type of thing, putting forward our favourite nostrums on reform, with the effect that we never achieve reform of any kind.

Mr. MacNeil: I was a member of the public when the House last debated this subject, but there seems to be a degree of myopia. This Parliament is not the only bicameral Parliament in the world. Rather than reinvent the wheel or tie ourselves up in endless detail, would not it be better to look at best practice throughout the world and learn from it?

Dr. Wright: We should certainly look at best practice throughout the world, while bearing in mind our distinctive history and the distinctive nature of the relationship between Parliament and the Executive in this country.

I do not want to make the speech that I have made many times before, and I do not want to hear other Members make the same speeches that they have made many times before, which makes me well disposed towards any initiative that will move things on. One initiative could be to establish what the current conventions are, for reasons that the Leader of the House has given, although as I pointed out, the picture is changing.

The current conventions—at least, the central one: the Salisbury-Addison convention—were forged during the post-war Labour Government, who had a huge popular majority while the Conservative party had a huge entrenched majority in the House of Lords, based on the hereditary peerage. We have only to remember that context to realise that simply to codify those conventions now would not tell us much about the relationship that should exist between the two Houses in very altered circumstances.

There are difficulties about the practicality of carrying out the exercise, even though it would be extremely useful to have it done. That is a conundrum that the Committee will have to face. It is clear to me what the conventions ought to be, so perhaps I can save the Committee a little time, if it considers my suggestion practicable.

In essence, there are three conventions. The first is that this House should, in the last resort, get its way. The second is that the Government should be entitled to get their business in reasonable time. The third is that the House of Lords should have proper opportunity to perform its function of scrutiny and revision. That is what governs the relationship between the two Houses, and it does so from the perspective that there is no rivalry between the two Chambers; the task is to make the Chambers work in a complementary fashion to make Parliament itself more effective.

People talk constantly about the primacy of the Commons; in fact, it is Parliament that is sovereign. We have to strengthen and emphasise the sovereignty of Parliament. That is the real challenge that faces us.

Chris Bryant: My hon. Friend makes an interesting point, but he is slightly wrong. One of the elements in the primacy of this place is that Finance Bills can be considered only here, which is important. Secondly, the Government can be formed only by virtue of a majority in this Chamber. No matter how many times another Chamber might choose to have a vote of confidence, it would never be able to dislodge the Government. That is the essence of the primacy of this Chamber.

Dr. Wright: I give way to the hon. Member for Aldridge-Brownhills (Mr. Shepherd).

Mr. Shepherd: The hon. Member for Cannock Chase (Dr. Wright)—my neighbour and good friend—is right to remind us about the supremacy or the primacy of Parliament, but people such as me believe that that is so only because it is an expression of the sovereignty of the people. If the other Chamber is elected, it will be accountable and it, too, will be an expression of the people's view. Primacy between Chambers is a matter of negotiation between two legitimate bodies. I start from that constitutional principle, which is clearly at odds with the hon. Gentleman's constitutional principle.

Dr. Wright: Of course, the point about constitutional principles is that they are endlessly at issue with one another. The point that I want to make is that there is a reputable case for doing almost anything about the House of Lords. There is a reputable case for electing

[Dr. Tony Wright]

it, for electing it indirectly, for appointing it or for leaving it is its semi-reformed state. What there is not a reputable case for is not having the intellectual and political energy to think what its role might be in a strengthened Parliament and then to ensure that it performs that role.

We are having this discussion at a time when the relationship between the two Houses is changing quite rapidly. I suspect that there are different agendas at work. I can quite understand why a Government might feel that they would like a second chamber that is rather more pliant than the current one. I suspect that they may want—it is a perfectly proper thing for a Government to want—to find a way to codify conventions that will enable them to get their business more conveniently.

Simon Hughes: The hon. Gentleman has opened up the whole debate about the future of the second chamber. Many people will disagree with him on many of the obvious distinctions between the two Houses. Even if we retain the view recently expressed by the hon. Member for Rhondda (Chris Bryant) that only this House can determine whether the Government stay in office and vote them out or keep them in, it does not mean to say that the other place, in whatever new form, cannot have pretty strong legislative powers and, if elected, arguably similar legislative powers to those of this Chamber.

Dr. Wright: It is possible to emphasise the final primacy of this House, while recognising that the other House has a crucial complementary role in strengthening scrutiny function as a whole in relation to the Executive. I fear that many of the arguments that we have heard have suggested that there is zero-sum game at work, but there is not. I hope that one of the consequences of re-entering the argument will be to see it in a rather more useful way than we have sometimes seen it in the recent past.

John Bercow: There is often an underlying assumption in these debates that a legislative stalemate between the two Houses is necessarily a bad thing, to be avoided if at all possible, whereas I believe that, in many situations, it is a positive good to be celebrated. May I put it to the hon. Gentleman that, in referring as he did to functions of scrutiny and review but with assumption of primacy for this Chamber in the end, it is important not to exclude the importance of delay as a positive good, not to avoid an ultimate decision, but precisely to slow up the process for further such review and scrutiny?

Dr. Wright: I agree very much with that, and I want to draw the House's attention to some work that has just been done on the current activity of the House of Lords. We talk about it a rather general way. Some very interesting work has just been done by the constitution unit at University college on exactly what the House of Lords did during 2005. I shall read out the unit's conclusion. It has gone through every Division and every aspect of the relationship between the two Houses, and it says:

> "The new dynamic of the House of Lords may alter British politics in fundamental ways and prove difficult to reverse. Despite continuing dissatisfaction with the undemocratic basis of the chamber, this appears to suit the public. Survey evidence released by the Constitution Unit in December 2005 showed that two-thirds of the public believed the Lords was justified in voting down measures that were unpopular or on which Labour MPs had rebelled. These views were shared by a majority of Labour voters, and even of Labour MPs. Unless this changes, governments of either colour may find it hard to suppress the will of the House of Lords."

The unit says one more thing, based on its work and analysis:

> "The strengthening of the second chamber has often been presented as a threat to the elected House of Commons. However, events this year showed it might instead lead to a strengthening of Parliament as a whole."

I put it to the Leader of the House that that is the crucial consideration. It would be profoundly a ill advised approach to the business of a Committee to look at the conventions in the spirit of asking whether we can somehow put the House of Lords back in its box again, because, in its funny, semi-reformed state, it has come out of its box feeling more confident and legitimate—in a way that the public like. In fact, in many respects, they like it rather more than they like us.

It would be politically difficult and not sensible to proceed with an agenda to tame the House of Lords. We need to put the two Houses together on a common task. That is the job now. The worst outcome would be to produce a second Chamber that was, in any sense, a replica of the first. We want neither a replica, nor a rival of this Chamber, but a genuine complement to it in exercising the task of scrutiny, which we know to be deficient in this House.

Having said at the beginning that I was not going to give Members my favourite nostrums, I think that there would be some profit to the House in looking again at a report that a number of us produced on a cross-party basis last year. Those involved included the late Robin Cook—the immensely distinguished Leader of the House at the time—and the right hon. and learned Member for Rushcliffe (Mr. Clarke). We produced a report called "Reforming the Lords: Breaking the Deadlock". I am not necessarily recommending the conclusions and practical recommendations of that report, but I urge the House to look at the arguments that brought us to those conclusions. We argued that we needed a House that had enough legitimacy to be taken seriously, but enough independence to be justified in being taken seriously—a House that, as I said, is neither a rival, nor a replica of this House, but which joins it in the task of scrutiny. I hope that, in supporting the establishment of the Committee, we see things in that context and that there is not what I fear would be an ill conceived and ultimately ill fated attempt to neuter the second Chamber.

8.28 pm

Mr. David Heath (Somerton and Frome) (LD): Any thoughts that this might be a brief or perfunctory debate have been adequately dispelled already. It is a pleasure to follow the hon. Member for Cannock Chase (Dr. Wright), with whom I agree on many of these matters. I want to challenge the Leader of the House on two details of what he had to say. I think that he made an uncharacteristic slip of the tongue when he

introduced the motion in his name and that of his right hon. Friends. Of course, he has no right hon. Friends in this instance. He was introducing the motion as Leader of the House—his new role. He is speaking on behalf of not the Government, not the House. That is an important distinction and I know that he understands it.

Secondly, I want to chide the Right hon. Gentleman about the fact that he appears not to have been sufficiently assiduous in studying Liberal Democrat manifestos over recent years and was unable to quote from them. I know that he has had limited reading time in his new role, but I am sure that he will rectify that omission. If he is not able to do so, I refer him to the Parliament Act 1911 and its preamble. I do not think that we have largely changed our view about reform of the upper House. The tragedy is that it has taken so long for something to be done about it.

It is no secret that we were extremely reluctant to enter into the arrangements before us today on this particular Joint Committee. We were worried when the idea was first suggested by the Lord President of the Council because, at that time, it was proposed in isolation. There was no suggestion that we would make further progress on reform of the upper House, or that the Committee would form part of an integrated approach on the whole question of the relationship between the Houses. It was predicated on an assertion by the Prime Minister in an unguarded moment that he wished to clip the wings of the Lords. He was expressing irritation, which is frequently shared by Ministers and Government Back Benchers, that the House of Lords occasionally does not do exactly what the Government wish it to do when considering Bills.

I say hallelujah to the fact that the House of Lords does not do what the Government want it to do because even in its present illegitimate form, it has a substantial amount of not only expertise, but, more importantly, independence from the Executive. That enables it to take a view on matters put before it and to express a view that often hugely improves legislation. Over the past few years, I have dealt with countless Home Office and Department for Constitutional Affairs Bills on which the views of the Lords, as a revising Chamber, have been invaluable when we have tried to avoid the worst excesses of sloppy legislation that is not only internally discordant, but has a profound effect on the liberties of this country's citizens. The view that formed the basis of the original proposal for the Committee, which was that there was somehow a need to reduce the power of the Lords because it was an inconvenience to the Government, is one that we wish to resist.

An even worse suggestion was that the Government at the time wished not only to reduce the powers of the Lords, but, simultaneously, to complete their initial process of reform by removing the remaining hereditaries. I hold no candle whatsoever for the retention of the hereditaries in the Lords. People should not be Members of the House of Lords by accident of birth. I am convinced that whether they are elected by their colleagues or not, they do not have a legitimate part in a modern legislature. However, the effect of what the Government appeared to be proposing would have been first to reduce the powers of the Lords and, secondly, to make it exactly the fully appointed Chamber that this House had rejected conclusively—so much for the primacy of the House of Commons.

Mr. MacNeil: The problem is not only the accident of birth, but the fortune of the wallet. For as long as that possibility remains, the legitimacy, and thus decency, of the House of Lords will always be up for question.

Mr. Heath: The hon. Gentleman is absolutely right. That is why the option of an appointed House would not improve the legitimacy of the Lords one whit. It is also why many of us are convinced—this is certainly my party's position—that an elected, or predominantly elected, House must be the right way forward.

Having said that the present composition and certainly the composition envisaged, I think, by elements within the Government are illegitimate, as we have heard from the hon. Member for Cannock Chase, the House of Lords, even in its unreformed state, has utility. That is why it is appreciated by the public. That is not because they believe that its composition is justified or is arrived at by an appropriate means. The public see it doing its job in holding the Executive to account in a way that sometimes this place is incapable of doing.

Chris Bryant: The hon. Gentleman seems to have a rather glowing understanding of what their Lordships do these days. Some of us would point to some of the legislation that the Government have brought forward, which has been extremely progressive—for example, on lesbian and gay rights. The Lords, in their reactionary nature, have not seen fit to allow that legislation to go forward. I hope that the hon. Gentleman will recognise that sometimes the democratic process can enlighten while sometimes, perhaps, it is subject to the overpowering influence of the Whips.

Mr. Heath: Were the Upper House to be accountable to an electorate, I think that it would take a different view. However, reaction is not something that is exclusive to the Upper House. There are powers of reaction within this House as well.

This was not a proposal in which we wanted to take part. We made it plain to the Government that they had to think again. We made it plain also that, despite our feeling that we would in no circumstances support the hereditary principle, we were not prepared to countenance yet again partial reform that did not arrive at a satisfactory conclusion for the House of Lords. If there is a responsibility for the delay in this matter, it is us. We take responsibility for and, indeed, pride in delaying this matter.

What changed everything was the scandal of cash for peerage. In a road to Damascus conversion the Prime Minister suddenly realised that it was time to re-enter the list in terms of House of Lords reform. The order went out to the Lord Chancellor that he was to create a Committee to that effect. Then we had the prospect of two Committees working on entirely different matters. We suspected that one would report very quickly and that the other would take a very long time to reach a conclusion.

[Mr. Heath]

Our proposition was simple. It was that the two Committees needed to be linked for exactly the reasons that have been adduced by several Members. We cannot divorce form and function in the House of Lords. We cannot separate out the way in which we arrive at a composition for the House of Lords and what its function within Parliament will be. Nor can we divorce either of those considerations from the way in which we do our business in this place. Reform of the House of Commons is just as important as reform of the House of Lords.

Mr. Andrew Turner: The hon. Gentleman is either being very naïve or generous to a man who irons only the front of his shirts. Does he agree that the intervention of the Lord Chancellor was intended to be not constructive but diversionary?

Mr. Heath: I am not sure that I understand the reference to ironing habits. I do not know whether the hon. Gentleman undertakes that duty himself. However, I understand what he is saying about the Lord Chancellor's Committee being something that was intended to take the heat off the Government at a time of great stress. It was our view that it would not reach a conclusion.

We have been arguing behind the scenes and in another place that we want to make substantive progress. We believe that the Committee can inform that process but should not pre-empt it. It certainly should not be seen as a way of introducing partial reform that is a substitute for the basic reform that we believe to be necessary. There are the conventions of the House, and I think that the Salisbury convention is on the back of history. It was a cosy arrangement between the Conservative and Labour parties—our party was not a party to it, nor were other parties—and it is does not have any relevance to politics in this country. The day that we have justiciable manifesto is the day that we finally reach the asylum. Judges should not assume responsibility to interpret manifestos—if they did so, the proposal for compulsory ID cards would have been an instructive test case.

Mr. Cash: Does the hon. Gentleman accept that many people do not think that the Salisbury convention is a convention at all? Indeed, we are indirectly debating the future form of the House of Lords, and if a significant proportion of its Members were elected, as he and I want, that would completely change the nature of the proposal. With an elected House of Lords, the Salisbury convention and the credibility of the manifesto would fall.

Mr. Heath: I agree, and I shall come on to the changes to the composition of the House of Lords and their implications.

We made three points when we reluctantly agreed to serve on the Committee. First, there is a necessary linkage between its work and that of the Committee on the Lord Chancellor's Department, as one informs the other. Secondly, the Joint Committee is non-deliberative. Naturally, it will reach conclusions, but they are not binding on anyone, and they do not formulate anything that the House or, indeed, the Government are required to accept. It does not define the relationship between the Houses, as we do not know what their nature will be in future. Thirdly, we sought a fairer composition of the Committee, but we have failed to achieve that, given the affiliation of members from the Commons. I have complete confidence in my hon. Friend the Member for North Southwark and Bermondsey (Simon Hughes)—I am glad that he represents both parts of his constituency—who provides us with a substantial presence on the Committee. I am worried, however, that the Committee is not representative of the wider House, and that Government Members who were nominated to serve on it have a particular perspective on Lords reform.

Mark Tami (Alyn and Deeside) (Lab): It is not for the hon. Gentleman to say that people who hold different views from his should not be allowed to express them in Committee or anywhere else.

Mr. Heath: I was arguing for a diversity of views in Committee. *[Interruption.]* If the hon. Member for Alyn and Deeside (Mark Tami) wishes to continue our dialogue, I am happy to give way to him, but if he is satisfied with my response, perhaps he will be quiet and allow me to continue.

Mark Tami: I have the Adjournment debate.

Mr. Deputy Speaker: It is true that the hon. Gentleman has the Adjournment debate, so he has a vested interest in this debate.

Mr. Heath: As I said, the composition of the Committee would, in a perfect world, represent all shades of opinion on both sides of the House. Inevitably, it fails to do so, given its size.

To return to the key point, if the Committee is successful, it will provide information for the House and the other place about codification. I worry about the word "codification". What does it mean? Does it mean "statute"? I hope not. The matter should not be bound by statute. If it is bound by statute, I would argue for much wider statutes—a proper written constitution in statute form, a proposition which I do not believe the Government are prepared to accept.

At the very least, however, I hope we arrive at a concordat—that is the present term of art between the two Houses—which will be derived from the future form and functions of the two Houses. That comes back to the point made by the hon. Member for Stone (Mr. Cash). Those who argue vigorously for the primacy of this House and also argue vigorously for a largely or wholly elected element at the other end of the Corridor are deluding themselves. The two are not entirely compatible. We can say that this House has reserved competences, which may include the formation of the Government from its number and as a result of its composition. We may argue that at the end of the day this House should win an argument between the two Houses, but we should understand that if we have an elected or predominantly elected second chamber, it will have a legitimacy that it does not currently have.

Mr. Cash: Will the hon. Gentleman give way?

Mr. Heath: I will not, if the hon. Gentleman will forgive me. We will stay here all night if I take every intervention.

There is a huge spread of opinion in the House and at the other end of the Corridor about what should happen. That ranges from those who are out-and-out unicameralists, which, as has been said, is a perfectly respectable position—there are legislatures that work on a unicameral basis, although I do not share that view—to those who would like to turn the clock back and return to an hereditary peerage, which I do not think is a way forward for a modern country. Between those two views, there is a wide range of others.

We need to establish where in this House, because this House has legitimacy, there is a centre of gravity for reform. We could have done that the last time we debated the matter, if it had not been for the interference of the usual channels on both sides of the Chamber. The House demonstrated a clear preference for a largely elected second chamber, which was deliberately obscured by process. When we are asked the question again, we must have a much clearer view about what functions are properly reserved to this House, what functions are properly carried out by another place, how the two interrelate and how we establish legitimacy for both Houses.

If we can do that by defining complementary roles that are not identical, we will strengthen Parliament in the way that the hon. Member for Cannock Chase suggested. It is not, as has been said, a zero-sum game. We can improve the way that this House and the other House work, in order better to serve the country. The one way in which we will not do that is by allowing the Executive to grab yet more power at the expense of the Legislature. We must oppose that and reverse it.

8.48 pm

Mr. William Cash (Stone) (Con): I begin with a quotation from the introduction to "Erskine May", which is well worth considering:

> "At the very highest level, there is much in the observation that if the United Kingdom has in any sense a constitution and that constitution is capable of restraining an elected dictatorship, the standing orders and the practice of the two Houses, shaped over the centuries by changing political pressures, and since 1884 described in May's *Treatise*, are an important part of it."

At the beginning of the introduction, with regard to codification, which the hon. Member for Somerton and Frome (Mr. Heath) touched on, "Erskine May" states:

> "Those elements of parliamentary procedure which have been codified in standing orders or—more rarely—statute law tend to be relatively modern and easy to track.."

Those statutes include the Parliament Acts 1911 and 1949 and others, such as the Oaths Act 1978 and the Royal Assent Act 1967.

There is another aspect of the elective dictatorship that has not been touched on, yet it is fundamental to the question of what those conventions, which is how they can be described, include—namely, the Whip system. In practice, the elective dictatorship comes about through the convention of the Whip system. In a debate on the reform of the House of Lords some years ago, I asked whether the Whip system had got out of control. It is because of that point that there is a more justifiable case for the House of Lords periodically to put its foot down. It is perfectly apparent that, because of the Whip system and Standing Orders, we end up not considering legislation properly in this House, which confers legitimacy on the House of Lords.

Parliament consists of two Houses, which affects the consideration of legislation. It is extremely important to remember that the House of Lords is, as the hon. Member for Somerton and Frome and my hon. Friend the Member for Aldridge-Brownhills (Mr. Shepherd) said, part of the parliamentary process, although it has acquired different functions. The two Houses cannot be separated, although they have evolved in different ways over time—the beneficial intrusion of democracy in the mid-19th century made a fundamental difference.

If there were to be a new House of Lords with a significant elected element, it would not be possible to apply the Salisbury-Addison convention—even if it is a convention—because the Lords would acquire legitimacy for its decisions on the basis that the voters had expressed their view. I wonder whether the reference to the Salisbury-Addison convention should be abandoned in the context of considering the practicality of codifying what have been described as the key conventions. I doubt whether those conventions are the key conventions, because I could mention many other conventions—for example, the convention of comity is an important aspect of the relationship between the two Houses.

For those who are interested in what some would regard as a fairly abstruse subject, the issue of conventions has been at the heart of many of the biggest constitutional crises that this Parliament has experienced over the past several hundred years. That question arose in the context of the Canada Act 1982, with which I happened to be involved because I advised Quebec on that matter in a professional capacity. The ultimate decision taken by the Supreme Court of Canada turned on the application of conventions in this House, because under the British North America Act 1867 the lexis of the constitution of Canada was not in Canada, because it was resident here. Those considering the case had to consider the application of the Statute of Westminster, and in doing so were governed by the conventions of this House. The question of what are the key conventions between the two Houses is a matter of very great importance. I am not satisfied that the assertion that they are those in the motion is at all accurate.

My next question concerns the meaning of "codification". The hon. Member for Somerton and Frome alluded to that a few moments ago. The Whip system has a direct relevance to the House of Lords. After all, in respect of comity and the practical application of relationships between the two Houses, we know, if we have been in the shadow Cabinet or on the Back Benches, that discussions take place between the Whips and the leaders' offices of both Houses to decide the extent to which, for example, the ping-pong between them is going to continue. That is governed by conventions, and it can be incredibly important. It is also governed by the conventional manner in which the Whip system and the usual channels operate, either within the House or between the two Houses.

[Mr. William Cash]

I am interested in how codification would apply in relation to Standing Orders if that becomes the basis on which decisions are taken and it is not just left to float off into the ether. According to the sources I have read, in 1866, when the great battle took place in this House over home rule, Lord Randolph Churchill and two or three others spent the entire latter part of the Session on the one question of whether the Speaker's rules should, by consensus and by a carve-up between the Front Benches, be transferred from the Speaker to the Executive. A very distinguished former Clerk of the House of Commons goes so far as to allege that when that was codified into Standing Orders, it reduced the power of the House of Commons to such a low point that until it was reversed there would never be the kind of authority that the House of Commons ought to have by virtue of its elective system. People refer to the elective dictatorship, but it is not that at all. It is a dictatorship by the Whip system enforced by various methods such as cajoling and various other things—sometimes a bit of a threat here or there. I have experienced some of that in my time over the years, and resisted and sometimes rejected it.

We should be very careful about what "codification" is likely to mean. The attempt to have a discussion, which is embedded in the motion and the debate, about whether there is a practical way of progressing, has some sense. However, I am apprehensive about where it would be likely to lead if the consequence was, by the back door, to put a straitjacket on the way in which, for example, an elected House of Lords could operate, or to undermine the freedom of debate and the democratic basis on which this House operates.

I can think of at least one matter that was most emphatically not in the governing party's manifesto—the European constitution. The question of whether there should or could be a referendum was determined by the Prime Minister's saying that it caused no fundamental change. The Leader of the House and I spent the best part of a year debating that. Ultimately, the Prime Minister decided that it meant fundamental change after all—perhaps to some extent because of my arguments—to primacy. We must be careful when we decide what affects the conventions because many of the most important matters that are discussed in the House do not appear in manifestos.

Many of the most difficult issues that arise in the Chamber and Parliament as a whole depend on the flexibility that the conventions afford. The problem with other constitutional arrangements, even in the United States, is that they cannot move easily with the times because they operate on a fixed set of rules that have been codified. Our advantage is that we can be more organic and flexible and respond to the practical requirements of the time.

I am dubious and concerned about the proposal. I appreciate that it states,

"to consider the practicality of codifying the key conventions"

but the case for that is not made on the basis of the necessity of maintaining flexibility.

Mr. Bone: There is no point in setting up a Committee if its purpose is to codify what is best left uncodified, as a convention.

Mr. Cash: My hon. Friend summarises the case—that is exactly my anxiety. I smell a rat. I believe that the motion and the arrangements are trying to reduce flexibility, just as, in 1886, the Speaker—foolishly, if I may say so, with all respect to Chair—allowed the Speaker's rules to be taken away and given to the Executive. In those days, there were only about six Speaker's rules. We now have approximately 170 Standing Orders. Almost every time a new Standing Order has been imposed through the Whip system, it has been at the expense of hon. Members and their ability to debate freely.

I am extremely concerned and I would be pleased if, by one means or another, it was decided that the arrangement should not proceed.

9.5 pm

Mr. Andrew Turner (Isle of Wight) (Con): When this debate began, I smelled a rat. My hon. Friend the Member for Aldridge-Brownhills (Mr. Shepherd) said that he smelled a rat, but the Leader of the House assured him that there was no rat. I have to say that the more I hear of this debate, the more I am convinced that there is a rat, although it might be a different rat from the one that I originally smelled.

Everything hinges—as so many of these matters do—on what the motion means. My right hon. Friend the Member for Maidenhead (Mrs. May) drew to our attention the terms of reference of the proposed Committee, which are

"to consider the practicality of codifying the key conventions on the relationship between the two Houses of Parliament",

so I shall not go over that territory again. I asked earlier what was meant by the word "codifying". I am now beginning to understand that it means more than simply writing down the conventions. It means writing them down as though they would acquire some force as a result of being written down. That seems to be the interpretation that many hon. Members on both sides are putting on the motion. I started by thinking that, while it would not be particularly constructive to approve the Committee, it would not be particularly damaging to do so either. However, I am now beginning to think that it might be damaging to approve the Committee, particularly if it takes its terms of reference as being to codify rather than merely to consider the practicality of codifying.

The original rat that I smelled involved the development of the code in a way that the right hon. Member for Knowsley, North and Sefton, East (Mr. Howarth)—who is no longer in his place—described as discussing what was acceptable and what was not. That interpretation of the motion was shared by the hon. Member for Ellesmere Port and Neston (Andrew Miller) when he said that he hoped to change the arrangements. The hon. Member for Rhondda (Chris Bryant) then said something rather similar, with which the Leader of the House agreed. There was some confusion, certainly on the part of Labour Back Benchers, about the intention behind the motion. Perhaps that was because they had read their manifesto rather than the motion or, more likely, because they had read neither and simply accepted the assurances given to them by the Whips—if, indeed, they needed any assurances.

So rat No. 1 involves the question of whether there is to be an interpretation and a further development of the conventions. Rat No. 2—a more recent and more lively rat, it has to be said—involves the question of whether codifying implies giving some kind of force to the conventions.

A Committee of politicians is singularly ill suited to doing anything other than arguing about how things should develop. It is almost inconceivable that a group of right hon. and hon. Members of this House and noble Lords from another place will simply sit down and write down in an academic way what the present position is. There are two reasons for that. First, I do not think that there is much agreement on what the present position is. That is certainly true of some of the claimed key conventions set out on the Order Paper. Secondly, politicians much prefer mission creep. In fact, it is almost part of our nature to try to drag the debate into the areas in which we are interested, rather than the areas in which the Government, the Opposition Front Bench or even—dare I say it?—the House of Lords are interested. I am convinced that the rat of developing or trying to shape the future of the conventions is alive and well too; it might not be as smelly a rat as it was at the beginning, but that is because it is alive and well, not because it is not there.

If we want a memorial of the existing codes, it would be far better to leave it to an academic to write down what the codes are, obtain evidence and set out lots of footnotes—I am sure that an academic would follow me. The only problem is that it would take far longer than two months for an academic to do that work. That is the other reason why I do not believe that this work can be done effectively, even by a full-time Committee sitting for two months. As we have heard from my hon. Friend the Member for Stone (Mr. Cash), there are a huge number of conventions and something like 1,100 years of history behind the development of Parliament and the relationships between its two Houses.

As for whether the conventions exist, the Salisbury-Addison convention was of a different time, and as the hon. Member for Somerton and Frome (Mr. Heath) said, it was between two parties that were in very different positions in the two Houses. Even the Government have moved from time to time from the strict interpretation of the Salisbury convention, as we have seen not only with the Identity Cards Bills but, more significantly, with the smoking-related elements of the Health Bill. Under the Salisbury convention, the House of Lords was entitled to throw out the smoking-related elements of the Bill on the basis that they were not what the Government were elected to introduce. The manifesto said one thing, and the Government said something else. The Government do not adhere to the Salisbury convention; more and more frequently, they submit what I suspect is the rather one-sided convention that the Government are entitled to get their business through, or that the elected House is entitled to have its decision upheld in another place.

It is fair to say that my noble Friends on the Front Bench in the House of Lords have been careful to stick with the letter of the Salisbury convention, although I can sometimes detect a reluctance to do so. As far as I can tell, however, Liberal Democrat Members of the House of Lords are no longer signed up to the Salisbury convention, if they ever were. I do not see a reason to sign up to a convention between a hereditary House and an elected House when the elected House and the other House are in the exact form proposed by the Government. We have two Houses in a form that the Government, certainly at the time of invention—which in the case of the House of Lords was not long ago—approved of. Therefore, how can they conceivably argue that it is not doing the job that it was set up to do? I suspect that they did not know what job it was set up to do, and that they merely disagreed with its composition.

In other words, in the early years of this Government, form did not follow function at all; form followed prejudice. Perhaps the prejudice was justifiable, and perhaps not. It seems to me, however, that we cannot decide on the future form of the House of Lords without agreeing what its function should be. I think that its function is pretty much right at the moment, although I would like to propose some improvements. However, most of those improvements would not be upheld—and even the current functions would not be improved—by reducing the appointed element and increasing the elected element of that House. The hon. Member for Somerton and Frome accepted the fact that a House cannot scrutinise well in detail if it consists of people like us. That is not our métier.

Another key convention mentioned in the motion is the convention on secondary legislation, but that convention is under fire. I see no reason why a House of Lords in the form in which the Government created it should not have exactly the same ability to reject secondary legislation as we do. Indeed, I do not see why the House of Lords should not amend secondary legislation. Perhaps there are good reasons and perhaps there are not, but the House of Lords could perfectly well say, "If we are not allowed to amend it, we will reject it." If not the House of Lords in its current form, the House of Lords in a future form could wield over the Government the big stick of rejecting all secondary legislation that it wished to see not rejected but amended. That would be the only way of forcing the Government to introduce revised secondary legislation in a form that the House of Lords would find acceptable. The convention will change if the composition of the House of Lords changes. Indeed, it could change without a change in the composition of the House of Lords should noble Lords wish that to happen.

I will say no more about the existing conventions, but there is an absence of conventions, and a deliberate—may I say—casting aside of conventions that worries me no end. Perhaps the Committee, if established, could examine the history of other conventions that have now disappeared.

Mr. Cash: Not only are there many conventions that are buried but nonetheless important, extant and necessary; there are the works of Jennings, Dicey and, in particular, Geoffrey Marshall. Sadly, Geoffrey Marshall died a few years ago. I think it would benefit the Leader of the House to read those works carefully as he proceeds with this matter.

Mr. Turner: I suspect that it would benefit all of us to read those works—except those who have clearly

[Mr. Andrew Turner]

read them already. But the convention that concerns me most, and which I hope the Committee will examine if it is established, is the convention that changes in the electoral system should be subject to a Speaker's Conference before being presented to either House.

Mr. Bone: My hon. Friend is presenting the House with a powerful argument, in which he is revealing all the detail that will be involved if the Committee is set up—but how can we set it up when it must report by 21 July this year? That would be nonsensical.

Mr. Turner: If my speech is doing anything, it is persuading me—if no one else—that it is impossible for the task be undertaken successfully by 21 July 2006. The Committee will scrape the surface, but it will certainly not delve deep enough to reveal all the conventions to which my hon. Friend the Member for Stone referred, examine their origins and establish whether they continue to exist.

Like so many proposals that emerge from the vague words of a manifesto, the motion should have been examined in more detail before being presented to the House. I fear that the Committee will not find it possible to do what it is being asked to do in the time available. I fear that it will suffer from mission creep. I fear that it will be confused, as Labour Members have been, about whether form should follow function or function should follow form. Such work could better be done by an academic than by politicians, and interesting though it may well be, and necessary though it certainly is, it will need to be done again if the House of Lords is further reformed or reconstituted.

9.20 pm

David Howarth (Cambridge) (LD): As an academic and a politician, I rise with some trepidation after the speech of the hon. Member for Isle of Wight (Mr. Turner). The debate has centred on two terms—"codify" and "primacy"—and I want to say a few words about each.

The hon. Members for Stone (Mr. Cash) and for Isle of Wight have already pointed out some of the dangers of codification—that it can arrest development and be a way of reducing the power of an organisation or body to develop its own capabilities and long-term powers. There is another danger. French lawyers, who are very familiar with the idea of codification, have a saying, which, translated as crudely as possible, is: "To codify is to modify". In other words, whenever one tries to codify practices, general principles, ideas and—above all—arguments, one takes away the essence of those various attempts to get at principles and ways of behaving, reducing them to rules and statements that start with the words "Whenever" or "If". When a codification is attempted, what comes out at the other end is very different from what went in. My fear is that this attempt to codify will change and diminish the existing situation, and that it will be used to arrest future development.

I want to spend slightly more time—though not much more—on the word "primacy". The debate began by considering that topic, but we seemed to have moved off it to some degree. The motion before us contains the phrase

"accepting the primacy of the House of Commons".

The key question is: what does that mean and why is it so, if it is so? When there is ping-pong between this House and the other House—when a Bill goes backward and forward in different forms between the two—Ministers repeatedly say that, in the end, the elected House is entitled to have its way. That is the usual way of expressing the principle of primacy, but as Members have said, if the other House became an elected House, that version of primacy would cease to have any meaning. There would be no force behind it, and it would cease to be a reason for this House to have primacy. Indeed, if the other House were elected according to a different, more proportional electoral system, one could even argue that it would have the advantage in terms of democratic legitimacy.

The present situation is very peculiar, in that this House is accountable to the electorate but is far from being representative. The other House is accidentally representative, but it is not accountable. If the other House were also accountable, it would have the advantage over this one.

So if election is not the reason for primacy, what is? The hon. Member for Rhondda (Chris Bryant) expressed earlier a view that the Lord Chancellor also put to the Constitutional Affairs Committee. The hon. Gentleman said that primacy is the power of this House to make and break Governments: that if a Government were to lose their majority in this House—to lose its confidence—they would no longer be entitled to be the Government. However, if that situation occurred in the House of Lords, no such consequence would follow: the Government would continue to exist. The question then is what follows for the relationship between this House and the other place if that is the basis of primacy. What sort of relationship between the two Houses, especially when legislation is discussed, follows from the function of this House being to make or break Governments?

If we are to say that this House's function is to be expressed in terms of making or breaking Governments, nothing follows for the function of the House of Lords in terms of legislation. The argument about primacy has come to a dead end. If the other House were elected and had democratic legitimacy, its right to discuss and modify legislation would be just as great as the right of this House to do so. All it would mean is that the two Houses had different functions.

Indeed, it could be argued—my hon. Friend the Member for Somerton and Frome (Mr. Heath) was on the cusp of making this point and other hon. Members have alluded to it—that one of the problems of this House is that because the Government's existence depends on the confidence of this House, it is very poor at scrutinising and modifying legislation. A defeat for the Government in this House—I have seen a few, but not very many since being elected last year—threatens their existence. That is why the convention—another interesting one—developed that, to avoid the immediate consequence of the resignation of the Government, a vote of confidence had to be called

after a serious defeat, whatever that might mean. In any case, there is a relationship between the legislative function of this House and the confidence that the Government need to remain in existence.

Mr. Cash: Is not taxation another source of primacy? There are many reasons why it is asserted that this House has primacy, but one prime reason is the right to tax. However, the right to tax comes from the fact of election. Democracy, as in the case of no taxation without representation, is the key factor.

David Howarth: That is right and the same point applies to the mandate theory. That theory works because of election, and if the House of Lords were elected, it would have the same sort of legitimacy on that point. The fact that there might be a conflict between the two Houses on their different electoral mandates could not automatically be resolved in favour of this House. In those circumstances, there would be a conflict of democratic mandate, with each House having its own. It follows that it is impossible to derive a meaning for primacy from the relationship between the two Houses as it will be when the House of Lords is predominantly elected that leaves it even close to the situation that we have now. That is the fundamental problem with the motion. It is equivocal about the meaning of primacy.

For some hon. Members, primacy means the situation we have now, based on the difference between an elected and a non-elected House. For others, it means primacy regardless of the end of that situation in the future. The former assertion is legitimate, but the latter lacks any reason.

9.29 pm

Mr. Straw: With the leave of the House, I shall attempt to sum up the debate and respond to the points raised.

First, this intelligent and thoughtful discussion has reminded me of what I missed during my otherwise fascinating five years as Foreign Secretary. Nothing is more important than this subject, and the hon. Member for Cambridge (David Howarth) was right to say that any significant change towards election in the other place would be bound to change its sense of power. Although getting elected is the easy bit—getting re-elected is always more difficult—any such change would alter the other place's relationship to this House. House of Lords reform is not a discrete matter that is separate from what happens in this House or from our democratic arrangements as a whole. It would change altogether the nature of governance and democracy in this country.

Mr. Cash: Will the right hon. Gentleman give way?

Mr. Straw: No, as I want to respond to the debate rather than take further questions.

I am not opposed to changing this country's governing arrangements—far from it, but the House should be aware of the enormity of the task. I know that the hon. Member for Aldridge-Brownhills (Mr. Shepherd) and all those attending this debate are aware of that, but I am not sure that the same is true of everyone who has taken a position on the matter but who has not been present today.

Secondly, one party has now been in government for the relatively long time of nine years. I am returning to a debate like this after an interval of five years, but I had a domestic portfolio in the first Parliament of this Labour Government. I am struck by how Labour and Conservative Members see our constitutional arrangements almost entirely through the prism of whether they are in government or opposition. That is an obvious danger.

I hope that I may be able to bring to these debates the experience that I gained through serving in opposition for 18 years. I am glad now that I had that experience, although I did not entirely enjoy acquiring it. In the dog days of the 1980s or the depressing days of the early 1990s, there was a real tendency among hon. Members to think that the constitution should serve only the party to which they belonged. We must think about what best serves effective and accountable government—with a small "g"—in this country.

The hon. Member for Cambridge made a very interesting contribution and knows a lot about France. In that connection, I emphasise that we must make sure that the rush to secure more accountability through more democracy in the other place does not make governing through this House almost impossible for whichever party is in power.

I turn now to what my hon. Friend the Member for Cannock Chase (Dr. Wright) said. I absolutely accept that this is not a zero-sum matter. I am not giving away any official secret, as I have said this often: other Ministers may have found the experience comfortable enough, but I found it irritating to have to come back and deal with amendments that I thought had been sorted out either here or in the other place. But that is not a bad thing; in aggregate, it is a good thing because it keeps Ministers on their toes. Moreover, as there are no more than six or seven Ministers in a Department, but thousands of officials, being the subject of such scrutiny enables one to keep control of the Department on behalf of Government and Parliament, so it is in no sense a zero sum—nor is additional scrutiny from the other place. However, everybody must understand that just as in the end it is for Ministers to propose but for Parliament to dispose, Ministers have a responsibility to ensure that government continues, so there has to be a balance.

I want to deal with some of the specific points that were raised.

Mr. Cash: Will the right hon. Gentleman give way?

Mr. Straw: If the hon. Gentleman will allow me, I will not because, although I love him to bits, I know that he has an unrivalled ability to keep the House for a long time, which does not necessarily lead to the approbation of his colleagues.

I thank the right hon. Member for Maidstone—[*Interruption.*] I am sorry, I meant the right hon. Member for Maidenhead (Mrs. May). The right hon. Member for Maidstone and The Weald (Miss Widdecombe) was very effective in holding me to account when I was Home Secretary, which was good for me, although it did not always feel like that.

[Mr. Straw]

The right hon. Member for Maidenhead asked whether the Committee could produce an interim report. My understanding is that it cannot make an interim report to the House without first coming back to the two Houses to change the 21 July deadline. It could then produce an interim report if it wanted to do so. We have debated the timetable and I hope that members of the Committee will be able to complete their work by the 21 July deadline, but if that is not possible the Chair of the Committee can come to see me and I shall do my best to respond positively to the Committee's requests. I cannot say more than that.

The right hon. Lady's second point was about Lord Falconer's proposals for consensus. As the House knows, I have had responsibility for House of Lords reform and other easy matters, including party funding, only since last Friday, so Members will forgive me if I take a deep breath before looking at my noble Friend's proposals. I will take the opportunity to consult representatives of Opposition parties about what they feel to be the appropriate way forward before making decisions about how we progress the commitments.

My hon. Friend the Member for Cannock Chase said that we needed a second Chamber that was neither a replica nor a rival. I agree, but the devil will be in finding a Chamber that complements the role of this place. The hon. Member for Cambridge suggested that it would not be a bad idea if the second Chamber were seen as a rival, but that would have serious problems for governance.

The hon. Member for Somerton and Frome (Mr. Heath) used the word "concordat", which was probably right. Governance will work better, and always has worked better, when there is consensus about the balance about powers between each end. We must have that, whatever the composition and powers of the other place; otherwise, there really would be gridlock. On this occasion, it is for the Committee to consider whether it is possible to describe that concordat—that consensus—without turning it into the straitjacket of a Napoleonic code. If we get a draft recommendation that begins with the words "whereas" and "if", we know that the task is impossible.

The hon. Member for Isle of Wight (Mr. Turner) may be suspicious about many things, but I would not be suspicious about this one. We have a manifesto commitment. This is a very tricky but very important issue. We must take it stage by stage. Perhaps I should not have set the hare running on how to codify the issue. I was simply describing, for the sake of completeness, what form codification could take. Of course, I will consider any recommendation from the Committee with very great care. Subject to that, the idea of legislating for the balance of powers between the two Houses would probably be the worst option, rather than the best.

I hope that I have responded to the points made by the hon. Member for Cambridge.

As for the hon. Member for Stone (Mr. Cash), I was about to say that he turned up like a bad penny, when I was dealing with Europe and followed me around on Europe. I finally ensured that the Government served up what he was demanding in respect of Europe—a referendum on the EU constitution—and no sooner was that over and we dealt with that, he turns up here. I wonder whether the Bruges group and all the other flat-earth societies to which he belongs on the issue of Europe had any idea whatsoever that he was, figuratively speaking, in bed with the French, with the Québecois. I also wonder how the devil William Cash & Co.—a very distinguished firm of lawyers—was instructed by the Québecois, rather than other perhaps more obvious firms; but perhaps for that, we can wait until the next debate. Meanwhile, I recommend the motion to the House.

Question put—

Mr. Deputy Speaker: I think the Ayes have it.

Hon. Members: No.

Division deferred till Wednesday next, pursuant to Standing Order No.41A (Deferred divisions).

EUROPEAN DOCUMENTS

Motion made, and Question put forthwith, pursuant to Standing Order No. 119(9)(European Standing Committees),

CO-OPERATION ON ASYLUM POLICY AND PRACTICE

That this House takes note of European Union Document No. 6520/06 and Addendum 1, Commission Communication on strengthened practical cooperation: New structures, new approaches: improving the quality of decision making in the common European asylum system; notes that this forms part of the package of measures creating a Common European Asylum System, and supports the Government's position that it is desirable to promote operational co-operation between Member States, with the aim of improving the efficiency and quality of Member States' asylum systems.—*[Mr. Heppell.]*

Question agreed to.

MODERNISATION OF THE HOUSE

Motion made,

That Mr Geoffrey Hoon and Liz Blackman be discharged from the Select Committee on Modernisation of the House of Commons and Mr Jack Straw and Paddy Tipping be added.—*[Mr. Heppell.]*

Hon. Members: Object.

PETITION

Premier Aggregates Ltd

9.43 pm

Tony Baldry (Banbury) (Con): I have pleasure in presenting to the House a petition signed by almost every resident of the villages of Finmere and Mixbury in north Oxfordshire—villages of some substantial size.

The petition states:

To the House of Commons.

The Petition of residents of Finmere and Mixbury and the surrounding area,

Declares that they are frustrated and concerned at the numerous, repeated and continued apparent breaches of planning control by Premier Aggregates Limited, owners and operators of the Finmere Quarry and Landfill facility. The Petitioners feel that Premier Aggregates appear to flout

consistently many of the planning conditions imposed upon them by Oxfordshire County Council as Planning Authority and they are now seeking to appeal against an enforcement order issued by Oxfordshire County Council relating to overtipping of infill material. The County Council seem unable to resolve this situation, which affects the amenity of the villages and residents of Finmere and Mixbury and the surrounding areas.

The Petitioners therefore request that the House of Commons urge the Government to take the necessary action to ensure that Planning Authorities, such as Oxfordshire County Council, have effective controls that they can use on operators such as Premier Aggregates Limited.

To lie upon the Table.

Matthew Marsden

Motion made, and Question proposed, That this House do now adjourn.—*[Mr. Heppell.]*

9.44 pm

Mark Tami (Alyn and Deeside) (Lab): Matthew Marsden, a two-year-old boy from Buckley, Flintshire, tragically drowned while on a family holiday in August 2004. He drowned after falling into a duck pond that was just 18 in deep at Greenacres holiday caravan park near Porthmadog. The coroner recorded a verdict of accidental death. He described the death as a tragic accident and said it was natural for youngsters to show interest in water. He did not back calls from safety campaigners to fill in ponds on public sites such at this.

That was not the first incident at the caravan park. A risk assessment was carried out in September 2003, but only after a four-year-old boy was saved from drowning in the same pond. People should clearly be aware of the dangers of water, but we need to take the appropriate action. I am not advocating a ban on all water features, which are part of the attraction of a park or leisure centre, but they need to be safe. Lessons have to be learned and action taken. We all know that water holds a particular fascination for young children—particularly under the age of five. Whether the water is held in a garden pond, a rainwater butt, a paddling pool or a bucket, a young child will always tend to want to investigate.

Between 1 January 1993 and December 2003, 342 children under the age of 15 drowned in small bodies of water, canals, lakes, rivers and swimming pools in the UK. That figure does not include those who drowned in the bath at home or at coastal locations such as the beach. The highest single number of fatalities occurred among those aged about two. At that stage, toddlers have increased mobility, but their stability and co-ordination are still undeveloped, so they tend not to be able to help themselves if they get into difficulties. Some 111 children under the age of five have drowned during the last decade. That is within the space of a few minutes of the supervising adult being distracted for any particular reason.

We need to readdress what constitutes a water hazard or danger. As adults, we tend to think of deep ponds, lakes, rivers, swimming pools and even the sea, but the facts tell us that young children can drown in as little as 1 in or 2 in of water. Wherever water can collect is therefore a potential hazard or danger. As children do not learn the concept of danger until they are about four or five, the onus is therefore on us to take appropriate action.

The Marsden family know that they cannot turn the clock back, but they do not want their tragic loss to be another headline in the papers, forgotten the next day. They want lessons to be learned from it and action to be taken so that no other parents suffer as they have suffered and continue to suffer. Many would find that approach difficult to follow, but it is their hope and desire that nobody else will go through what they have experienced.

The coroner's view, in essence, is that nobody was to blame, but, ultimately, we are all responsible because we have done little to protect children from water, or, at best, minimise the risk. Accidents will always happen, but our job and duty must ultimately be to minimise that risk. As a parent, I know that it is nearly impossible for any parent to supervise a young child 100 per cent. of the time, but action can be taken to lessen the risks, particularly in the case of water.

Let me go into a bit of detail. There is no specific legislation regarding pond safety of this type. The Royal Society for the Prevention of Accidents provides safety advice about ponds in schools, which are common-sense guidelines on how to supervise children near and around water and which apply to parents, teachers and guardians. Again, we are presuming that particularly young children have that common sense in the first place. But what of legislation for water safety? The Health and Safety Commission, which deals with the workplace environment, is the only relevant body on this issue. Its regulations are enforced by either the Health and Safety Executive, or local authorities, depending on the type of workplace. Although the Health and Safety Executive has not produced specific legislation or guidance on ponds in public places, the following legislation applies to leisure parks.

Section 3 of the Health and Safety at Work, etc., Act 1974 places requirements on employers with regard to members of the public using workplace facilities. The section only sets down a goal—it is not specific. Subsection (1) states:

"It shall be the duty of every employer to conduct his undertaking in such a way as to ensure, so far as is reasonably practicable, that persons not in his employment who may be affected thereby are not thereby exposed to risks to their health or safety."

Likewise, subsection (2) covers the same area with respect to self-employed persons. Subsection (3) states:

"In such cases as may be prescribed, it shall be the duty of every employer and every self-employed person, in the prescribed circumstances and in the prescribed manner, to give to persons (not being his employees) who may be affected by the way in which he conducts his undertaking ... as might affect their health or safety."

Further to that, an employer or self-employed person has a legal duty to complete a risk assessment. Risk assessments are a legal requirement under the Management of Health and Safety at Work Regulations 1999. Regulation 3 stipulates:

"Every employer shall make a suitable and sufficient assessment of ... (a) the risks to the health and safety of his employees to which they are exposed whilst they are at work; and ... (b) the risks to the health and safety of persons not in his employment arising out of or in connection with the conduct by him of his undertaking".

The approved code of practice goes on to state:

"This regulation requires all employers and self-employed people to assess the risks to workers and any others who may be affected by their work or business. This will enable them to identify the measures they need to take to comply with health and safety law. All employers should carry out a systematic general examination of the effect of their undertaking, their work activities and the condition of the premises. Those who employ five or more employees should record the significant findings of that risk assessment.

A risk assessment is carried out to identify the risks to health and safety to any person arising out of, or in connection with, work or the conduct of their undertaking. It should identify how the risks arise and how they impact on those affected. This information is needed to make decisions on how to manage those risks so that the decisions are made in an informed, rational and structured manner, and the action taken is proportionate.

A risk assessment should usually involve identifying the hazards present in any working environment or arising out of commercial activities and work activities, and evaluating the extent of the risks involved, taking into account existing precautions and their effectiveness. In this approved code of practice ... (a) a hazard is something with the potential to cause harm (this can include articles, substances, plant or machines, methods of work, the working environment and other aspects of work organisation) ... (b) a risk is the likelihood of potential harm from that hazard being realised. The extent of the risk will depend on ... the likelihood of that harm occurring; ... the potential severity of that harm, i.e. of any resultant injury or adverse health effect; and ... the population which might be affected by the hazard, i.e. the number of people who might be exposed."

I also have guidelines from another source: "Reservoirs and HSW Act: Inspections Policy". It relates specifically to reservoirs, but the control measures cited may be of some use. With regard to public safety, it says that a risk assessment is required to take into account high-risk areas and the likely actions of persons using a reservoir. It says that fencing or natural barriers may be needed to discourage people from approaching deep water. It says that fishing platforms may be provided to direct anglers away from areas where they could slip into the water and suggests considering the provision of rescue aids within the risk assessment. For example, if the reservoir is visited only by water company employees, they should take rescue aids such as throw-lines to the site.

Where members of the public regularly gain access to these sites, rescue aids must be located at suitable points. Warning signs should be placed at suitable locations—for example, entry pathways and high-risk areas.

Do we think that existing legislation is good enough for public amenities? Should there be more specific regulation for public premises? Health and Safety Executive legislation is aimed more at the protection of employees and may be inadequate for public safety. Good employers understand the dangers that are present on their premises and enforce risk assessments, but in understanding the dangers of water the public are possibly overlooked by others. After all, employees are more likely to be aware of the dangers than members of the public.

For instance, the pond at the caravan park where the Marsdens had their tragic accident had conducted a risk assessment only after an earlier incident at the same pond. We need also to consider that caravan parks tend to attract families with young children. Why does the legislation that governs them not take that fact into consideration? If there were a swimming pool on the site, we would expect at least some safety procedures to be in place. We recognise a pool to be a hazard, although I accept that that is another area where the law is vague. That surprises me. It is another area where I would like to see legislation tightened.

We do not consider that the same requirements are necessary for ponds despite the fact that they could pose the same threat to visitors, particularly the young. In the majority of cases, I would like to see ponds filled in. If they are not, there should be a requirement to ensure that fences are put in place to prevent accidents. In the Marsden case, the pond did have a small fence, but it was not high enough and therefore did not have any effect. If anything, it could be argued that it had a negative effect. Safety can definitely be improved by the provision of adequate fencing. This is not a measure that would place huge expense on park owners, but it may well save lives.

If we have ponds in our gardens, we may well need to take similar measures, if we believe that they could be accessed by children. We should not lose sight of the fact that many deaths have occurred in just such ponds.

I would like to see a requirement on park owners to alert all guests to water hazards or any other hazards that are present on the site. Specific water legislation to cover amenities of this sort, such as a caravan park, would make it clear to all concerned that there is a need to take proportionate action to reduce the risk of open water on their premises. Current legislation does not do this, and I believe that it would help all concerned—operators and the public—in diminishing the risk posed by water, especially to young children, if such legislation were in place.

There is another issue that has an effect on water safety. In carrying out research on this subject, I found it difficult to ascertain who exactly had responsibility for water safety. The water safety forum provided a framework for action, but I found it confusing when trying to ascertain who dealt with what aspect of water safety. The WSF does not deal with such inquiries.

When pursuing my inquiries on behalf of the Marsdens, I had delays in responses to letters as they were pushed from one department to another. Responsibilities for inland water are spread across several Government Departments and agencies. It was difficult for me to ascertain whether the incident was dealt with by the local authority, the Office of the Deputy Prime Minister as it was then, or the Health and Safety Executive, with the Department for Work and Pensions being the enforcing authority. That can lead to further anguish for bereaved parents.

We need to increase the public awareness programme into water safety for young children. Most parents are aware of all the dangers posed to children, but perhaps the message about water is not pushed hard enough. We instil in our children the dangers posed by traffic on our roads. We tell them about the dangers of getting lost and those of wandering off. Perhaps we face these dangers every day. More emphasis should be given to the dangers of water, particularly in schools.

We all have a responsibility for children's safety. While the onus is on parents and guardians to mind children and teach them the dangers of water, reforms could be introduced to reduce the chances of death by drowning in certain circumstances. New regulations on water safety in public places would concentrate the owner's mind, and encourage them to carry out risk assessments and take appropriate action. A central Government contact point to deal with all water safety issues would enable inquiries for information to be dealt with quickly and effectively. A co-ordinated national education campaign aimed at parents and guardians could advise them of the dangers to children of water and of their responsibilities.

In conclusion, I accept that dangers to our children will always exist, but we must do something about water danger. The introduction of sensible legislation and regulation would clearly help, and we need more common sense in this area. The Marsden family have suffered a tragic loss, and they rightly hope and desire that no other family should suffer in such a manner.

10.1 pm

The Parliamentary Under-Secretary of State for Work and Pensions (Mrs. Anne McGuire): May I congratulate my hon. Friend the Member for Alyn and Deeside (Mark Tami) on securing this debate? In his customary way, he has raised an important matter, and I thank him for the opportunity to consider how we can improve safety for children at water attractions by raising the tragic case of Matthew Marsden—a young two-year-old child who sadly died on 21 August 2004.

First, I am sure that hon. Members will wish to join me in extending sympathy to Matthew's family on their tragic loss. Nothing, as my hon. Friend said, can take away the pain that Mathew's parents feel following the loss of their young son, who was just starting out in life. It is quite understandable that they wish others to learn from their terrible experience and suffering so that young lives are not cut short in a similar tragic accident in future. May I set out the background by looking at drowning rates in the United Kingdom? The risk of drowning is small, with a death rate of 0.8 per 100,000 deaths in the UK each year. However, as my hon. Friend identified, the risks to small children are significant. The latest figures from the Royal Society for the Prevention of Accidents show that 131 children drowned in small volumes of water in the 11 years to December 2003, and that 90 of them were under five.

Most of those accidents happened in garden ponds, water features and paddling pools in the vicinity of the children's own home or in a family environment. Water is highly attractive to children and even the shallowest of ponds can be lethal to the very young. Each and every one of those deaths is a terrible family tragedy. My noble Friend Lord Hunt wrote to my hon. Friend last year about the case. Matthew's drowning on holiday with his family at a caravan park was investigated first by the police, then by Gwynedd county council under health and safety legislation, as enforcement responsibility fell to the local authority, not to the Health and Safety Executive. Formal enforcement action was not taken but, following investigations, the caravan park has filled in the duck pond as a mark of respect to Matthew and his family.

On the legal position, caravan park owners and operators, like any other responsible employer, must provide healthy and safe working conditions for their employees under the Health and Safety at Work etc. Act 1974, as my hon. Friend said. They have a responsibility, too, to protect members of the public from their work activities. In addition, they have a duty to carry out risk assessments under the Management of Health and Safety at Work Regulations 1999.

That means that operators such as those at the holiday park have a duty to ensure that risks like those presented by the duck pond are properly assessed, managed and controlled. I fully understand that following such a tragic loss, there will be calls for the introduction of additional legal controls with the aim of preventing similar accidents. I regret, however, to advise my hon. Friend that I do not believe that new legislation is the answer.

Under our existing health and safety legislative framework, it is for dutyholders to identify what their particular hazards and risks are and what precautions are necessary to deal with them in their own circumstances. Such flexibility is important because it enables judgments to be reached on what is appropriate and sensible in various circumstances. The legislative framework provides the freedom to devise solutions that satisfy safety goals in a way that is not prescriptive or bureaucratic. This is aimed at ensuring a proportionate response—a basic principle of good regulation. I do understand, however, that parents who have lost a child in such circumstances may feel that a proportionate response should, indeed, be more regulation.

There are various types of water attraction, which my hon. Friend highlighted. Those include, for example, boating lakes, swimming pools, both public and domestic, reservoirs, lakes, canals, rivers, the seaside and marinas, as well as duck and garden ponds. Some are run by commercial businesses, some by charities and others by local authorities. Some are located in people's homes and gardens, and others are part of the fabric of our countryside and open to everyone.

Just as there are many types of attraction, there is a wide range of safety precautions available. These include, for instance, fencing the edges or ensuring that they are gently sloping, flat or well defined, providing lifebelts, providing warning notices and information, and ensuring supervision by staff, parents or responsible adults. When these are attractions to which the public have access, it is for the operators to consider the available precautions and decide which are the most appropriate ones for them in the context of the risks. Of course, everyone has the responsibility to use them in a sensible manner.

Sensible risk management will usually involve a combination of a number of precautions. Operators should be seeking to effectively manage their risks in their own particular circumstances, yet still allow the facilities to be enjoyed and appreciated by those using them. Tragically, there are no guarantees that trying to make water attractions inaccessible would eradicate risks to children. It is a sad fact that fencing, as my hon. Friend observed, can provide parents with a false sense of security, and accidents can still occur because parents think their children are safe. But fencing can be climbed by older children, and can become damaged and allow access to smaller children.

Where there is any stretch of water, even the shallowest garden pond, there is risk for children, and everyone in a position of responsibility needs to be aware of the risks and take the necessary actions. This may include operators bringing the hazards to the attention of parents. New legislation would not be the answer to the problem. It would not be practical or desirable to try and fence and make inaccessible all ponds and stretches of water, or for some form of formal supervision to be required in all cases. As it is, the existing legislation requires dutyholders to exercise judgement on how best to reduce risks in a sensible way.

Water is everywhere, and access to many attractions is open to individuals and families to enjoy as they think fit. It would not be possible to make canals, marinas and other water attractions inaccessible, but there are undoubtedly risks to children and others when visiting these attractions. As my hon. Friend acknowledged, risk is a part of everyday life and we

cannot eliminate it all together. We certainly would not want to prevent people making use of and enjoying the countryside and seaside where they live or where they visit. We also would not want to require measures that are impractical and, in so doing, inadvertently force the closure of attractions that can be used and enjoyed safely.

However, it is clear that we should do all that we can to try to minimise the risks of drowning to children, but our approach must be to ensure that current arrangements work as well as possible, that people are fully aware of the risks and how best to manage them and that people are clear about their responsibilities. Often, a combination of measures and responsibilities is needed to ensure that risks are properly managed. That could include fencing and supervision, but it may not be practical or even desirable in all cases.

The Health and Safety Commission has said that it does not necessarily see new regulation as the solution to all problems, particularly when there are other means of achieving the same ends. Those who have such responsibilities are best placed to ensure that risks are sensibly managed and that the public are protected from harm. In this case, leisure site operators are best placed to ensure that the risks are sensibly managed and that the public are protected from serious harm. Where they fail to fulfil their legal responsibilities, they may be subject to enforcement action, including prosecution under health and safety law. I believe that the existing legislative framework is sufficient to provide for that.

My hon. Friend has raised an important point about the various bodies involved in water safety, and I regret the difficulties that he had in trying to access some of the information that he needed. He will be aware that the national water safety forum was established following the Government's review into inland water safety, and the forum is endeavouring to bring together information about incidents, casualties and fatalities in water. I will therefore make sure that the information about Matthew Marsden's death will be passed to the forum and also ensure that my hon. Friend's comments about the difficulties that he faced are drawn to their attention.

Finally, what I have said tonight will be no consolation at all to Matthew's parents. However, we should never cease to learn the lessons from tragedies such as this young child's. That case has only too sadly highlighted the risks to small children of water attractions and the need for those responsible to be alert to the safety measures that are needed. Although we can never totally remove risk from society, we can strive to ensure that people, especially children, live in a society that values them and fully provides for their safety. As a parent myself, I know that Matthew's family, and in particular his parents, may be disappointed by my response tonight, but I reiterate: legal change is not the answer in this case. Redoubled efforts by the Government, businesses and others to ensure risks are understood, well publicised, and sensibly managed are the way forward.

Question put and agreed to.

Adjourned accordingly at thirteen minutes past Ten o'clock.

House of Commons

Thursday 11 May 2006

The House met at half-past Ten o'clock

PRAYERS

[MR. SPEAKER *in the Chair*]

LONDON BOMBINGS

Resolved,

That an humble address be presented to Her Majesty, that she will be graciously pleased to give directions that there be laid before this House a Return of the Report of the Official Account of the bombings in London on 7th July 2005.—*[Mr. Watts.]*

Oral Answers to Questions

TREASURY

The Chancellor of the Exchequer was asked—

Lisbon Agenda

1. **Keith Vaz** (Leicester, East) (Lab): What recent progress has been made towards reaching the Lisbon agenda benchmarks. [69704]

The Chancellor of the Exchequer (Mr. Gordon Brown): Britain is leading economic reform in Europe. We are calling for the opening up of competition in utilities, energy and services, with new legal powers of investigation and enforcement where there are restrictions to competition. Britain will continue to match reform with pay discipline in the public sector. The official figures published today show that production is up 0.8 per cent. on the last quarter, and yesterday's bank report shows that inflation is on target. British growth is strong, strengthening and will strengthen even more in the months to come.

Keith Vaz: I thank the Chancellor for that answer. On Monday the European Commission revised its economic growth estimates from 2.1 to 2.3 per cent. According to the Centre for European Reform, the United Kingdom is now top of all the big EU countries in terms of the Lisbon benchmarks. France is eighth, Germany 10th and Italy 23rd. What steps is the Chancellor proposing to take to encourage our European partners to follow Britain's excellent example in vigorously pursuing the Lisbon agenda?

Mr. Brown: I am grateful to my hon. Friend, who was Minister for Europe when the Lisbon reform agenda was agreed. It is important to recognise that in the next few months we must make progress on energy liberalisation. The cost of the absence of liberalisation has been a €40 billion extra bill for consumers in Europe over the last year—£10 billion for British consumers. That is why it is important not only that there is a timetable, which has been agreed, and the investigation into what happened over gas prices, which Britain proposed and has been agreed, but that we have new powers of enforcement as well as investigation where there are restrictions to competition. We will continue to pursue this agenda of reform in Europe.

My hon. Friend mentioned that the growth figures for Germany, France, Italy and other euro countries were forecast over the last few days by the European Commission. I remind the House that growth in Britain has been faster than almost all those other countries in each year since 1997 and continues to be faster this year, despite allegations made by the Opposition.

Mr. Michael Fallon (Sevenoaks) (Con): If the Lisbon agenda is about improving European competitiveness, why has this Chancellor increased the burden of tax and regulation on the British economy? He talks about a timetable. Is it not time that we had a firm timetable for an orderly transition to a new Chancellor who can reduce the burden, or must we wait for a Conservative one?

Mr. Brown: I thought that this morning the hon. Gentleman would quote the report of the Heritage Foundation of the United States of America, which says that we are a less regulated and more liberal economy than when his Government were in power in 1997. As for the Lisbon reform agenda, where the emphasis is on the creation of jobs as well as on competitiveness, let me say that unemployment has fallen by 55 per cent. in his constituency since we came to power.

Mr. John McFall (West Dunbartonshire) (Lab/Co-op): The Chancellor will know that the Lisbon target was for average economic growth of 3 per cent. My hon. Friend the Member for Leicester, East (Keith Vaz) indicated that we are far from that. Can the Chancellor spread the idea that if we do not respond together on the issue of globalisation, and particularly the rise of India and China, the future for Europe will be bleak? What policies does he have to ensure that that challenge to globalisation is met by the European Union?

Mr. Brown: It is because of the challenge of China, India and Asia, and because we appreciate that there is a shift taking place in both production and services around the world, that we believe that open markets and free trade should be combined with investment in science, technology and the creative industries for the future, and that we should aim to be the best educated, skilled and trained work force in the world. At the same time, we must aim to ensure that work pays for families in Britain as in the rest of Europe, which is why we have a child tax credit policy as well as a new deal for employment. Child tax credit has done more to take children out of poverty than any policy since the second world war.

Dr. Vincent Cable (Twickenham) (LD): I know that the Chancellor has had a lot on his mind, but has he had time to refresh his memory of the Lisbon agenda, which he inspired, particularly the passage in which he committed himself to take

"concrete measures... to alleviate the tax pressure on labour and especially on the relatively unskilled and low-paid"?

How does he reconcile that commitment with the striking conclusions of the Treasury Select Committee, which are summarised in a remarkable graphic, that while the Government have made welcome progress in cutting extreme marginal tax rates, the number of workers who now pay marginal tax withdrawal rates of 60 to 70 per cent. has doubled to almost 2 million under his stewardship?

Mr. Brown: When we came to power, because of the way the family credit system worked, people had marginal tax rates of above 100 per cent. Thousands of people had marginal tax rates of above 90 per cent. and 80 per cent. We have eliminated those marginal tax rates, and the hon. Gentleman should give us credit for that. *[Interruption.]* We have eliminated marginal tax rates above 100 per cent. and 90 per cent., as I said. Has the hon. Gentleman also seen the report of the Organisation for Economic Co-operation and Development, which says that for the average family with two children the effective tax rate for the average earner has fallen from 17 per cent. to 8 per cent. during the course of the Government? That shows that not only are we relieving child poverty but, by introducing tax credits and a 10p income tax rate and reducing the basic rate of income tax from 23p to 22p, we have been able to help the very people he is talking about. If the hon. Gentleman really wants to have a sensible economic policy, perhaps he will start looking at the changes that he needs to make in his own.

Mr. Jim Devine (Livingston) (Lab): I wonder whether my right hon. Friend is aware that the shadow Chancellor has been visiting various cities in Europe, and that recently in Dublin he did an interview—

Mr. Speaker: Order. These are matters that are not for the Chancellor of the Exchequer.

Kelvin Hopkins (Luton, North) (Lab): I am sure that my right hon. Friend will accept that there has been growing electoral resistance to free market economics in Europe, and that it is going to continue. Is it not time that Europe had a look at its future economic direction and perhaps made some changes?

Mr. Brown: My hon. Friend should look at the pamphlet that the Treasury produced in the last few days on the need to respond to global economic change by combining open markets and free trade with investment in science, infrastructure and education. That is the way forward for advanced industrial economies to deal with the problems of the global economy.

In the last year, in America, Japan and Europe, 1 million manufacturing jobs have been lost. A quarter of a million service jobs have been offshored. As a result of the rise of China and India, 30 per cent. of the demand for oil now comes from China, and that is one of the reasons why the oil price is rising. We need to respond to Asian competition by combining open markets and free trade with sensible and prudent investment in education, infrastructure, transport and science. It is unfortunate that the Conservative party wants to cut the very investments that should be made.

Mr. George Osborne (Tatton) (Con): Thanks to the Chancellor's policies, the United Kingdom has been growing more slowly than the world average, the OECD average and 18 other European Union member states. Disposable incomes growth is stalling and, according to the right hon. Member for Darlington (Mr. Milburn), poverty has become more entrenched. Is his former Cabinet colleague right about that?

Mr. Brown: This is the very shadow Chancellor who congratulated me on Labour's success on macro-economic policy. Let me just tell him that disposable income is rising; he only needs to look at the Bank of England inflation report yesterday to see that that is happening. In terms of growth, if he looks at the comparisons that we should make between Germany, France and Italy—the euro area—it is absolutely true that British economic growth is rising this year faster than in those countries and rose last year faster than in those countries. Why does he criticise us for a high level of growth when the growth rate on average under the Conservatives was substantially less? The tragedy is that under the Conservatives we had less growth, higher inflation and higher unemployment, as well as greater poverty. How can his policies, which are the same as the policies of the past, begin to change those things?

Mr. Osborne: I was asking the Chancellor about the views of the right hon. Member for Darlington, who I thought was a great friend of his, but he did not address that point. The right hon. Gentleman is not the only one who is critical of the Chancellor's performance. The World Economic Forum says that we are becoming less competitive. Peter Mandelson, another friend of the Chancellor's, says that the economic record is

"not all it is cracked up to be".

The right hon. Member for North Tyneside (Mr. Byers), another friend of his, says that pension policies cannot continue, and the Minister for Higher Education and Lifelong Learning, the hon. Member for Harlow (Bill Rammell), says that we are taxed to the limit.

Now, I know that the Chancellor and his cabal are paranoid, but it does seem that people are out to get him. When will he start reversing Britain's long-term competitive decline and do his day job instead of scheming against the Prime Minister to get his next job?

Mr. Brown: Growth is higher. Employment is 125,000 higher than last year. We are meeting our inflation target. Interest rates are half what they were. I do not think that the shadow Chancellor should be dining out on the idea that the British economy is falling apart under Labour. We have a more stable

economy, higher investment and higher employment. If the shadow Chancellor does not believe that, why was he telling people only a few months ago that Labour had been successful at establishing economic credibility and had improved the macro-economic management of the economy, and that too often the Conservatives had sacrificed long-term economic credibility for short-term gestures? He should look again at his own statements.

Home Computing Initiative

2. **Philip Davies** (Shipley) (Con): What representations he has received on the abolition of the home computing initiative. [69705]

The Paymaster General (Dawn Primarolo): There have been a number of representations since the Government removed the exemption from benefit-in-kind tax charges and national insurance contributions for employer-provided computer equipment loaned to employees.

Philip Davies: I thank the Minister for that reply, but it is clear that the Government have got in a hopeless muddle over this. The new Secretary of State for Environment, Food and Rural Affairs said:

"It is vital the workforce develops the skills that will keep us competitive. That process should begin in the home so that everyone has the opportunity to become comfortable and confident with computers. That is why the Government is offering tax breaks which reduce the cost of computers to employees while saving money for their employers."

Why does the Minister disagree—

Mr. Speaker: Order. That is far too long.

Dawn Primarolo: The tax exemption was removed because it was poorly targeted and did not achieve the goal of encouraging people to develop skills. The Low Pay Commission reported that people on low pay or out of work could not get access to the scheme. Also, the scheme was being misused: people provided with the exemption used it to buy computer, home video and other equipment, but that was not what it was designed for. If the hon. Gentleman is seriously suggesting that the Government should spend money on poorly targeted and abused schemes instead of targeting such initiatives on those who need them most, he must tell us why.

Jim Sheridan (Paisley and Renfrewshire, North) (Lab): Notwithstanding what my right hon. Friend has just said about people abusing the scheme, good and honest people like Mr. McDonald in my constituency are using it properly. His company, Mouse in the House, helps and educates low-skilled workers to learn computers. Is there no alternative to just scrapping the scheme?

Dawn Primarolo: No, there is no alternative. Unfortunately, the creativity of those seeking to provide equipment in a way not originally intended by the provision was growing all the time and needed to be stopped. My hon. Friend makes an important point about how the scheme assisted his constituents, and that is precisely why the Government are refocusing on their digital strategy. I am the Minister in charge of this matter, and he is very welcome to submit his views and those of his constituents to me. They will be taken into consideration in the review.

Mr. Mark Francois (Rayleigh) (Con): If the scheme was so poorly targeted, why were the Government about to roll it out to employees in the Department of Trade and Industry and the Department for Work and Pensions on the very day the Treasury scrapped it? The CBI and the TUC have endorsed the scheme, which has helped 500,000 people and their families to improve their computer skills. When the Chancellor announced the original concession, he told the *Daily Record*:

"Britain can no longer afford to lag behind America. Inequality in computer learning today will mean inequality in earning power tomorrow."

Even at this eleventh hour, will the Government recognise that this is a poor decision, taken by an analogue Chancellor who is stuck in the past and reversing?

Dawn Primarolo: The hon. Gentleman answers his own question, as the US does not have similar schemes. He is right to address the question of how we give people in the greatest need access to computer technology, but the Low Pay Commission's 2005 report showed that that was not happening under the scheme. Why should the Government spend £200 million on a poorly targeted scheme? It was being abused and was not delivering, so the Government have refocused to ensure that the objective is achieved.

Inflation Target

3. **Mrs. Sharon Hodgson** (Gateshead, East and Washington, West) (Lab): What recent representations he has received on the inflation target; and if he will make a statement. [69706]

The Chancellor of the Exchequer (Mr. Gordon Brown): The Bank of England inflation report set out yesterday states that we expect to meet our inflation target this year, next year and in subsequent years, as we have done each and every year since we came to power. To lock in public sector pay discipline and to maintain the momentum of a strengthening economy, we are today writing to all Departments to make it clear that public sector pay settlements must, in future, also be founded on meeting the 2 per cent. inflation target.

Mrs. Hodgson: I thank the Chancellor for his reply. As he is well aware, unemployment in my constituency has fallen by more than 50 per cent. since 1997. What assessment has he made of the UK's combination of unemployment and inflation since 1997?

Mr. Brown: I am grateful to my hon. Friend. Not only in her constituency, but in those of all Opposition Members, unemployment has fallen substantially since 1997. That includes long-term unemployment and it is important to note that long-term youth unemployment,

about which many people were so concerned, has been virtually eliminated. By having a stable macro-economic framework, we have managed to combine low inflation with high employment. We intend to continue with that, but it is possible only if we adopt active labour market measures such as the new deal for skills and jobs. It is a tragedy that both Opposition parties want to abolish it.

Sir Peter Tapsell (Louth and Horncastle) (Con): As the Chancellor is predicting low inflation, why is it the case that, since he sold more than half our gold reserves—a course that I strongly argued against at the time—the price of gold has far more than doubled? Yesterday, the sterling price of gold reached an all-time historic high, so his act in selling that gold has cost British taxpayers more than £3 billion—enough to repair all the crumbling churches in this country and to provide dozens of new academies.

Mr. Brown: I hate to supply the hon. Gentleman with this information, but when we sold the gold, we bought euros, which are rising in value. That must be uncomfortable information for him. If I had taken his advice, I would not have made the Bank of England independent, which would have been a terrible mistake, so I shall think twice before taking his advice on anything.

Mr. Brian H. Donohoe (Central Ayrshire) (Lab): How has it been possible to maintain such low inflation, which has been very helpful to local industries in my constituency, while energy prices, particularly oil, have soared? What is the Chancellor going to do about that?

Mr. Brown: It is sad that, as a result of the doubling of oil prices, we have seen domestic gas and electricity prices and the cost of energy for industry rising. In other decades in which oil prices doubled—in fact, over a period of years, it has trebled—the British economy would have been forced into recession as a result of excessively high inflation. Most people realise that when America, the euro area, Japan and even China are putting up interest rates, Britain has by comparison managed to keep both low inflation and higher growth in the economy. That is the result of the macro-economic framework that has enabled us to deal with difficulties, one of the greatest of which is high energy prices, as they arise. We will continue to pursue a policy of low inflation and higher growth.

Stewart Hosie (Dundee, East) (SNP): Inflation is forecast to remain relatively low for the new few years, but construction inflation is forecast to rise by 5 per cent.—double the overall rate—by 2008. It is driven mainly by pressure to complete developments for the Olympic games. What measures will the Treasury put in place to monitor construction inflation to ensure that it does not spiral out of control, dragging the overall inflation rate with it?

Mr. Brown: As the hon. Gentleman knows, the construction industry is increasing in strength as a result of major public and private investments in all areas of the country. Of course, where there are skills shortages, there are pressures on inflation in the industry. That is why we have a training and skills policy. We will continue to invest in training and skills and in apprenticeships for construction and other workers. I hope that the parties that oppose the new deal will now support it so that we can get on with that job.

World Growth

4. **Stephen Pound** (Ealing, North) (Lab): If he will make a statement on the discussion on world growth at the G7 meeting in Washington. [69707]

The Chancellor of the Exchequer (Mr. Gordon Brown): Britain's growth, which is strengthening, is contributing to higher world economy growth. To maintain it, we need each continent to make the reforms they agreed at the April meeting of the International Monetary Fund, which should be backed up by action to address protectionism in trade.

Stephen Pound: My right hon. Friend has many friends in Northolt—on the basis of last Thursday's elections probably rather more than me. The pupils of Downe Manor primary school, which was opened by my right hon. Friend, have a keen interest in the education for all initiative. What news can the Chancellor give me of progress in that vital area, which the pupils of Downe Manor feel will actually lead to a better world?

Mr. Brown: I am grateful to my hon. Friend. When I visited the school in his constituency—

Mr. George Osborne (Tatton) (Con): That is why we won the council.

Mr. Brown: When I visited the school before the last general election, I was pleased to meet the pupils and the teachers.

The education for all initiative will mean that 100 million potential school pupils who do not have an education at present will get that chance. That was discussed at the G7 meeting in Washington and we want every country to support the British initiative for education. That means not only additional public funds, for which I hope there will be all-party support, for education in the poorest countries, but also schools such as those in my hon. Friend's constituency linking up with schools in Africa and other developing countries and making teacher exchanges possible so that we understand each other's problems. I hope that the new initiative being taken by the Comic Relief organisation to contact every school to ask it to consider linking up with and adopting a school in a developing country will be supported by every Member of Parliament.

Mr. Jeremy Hunt (South-West Surrey) (Con): On world growth, if the Chancellor looks around the world, does he not accept that the most successful countries have low tax and light regulation? Given that he has been taking this country in the opposite

direction, should not the Government, rather than preaching to other countries, explain why there is such a difference between the Prime Minister's rhetoric and the Chancellor's reality?

Mr. Brown: I can only quote back to the hon. Gentleman the comment of the chairman of the Conservative party's economic policy commission, who seems to have disappeared from the Tory Benches at Treasury questions. He said:

"Places like...the UK... attract"—

investment—

" because their tax rates for business are low."

Not my words, but those of the chairman of the Conservative party economic policy commission, praising us for our competitive tax rates.

Centre for Ecology and Hydrology

5. **Mrs. Madeleine Moon** (Bridgend) (Lab): What assessment he has made of the effect of the planned closure of three research sites of the Centre for Ecology and Hydrology on the implementation of the recommendations of the Lyons review on public sector location. [69708]

The Chief Secretary to the Treasury (Mr. Stephen Timms): The Natural Environment Research Council has reviewed its strategy in light of scientific priorities and financial sustainability. Following public consultation and given the centre's reducing external income, the council has announced a restructuring. That does not affect the Lyons programme, which is on track to relocate 20,000 civil service posts from London and the south-east by 2010.

Mrs. Moon: The closure of the three sites of the Centre for Ecology and Hydrology by the NERC makes no economic sense. The transitional costs of £45 million over four years will save only £2 million a year. Will the Minister agree to take a close interest in that decision, which will have a critical impact on the science base we need to look into climate change, biodiversity and environmental pollution?

Mr. Timms: The centre will continue to have an important role in the areas to which my hon. Friend rightly draws attention. The reorganisation will release about £5 million a year for the priorities of the NERC, including work on the impact of aerosols on climate change and the possible shutdown of the north Atlantic current. In this case, there was quite rigorous peer review and wide consultation before the decision was made. It is right for the independent council—the NERC—to decide how best to use its resources.

Mrs. Theresa Villiers (Chipping Barnet) (Con): I congratulate the Chief Secretary on his appointment and welcome him to the Dispatch Box.

I want to press the Chief Secretary on this issue. Only a few weeks ago in New York, the Chancellor addressed UN ambassadors on his ideas for

"how we protect our environment, secure our planet and safeguard our future for our children and generations to come".

His sudden new interest in the environment is enormously welcome on the Conservative Benches, but if he is really committed to tackling climate change I appeal to him and to the Chief Secretary to reconsider the decision to close world-class eco-research facilities doing vitally important work. If he will not listen to the hon. Member for Bridgend (Mrs. Moon), he should listen to the schools Minister, who said that the closure does not make sense—

Mr. Speaker: Order.

Mr. Timms: I am grateful to the hon. Lady for her words of welcome, but I can reassure her that the centre will continue to focus on climate change and biodiversity and will have additional resources to invest in science, as a result of the restructuring that has been announced. It is for the independent council of the NERC to decide how best to use the budget at its disposal. Of course there has been a very big increase in the science budget under this Government, including for work on climate change, and that commitment will be maintained and the improvements will continue.

Rob Marris (Wolverhampton, South-West) (Lab): I am reassured that my hon. Friend says that the centre will continue to focus on climate change. What concerns me, as he may be aware, is that although the Government have an admirable record on measures in this country and in taking leadership around the world to cut emissions, we are not doing nearly enough to address the effects of climate change, such as rising sea levels and so on. Can he assure me that that centre and other centres will continue to do valuable work in that regard, because climate change is coming whether we like it or not, and however much we cut our emissions, as we should do?

Mr. Timms: We certainly will continue to do very valuable work in those areas. The decision was preceded by very widespread international peer review of the science, as well as widespread consultation, and the decision of the independent council was that the reorganisation was the best way to ensure that the investment being made in those areas has the maximum impact.

Tax Credits

6. **Mr. David Evennett** (Bexleyheath and Crayford) (Con): What measures he is taking to reduce overpayments of tax credits. [69709]

9. **Jeremy Wright** (Rugby and Kenilworth) (Con): What steps he is taking to reduce overpayments of tax credits. [69712]

The Paymaster General (Dawn Primarolo): Overpayments are a consequence of a responsive system, under an annual system. Given that a family's final entitlement cannot be known until the end of the year, some end-year adjustment will be necessary. Such adjustments could be avoided only by moving to an entirely fixed system. The 2005 pre-Budget report announced a series of measures to improve tax credits that would reduce overpayments by about a third once

they are fully in effect. Overpayments amounted to £2.2 billion in 2003-04. The Public Accounts Committee announced on 25 April that Her Majesty's Revenue and Customs estimates that the figure will be similar in 2004-05, and national statistics on tax credit overpayments for 2004-05 will be published on 31 May.

Mr. Evennett: I thank the Paymaster General for her reply. The Chancellor said that tax credits are both symbol and substance of the Government's ambition for Britain. Is it not therefore appalling that the administration of tax credits has been so shambolic and that the recovery of overpayments has forced many people below the bread line and into mounting debt?

Dawn Primarolo: The hon. Gentleman is completely wrong on that, and he needs to ask the thousands of families in his constituency who are benefiting from tax credits. Some 700,000 children have been lifted out of poverty since 1998-99. Four in 10 families now pay no net tax, as a result of tax credits. Families are helped with child care. Families are supported in building on their affluence by changing jobs and increasing their hours. Tax credits are a fundamental part of supporting families in a flexible way, and if the hon. Gentleman is proposing to take them away from his constituents, he will hear a very different story from them.

Jeremy Wright: The Paymaster General will be aware that a substantial number of the overpayments are due to official error. In those cases, claimants are expected to identify and challenge the error if they want to avoid repaying the money. She will also accept that there are many cases where the claimant receives a large number of award notices, all of them different, and that task can be extremely difficult. Why should tax credit recipients, who have done nothing wrong, spend so much time correcting the Government's mistakes?

Dawn Primarolo: It is indicative, if I can remind the hon. Gentleman, that about 10,500 families in his constituency receive tax credits and that the vast majority of them are receiving their tax credits at the right time and correctly. He will know—I have already said this in an answer to him, but I am happy to send the details—that the question of error and whether it is reasonable to expect the claimant to notice the error is a matter for the procedures used by HMRC, which are well publicised and were repeated in the PBR in 2005.

Kerry McCarthy (Bristol, East) (Lab): When the Minister gave evidence to the Treasury Committee in February, she suggested that she might be thinking of placing HMRC staff in citizens advice bureaux to run specialist advice surgeries on tax credits. Will she update us as to where we are with those proposals? At the risk of exposing her to a conflict of interest, may I suggest that Bristol would be an ideal place for a pilot?

Dawn Primarolo: I could not possibly comment on whether Bristol would be a sensible place for a pilot. Areas of work between the department and the citizens advice bureau are continuing to develop. Tax credit staff can be in citizens advice bureaux, citizens advice bureaux can have access to hotlines and special advice for their staff, and can be located in the department's inquiry centres to assist constituents who require that more detailed assistance from the citizens advice bureau.

Ms Sally Keeble (Northampton, North) (Lab): From what I have seen, the Inland Revenue staff have worked extremely well to take up and deal with complaints and problems relating to the tax credit system and I welcome the changes that were announced. In the case of the child care tax credit, will the Paymaster General say whether she would be prepared to look at an amnesty or some changes in relation to overpayments? The benefits are important and generous and have helped women. However, because the system is generous, if there are overpayments, they tend to be quite high.

Dawn Primarolo: As my hon. Friend will know, the same regulations and procedure with regard to overpayments apply if there has been an overpayment of the child care element. Yes, of course, I am open to suggestions about how to improve the process—bearing in mind the need to maintain flexibility, provide certainty and make sure that the tax credits respond to the changing needs of families and the income in those families. If she has suggestions that she would like to put to me, I would be happy to consider them.

Mr. David Laws (Yeovil) (LD): Does the Paymaster General remember telling the House a year ago that the problems with the tax credit system affected only a small proportion of families? Does she agree that that was utter nonsense? Why is there still administrative chaos in the tax credit system?

Dawn Primarolo: Six million families are claiming tax credits and some 10 million children in those families are benefiting. We are paying out something like £15 billion-worth of support to them. If the hon. Gentleman wants to abolish that system, what does he propose to put in its place? Finally, I wish that he would stop running down the staff of HMRC and tax credits by saying that the system is in chaos when it certainly is not.

Clive Efford (Eltham) (Lab): The tax credits have been a major success of this Government and have assisted in lifting hundreds of thousands of children out of poverty. However, we would be remiss if we were not concerned about parents who receive overpayments and suffer some hardship in making repayments. Judging by my casework, it seems that they come up against bureaucracy. Is there any way in which we can allocate specific caseworkers to families to assist them in taking their case through to a swift conclusion? Some of the problems are caused by the length of time that people are forced to wait for the payments to be sorted out.

Dawn Primarolo: My hon. Friend will know that I have announced a number of changes—both last May and in the pre-Budget report in 2005—to improve the system. Those improvements are progressing. If he has further suggestions, I will certainly consider them, but I remind Members that tax credits have been the most successful element of raising children out of poverty, supporting families and helping them to move into work. A flexible system gives the best result and that is what we need to preserve.

Mr. Paul Goodman (Wycombe) (Con): Talking of running down the tax credit system, the Paymaster General may have read a recent report by the Fabian Society that said that tax credits were associated with "complexity and administrative problems", that they posed "risks" for low-income families and that they were "perceived negatively" by many families. The report was welcomed as "very important" by a very important person: the new Economic Secretary to the Treasury, whom we welcome to his post. Indeed, we read that he actually helped to launch the report. Is it not significant that criticisms of the system made by Conservative Members and echoed by others are now shared by the second most important member of the Treasury team?

Dawn Primarolo: The hon. Gentleman misrepresents the views of the Fabians—I cannot think why he might want to do that. He knows full well that the report first contained statements of support for tax credits and noted the contribution that they have made, especially to lifting children out of poverty. Secondly, the society raised various questions about whether or not tax credits and child benefit should be combined. That argument is a matter for the society, but it certainly did not run down tax credits or say that they should be abolished.

National Minimum Wage

7. **Ms Diana R. Johnson** (Kingston upon Hull, North) (Lab): What assessment he has made of the impact of the national minimum wage on levels of employment since its introduction. [69710]

The Economic Secretary to the Treasury (Ed Balls): May I thank the hon. Member for Wycombe (Mr. Goodman) for his good wishes and kind words? I very much look forward to our future debates in the House.

I can confirm that the adult minimum wage will rise this October from £5.05 an hour to £5.35. The Low Pay Commission monitors its impact on employment levels, and employment has risen, since its introduction in 1999, by just over 1.7 million jobs.

Ms Johnson: First, may I welcome my hon. Friend to his new position? The minimum wage in my constituency has helped some of the lowest paid, especially women, and employment has risen by more than 72 per cent. since 1997. Does my hon. Friend agree that the Leader of the Opposition's forecast that the minimum wage would send unemployment straight back up turned out to be a complete Eton mess?

Mr. Speaker: Order. The hon. Lady must be careful. It is not the Minister's responsibility to worry about the Leader of the Opposition—it is mine.

Ed Balls: My hon. Friend, who has a fine record of campaigning for both a national minimum wage and a return to full employment, is absolutely right. The experience that she describes in her constituency is reflected in constituencies throughout the country. Thousands of families are benefiting, and 1.3 million families are better off. Two thirds of the people who are benefiting are women, and that is alongside record levels of employment. Some said that the minimum wage would cost jobs, but we have proved them wrong.

Greg Clark (Tunbridge Wells) (Con): Am I alone in finding that answer remarkably complacent? We have 7 million people in this country whose jobs are not productive enough to generate even a living wage, so they rely on the state for a top-up. Is that a sustainable basis for our economic competitiveness?

Ed Balls: That is exactly why we introduced the new deal to get people back to work and new investment to improve skills. We combined that with measures to boost people's incomes and introduced the minimum wage and tax credits to make work pay. Abolishing the minimum wage and tax credits would take Britain backwards, not forwards.

Angela Eagle (Wallasey) (Lab): Will my hon. Friend also acknowledge the role of the minimum wage in dealing with poverty, especially when it is combined with tax credits? That has certainly had a big effect in my constituency. Will he do a quick analysis of the implications of questions asked by Opposition Members? What would happen if the minimum wage was abolished?

Ed Balls: My hon. Friend is absolutely right that a combination of the minimum wage and tax credits has been responsible for the substantial boosts to income that we have seen. Let me give some examples. A family with one child has seen its weekly income go from £182 a week to £268 a week, which is a 23 per cent. rise. A family with two children on half average earnings is better off by £3,500 a year as a result of that combination. If we were to go backwards by abolishing the minimum wage or tax credits, we would have both rising poverty and poverty pay in the workplace, which would be the wrong thing for our country.

John Bercow (Buckingham) (Con): I warmly congratulate the Economic Secretary on his appointment and, in the national interest, wish him every success. Given that a few rogue employers still refuse to pay the national minimum wage, does the hon. Gentleman agree that a right to interest on late payments of the minimum wage, for which I first called on the Floor of the House in March 1998, would be right in itself, would not damage employment and could be a useful feature of a progressive consensus?

Ed Balls: Despite that proposal, I understand that when the hon. Gentleman was a member of the Committee that considered the National Minimum Wage Bill he opposed the minimum wage at every stage. The Low Pay Commission is responsible for monitoring the minimum wage, its impact and all the details, and I am sure that it has looked at that

suggestion. As for employers who are trying to make payments below the minimum wage, that is exactly the wrong thing to do. I saw in this morning's newspapers the comments by Mr. Worrall Thompson, who said that it would be a good idea to abolish the minimum wage for restaurant workers in London. He presents "Saturday Kitchen" very well, but he should stick to cooking, as our country would take the wrong direction if restaurant workers were denied the minimum wage and fairness at work.

Mr. Kevan Jones (North Durham) (Lab): Since the introduction of the minimum wage, 111,000 individuals in the north-east have benefited, including many women and part-time workers. In addition, unemployment in my constituency is down by 50 per cent. Does my hon. Friend agree that it is time that those sanguine voices who said that the minimum wage would create unemployment should apologise?

Ed Balls: My hon. Friend is absolutely right. In his constituency, as in all constituencies, the minimum wage has had a substantial impact. We set up the Low Pay Commission not just to advise on the level of the minimum wage but to build consensus between employers and trade unionists on the importance of the measure. I believe that we have built that consensus throughout the country, and it is a pity that it does not extend to the two Opposition parties.

Biofuels

8. **Mr. Iain Wright** (Hartlepool) (Lab): If he will make a statement on his plans to promote biofuels. [69711]

The Financial Secretary to the Treasury (John Healey): We are committed to support biofuels as part of long-term measures to reduce carbon emissions in transport. In the Budget, we announced the extension of the 20p per litre duty discount on biofuels until 2008-09, and we made a range of announcements on a renewable transport fuel obligation, which means that by 2010, 5 per cent. of all fuel sold for roads in the UK will come from renewable sources.

Mr. Wright: In the Tees valley, companies such as Petroplus, SembCorp and the Biofuels Corporation, as well as public sector organisations such as One NorthEast, Renew Tees Valley and NEPIC—the north east process industries cluster—are all working together to help to develop a modern, environmentally friendly industry. My sub-region has a fantastic opportunity to become not only a national but a global centre of excellence. What steps has the Minister taken to ensure that that vision is realised?

John Healey: My hon. Friend is right. The biofuels plant that he mentioned in Teesside will be up and running later this year. It will be one of the biggest in Europe, and it is supported by One NorthEast. The joint effort in his region to support the biofuels industry and market in Britain is second to none. The chief executive officer of the Biofuels Corporation strongly welcomed the Budget package which, he said, "covered all the points required."
He said that it worked for biodiesel, and would kick-start the investment necessary. He has contributed a great deal to consultations and discussions on the package of measures needed for the future, and he thought that it would help the Biofuels Corporation to get a second plant up and running in the next three years.

Mr. Henry Bellingham (North-West Norfolk) (Con): Is the Minister aware that East Anglia faces its greatest farming crisis since the 1920s? The one bright light at the end of the tunnel is biofuels. Teesside, notwithstanding, does he share my concern that as new refining capacity has come on stream at a snail's pace, we need a wider fuel duty differential?

John Healey: The biofuels market has increased sixfold since 2003, and a number of biodiesel and bioethanol plants have been built or planned, including the Wessex grain plant near the hon. Gentleman's constituency that will probably be the first bioethanol plant in this country. I should expect him to welcome what we put in place in the Budget, because it will give greater certainty to the industry, which has welcomed it because it wants to invest for the future. I should like the consensus on environmental policy for which the leader of his party has called to fall behind the measures that the Government have taken.

Lynne Jones (Birmingham, Selly Oak) (Lab): Can my hon. Friend tell the House what he is doing to ensure that in future biofuels used in the UK are sourced through second-generation technologies, such as cellulose bioethanol, which uses the non-food part of the crops, or Fischer-Tropsch biodiesel, which uses woody waste, rather than from sources that give suboptimal carbon savings and compete with food production?

John Healey: I can, indeed. First, we have said that we will back pilots to look at whether we can use the duty discount differential in order to reward the feedstock for the sort of plant that my hon. Friend wishes to see. Secondly, we have submitted an application to the European Commission for state aid clearance to introduce an enhanced capital allowance for good quality biofuels. Thirdly, the Department for Transport will be leading work in the preparation for the new obligation that will allow us to put in place a carbon and sustainability assurance scheme, to make sure that future UK biofuels will come from good sources and contribute to the challenge of climate change, as we intend them to.

Sir Nicholas Winterton (Macclesfield) (Con): Could the Minister advise the House how much joined-up government there is in respect of the development and production of biofuels? Not only is the Treasury involved, but clearly the Department for Environment, Food and Rural Affairs and the Department of Trade and Industry are involved. Such development is extremely important. How much joined-up government is there, to ensure the maximum progress?

John Healey: A great deal of joined-up work has gone on. The hon. Gentleman missed out a fourth important Department, the Department for Transport. With regard to the obligation, its terms will lead the

design of the new measure and determine the draft legislation and regulations that will be required to put it into place. It represents some of the important policy work which I explained to the House a moment ago, to make sure that we have in place the carbon assurance schemes that will mean that we get the maximum environmental benefit from the measure in the future.

Millennium Development Goals

10. **Chris McCafferty** (Calder Valley) (Lab): What assessment he has made of the contribution of the international finance facility to meeting the millennium development goals on sexual and reproductive health; and if he will make a statement. [69713]

The Chancellor of the Exchequer (Mr. Gordon Brown): Following the international finance facility on vaccination, which will front-load $4 billion of extra funds for immunisation and could save 5 million lives, we are examining facilities that will offer front-loaded long-term predictable finance across all areas of health and education, to ensure that finance is sustainable and predictable for those services.

Chris McCafferty: Given that the UN Secretary-General has said that the millennium development goals, particularly the eradication of poverty, cannot be achieved unless questions of population and reproductive health are squarely addressed, will my right hon. Friend give the House an assurance that in discussions on financing for development, he will ensure that reproductive health and the empowerment of women stay at the top of the agenda?

Mr. Brown: I know that in the report that the United Nations is producing this year, it is looking again at its objectives in this area so that we can achieve the millennium development goals, as my hon. Friend rightly says. I thank her for raising the issue with Ministers not only in the Treasury, but at the Department for International Development. We are spending £240 million a year on supporting maternal health and reproductive health services, and we will continue to see whether, through innovative forms of financing, we could do more to build up health care capacity, as well as the supply of treatments and drugs.

Michael Fabricant (Lichfield) (Con): To what extent is the Treasury working with the Department for International Development to ensure that there is co-ordination concerning the sorts of product available for reproductive health? Sometimes vaccines are available, but not syringes or needles. To what extent is the Chancellor able to ensure that both requirements are available?

Mr. Brown: We are working together on that. The hon. Gentleman will know that new developments in advanced market mechanisms mean that we can underpin the research and development of new drugs and treatments, and then have drugs in mass production at affordable prices, whereas at present treatments and drugs are in low production at very high prices. It is our intention at the G7 meeting of Finance Ministers in St. Petersburg to consider whether we could do more so that drugs, treatments and services that are now in short supply but very expensive could be widely available and the cost of them could come down. I will take on board everything the hon. Gentleman says.

Gershon Review

12. **Angela Watkinson** (Upminster) (Con): What efficiency savings have been made as a result of the implementation of the Gershon review of public sector efficiency. [69715]

The Chief Secretary to the Treasury (Mr. Stephen Timms): Our progress has been excellent, and we are on track for our target of more than £20 billion-worth of efficiency gains by 2008. By December last year, we had already secured £6.4 billion-worth, as well as gross work force reductions of more than 40,000, including more than 7,000 reallocations to the front line. Forthcoming departmental reports will provide a progress update.

Angela Watkinson: The National Audit Office has stated that the biggest risk with Gershon efficiency savings is that they will be accompanied by an unintended fall in the quality of public service production. Given the parlous state of the health service, which the Chancellor was too embarrassed to mention in his Budget, is not that exactly what is happening now?

Mr. Timms: No, it certainly is not. Indeed, the NAO report to which the hon. Lady refers makes the point that one of the respects in which this programme is significantly better than what has been tried by previous Governments is that Departments have to show that

"reforms have at least maintained quality."

That is built into the process. The example that I know best is that of the Pension Service, which reduced its work force by 30 per cent. over a two-year period and at the same time improved its customer approval ratings. It did that by very effective implementation of IT and by investing in its staff. That is the kind of transformation that we are determined to bring about right across the public services. I hope that the whole House would welcome that.

David Taylor (North-West Leicestershire) (Lab/Co-op): Has my hon. Friend seen yesterday's report by the Audit Commission in respect of local authorities, which points out that even in the most deprived areas, high rates of collection of council tax and housing rents by direct debit are possible? That would free up tens of millions of pounds for redeployment to front-line services. I hope that if implemented, it would not lead to local authority staff redundancies.

Mr. Timms: I have not seen that report, but I agree with my hon. Friend's point about the benefits of maximising collection. The key reason for the success of our efficiency programme has been the new stability

in the public finances that the Government have achieved. That meant that my right hon. Friend the Chancellor was able in the Budget to tell the Department for Work and Pensions, the Home Office, the Treasury and the Cabinet Office how much they will have to spend in five years' time. That is a remarkable change from what used to happen in the past. The more that local authorities are able to be confident about the resources that they will have in future, the better able they will be to plan, to be more efficient, and to continue to make the gains that we have seen. That was never possible before, given the instability created by the policies of the previous Government. It is vital that we lock that stability in as the economy gains momentum.

Pension Credit

13. **Mr. Graham Stuart** (Beverley and Holderness) (Con): What recent discussions he has had with the Secretary of State for Work and Pensions on the long-term financial sustainability of pension credit. [69717]

The Chief Secretary to the Treasury (Mr. Stephen Timms): Until last week, I was having extremely regular discussions with my right hon. Friend the Secretary of State for Work and Pensions on all aspects of pensions policy. Discussions are continuing as we prepare for the forthcoming White Paper. Pension credit has had a dramatic impact on reducing pensioner poverty.

Mr. Stuart: On Monday, I asked the Secretary of State for Work and Pensions whether means-testing for pensioners should be increased, decreased or remain about the same. He told me that

"we have to control the spread of means-testing in the pensions system."—[*Official Report*, 8 May 2006; Vol. 446, c. 8.]

Do the Minister and the Chancellor agree with that assessment?

Mr. Timms: Of course. Indeed, we have had means-testing of pensioner incomes in the UK since 1908. The Turner report rightly points out that a large and unpredictable future expansion of means-testing would be a problem, but the commission was right to support pension credit because of its success in reducing pensioner poverty. In 1997, 27 per cent. of pensioners were below the poverty line. Since then, the poverty line has been uprated in line with earnings, but the number below it has fallen to 17 per cent. That is a reduction of 1 million in the number of pensioners below the poverty line. Half of that reduction followed the introduction of pension credit in 2003. I understand that nowadays the hon. Gentleman's party supports reductions in pensioner poverty. I hope that it will support—

Mr. Speaker: Order. I call Mr. Jenkins.

Mr. Brian Jenkins (Tamworth) (Lab): In his talks with my right hon. Friend the Secretary of State for Work and Pensions, will my hon. Friend offer any help and support that he can to that Department to undertake research into why pensioners do not take up the opportunity available to them? Is some psychological barrier preventing people from believing that there is money available for free? How do we overcome that problem?

Mr. Timms: My hon. Friend makes an important point. The Department for Work and Pensions has done a good deal of work on that and we, too, have been in discussions about it. Approximately 2.7 million households receive pension credit. That number has increased substantially since the introduction of pension credit in 2003 and the Pension Service is taking effective steps to increase take-up further. However, my hon. Friend is right—we need to research more and ensure that the number increases even more.

I stress that the evidence clearly shows that those who stand to benefit most from pension credit are taking it up to a much greater extent. That is why it has had such an impact on reducing pensioner poverty.

Personal Statement

11.30 am

Mr. Elfyn Llwyd (Meirionnydd Nant-Conwy) (PC): With permission, Mr. Speaker, I wish to make a personal statement.

On 4 May, during business questions, you asked me whether I had given the Secretary of State for Wales notice of my intention to name him. I said that contact had been made at five minutes to 11. My personal assistant, in my presence and hearing, telephoned the Secretary of State's office at that time and was told that *he was away on a private, family matter.* The member of staff at the Wales Office offered to put me through to the Parliamentary Under-Secretary. I did not take up that offer. I recognise that I did not make that clear, and that by not doing so, I inadvertently misled you and the House, for which I sincerely apologise.

Mr. Speaker: I thank the hon. Member for his apology to me and to the House. It is clear that he did not succeed in alerting the Secretary of State for Wales to the fact that he intended to refer to him in business questions last week. That is a courtesy that every Member should observe when intending to make a serious allegation against another Member. I expect all Members to observe that convention scrupulously in future. Having said that, I do not intend to allow any debate or points of order about the hon. Member's apology, and still less about the substance of his allegation last week. That is a matter to be pursued elsewhere, if at all.

Business of the House

11.32 am

Mrs. Theresa May (Maidenhead) (Con): I see that the Leader of the House is eager to give us the business for the next two weeks, which I ask him to do.

The Leader of the House of Commons (Mr. Jack Straw): The business for next week will be as follows:

MONDAY 15 MAY—Progress on remaining stages of the Legislative and Regulatory Reform Bill.

TUESDAY 16 MAY—Conclusion of remaining stages of the Legislative and Regulatory Reform Bill.

WEDNESDAY 17 MAY—Remaining stages of the Northern Ireland (Miscellaneous Provisions) Bill.

THURSDAY 18 MAY—Motion relating to Members and Chairmen's pay, followed by a motion relating to the Association of Former Members.

FRIDAY 19 MAY—The House will not be sitting.

The provisional business for the following week will be:

MONDAY 22 MAY—Consideration in Committee and remaining stages of the Armed Forces Bill.

TUESDAY 23 MAY—Progress on remaining stages of the Education and Inspections Bill.

WEDNESDAY 24 MAY—Conclusion of remaining stages of the Education and Inspections Bill.

THURSDAY 25 MAY—Motion on the Whitsun recess Adjournment.

The House will rise at the close of business on Thursday 25 May and return on Monday 5 June.

I should also like to inform the House that the business in Westminster Hall for the 25 May and 8 June will be:

THURSDAY 25 MAY—A debate on west coast route modernisation.

THURSDAY 8 JUNE—A debate on economic partnership agreement.

Mrs. May: I thank the Leader of the House for giving us the business for the next two weeks. I have already had the opportunity to welcome the right hon. Gentleman to his new post, and I am sure that this will be the start of a fruitful relationship—*[Interruption.]* But there are certain matters that I should make clear to him from the outset. I do not get up at 4.30 am to go to the gym, I cannot play the piano and I have absolutely no intention of standing for the presidency of the United States. None the less, may we have a debate in Government time on Iran? Given the different views within the Government on what action should be taken, such a debate would allow the Foreign Secretary to clarify whether she has changed the Government's position.

According to a recent report, half of all the children born to parents with learning difficulties are taken into care. This raises concern about the authorities' attitude to those parents. Furthermore, the state's failure to care properly for looked-after children raises concerns about their future. This country's record on looked-after children is a scandal. May we have a debate on the matter?

[Mrs. May]

May we have a statement from the Health Secretary on advice to primary care trusts about the use of Herceptin for early-stage breast cancer? It was clear from Tuesday's debate that there are still widespread differences in the approaches of different PCTs across the country.

Will the right hon. Gentleman arrange for a statement from the Secretary of State for Communities and Local Government on her new housing development policy, and particularly on why my constituents and those of other hon. Members will not be allowed to object to overdevelopment, whereas her constituents will be? We could then ask her what the Government have learned from the recent council elections, which of course saw Labour lose 319 councillors—[HON. MEMBERS: "How many?"] That was 319, for those who did not hear me. And the Conservatives gained 316 new councillors—

John Bercow (Buckingham) (Con): Say that again!

Mrs. May: The Conservative party gained 316 new councillors. Of course, we should not forget the Liberal Democrats, who gained two.

May we have a debate on the future of the Rural Payments Agency? The Minister responsible was sacked in the reshuffle, and the chief executive was sacked less than three months ago. His replacement is now leaving, and the new chief executive will be an interim appointment. Yet, amid all that chaos, farmers are expected to apply for their 2006 payments by next Monday, despite the fact that many of them are not sure of their entitlements. A debate on the matter is needed.

Will the right hon. Gentleman arrange for the Prime Minister to go on a course on personnel management to ensure that he does not make such a botch of his next reshuffle? The Minister for Europe, the right hon. Member for Ashfield (Mr. Hoon) was told that he was going to be Foreign Secretary for Europe and in the Cabinet, then he was in the Cabinet without a vote, and then he was told he was out of the Cabinet with a pay cut. The hospitals Minister resigned but the Prime Minister did not know about it. The Prime Minister appointed a new farms Minister but she did not know about it. She refused the job and someone else had to be called back from another job and made farms Minister. Does not this prove that the Government are in complete and utter chaos?

Finally, may we have a debate on equality policy so that the appropriate Minister can clarify whether there has been a change in Government policy, and so that we can remind the Prime Minster that the Equal Pay Act 1970 requires equal pay for equal work? We could then discuss how it is that the Secretary of State for Communities and Local Government, who is also the Minister for Women and Equality, and who has an entire Department to run, a budget of billions of pounds and hundreds of staff, is paid the same as the Deputy Prime Minister, the right hon. Member for Kingston upon Hull, East (Mr. Prescott), who gets a grand title but no Department, few staff, and no responsibilities—and, by the way, two Jags and two homes to go with it. Better still, may we just have a statement from the Prime Minister explaining what on earth is the point of the Deputy Prime Minster?

Mr. Straw: I thank the right hon. Lady for welcoming me to this position. I, too, look forward to developing not only a fruitful relationship with her but a close and meaningful one. I know that she does not get up at 4.30 in the morning, but I could still invite her to Blackburn and show her its delights. Perhaps I could also arrange piano lessons for her.

I shall pursue the right hon. Lady's suggestion of a debate in Government time on Iran. I proposed to my predecessor as Leader of the House that a debate on middle east issues, including Iraq, Iran and the Israel-Palestine conflict, would be a good idea, and my request received a sympathetic hearing.

John Bercow: And the answer was no.

Mr. Straw: The answer was not no; it was maybe—and it still is. The issue is the straightforward one of trying to find space for such debates, on the assumption that Members on both sides of the House wish to adjourn for the summer recess on 25 July. I am happy to stay on, but I will do my best, and I recognise the importance of the issue. As my right hon. Friend the Foreign Secretary rightly said, each of us must choose our own language when dealing with questions, but in practice there is absolutely no difference between her approach, the Prime Minister's and mine to the issue of Iran.

On the issue of children with learning difficulties, I do not accept that the state's position has been a failure. However, dealing with looked-after children has always been very difficult, for Governments of both parties. We can always do better, but parenting difficulties are the reason why the children must be looked after in the first place, as all of us know from our constituency experience.

I shall follow up the right hon. Lady's request that my right hon. Friend the Secretary of State for Health make a statement on advice to PCTs about Herceptin. It might be a written ministerial statement, but I accept that an issue was raised on Wednesday, and I listened to the debate.

The right hon. Lady's point about my right hon. Friend the Secretary of State for Communities and Local Government is ridiculous, if she will allow me to say that. The criticism of my right hon. Friend has been that she has represented her constituents—*[Interruption.]* No, with great respect, everybody knows that any Secretary of State who has a power in relation to local authorities opts out entirely of any decisions relating to their own constituency. There cannot be a single Member on either side of the House who is not assiduous in representing constituents and following up representations made about planning applications. The Government and local authorities must balance those representations in the round. I have made plenty of representations against development on behalf of my constituents. The local authority, which happens to be controlled by my party, often says, "Thank you very much for those representations, but we can't accept them." We all acknowledge that. The criticism of my right hon. Friend is that she is simply doing her job, so it is one that I wholly resist.

As for the recent council elections, I shall just say two things—

Dr. Julian Lewis (New Forest, East) (Con): You lost—that is one of them!

Mr. Straw: Yes, that is one of them. In each of the May local elections in the 1980s and 1990s, we did rather better than the Conservative party. We used to chalk up hundreds of gains. In the mid-1980s, I was the local government spokesperson for my party in opposition. If success in local elections had led automatically to an election of a Labour Government, we would have had one in 1983, in 1987 and in 1992.

The right hon. Lady did not mention the local election results in Blackburn, where it is true that the Labour party had a net loss of two, which may be understandable, but it is also true that the Conservative party had a net loss of two. The Conservative party shrunk from 17 seats to 15.

I do not think that a statement on the Rural Payments Agency is necessary, although I understand all the difficulties that have been faced in respect of the RPA. I have carefully considered the figures today, and Ministers in the other place have been making announcements. I understand that 85 per cent. of the value of the payments due for 2005 have now been made to 50 per cent. of the farmers concerned. The payments outstanding for 2005 are very small—some thousands. They ought to be made, however, and they will be made as quickly as possible. We have apologised for the mistakes that have occurred. As for the future, I shall certainly raise the issue with my right hon. Friend the Secretary of State for Environment, Food and Rural Affairs, but I think that the position is now improving.

Finally, the right hon. Lady raised a serious point about equality. I defer to no one, least of all members of the Conservative party, on the subject of our record on equality. I was in the House when a Conservative Government, to cheers from the Conservative party, forced through section 28 of the Local Government Act 1988 and failed to do anything about equality for those who had a different sexual preference. They also did very little about equality for those whose skins were a different colour. In 18 years of Conservative government, there was no legislation whatever in respect of racial or religious equality. We will take no lectures on equality from the right hon. Lady or her party.

Mr. Fraser Kemp (Houghton and Washington, East) (Lab): May I draw the attention of the Leader of the House to early-day motion 1705?

[That this House notes that the Square Route Group, a group of women on Wearside, have transformed their community in New Herrington by the creation of a doorstep green in the centre of their community; further notes that they have just completed the funding of road markings and new art features including four trees fired in metal, to be officially launched in May; and congratulates them for the achievement of true people power and for raising more than half a million pounds to reach their outstanding goal.]

The motion, which is in my name and those of 17 other Members, pays tribute to an inspirational group of women in my constituency who, after five years of hard work in a former mining area, have raised more than £500,000—as a result of help from a Labour-controlled council and a Labour Government—to transform the environment of their former mining community beyond all recognition. The official opening takes place next week. Will my right hon. Friend join me in paying tribute to an area that was neglected for so long under the Tories? It is a great deal better now, and the people there are enjoying the benefits of a Labour Government.

Mr. Straw: I am delighted to join my hon. Friend in congratulating that group of women on the transformation of not just the environment, but one of the communities that were decimated by the closure of the pits under the Conservatives.

Mr. David Heath (Somerton and Frome) (LD): I note that I have not been invited to Blackburn yet.

May we have a debate on progress towards an international arms trade treaty? Perhaps the new Foreign Secretary will tell us whether she intends to go to the United Nations small arms review conference in New York next month. The arms trade is an extremely important issue on which this country can and should take a lead, and I believe that a debate would be of value.

May we have a debate on the BBC charter and the licence fee? The Secretary of State for Culture, Media and Sport told the Select Committee on 2 November that such a debate would constitute a good approach. Presumably there is a letter somewhere in the right hon. Gentleman's "pending" tray asking for one. May I ask him to give the matter proper consideration? This would be an opportune moment.

May we have a debate on the probation service following last week's tragic events? I think everyone appreciates what a difficult job the probation service does, and how overstretched it is in supervising serious criminals. I believe that it has been hamstrung by changes in its management and structure, which have reduced its effectiveness.

May we have a statement on the Chagos islanders in the light of today's High Court decision in their favour? Some of us think that they have been treated appallingly by this Government. We should have a statement on the consequences of that judgment.

Finally, there is the business of tracking Ministers—knowing whether the Health Minister has resigned, whether the farms Minister has resigned, and what on earth the Deputy Prime Minister does. Perhaps we should be given a weekly bulletin in the form of a written statement from the Prime Minister. That would concentrate at least the Prime Minister's mind on what exactly his Ministers are doing.

Mr. Straw: I look forward to a relationship with the hon. Gentleman: whether it will be close is another matter. As he will know, I have slightly different feelings from others about Liberal Democrats.

I say modestly that no one is more committed to an international arms trade treaty than I am. It was a proposal of mine that I pursued before the general election, and it was an election manifesto commitment. I know that my right hon. Friend the Foreign Secretary

[Mr. Straw]

is committed to pursuing this issue, which we certainly need to debate at some stage; I will look into the matter.

As to my right hon. Friend the Foreign Secretary's attending the United Nations small arms review conference, I was not due to attend it because the attendance is to be of a different level, but I will pass on to her the hon. Gentleman's question and ask her to respond to it.

On the BBC charter and licence fee, I understand the need to debate those matters. I will look into the matter.

On the probation service and the report on the killing by Anthony Rice, who was released on life licence, this is an appalling case and our thoughts and prayers are with the family, friends and community of Naomi Bryant. My right hon. Friend the Home Secretary will study the report by Her Majesty's chief inspector of probation on the circumstances of this killing for key recommendations, final recommendations and relevant practice recommendations, in order to determine the changes to procedures and systems that will need to be made. My right hon. Friend promises to make a statement to the House as soon as he is in a position to do so.

Mrs. Madeleine Moon (Bridgend) (Lab): May we have a debate on the problems that people are experiencing in getting to Wales? If they do not have cash in their pockets, they are forced to travel the long way round, through Gloucester, because current legislation prohibits the use of credit and debit cards at the Severn crossing. Allowing people to pay with such cards would enable them more easily to access the wonderful delights of Wales, and improve trade. On a more serious note, a number of women have had to hunt the byways and back-ways of England late at night to find a cash machine in order to pay to cross the Severn. Allowing payment by card would greatly help those of us who need to travel to Wales regularly.

Mr. Straw: Of course I will follow that up—it sounds bizarre. I am afraid that I have not had that much recent experience of travelling to Wales, but I have much—

Dr. Julian Lewis: That is your next job.

Mr. Straw: I am from Essex, so I am afraid that I am completely unqualified to be Secretary of State for Wales. On the other hand, these days, perhaps that qualifies me. I use the M6 toll road, the Birmingham bypass, almost weekly, so I have plenty of experience of the issue to which my hon. Friend refers, and although it is not me who makes the payment—the man in front does so—I am damn sure that credit and debit cards can be used. I will follow up the matter with my right hon. Friends the Secretaries of State for Transport and for Wales, because we need to sort it out quickly.

Rev. Ian Paisley (North Antrim) (DUP): The Leader of the House has doubtless seen the report issued this week by the Ministry of Defence on Army installations in Northern Ireland. We need to debate this issue, for the simple reason that the people west of the Bann will have no Army presence at all—they will lose it completely. The headquarters of the IRA dissidents is located in that area, and they are very active in that community. People are very alarmed at the prospect of losing the Army installations entirely, and closure of the Army barracks in Ballymena, in my own constituency, has also been proposed. We need also to address the question of employment. I wish the Leader of the House well in his new job, and I hope that he will think of Ballymena and of the constituents whom I represent.

Mr. Straw: I thank the right hon. Gentleman for his good wishes and I look forward to working with him. I of course understand the anxiety felt in Ballymena, where a 15-year-old lad was killed recently in an absolutely appalling murder. I appreciate that this is a very sensitive issue for the community whom the right hon. Gentleman represents. I understand that the decision has been taken on the basis of the military requirement to ensure that the Ministry of Defence fully meets the needs of the future long-term garrison based in Northern Ireland, so that the military can provide the residual support needed by the Police Service of Northern Ireland for as long as it is required, and that the garrison is structured as efficiently as possible to achieve value for money for the defence budget. I am sure that the right hon. Gentleman has already made his views known to my right hon. Friend the Secretary of State for Northern Ireland, but I will of course pass on his renewed representations following this exchange.

Geraldine Smith (Morecambe and Lunesdale) (Lab): As a north-west MP, the Leader of the House may be aware what a great, family-friendly football club Morecambe is. I was at the ground on Sunday and the atmosphere was tremendous: there were old people, young people and children. This is a club that really reaches out to the community and does a lot with the town's youth. Will my right hon. Friend join me in wishing Morecambe FC all the best for its match tonight to gain entry to the football league, and look out for an early-day motion that I hope to table, congratulating the club on its success?

Mr. Straw: I do indeed send my very best wishes to Morecambe, whose family-friendly policies have, I know, been modelled on those of Blackburn Rovers. If, like Accrington Stanley, Morecambe succeed in getting into the football league, a disproportionately high number of football clubs in the various divisions—including the championship and the premiership—will come from the geographical county of Lancashire. That is a great testament to Lancashire's sporting prowess, among other things.

Mr. Shailesh Vara (North-West Cambridgeshire) (Con): I congratulate the right hon. Gentleman on his new appointment, and I very much hope that he will continue to exercise in his new role the independence of thought that he exercised in his previous one—even if that was the reason why he was moved. Given that the Deputy Prime Minister has been relieved of his departmental duties, may we have a statement from the Chancellor of the Exchequer explaining why he has given the Deputy Prime Minister special exemption from paying tax on the benefits in kind that he continues to enjoy?

Mr. Straw: The Chancellor of the Exchequer has just been in the House, so I am surprised that the hon. Gentleman did not find an opportunity to put that question to him.

John Bercow: It was not on the Order Paper.

Mr. Straw: That must have been the first occasion in the whole time that the hon. Member for Buckingham (John Bercow) has been here—since 1997—that an issue's not being on the Order Paper has constrained him from asking a question on it. He is losing his touch in that regard. However, I will pass the point on to my right hon. Friend the Chancellor of the Exchequer.

Mr. David Clelland (Tyne Bridge) (Lab): I welcome my right hon. Friend to his new role. Has he recently experienced travelling in the north-east of England? If so, he will have noticed that the region has not a single three-lane motorway, and that the 40 miles of two-lane motorway that we do have are not even linked to the rest of the motorway system. That is severely restricting attempts to revive the region's economy and, combined with the Highways Agency's restrictive practices, is causing much difficulty in the region. May we have an early debate on regional transport infrastructure, and if not, a statement on how the Government intend to address the serious and continuing transport problems in the north-east?

Mr. Straw: I am in the north-east a lot, and although this was not an issue that much engaged me as Foreign Secretary, now that my hon. Friend mentions it, I realise that there are no three-lane motorways in that region. None the less, the problems that the transport infrastructure in the north-east, as elsewhere in the country, has to face are a consequence of high levels of economic growth and, therefore, of much greater transport movement. He will know that there has been a dramatic turnaround since 1997 in the economy, employment levels and economic activity, and a real rejuvenation in areas such as his. That said, I will of course pass on the point that he makes to my right hon. Friend the Secretary of State for Transport.

Sir Michael Spicer (West Worcestershire) (Con): When can we expect the regulations giving effect to the parliamentary boundary changes?

Mr. Straw: The right hon. Member for Maidenhead (Mrs. May) raised this issue with me in an informal conversation yesterday. It is a matter for the Boundary Commission and, speaking from memory, I understand that it has until next spring at the latest to produce the order. I promise the House that the order will be laid as quickly as possible after that, because it is in the interests of Members in all parts of the House that we achieve certainty about boundaries as soon as we can. As I told the right hon. Lady, my office is pursuing the matter with the secretary of the Boundary Commission, and as soon as I know when the order will be produced, the House will know.

Mr. Jim McGovern (Dundee, West) (Lab): I join other hon. Members in welcoming my right hon. Friend to his new post. Over the past few weeks, I have been contacted by several constituents who have very real concerns about the new Home Office guidelines covering non-EU doctors working in the UK. This is of particular concern in Dundee, which has one of the largest teaching hospitals in Europe. It is generally accepted that there will be less need to import staff as the number of UK-born staff increases, but I fear that the guidelines have been rushed through without due cognisance of the concerns of relevant organisations such as the British Medical Association. May we have an early debate to allow hon. Members to discuss those issues, and perhaps persuade the Home Office and the Department of Health to think again, or at least engage in further consultation?

Mr. Straw: I remind my hon. Friend that Health questions will take place next Tuesday. I am glad that he acknowledges that because of the dramatic increase in the number of UK-trained doctors—and those trained in the EU—the demand for doctors trained outside the EU is bound to fall. That has led to the change of policy. That said, I pay tribute to the huge contribution that overseas doctors have made to the running of the health service. My own doctor when I was a child came from India—and that was in suburban Essex—so I acknowledge their contribution. My right hon. Friends the Secretary of State for Health and the Home Secretary are also fully aware of that contribution. I looked into the issue for constituency reasons and I thought that the change of regulations was reasonable, but I will pass on my hon. Friend's concern to my right hon. Friends.

Mr. Robert Syms (Poole) (Con): May we have an urgent statement on the biocides directive? It was agreed in 2000, with a 10-year period for implementation, but one consequence has been a soar in the cost of the chemicals used by undertakers in the embalming process. There is some concern about gold-plating, but representations may have to be made to the EU. The embalmers of Poole demand it.

Mr. Straw: Gold-plating was the first issue that I pursued the day I got to the Foreign Office five years ago, and I have been very concerned about it. A statement may not be necessary, but I will ask my right hon. Friend the Minister for Europe, the former Leader of the House, to follow that up. Even when there has been no gold-plating, the way in which some directives are followed is a matter of concern, and we need to have a more practical common-sense approach to them.

Kate Hoey (Vauxhall) (Lab): I warmly welcome my right hon. Friend to his new position, and I ask him to do even more than the previous Leader of the House to try to arrange a debate on early-day motion 1531 on the abolition of the Post Office card.

[That this House is gravely concerned by the Department of Work and Pensions' (DWP) decision to withdraw support for the Post Office Card Account when the existing contract expires in 2010 and in particular by the Department's attempt to kill off the Account in advance of 2010, through pilot schemes being introduced immediately when it will deny to new benefit claimants the option of opening a Post Office Card Account, inform 35,000 existing customers that they will have to use a bank or building society instead of the Post Office Card Account and require them to provide their account details, and pay benefits of 2,500 existing customers into

[Kate Hoey]

a bank account rather than the Post Office Card Account, ignoring the preferences they made when their benefit books were stopped; condemns the fact in that, breach of all plans, these pilot schemes are being introduced without consultation; and calls on the Government to halt these pilot schemes immediately and to institute an immediate review of the DWP's proposal to abolish the Post Office Card Account by 2010.]

More than half the Members of Parliament on both sides of the House have now signed that early-day motion, and it was a big issue in the local elections. I ask my right hon. Friend for a statement, before the pensioners parliament meets next week in Blackpool, making a commitment that the Post Office card account will not be abolished. May we have a debate in this Chamber on the issue as soon as possible?

Mr. Straw: I thank my hon. Friend for her good wishes, which are particularly well received by me, because we have known each other for almost 40 years—

The Secretary of State for the Home Department (John Reid): Condi will be upset.

Mr. Straw: As my right hon. Friend says.

I know that the Post Office card account is a matter of concern and I suggest that my hon. Friend apply for a debate in Westminster Hall. Although it was an issue on the doorstep in her constituency, it could not have been so great an issue, because the Labour party did brilliantly in Lambeth, especially in her constituency, in taking seats from the Liberal Democrats and winning control of Lambeth borough council.

Mr. Angus MacNeil (Na h-Eileanan an Iar) (SNP): In a book published this morning called "Where the Truth Lies", an essay by a Labour Member of Parliament alleges that a peerage was offered to the publisher at Heinemann as an inducement not to publish "Spycatcher". In Tony Benn's diaries, he mentions a Labour MP being offered a peerage as an inducement not to stand for election to this House. The more I discover, the more concerned I am about such practices, which are offences under the Prevention of Corruption Act 1906. The fact that such practices are possible compromises Parliament severely. May we have a debate on this matter, and a moratorium on further appointments to the Lords until the system is beyond reproach? Or should we just continue to ignore it, like ostriches, with the very real possibility of corruption in our midst?

Mr. Straw: The hon. Gentleman must be pretty desperate if he has to drag up ancient history and go back to "Spycatcher", which dates back, I think, to 1976—[Hon. Members: "1986."] Well, it was 20 years ago. I know that the hon. Gentleman is new to the House, but in case he has not noticed I remind him that there was a Government of a different complexion in office at that time. Very important changes have been made, with all-party support, to the manner of appointing Members of the other place. Those changes are transparent and they are followed—he knows that and the House knows that. He needs to accept that and not make completely unwarranted allegations against Members of Parliament.

Jessica Morden (Newport, East) (Lab): Last Friday I met the community friendship group in my constituency, who quizzed me on the progress of the draft Mental Health Bill. Can my right hon. Friend reveal the timetable for the Bill?

Mr. Straw: I should own up to the fact that the Mental Health Bill was my idea as Home Secretary—

Chris Bryant (Rhondda) (Lab): What goes around, comes around.

Mr. Straw: Indeed. I cannot give my hon. Friend the Member for Newport, East (Jessica Morden) an answer off the top of my head, but I will make an answer—I mean, I will find the answer and give it to her.

Sir Nicholas Winterton (Macclesfield) (Con): The Leader of the House has moved from a very important job to an equally important job—seeking to maintain this cradle of democracy. He will appreciate that Members on both sides of the House would like opportunities to debate in the House vital, important and current issues. Will he seek to ensure that Back Benchers have greater say in how the time of the House is spent and, once or twice a month perhaps, may we debate issues that are of critical importance not only to the House but to the country?

Mr. Straw: I thank the hon. Gentleman for his good wishes and I share his view about the importance of this job. As I said in my first outing as Leader of the House on Tuesday, I have many distinguished predecessors who have held this title and this portfolio having held equally distinguished portfolios in other respects. On the issue that he raises, I know—because I met him shortly after my appointment—how strongly he feels about the establishment of a business Committee for the House. I will look at the proposal carefully, although I was not aware of it until last Friday when I got the job. I have not made up my mind, and I will discuss it with the hon. Gentleman and his colleagues on the Select Committee before pursuing the matter.

On the specific issue of whether we should revert to the previous arrangement of ballots for private Members' motions as well as ballots for private Members' Bills, I recall that that was the arrangement when I came into the House. It meant that every Friday in a Session was a sitting Friday, and there were no constituency Fridays. The House made a decision about that, but we have also had the introduction of Westminster Hall, which has made a huge difference and greatly expanded the time for holding Ministers to account. In any case, I will consider the proposal.

Mr. David Evennett (Bexleyheath and Crayford) (Con): I offer my congratulations to the Leader of the House and wish him well in his new duties. Will he arrange for a debate on London in the near future, especially after the recent local election results, which highlighted the dissatisfaction across London with Labour councils and the Labour Government? We always used to have a debate in the Chamber on London every Session, and I urge him to arrange one in the near future.

Mr. Straw: I thank the hon. Gentleman for his congratulations. He can make whatever he wants of the Conservatives' relative success in the local elections. I must point out, however, that I forgot to mention in answer to my hon. Friend the Member for Vauxhall (Kate Hoey) that the Conservatives, too, lost a seat in Lambeth, as they did to Labour in Blackburn.

Mr. Evennett: I asked about a debate on London.

Mr. Straw: Yes, I remember the debates on London. There is insufficient time for all the debates requested. There is also an issue about how long the House wants to sit and whether it wants to sit on a Friday. That is not a problem for me, but it may be for other Members.

Mr. Clive Betts (Sheffield, Attercliffe) (Lab): I, too, welcome my right hon. Friend to his new role. I assume that this week he saw the announcement from the Health Minister about the intention to bring maximum waiting times down to 18 weeks by 2008. I was, however, slightly concerned to read from the Royal National Institute for Deaf People that the 18-week waiting time will not apply to hearing services. That is bad news for people who are applying for a digital hearing aid, particularly the hardest of hearing who currently have an analogue hearing aid, and so go to the bottom of the queue when applying for a digital hearing aid. Could he arrange for a debate in this House on those matters, to give credit to the Government for getting waiting times down to 18 weeks, and to look at whether we can extend that to hearing services?

Mr. Straw: Health questions take place on Tuesday and that is the appropriate time to pursue the matter. I am glad my hon. Friend mentioned all the improvements in the health service that have taken place under this Government. One of the many reasons why I am so pleased to do this job is that it gives me an opportunity to talk about the Government's record and the dramatic way in which we have improved the health service. Yes, there are problems and there will always be problems. Now we have 85,000 more nurses, 32,000 more doctors and a huge increase in investment. As everybody knows, that benefits every constituency. Notwithstanding some of the problems, there have been dramatic improvements in the health care being delivered. It is a testament to the success of our policies. Just to mention Blackburn once again—I spent 18 years in Opposition, receiving letters from Health Ministers saying that they would provide us with money for a new hospital; the only problem was that the cheque never came. My right hon. Friend the Member for Holborn and St. Pancras (Frank Dobson) ensured that the cheque was delivered within a year of Labour taking office, and that £140 million hospital is now close to completion.

Mr. Alistair Carmichael (Orkney and Shetland) (LD): I, too, welcome the right hon. Gentleman to his new post. Even in my time in the House he is not the first to make the transition from Foreign Secretary to Leader of the House. Indeed, if he is looking for a role model, he could do a lot worse than look to the late Robin Cook.

Will the right hon. Gentleman arrange for a statement about the Government's role in the decision to deprive post offices of the right to sell television licences over the counter and give the contract to PayPoint? This gives rise to an acute situation in my constituency, where we have only five PayPoint outlets. In Orkney they are in the main towns and in Shetland we have only one. There is no provision in the outlying districts of the mainlands or in any of the outer isles. Surely if people are to be allowed to buy television licences over the counter, that facility should be available to my constituents as well as to those on the mainland and in urban areas.

Mr. Straw: We have always accepted that there needs to be special provision for the isles, and I will ensure that that particular point is pursued with my right hon. Friend the Secretary of State for Culture, Media and Sport. I, too, have looked into this, and there are two reasons why the BBC—not the Government—decided to let the contract to a private company rather than to the Post Office. First, it estimated that tens of millions of pounds would be saved from the costs of collection, which could be spent on programming. Secondly, it wished to see a new system of collection of the television licence fee, which had more, not fewer, points of sale, and could be used on Sundays and at night. I gather that the new system will provide that.

Mr. David Drew (Stroud) (Lab/Co-op): I welcome my right hon. Friend to his new position. It is good that normal humour will be resumed. I completely concur with the right hon. Member for Maidenhead (Mrs. May) on the need for a debate on Iran.

May I draw my right hon. Friend's attention to early-day motion 2131 in my name?

[That this House applauds the signing of a peace settlement between the major rebel group the Sudan Liberation Movement (SLM) and the government of Sudan on 5th May 2006; welcomes the intervention of the Rt. Hon. Secretary of State for International Development, Hilary Benn, and the US Deputy Secretary of State, Robert Zoellick, in the mediation process that led to the settlement; recognises the peace settlement to be a positive step towards ending a conflict that has displaced a population of over two million and caused the death of more than 180,000 people; cautions against excessive optimism as the peace settlement is but a first step, agreed to in part by the major rebel movement, SLM, and rejected by the other two rebel movements; and urges that in order for the settlement to bear long term peaceful solution to the Darfur conflict the two parties need to commit genuinely to an end to the conflict and that the international community, especially the UK Government, must continue to put pressure on the parties to honour their pledges, pursue opportunities to include the other rebel groups within the peace process and provide sufficient funding for the African Union and for the humanitarian aid effort.]

It draws attention to the peace settlement in Darfur. It is good to see my right hon. Friend the Secretary of State for International Development present. It is important that we pay attention to the work that he and Robert Zoellick did in bringing forward a peace settlement. It is crucial that all parties now sign it, and that that part of the world gets the peace that it desperately needs.

Mr. Straw: I am grateful to my hon. Friend and I echo his tribute to my right hon. Friend the Secretary of State for International Development. Knowing this subject as I do, I have no doubt that but for his attendance and that of Robert Zoellick, the Deputy Secretary from the US State Department, this peace deal would not have been achieved. It is an example of active diplomacy by a senior Minister in the British Government. What we now must do, as my right hon. Friend said in the Cabinet this morning, is ensure that the peace deal is implemented—a bigger challenge—and accepted by all sides.

Mr. Peter Robinson (Belfast, East) (DUP): I extend to the right hon. Gentleman my best wishes on his new post. May I drag him back to a recollection from his last existence when he was helpfully dealing with a case for me relating to Nassima Sadia—a young girl who was abducted from Belfast by her Algerian father? I am sure that the right hon. Gentleman understands the torment of her mother and the difficulties with those who are not signatories to the Hague convention on international child abduction. Could we have a debate in the House about those issues and the steps that the Government can take and have taken in such cases, where clearly there is considerable anguish and concern in the families involved?

Mr. Straw: Of course I remember the case that the hon. Gentleman raised with me. I followed it up and responded quickly to him on the concerns of this terrible story. I promise that I will discuss the matter personally with my right hon. Friend the Foreign Secretary. There is no argument between our parties about what needs to be done. The issue is about how we pursue foreign Governments who have either not signed up to the Hague convention or, where they have, are not implementing it. I promise the hon. Gentleman and the family whom he represents so assiduously that this will be followed up, and I am happy to talk to him afterwards about it.

London Bombings

12.17 pm

The Secretary of State for the Home Department (John Reid): With permission, Mr. Speaker, I would like to make a statement about the 7 July bombings.

I am today publishing the official account of the bombings in London on 7 July last year. Also today the report of the Intelligence and Security Committee on intelligence aspects of the bombings has been published, together with the Government's response. I very much regret the sombre nature of my first statement to the House as Home Secretary. I send my condolences, as the new Home Secretary, to all those who suffered in those events and I pay tribute to the work done by my predecessor, my right hon. Friend the Member for Norwich, South (Mr. Clarke).

The official account published today summarises what we know about the bombers and how and why they did what they did. It is not yet a complete picture, both because we have had to withhold some information for legal and security reasons and because the police investigation is continuing and we may discover more. It will be for the legal process to confirm formally what happened, but as is now well known, there were four suicide attacks carried out by four British citizens. Mohammad Sidique Khan, Shehzad Tanweer, Jermaine Lindsay and Hasib Hussain. Those attacks killed 52 people over and above the bombers themselves and injured over 700.

The first three bombs went off simultaneously at 8.50 am on the underground. The first, in a Circle line tunnel between Liverpool Street and Aldgate stations, was carried out by Tanweer and killed seven people and injured 171. The second, on the Circle line just outside Edgware Road, was carried out by Khan and killed six people and injured 163. The third, on the Piccadilly line between King's Cross and Russell Square, was carried out by Lindsay and killed 26 and injured over 340.

Just under an hour later at 9.47 am, Hussain detonated the fourth device on a No. 30 bus in Tavistock square. This killed 13 and injured over 110. It remains unclear why Hussain did not detonate his bomb at the same time as the others. It may be that he was frustrated by delays on the underground heading north from King's Cross. However, it now appears that he bought a battery after coming out of the underground system, which could mean that he had difficulty detonating the device earlier. But I stress that this remains speculation at this point.

We now know from CCTV footage and witness statements that Khan, Tanweer, and Hussain travelled down from Leeds in a hire car that morning and met up with Lindsay in Luton station car park. Further devices were found in one of the cars which may have been for self-defence or diversion in case of interception during the journey down. They do not appear to indicate a fifth bomber and there is no evidence to suggest this elsewhere. The four then travelled from Luton to King's Cross, leaving at 7.40 am and arriving at 8.23 am.

Owing to some outstanding police and security service work in the immediate aftermath of the bombings, the police were able publicly to confirm the

identities of Tanweer and Hussain on 14 July and Khan and Lindsay on 16 July. The key factors leading them to this were finding credit and other cards in the names of the four at the sites—in Khan's case his cards were found at more than one site—Hussain's family calling the police emergency hotline reporting him missing, and subsequently discovering that he had travelled to London with Khan and Tanweer; the discovery by the security service that Khan, and subsequently Tanweer, had been picked up on the periphery of another investigation; the CCTV images of four men with rucksacks matching their descriptions at King's Cross and Luton; and the discovery of the two cars in Luton car park.

Khan, Tanweer and Hussain were all second-generation British citizens of Pakistani origin from the same small area of Leeds. Lindsay was a British citizen of Jamaican origin who had grown up in Huddersfield and moved to Aylesbury after his marriage. Khan was a well-respected teaching assistant and youth worker, aged 30 at the time of the bombings. Tanweer, who was *just 22, had recently left university. Hussain was only* 18 and had just completed sixth form college, and Lindsay, who was 19, had left school and had a series of odd jobs thereafter.

The account which is published today sets out what we know about their early lives and how they may have been radicalised. The picture remains incomplete at this stage, but, with the partial exception of Lindsay, there is little that marks them out as particularly vulnerable to radicalisation and little in their subsequent behaviour which could have given much indication to those around them of their intentions. It is not yet known whether others in the UK were involved in indoctrinating the group or helping them to plan, but Lindsay appears to have been influenced by an extremist preacher who is now serving a prison sentence. Their motivation appears to have been a mixture of anger at perceived injustices by the west against Muslims and a desire for martyrdom.

The account that we publish today also details what we know about influence from abroad. Khan is known to have made a number of trips to Pakistan, including one in July 2003 when he is believed to have had some relevant training. Khan and Tanweer travelled together to Pakistan between November 2004 and February 2005 and are assessed as likely to have met al-Qaeda figures during this visit. There were a series of suspicious contacts from an unknown individual or individuals in Pakistan in the immediate run-up to the bombings. We do not know their content. Al-Qaeda has claimed responsibility for launching the attacks, but the extent of its involvement is unclear.

Shortly after the second Pakistan trip—the trip from November 2004 to February 2005—the group appear to have begun planning in earnest. They appear to have assembled the devices at 18 Alexandra grove, a flat in another part of Leeds. As far as experts can establish, the bombs were made with ingredients that are readily commercially available, and to have required only limited expertise to assemble. The operation appears to have been self-financed and the cash raised by methods that would be extremely difficult to identify as related to terrorism or other serious criminality. Our best estimate is that the operation cost less than £8,000 overall.

The account published today does not address the emergency response, but it is right that I should place on record my thanks and admiration for the bravery of so many—the police, those working on the underground, buses and trains, medical staff, firefighters, disaster recovery teams, volunteers and ordinary people, including and perhaps especially the survivors. The Government have separately conducted a lessons learned exercise addressing many aspects of the emergency response, and we will publish the results shortly. The London Assembly's inquiry, due to report soon, is also considering this.

I now turn to the Intelligence and Security Committee report. The Committee is, of course, independent of Government, but it has had access to a wide range of highly classified documents. Its report assesses what was known prior to July, how the threat level and alert state systems operated, how the threat was assessed, and issues of coverage, resources and co-operation between the security and intelligence agencies and between the agencies and the police. The House will obviously wish to give it serious consideration. The Prime Minister has presented to Parliament today the Government's response to the report, which generally welcomes its conclusions.

I know that my right hon. Friend the Member for Torfaen (Mr. Murphy), as Chairman of the Committee, has spoken in more detail about the report this morning, but I note first that the report sets out that the security service had come across two of the bombers, Mohammad Sidique Khan and Shehzad Tanweer, on the margins of other investigations. On the basis of what was then known, the security service made the judgement that they were peripheral to the main investigation and there was no intelligence to suggest that they were separately interested in planning an attack against the UK. Although limited attempts were made at that stage to identify the two men, the security service decided to concentrate its resources on higher priorities, including plots known at that time to attack the UK. The ISC report concludes that this decision was understandable.

Secondly, the report concludes that it was not unreasonable to reduce the country threat level from "severe general" to "substantial" in May last year on the grounds that there was no intelligence of a current credible plot to attack the UK at that time.

The term "substantial" still represented a high level of threat, and the report concludes that that reduction was unlikely to have altered the alertness of the responders or to have affected the chances of preventing the 7 July attacks. None the less, the Committee recommends changes to the system. The Government have reviewed it and will be making changes to create a simpler, more flexible and more proportionate system.

The report makes a number of other useful recommendations, which we have addressed in the Government response. It also covers the issue of resourcing, which I will address in a moment. I am grateful to the Committee for its very thorough and constructive approach.

What the official account and the ISC report demonstrate is the very real challenge that the police and the agencies face in combating this new kind of terrorism. The bombers were ordinary British citizens

[John Reid]

with little known history of extremist views, far less of violent intention. At least three were apparently as well integrated as anyone else. Their radicalisation, to the extent that we know how and where it happened, appears to have been conducted away from places with any obvious association with extremism.

The willingness of the men to use suicide bombing as their method and to attack vulnerable, civilian targets—as is familiar from previous attacks—made them doubly difficult to defend against. That is not a comfortable message, but it is important that we are honest about it if we are to defend ourselves against the threat effectively.

The key lesson—this is at the heart of the Government's counter-terrorist strategy—is that the response needs to be collective, with Government, Parliament, police, agencies, local communities, faith leaders and international co-operation all playing their part, and that it needs to be completely comprehensive.

We have a counter-terrorism strategy for achieving that, known as "Contest", which aims to reduce the risk from international terrorism. As part of the strategy, we are seeking to prevent terrorism by stopping young people being indoctrinated into extremist violence. In that, we need the help of Muslim leaders and the community to fight the distortion of Islam that turns young people into terrorists. We have taken new powers to criminalise encouragement to terrorism. We need to work together to show that democracy is the only legitimate means of changing policies, and to ensure that all young people in all communities can see how engagement in British society can bring about change for the better. I know that my predecessor as Home Secretary led an extensive round of consultations with all sections of the Muslim community, and I intend to develop that.

Secondly, we need an effective and adequately resourced law enforcement and intelligence effort. The ISC report suggests that we might have had a better chance of preventing the July attacks if more resources had been in place sooner. Even that, of course, would have been no guarantee of preventing the attack. The Government have put in substantially increased resources, particularly since 9/11. Further resources were provided last autumn. The Security Service is expanding as fast as its top management believes is organisationally possible.

The specific police budget for counter-terrorism will have grown fourfold between the financial years 2002-03 and 2007-08—that is, in the period after 9/11. We have allocated £30 million extra next year and £60 million the year after to expand special branch and other specialist counter-terrorism capacity outside London. Indeed, the total cross-Government budget for counter-terrorism and resilience has more than doubled, from less than £1 billion to more than £2 billion in the same period.

In addition, general policing makes a significant contribution to the counter-terrorist effort. We will implement neighbourhood policing in all forces by next April and will expand the number of community support officers from around 6,500 to 16,000 in that period. That will improve our capacity to gather local intelligence to support the counter-terrorist element.

In that context, I want to put it on the record that the police and agencies have disrupted many attacks against the UK since 9/11, including three since last July alone. However, the reality is that difficult choices have to be made between priorities in intelligence-led operations, whatever the level of resources.

Thirdly, we need effective international co-operation. This is both a local and a global threat. We are a long way from being the only targets. As the House will know, there have been appalling attacks in the United States, Pakistan, Saudi Arabia, Spain, Turkey and Indonesia, to name but a few. We need to have the closest possible law enforcement and intelligence links with our many allies in the war against global terrorism.

We also need rapidly to develop European co-operation. The former Home Secretary made that his key priority for the UK presidency last year. He achieved important concrete outcomes, including common provisions on the retention of telecommunications data that will make it more difficult for terrorists to communicate across borders to plan their crimes. I will make it a major priority of mine to develop that co-operation further.

The bombings were despicable attacks on ordinary people going about their normal daily business. It is a tribute to Londoners—the people of our capital city—that the city recovered with such remarkable speed. The victims have shown tremendous courage in rebuilding their lives, but I know that many victims, and particularly bereaved families, are still trying to find their own way to come to terms with what, for them, was a terrible personal tragedy. I think that it is right that we try to explain what the Government know about what happened that day, and I hope that many of the victims will find the account that we have published today helpful.

I know that some will find it painful to relive those terrible events again, and that some will continue to feel that there should be a public inquiry. My right hon. Friend the Secretary of State for Culture, Media and Sport is responsible for supporting victims. In the short period that I have been Home Secretary, and before that, she has explained to me the strong views that some of the families hold on that subject. I find that perfectly understandable, but the House will know that my predecessor as Home Secretary explained last year why the Government had decided that it was not right to hold such an inquiry a decision with which I concur. However, I should like to offer some further explanation to those most directly affected.

I shall therefore be writing to all those who were bereaved by the 7 July attacks to offer them the chance to come and talk the issue through. I and my right hon. Friend the Culture Secretary will convene a series of meetings, at which families will be able to ask detailed questions about the documents that have been published today. At those meetings, I hope that I will be able to explain to them why I do not think a public inquiry would be the best step to take. Not least among the reasons is that such an inquiry would involve diverting very precious resources needed for the security and protection of everyone, at a critical time.

As Home Secretary, my principal duty is to protect the public. I am determined that we will learn the lessons from the official account and ISC report, and

strengthen our defences against the terrorist threat, but international terrorism will not be defeated by the security services, the police or the Government acting alone. It will be beaten only by all of us in this country working together to defeat what is a threat to us all. That is what all of us must achieve together.

David Davis (Haltemprice and Howden) (Con): I welcome the Home Secretary to his new post, and I am sorry that his first outing is on such a tragic subject. I join him in offering our condolences to those who suffered in the attacks and our thanks to and admiration for those whose bravery and commitment on the day and afterwards saved so many lives.

The issue before us is, as the Home Secretary implied, of great importance. The attacks in London on 7 July and 21 July were attacks on our people, our country and our way of life. Accordingly, our ability to deal with such attacks and to learn from our errors is critical to the defence of the realm, our people and our way of life.

It is important to start by acknowledging the real strengths of our security services, which have thwarted a significant number of attacks. For that, the whole House thanks and congratulates them. However, it will not serve them or the safety of the British public if we do not learn from the mistakes made in these cases, the better to prevent them in the future.

During the attack and in the immediate aftermath, the Government claimed that the bombers were previously unknown to the authorities, because they had no record of previous criminal or terrorist activity. We now know that that is untrue. Both Sidique Khan and Shezad Tanweer were known to the authorities in connection with another very serious terrorist bomb plot. On the basis of accounts in the newspapers, rather than the reports, it appears that Shezad Tanweer was picked up by a foreign intelligence agency one month before the attack, but that that information was never acted on by the UK security services, so I ask the Home Secretary whether that is true. Again on the basis of documentation given to newspapers rather than these reports, it seems that MI5 taped Mohammad Sidique Khan talking about his wish to fight in the jihad and saying his goodbyes to his family—a clear indication that he was intending a suicide mission. The newspapers also tell us that he was known to have attended late-stage discussions on planning another major terror attack that was subsequently thwarted. Again, I ask the Home Secretary whether that is true.

Despite all that, the surveillance on Khan was called off months before the attack. Why? Was it, as intimated in the Intelligence and Security Committee report, because of a shortage of resources? Is it true that there were not enough MI5 agents to cover possible suspects and that that led to surveillance of dangerous terrorists being terminated on that occasion? The ISC report states that

"better appreciation of the speed and scale with which the threat against the UK could develop might have led the Services to achieve a step change in capacity earlier".

Did that occur because the resources for MI5 were not increased to meet the necessary step change until 2004, some three years after 9/11? And, because it takes three years to recruit, screen and train agents, the expansion will not take full effect until 2008.

Two of the bombers went to terrorist training camps in Pakistan and undertook weapons training, as the Home Secretary mentioned in his statement. Paragraph 75(e) of the official account is very vague on that matter. It is said that the British intelligence agencies did not obtain any usable information on these people's activities from the Pakistani intelligence services. Why did that happen?

We are also told—the Home Secretary alluded to it—that Khan and Tanweer met al-Qaeda leaders and discussed jihad with them. How, then, can the Government represent these people as members of an independent freelance group? If they are, how did al-Qaeda get a copy of Khan's suicide video in order to splice on to it its own propaganda, which involved its second most important member, before it was broadcast in September?

I take the opportunity of paying tribute to the right hon. Member for Torfaen (Mr. Murphy), who has done a remarkable job with his Committee, which produced an extremely insightful report, as the Home Secretary recognised. Having said that, although the Intelligence and Security Committee is impartial, wise and of the highest integrity, it is constitutionally limited in what it can achieve. That is partly because of the limitation on its investigative resources, partly because of its remit and partly because it is constituted in such a way as to be entirely dependent on the intelligence agencies for its information and on their willingness to disclose such information.

The process has, frankly, raised more questions than answers. After the 9/11 tragedy, the United States Senate had a very well resourced and independent report with very hard-hitting conclusions. After Madrid, the Spanish Government had an independent report and learned serious lessons from it. In this country, after the Falklands war, even though secret intelligence issues were at stake, we had the independent Franks report. Almost every previous major intelligence failure was dealt with by an independent inquiry, but I am afraid that that is not what we have today in the official account, which expresses the Government's view rather than an independent view. As a result, the process has left too many questions unresolved.

In the interests of people who have lost their lives and of protecting those who have not, can we now have what we should have had from the start—a fully resourced independent inquiry into what was clearly a major failure of our intelligence systems?

John Reid: I thank the right hon. Gentleman for his generous welcome. I, too, regret the fact that we are dealing with such a sombre subject on my first outing as Home Secretary. May I assure him of our willingness to learn? I do not regard this as a party political issue: it is one that unites the nation in the desire to protect ourselves and our citizens and to learn. If necessary, we shall learn from each other, and I stand ready to do that.

Let me deal with the matter of process first. The right hon. Gentleman somewhat underestimates the scope, integrity and intrusiveness of the Intelligence and Security Committee.

David Davis *indicated dissent.*

John Reid: No, not the integrity; the right hon. Gentleman did not question that, but he felt that the ISC was limited by statute and so forth.

I merely point out, in the same spirit of generosity with which he welcomed me, that the scope, remit and statute under which the ISC was established was defined not by this Government, but by the Conservative Government in which the right hon. Gentleman served. Secondly, the reason for public inquiries, including the Franks inquiry, prior to the establishment of the ISC, was precisely because of the absence of such a scrutiny Committee. It was appropriate for the ISC to be given the task. It is independent of the Government and values its independence. To the best of my knowledge, it has been given as much assistance, aid and leeway as possible, and I believe that it has produced a very useful report.

Let me turn to some of the hon. Gentleman's specific points. It was legitimate for him to raise them, and I will answer insofar as I can, without intruding into areas that affect operational matters. His first point was about several newspaper stories on the four bombers. As to the Tanweer story, relating to what happened a month before 7/7, I am told by the Security Service that it has no record of that allegation, so I do not think that there is a factual basis to it.

What is known is that there was some peripheral intelligence on two of the bombers in connection with another investigation. So far as I can understand from paragraph 45, on page 14, from all the relevant intelligence material and from the independent scrutiny of the Intelligence and Security Committee, a judgment was made on whether the actions and assessments of the Security Service were understandable and correct at the time. The report confirms that the Security Service came across two individuals, who were subsequently identified as Khan and Tanweer, on the peripheries of another investigation. However, I should mention three heavy caveats.

First, it was only after 7 July that the Security Service was able fully to identify the two men, given the massive concentration of resources then transferred. Secondly, there was no intelligence at the time that these men were interested in planning an attack on the UK in the UK. That is specifically alluded to on page 13, in paragraph 43 of the ISC report. Thirdly, the intelligence at the time did indeed suggest a focus, but either on training and insurgency operations outside the country in Pakistan, in which the men might be interested, or on fraud. In relation to the investigation at the time, it was peripheral to what was regarded as a bigger and more important operation. It is in that light, on that important subject—I accept that it is an important and legitimate one for the right hon. Gentleman to raise—that the ISC says

"we conclude that, in the light of the other priority investigations being conducted and the limitations on Security Service resources, the decisions not to give greater investigative priority to these two individuals were understandable"

Incidentally, officers followed up a report on the third bomber, Jermaine Lindsay, because again there was a peripheral connection to another case—of aggravated burglary—but it was only established later that the contact telephone number was on file.

I dealt with that matter in some measure, because the right hon. Gentleman raised an important point. I shall turn to resources, which he also mentioned. I covered them earlier, but in the period after 9/11 until 2007-08, there has been a quadrupling of the resources available to the police and counter-terrorism. In the same period, across Government, there has been a doubling of resources for counter-terrorism and resilience, from less than £1 billion to more than £2 billion. At any given stage, there are physical limitations on what can be achieved, because of difficulties in recruitment, skills identification, training and so on. It is not merely a matter of applying resources and bringing in lots of people without relevant skills.

Let me give two quotes. The director general of the Security Service told the ISC:

"What we are trying to do is the maximum we think we can bear in terms of recruitment, training, vetting, expansion, scale, new officers, a big northern operations centre...it is a very challenging programme."

In other words, according to the director general, the limitations are not the resources being allocated but the fact that the service cannot expand any faster.

At paragraph 140 of the report, the head of the Secret Intelligence Service, C, said:

"If you try to bring in more than a certain number of new people every year you can literally bust the system...you can only tolerate a certain number of inexperienced people dealing with very sensitive subjects."

On al-Qaeda, there are circumstantial links, some of which the right hon. Gentleman pointed out: the recording of the video, the Khan reference to al-Qaeda, al-Qaeda's claim of responsibility and so on. There are assumptions and speculations about contacts. The ISC report says:

"The extent to which the 7 July attacks were externally planned directed or controlled by contacts in Pakistan or elsewhere remains unclear."

That is what I said at the beginning. The matter is still under investigation. Yes, there is circumstantial evidence, but I do not think there is anything that would merit my saying at this stage that there is conclusive evidence that the attack was planned in advance rather than being claimed as a success afterwards, ex post facto, by al-Qaeda.

Mr. Nick Clegg (Sheffield, Hallam) (LD): I, too, welcome the Home Secretary to his new position. As the gravity of the events being discussed shows, he occupies a position of enormous importance to the security and welfare of the country. I share, of course, in his and the other expressions of condolence extended to the victims and the families of victims of the horrific attack on 7 July last year. I thank the right hon. Gentleman for advance sight of his statement.

We welcome the Intelligence and Security Committee report. As has been said, it is a thorough, insightful and highly professional report and raises crucial questions about the resourcing and organisation of our security services. Its scrutiny of the system of threat level warnings must in particular be responded to swiftly in order to safeguard public confidence, as the Home Secretary acknowledged.

The report raises queries about the increase in resources demanded by and made available to the security services. It is always easy to be wise with hindsight, and I acknowledge what the Home Secretary has just said about the practical limitation of increasing resources too fast in too short a period. Notwithstanding those caveats, there seems to be some lingering reasonable doubt about whether resources were increased with sufficient speed before the events of last July, not least because we now know that the real step change in the increase of resources did not really kick in until late 2004.

Notwithstanding the quality of the ISC report, does the Home Secretary agree that it and the Home Office narrative on the events of 7 July that he set out today are by definition limited in scope and leave some of the most important questions unanswered? To deal with the new threat of home-grown terrorism, we need to do more to try to understand the nature of that threat. Surely, there is no logical reason why the right hon. Gentleman should resist calls for a public inquiry when such an inquiry could deal with issues not covered by the reports. It could help to foster public understanding about the evolution of home-grown terrorism in our cities and towns and thus help our intelligence services to target resources effectively in those cities and towns.

We strongly welcome the Government's organisation of seven working groups under the aegis of the preventing extremism together initiative, which reported last November. That was an important first step in helping to assess, analyse and tackle, in a collaborative approach with members of our Muslim communities, the complexity of home-grown fundamentalism in some of those communities. Would not a public inquiry help to pick up from where the initiative left off to promote the collective anti-terrorism effort that the Home Secretary rightly emphasised in his statement?

Finally, may I urge the Home Secretary to consider carefully the emphasis in the ISC report, at paragraph 137, on the crucial role of effective local policing in gathering intelligence to identify individuals and communities susceptible to the kind of fundamentalism that can lead to such horrific terrorist atrocities? Does not he accept that the headlong rush towards the regional merger of police authorities, more often than not against their will, risks uprooting the foundations of our local police exactly when we should be strengthening, not weakening, the value of local policing in our counter-terrorism strategy?

John Reid: I thank the hon. Gentleman. On his last point, yes, local intelligence is obviously important. That is why we have about 13,000 more police officers on the beat and the number of community support officers is increasing to 16,000. The hon. Gentleman will understand if I decline his invitation to comment on another major issue, police restructuring, which I have not had the chance to look at—it has been a rather busy five days—but I accept the need for local intelligence.

The hon. Gentleman raised three other matters, the first of which was resources. He appeared to indicate that there was little increase in resources in the years after 2002 and that it was slanted towards the end of the period. Actually, if we consider counter-terrorist and resilience spending since 2001 by Department, across Government, the amounts are £923 million and £988 million, with £1,257 million immediately afterwards; the next figures are £1,479 million, £1.665 billion and £2.045 billion, so there has in fact been a steady cross-Government increase.

Although I fully accept that there will always be a demand for greater resources, Members should be cautious, as was the ISC, when talking about them. The paragraph in the report referring to resources begins with the following words:

"It could be argued (but it would be largely with hindsight)"—

the only exact science known to men and women is hindsight. The Committee phrased that paragraph very carefully; before saying that perhaps more resources could have helped, it noted that the observation was made "largely with hindsight".

I have one more point about resources. There has been a substantial increase, but even if resources were infinite, the truth of the matter in respect of intelligence is, as we must say constantly—and as the Butler inquiry pointed out—that even with unlimited resources we can never be 100 per cent. certain. We cannot predict the future. There is not 100 per cent. security, nor 100 per cent. predictability. Intelligence is, by its nature, a collection of fragmentary, partial, sometimes subjective and sometimes mistaken pieces of information, which must be put together by human judgment. So there is a matter of resources, but we should not pretend that, if then or in the future, we supplied infinite resources, we would have infinite wisdom about the future.

More briefly, on two things that the hon. Gentleman mentioned—the first was an inquiry, which is very important—I fully understand the concerns of the families of victims and those caught up in the attacks. I fully understand the questions that they have to ask about the trauma and the whos and whys of how this happened. All of us would understand that—it is a natural human reaction—and this week I have therefore carefully considered the call for a public inquiry, as did my predecessor, but it would mean a pretty massive reallocation and diversion of resources over an extended period if it was done. That is not just an inconvenience and an expense; it is a serious matter.

It would mean a reallocation of resources away from those needing protection at a critical time, when our security forces and security agencies are carrying out an absolutely essential job—the protection of people in this country—and in my judgment that diversion of resources would truly put others at risk to achieve an objective that can be achieved largely in other ways, which is why I am offering these meetings and reports. Of course, the Home Affairs Committee, the ISC, the London Assembly, the coroners and the ongoing criminal investigations, as well as our account, contribute towards that.

I agree entirely, however, with the hon. Gentleman's remarks about the need to engage the Muslim community. We need to work together in this country—every single one of us—because the threat is against every single one of us. In the aftermath of 7/7, we set in train both a short-term working programme of ministerial visits and then the longer-term actions in the Government's prevention delivery plan. I do not pretend that that is perfect, but it is the start of serious,

[John Reid]

prolonged and, I believe, in-depth engagement with the Muslim community in this country, because we need that.

Frank Dobson (Holborn and St. Pancras) (Lab): I thank my right hon. Friend the Home Secretary for his statement and for the narrative that he has provided, and the ISC for the report that it has provided; and we all look forward to the London Assembly's report on the response to the horrors of 7 July. Speaking as someone who represents the area in which the two worst atrocities took place, I think that it is necessary for us to accept that the activities of the security services will always be imperfect. It looks as though they had been geared largely to trying to trace connections to centrally organised atrocities, and we may have been caught out a little in the response to what might be described as semi-spontaneous local groups, which may have had vague connections—but that is a very difficult task.

We should remember in all this that the object of the people who support terrorism is to try to divide us one from another. When we are considering all the evidence that becomes available, we should remember that, whatever shortcomings may be revealed, it was not the security services, it was not the police, it was not Ministers and it was not the Opposition who actually exploded four suicide bombs; it was four suicide bombers who did the killing and maiming. What we must do is to concentrate on trying to ensure that we do not have any more of them. We should not spend our time pointing fingers at one another, when we did not do it.

John Reid: I agree entirely with every word that my right hon. Friend has just said.

Mr. Iain Duncan Smith (Chingford and Woodford Green) (Con): I start by welcoming the right hon. Gentleman to his position. We are old friends and counterparts, and I genuinely wish him the best of luck in what are difficult circumstances.

I simply refer the Home Secretary back to the statement made by my right hon. Friend the Member for Haltemprice and Howden (David Davis). I am of the opinion that, on balance, following the right hon. Gentleman's statement, we need a more independent inquiry. I recommend the report from the Committee chaired by the right hon. Member for Torfaen (Mr. Murphy), because it illustrates some of the weaknesses. Yes, the bombers are to blame absolutely, but we need to understand what has gone wrong, so that we can rectify it. In that spirit, I refer the Home Secretary to paragraphs 103 and 108, which suggest a complete misreading of some major issues internally in the UK—that of whether suicide bombings were ever likely to take place in the UK or Europe, when there was already evidence of the shoe bombers and others in Tel Aviv, and also the idea that home-grown terrorists were not a major issue for the UK. Again, the Committee quite rightly points out that there was a great deal of evidence to suggest that that was not the case and that we should have been concerned.

I am one who genuinely believes that we do this in the interests of the United Kingdom, our citizens and our friends, and of course, as a London MP, I include those who were devastated by the bombings. I urge the Home Secretary to think again about the inquiry, not because we want to point fingers, but because we desperately need to show the public that we have learned the lessons and that their security is paramount.

John Reid: Of course, over the years, I have grown to respect the right hon. Gentleman's views on these matters. There are two different aspects. One of them is the natural, legitimate questions of the families themselves, and I am trying in consultation and co-operation with my right hon. Friend the Secretary of State for Culture, Media and Sport to address some of them in meetings or through the account that we are giving today. The other one—the right hon. Gentleman points it out, and I accept it—is that we can always learn to improve the efficacy of our security services. I am not instantly persuaded that the best way to do that is with a public inquiry, but I will obviously want to talk, having read and reread the report, to my right hon. Friend the Member for Torfaen (Mr. Murphy), who is Chairman of the ISC, in the first instance. It is important to stress that the ISC is independent of the Government. There are people on it who would not sympathise with the Government on a range of issues but, on this one, share the same patriotic commitment—we would all do so—to protect our country. So I will undertake to hold discussions with my right hon. Friend to find out whether there are areas where we ought to ask his Committee perhaps to protrude a little further in intrusiveness to advise us.

Several hon. Members *rose—*

Mr. Deputy Speaker (Sir Michael Lord): Order. Obviously, these are very important and complicated matters, and a number of right hon. and hon. Members are seeking to catch my eye. We have not got an unlimited amount of time. If we can now, please, have brief questions and perhaps reasonably brief answers from the Home Secretary, although it is a complicated matter, we can get as many Members in as possible.

Mr. Paul Murphy (Torfaen) (Lab): I welcome my right hon. Friend to his new position. I also welcome his report and the meeting that he is suggesting we have to deal with the difficult issues about these tragic events. The thrust of his report is very similar to the Committee's report in that it talks about the new and considerable challenge that our country faces. The Committee recognised the substantial increase in resources that came to the intelligence service over the past number of years, but it also recognised that translating money into people and human resources was quite another matter. Finally, may I ask him to reflect on the points in the ISC's report that refer to the lessons that we can learn from the events of the past months and, indeed, the conclusions of his Committee's report, so that we can ensure that, in years to come, we can at least help to prevent such terrible attacks on our people?

John Reid: Yes indeed, and I thank my right hon. Friend for his work and that of his Committee. I assure him that I have already considered, and will continue to dwell on, some of the critical points that he has offered to us for consideration. There are points about the system of threat levels and alert states being confusing, the underplaying in the assessment of home-grown

terrorism, the degree of failure to understand and apply strategic thinking to that, the limitations of intelligence not included in a sufficiently systematic way in intelligence assessments, and so on. I am well aware that we are talking about something that neither in its intention, nor in its outcome, reflects carte blanche agreement with everything that was done or with a whitewash. There are critical elements. That makes the general conclusions and the general commendations of what was done by the security services all the more pertinent and substantial.

Mr. Michael Mates (East Hampshire) (Con): May I particularly welcome the Government's response to the specific recommendations of the Committee that the threat level and alert state system arrangements need clarity, transparency and simplicity? When will the review that the Government say has been completed be published, and, more importantly, when will the recommendations be implemented? Does the Home Secretary agree that part of the confusion that arose between threat levels and alert states was due to the fact that, although the threat level was reduced, the alert states were not? The alert states are the ones that matter to the people on the ground. In particular, as far as London Transport was concerned, that alert state remained very high and was not reduced. Finally, there have been reports in the press over the past few days that, had different decisions been made about the priorities, this atrocity might have been avoided. Is not the other side of that coin that, had the resources been put into trying to prevent this atrocity, one of the other atrocities that was prevented could equally well have happened?

John Reid: That is precisely the point. The right hon. Gentleman makes a very good point. That is also my worry about allocating and diverting resources towards a public inquiry. On his question about the threat level, I accept the recommendations of the Committee. As he will know, the difference between the two threat levels reflected whether there was knowledge of a specific threat at that time. "Substantial" is still a very high level of threat, but it meant that there was not specific knowledge at that time. As he said, that can be confusing. The response or readiness level was not automatically reduced, although the threat level came down. The reduced threat level indicated to experts that there was not a specific threat. However, to the man in the street, it could be taken to mean a reduction in operational capability. It did not mean that—thank goodness—on this occasion. I will undertake to review that and implement things as soon as possible, and to publish what I can, although I do not pretend that I can give a carte blanche that we will publish everything to do with threat levels.

Mr. Andrew Dismore (Hendon) (Lab): As my right hon. Friend may know, I have been raising in this House for many years—long before 9/11—the activities of fundamentalist extremists. Although it is true that we should lay the blame for what happened fair and square on the four bombers, the extremists who indoctrinated four young, apparently decent men bear heavy responsibility for the hatred that they brought to them, which ultimately led to these terrible tragedies. We have to learn from experience. That is true not just of the security services, but in terms of how we approach the victims and the families of those who died and how we provide support after the event. When my right hon. Friend meets the victims and the bereaved families, will he make sure that hon. Members in whose constituencies those people live are invited to attend? Will he also ensure that the discussions consider not just whether there should be a public inquiry, but the reservations and concerns of those victims about the immediate support that they received after the event and the compensation arrangements?

John Reid: On the compensation arrangements, I am aware of a potential contradiction. The events acted as a catalyst to a reconsideration of how to improve the compensation scheme, but, by precedent, compensation schemes are not retrospective. I know that that represents an incongruity and an apparent unfairness and so I am looking at the case of the July victims. It is an exceptional case, in my view, and I am considering whether something can be done exceptionally and what that might be. As I said, five days into the job I have not been able to fix every little issue that is in front of us, but I intend to do that.

On the meetings with the victims' families, I want to be as open as possible with them. I am open to all suggestions, but I hope that my hon. Friend will appreciate that the ultimate decision will rest with the families themselves. Some of them may or may not want to have others present. Some may want to ask some pretty pertinent questions. I have to take into account the wishes of the families, as does my right hon. Friend the Secretary of State for Culture, Media and Sport.

Mr. Alan Beith (Berwick-upon-Tweed) (LD): In his statement, the Home Secretary said that, prior to the bombings, capacity was being expanded as fast as the top management believed was organisationally possible. However, with hindsight the Committee was able to discover—from what had been done after the bombings—that there had been room to do more and to do it more quickly. Perhaps the caution was understandable, but more could have been done. Will he indicate that he and his colleagues will continue to support the current expansion and will he reflect on the very odd judgement of the Joint Intelligence Committee that suicide bombing would not become the norm in European attacks?

John Reid: I will reflect on both those points.

Mr. George Howarth (Knowsley, North and Sefton, East) (Lab): Will my right hon. Friend accept that no restrictions were placed on the access of the Intelligence and Security Committee to information, whether in the form of reports from the joint terrorism analysis centre or the Joint Intelligence Committee? That was also true of access to the heads of the agencies. It is a little unfortunate that, although the right hon. Member for Haltemprice and Howden (David Davis) did not cast any doubt on the integrity of the members of the Committee, he sought to undermine the credibility of the conclusions that we arrived at and the material that we used. We had no

[Mr. George Howarth]

restrictions placed on us. There were no no-go areas. I think that my right hon. Friend would acknowledge that that is why we were able to produce the conclusions that we did. They were closely related to the evidence that we examined.

John Reid: I am grateful to my right hon. Friend for that reassurance and I am sure that the House will be reassured, as well, because we are talking about something that complements and fortifies the independent status of the ISC.

Miss Julie Kirkbride (Bromsgrove) (Con): The British security services do a difficult and dangerous job and, for obvious reasons, their courage and occasional sacrifices are not always publicly recognised. Will the Home Secretary join me in saying that, despite the fact that some modest details about the bombers were known to the Security Service, no blame whatsoever for what happened on the streets of London last year should be attached to that magnificent service?

John Reid: I absolutely agree with the hon. Lady. I suppose that, for the country, what is more important is that the independent scrutiny of the Intelligence and Security Committee has led to the same conclusions. I remind the House, as I did earlier, that, in extremely difficult circumstances, working against hugely difficult technological networks and a high level of threat, the security agencies and the police have not just protected us in general, but have specifically prevented quite a number of potential terrorist attacks. As I said earlier, I know of three since July last year. For that, we should be eternally grateful.

Mr. Paul Truswell (Pudsey) (Lab): My right hon. Friend will be aware of the tremendous police work that was undertaken in west Yorkshire following the atrocities. The Home Office has already made available an extra £1.6 million to cover some of the costs incurred. Will he view with equal favour the bid that has been submitted by west Yorkshire to establish a dedicated anti-terrorist unit and also the case for designating Leeds Bradford airport for security purposes?

John Reid: I am not aware of the particular proposals that my hon. Friend refers to, but I undertake to have a look at them.

Richard Ottaway (Croydon, South) (Con): The Home Secretary has spoken of the challenge of understanding radicalisation. May I draw his attention to the ISC report and the admission by the Metropolitan police that it was working on an out-of-date script when it came to understanding radicalisation? Does he agree that that is now a top priority? It is the most complex subject and there is no easy answer.

John Reid: Yes, I will agree with the hon. Gentleman. It is important that we understand and empathise with the culture, background, feelings and emotions of many in the Muslim community. We thus rely on British citizens who are Muslims to assist us in that aim, as well as making it plain to all of them, in common with everyone else in this country, that the only way to make progress in a civilised, democratic society is through democracy.

Mr. David Winnick (Walsall, North) (Lab): In what I hope will be a completely non-polemical way, may I say to my right hon. Friend that in recognising that there will undoubtedly be further attempts at carrying out such mass murder and atrocities in our country, would it not be better to concentrate all our resources on security and policing—I know what he said in answer to several hon. Members—rather than going ahead at the moment with identity cards? The Government have said repeatedly that identity cards would not have prevented the atrocities of 7 July.

John Reid: I know that my hon. Friend has taken a huge and detailed interest in the matter over a long period. There is nothing—no degree of intelligence, or infinity of resources—that will allow human beings, however intelligent, with absolute certainty to predict or prevent attempts to commit atrocities of this nature. The question is whether some resources and instruments will help us better to prevent such atrocities. I must say to him that in the five days in which I have been in the Home Office, it has occurred to me, when going through the several big issues that I have looked at, that ID cards would indeed have prevented some of the problems that we face over deportations, in this case and in other areas. However, nothing will give an absolute guarantee that we can prevent such atrocities.

Stewart Hosie (Dundee, East) (SNP): I welcome the Home Secretary's statement and, especially, the increase in the budgets, with a doubling for resilience and a specific increase in the police counter-intelligence budget, both inside and outside London. I note that the right hon. Gentleman says that the intelligence community is growing as fast as the senior management believes is organisationally possible, and we have heard several comments about resources. Will he continue to urge the senior management in the intelligence community to identify new and innovative ways to use the additional resources that I know will be made available, which we on these Benches would very much welcome?

John Reid: Yes, I will. I know that both C and the director general are prepared to examine innovative ways of expanding quickly, and so on. They are progressive and open in their flexibility in doing so. However, just as it is impossible for me to guarantee that no other terrorist attack will ever get through, it would be wrong of me to suggest that there can be some form of infinite expansion of our security and intelligence services when I know that the skills, training, aptitude, vetting and experience required to carry out the jobs is considerable. The process thus takes time, and without having the almighty prescience of knowing what might come in the next generation, we will always be up against those physical constraints.

It is true to say that the security services and agencies have been given anything that they have asked for as a priority. However, of course, if there are other areas that they feel are absolutely essential, I will look at them.

Ms Diane Abbott (Hackney, North and Stoke Newington) (Lab): Like most Londoners, I remember exactly where I was when I heard the news of the 7/7 bombings, and how frightened I was until I knew that the people closest to me were safe. The news was especially shattering coming, as it did, the day after our triumph with the Olympics. Does the Home Secretary agree that any successful long-term counter-terrorism strategy must have a community cohesion strand? Will he give the House an assurance that the round-table meetings and work with the Muslim community that came after 7/7 will be followed through and that many of the important recommendations will be implemented?

John Reid: Yes. I not only agree with my hon. Friend, but agree strongly with her. The idea that the problems will be solved only by instruments of the state, or, internationally, by military power, is a sad delusion; worse, indeed, it is a terribly mistaken attitude. Domestically, the important thing will be to get a degree of understanding and mutual solidarity throughout the whole of our community in this country, including everyone who is British, from whatever background—including Scots, Welsh, Irish, Bangladeshi, Pakistani, Muslim, Christian and non-religious people—because the dividing line is not between ethnic groups or civilisations, but between terrorism as an evil and every other set of values that has developed in the civilised world. I very much agree with what my hon. Friend says.

Dr. Julian Lewis (New Forest, East) (Con): I am sure that the Home Secretary will do well in his new position, although he probably regrets having to leave his job at Defence, which, I know, it was his lifetime's ambition to obtain. May I ask him to pay some attention to the question of the recruiters and indoctrinators in this country? They have the multiplier effect. He referred in his statement to the role of one of them, who is in jail. We know the difficulties of putting such people in jail, so when they are in jail, can they be excluded from being released halfway through their sentences?

John Reid: As a general response to what the hon. Gentleman says, I agree very much. Just as important as operational terrorists are those who train, inspire and guide operational terrorists. That is the mixed threat. I cannot, with my limited experience in the Home Office, give him any guarantees on sentencing policy—I think that I will be turning my mind to that next Monday afternoon—but I take the point that he makes.

Mrs. Louise Ellman (Liverpool, Riverside) (Lab/Co-op): It is quite clear that home-grown terrorists were operating in an international framework. Does the Home Secretary have any specific proposals to increase measures against terrorism internationally and to improve the scrutiny of what is happening in this country? Does he agree that no section of the community can use its opposition to British foreign policy, whether in Iraq or elsewhere, to come anywhere near to justifying mass murder?

John Reid: I very much agree, as I am sure that the whole House does, with my hon. Friend's second point. On her first point, international solidarity and action on borders, the transfer of intelligence and working together operationally are of increasing necessity not only inside the European Union, but with countries that are geographically far apart from the European Union. Those actions are especially important with countries that are largely composed of people of the Muslim religion or culture. In my previous job, in which, as the hon. Member for New Forest, East (Dr. Lewis) pointed out, I took an interest and enjoyed, I had a great deal of discussion with some of those countries and formed operational partnerships with them. I am sure that such work will benefit greatly those countries and us because the threat is common to us all. The threat starts off as justifying attacks on foreign soldiers and ends up, in attack theory, as blowing apart innocent Muslim women and children in the streets of Jordan or Iraq. The whole of civilisation is challenged by the threat and should unite against it.

Michael Gove (Surrey Heath) (Con): May I thank the Secretary of State for his dignified and informative statement? He will be aware from the ISC report that the tragic events of 7/7 followed years of failure, going back to before 1997, to appreciate the scale of the Islamist threat.

In particular, this country operated a system—the covenant of security—under which terror propagandists were left at liberty, so that they and their potential recruits could be kept under watch. Given that one key terror propagandist under observation could abscond from his known home address, where he received housing benefit, and remain on the run for 10 months, does the Home Secretary not agree that a full public inquiry could do a great deal to address deep and systemic failings?

John Reid: I am not sure that the answer to what the hon. Gentleman calls systemic failure, which he illustrated with one case, is a public inquiry. Rather than willing the ends and not being prepared to will the means, the House needs the will to will the means. He urged us to take action against people who glorify terrorism, to undertake more competent operational investigations and to let people know about the threat, but I hope that as we do all those things, rather than accuse us of tub-thumping, over-egging the pudding or taking draconian measures against a threat, he and his colleagues will support us as we take the necessary measures to achieve the ends that he identified.

Ms Dari Taylor (Stockton, South) (Lab): I thank my right hon. Friend for his statement that the ISC report is factual and detailed, and is not a whitewash. It is important for the Committee that that statement is recorded, but it is even more important that the agencies back his statement. The report expressed concern that special branch is underfunded and does not have the capacity or capabilities required to deliver

[Ms Dari Taylor]

the right security and the investigatory responses required. Does his Department acknowledge that and, if so, what is it going to do about it?

John Reid: I undertake to look carefully at the points made by my hon. Friend, as we take these issues very seriously indeed. As an indication of that, and because of our feelings for the victims of 7 July, we have made a small but symbolic gesture, and every single Home Office Minister is present on the Front Bench today. I will continue to make sure that we look at the problem.

Mr. Shailesh Vara (North-West Cambridgeshire) (Con): The Foreign Secretary spoke about the need for effective international co-operation. Is he happy with the co-operation that we have received from other countries? If not, which countries require further work? And what is the Foreign Office doing to try to make communications much better?

John Reid: I thank the hon. Gentleman. I have not yet occupied the post of Foreign Secretary—the Foreign Office is one of the few Departments about which I can make that categoric statement. On the serious point that the hon. Gentleman makes, I am not yet in a position to assess in which areas we wish to develop friendships and the exchange of information and intelligence, but my experience in the past few years, particularly in Defence, is that there is an increasing awareness among all countries of all backgrounds of the common threat that we all face. I have had useful discussions with many countries in the Gulf, and I have had the pleasure and privilege of long conversations with President Musharraf of Pakistan and others. There is a growing awareness, as I said earlier, that there is a threat not just to one of us but to all of us. It is not a clash between civilisations—it is a threat to civilisation.

Mr. Sadiq Khan (Tooting) (Lab): I thank my right hon. Friend for his statement and the candour he has displayed in more than an hour of answering questions. May I draw his attention to the Intelligence and Security Committee's conclusion that the radicalisation of British citizens was still not fully understood or properly taken into consideration by the intelligence community? Does he accept that criticism, and what do the Government intend to do to address that shortcoming?

John Reid: I can tell my hon. Friend that I accept that we have a great deal more to do. May I make the general point that part of the motivation of the four suicide bombers was a sense of injustice about the treatment of Islam throughout the world by the west? That is the starting point, but we need to go much further and appreciate what underlies that strength of feeling. None of that justifies suicide bombing—neither my hon. Friend nor anyone in the House is suggesting that it does—but the more that we understand one another and understand what motivates those people, including what shapes their development and the context of their beliefs, the better we can cope with the problem. That is why, in the aftermath of 7/7, we set in train, as I said earlier, short-term work, including a programme of ministerial visits to engage local communities. Many Ministers, including my right hon. Friend the Secretary of State for Culture, Media and Sport, are actively engaged in dialogue and action with faith communities. Whether we have reached the parts that we ought to reach is an open question, and that is something that I want to look at. I think, too, that it will be high on the agenda of my right hon. Friend the Minister for the Cabinet Office, who places a strong emphasis on the matter. We shall try to make sure that that is an important aspect of the work that she carries out.

Susan Kramer (Richmond Park) (LD): The Home Secretary rightly talked about the victims' families and the agony that they are going through, particularly given the publication of the report and the forthcoming anniversary. He will be aware that some of their anguish stems from their difficulty finding the injured on 7/7 and discovering which hospital they had been sent to. They tried to identify and reach their relatives, but they did not want to disrupt the emergency services in the process. I have previously raised the issue on the Floor of the House, and I have spoken about the campaign for Emily's boards, which provide a mechanism for communication. I have met officials from the Department of Health, but Home Office involvement is required. Our efforts to introduce that procedure are moving forward at a snail's pace. Can my right hon. Friend provide me with a point of contact in the Home Office so that we can try to progress a solution? I hope that there is not another atrocity in London or anywhere else in the UK but, if there is, families should not be exposed to that experience again.

John Reid: I thank the hon. Lady, and I urge her to pass on her thanks to her constituents, including the parents of a young victim who I believe, from discussions with my right hon. Friend the Culture Secretary, is called Emily. I thank her for her proposal, as that is one of the lessons that we must learn. As I have said, I do not regard this as the exclusive preserve of any particular party. I shall give what support I can to identify someone to develop the proposal. The matter is not within the ambit of the Home Office, as it is the responsibility of my right hon. Friend, but I undertake to look into it and to contact her.

Mr. Ben Wallace (Lancaster and Wyre) (Con): Post-incident analysis and learning from our mistakes is a vital part of intelligence work. The House should not hold back from scrutinising the Government and the Committee's report on the event. Will the Home Secretary clarify something that remains unclear in the report and his previous answers? Were the two bombers, Tanweer and Khan, under surveillance at any stage in the lead-up to the incident and, if so, was that for years or months? I am not just talking about tracing their telephone calls. As a result of the report, will he undertake to consider whether we have the right balance between human intelligence—informers and people working with the community—and intelligence gathered purely from surveillance? A lack of human intelligence often results in our missing threats, as has been the case both at home and abroad in the past.

John Reid: I am asking for clarification of the details. My understanding was that there was not a sustained surveillance operation. Rather, the men were picked up as contacts of a primary target who was under surveillance. The answer that I have just been given partly corrects me and is partly indecipherable. It has obviously been written by one of our intelligence agencies! The reply that I gave the hon. Gentleman was my original understanding. If it transpires that there was systemic surveillance of the men for any prolonged period, I will write to him.

Philip Davies (Shipley) (Con): I particularly welcome the part of the Home Secretary's statement in which he said how important it is that we engage all communities in British society. Does he agree that it is crucial that we all do much more to integrate all communities, particularly Muslims in west Yorkshire and the rest of the country, into the British culture and the British way of life, so that they do not feel such hatred towards us as a nation, and that we do much more to tackle the people who preach hatred about our country, and perhaps kick some of them out of the country? All of us need to tackle the culture of political correctness, which has done so much harm to the integration of people into British society.

John Reid: I agree strongly with the first point that the hon. Gentleman made. One of the great things about Britishness is the strength of unity that we get from our diversity. That has been true for centuries, and I speak as a Scot and a Brit. I want everyone to understand that that is part of being British, as is tolerance of the views of others. I therefore strongly support the positive side of the hon. Gentleman's comments, but if we are to be tolerant of the views of others, we must be rather less tolerant of those who are intolerant of others. That is the other side. As regards political correctness, I do not think I am qualified to pass judgment.

Points of Order

1.42 pm

The Secretary of State for Northern Ireland (Mr. Peter Hain): On a point of order, Mr. Deputy Speaker, of which I have given the hon. Member for Meirionnydd Nant Conwy (Mr. Llwyd) notice. Last Thursday in the House he alleged that I had made an offer of a peerage to Peter Law. That is utterly and totally false. I never made any such offer, nor would I. Indeed, Peter Law himself, on a television programme in December last year, said that he had never received—

Mr. Deputy Speaker (Sir Michael Lord): Order. I remind the right hon. Gentleman of the ruling that the Speaker gave earlier today. He said, "I do not intend to allow any debate or points of order about the hon. Member's apology, still less about the substance of his allegation last week. That is a matter to be pursued elsewhere, if at all." I must abide by the Speaker's ruling.

Chris Bryant (Rhondda) (Lab): Further to that point of order, Mr. Deputy Speaker.

Mr. Deputy Speaker: No. I have dealt with the point of order and that is the end of it.

Mr. Hain *rose—*

Chris Bryant *rose—*

Mr. Deputy Speaker: Order. We must move on to the main business.

Mr. Hain: On a point of order, Mr. Deputy Speaker.

Mr. Deputy Speaker: No. I have dealt with the point of order and I am not returning to it.

Housing Corporation (Delegation) etc. Bill (Programme) (No. 2)

1.43 pm

The Minister for Housing and Planning (Yvette Cooper): I beg to move,

That the Order of 25th April 2006 (Housing Corporation (Delegation) etc. Bill (Programme)) be varied as follows:

1. Paragraphs 4 and 5 of the Order shall be omitted.
2. Proceedings on consideration shall (so far as not previously concluded) be brought to a conclusion two hours after the commencement of proceedings on the motion for this Order.
3. Proceedings on Third Reading shall (so far as not previously concluded) be brought to a conclusion three hours after the commencement of proceedings on the motion for this Order.

We have had wide consensus on the Bill, both on the content and on the need to ensure that it reaches the statute book at the earliest opportunity. I thank the Opposition parties for their support for the Bill and for their willingness to meet representatives of the Housing Corporation and lenders in order to discuss the detail. Accordingly, I hope all Members will support the programme motion.

Mr. Peter Bone (Wellingborough) (Con): On a Bill that will clearly go through the House fairly quickly, it seems strange that we should impose an unnecessary guillotine on the business of the House. The programme motion is unnecessary and should be rejected.

Question put and agreed to.

Orders of the Day

Housing Corporation (Delegation) etc. Bill

Not amended in the Standing Committee, considered.
Order for Third Reading read.

1.45 pm

The Minister for Housing and Planning (Yvette Cooper): I beg to move, That the Bill be now read the Third time.

We had considerable discussion in Committee of a short Bill that enjoys widespread support in the House, both for its content, as I said, and because of the need for a speedy response from Parliament to the issue that has arisen for the Housing Corporation. The provisions are not the most dramatic, but they are extremely important to the Housing Corporation, the housing associations that it regulates, the lending community and, ultimately, the 2 million people who depend on social housing.

In Committee we undertook extensive scrutiny of the details of the Bill and its underlying purpose. I shall summarise the conclusions of that debate. The Bill's purpose is simple. It gives the Housing Corporation a power of delegation from board to below-board level, either to a committee of the board or to officials, with retrospective effect. It also deems the corporation always to have had such a power, since it was founded in 1964. Over the past 40 years the board had been acting, in good faith, on the basis that it had an implied power of delegation, until it was discovered at the end of last year that the board did not have that express power of delegation.

It was not just the corporation that thought it had such a power, but everyone else with an interest, including the Department, the lending community, housing associations and the residents of housing associations. When the Housing Corporation was created, it was common for public bodies and non-departmental public bodies not to be given an explicit power of delegation. At that time, powers of delegation were more readily taken to be implied. Since then, the majority of bodies set up without explicit powers have been wound up or have had their legislation modernised to confer such powers.

That did not happen in the case of the Housing Corporation because of administrative oversight on a series of occasions. Hon. Members asked whether we were aware of any other NDPB being in the same predicament as the Housing Corporation, but we are not. As I assured the Committee, we have examined all the NDPBs that were responsible to the former Office of the Deputy Prime Minister. I will need to confirm that any new non-departmental bodies that may arrive in the Department as a result of the change in the Department's responsibilities are similarly checked, in order to ensure that we have addressed the issue. We have contacted the Cabinet Office, which is co-ordinating further consideration of the matter across Government.

Hon. Members will be aware that as soon as the issue for the Housing Corporation was discovered, we set about addressing the many decisions that have been taken, so as not to leave housing associations, the corporation and lenders in a state of limbo about previous decisions that had been delegated.

The Opposition raised concerns on Second Reading and in Committee about the retrospective nature of the legislation and the fact that it will legitimise past decisions that the corporation board had delegated. We had an extensive discussion of retrospective legislation on Second Reading and in Committee. We are clear that the concerns expressed by hon. Members about retrospective legislation do not apply. The Bill does not seek to alter the rights of individuals to the benefit of some and the disadvantage of others, or seek to unravel previous transactions that were undertaken in good faith, with unforeseeable consequences. It does not attempt retrospectively to change people's understanding of the position that they are in; in fact, the converse is true. It seeks to restore what was thought to be the status quo and restores the parties to the position that they all considered, in good faith, they were in before the problem was discovered.

Mr. Peter Bone (Wellingborough) (Con): On what evidence does the Minister conclude that all parties thought that way?

Yvette Cooper: We are certainly not aware of any that thought otherwise. If the hon. Gentleman is challenging me because he thinks that I am, so to speak, unreasonably presuming that all swans are white because I have never seen a black one, he is probably making a fair logical point. However, on the basis of the evidence that I have and the consideration that was given to the historical files, I am not aware that any of the many organisations that engage with the Housing Corporation considered that this implied power did not exist. Certainly, if any of the lenders had considered that that was a possibility, they would have raised it with us pretty quickly.

As I made clear, the Bill restores to the Housing Corporation and to other stakeholders something that everyone previously thought already applied. It also ensures that they can move on, on a secure footing, in making decisions in future, and that they do not have to call a meeting of the board to consider a series of decisions that should sensibly be delegated either to sub-committees or to officers. It therefore allows the Housing Corporation to manage its business more effectively and efficiently and to take sensible decisions in exactly the same way as many other non-departmental public bodies. At an earlier stage of the Bill's passage, we discussed a range of other organisations and non-departmental public bodies that have similar powers to those that we are introducing for the Housing Corporation.

We discussed in Standing Committee the kinds of delegated decisions that are involved. These are not merely decisions about the kinds of coffee and biscuits that are got in for meetings—they are about the statutory functions of the Housing Corporation. A series of different types of decisions is covered. Our main concern centred on consents under section 9 of the Housing Act 1996. It was important to ensure that those were covered by the ability to delegate. That section requires a registered social landlord to obtain the consent of the corporation for any disposal of land under section 8 of the Act. That includes the placing of charges by lenders as security against a loan and rule

[Yvette Cooper]

changes for RSLs. It is important to have certainty about such consents, as they have important implications for the future of social housing, new build and the levels at which housing associations can borrow. Legal advice assured us that, through provisions in the Land Registration Act 2002, housing associations could continue to borrow against their assets and regard their homes, which might have been transferred from another housing association, as their own, and could make decisions about the future on that basis.

However, we were also advised that notwithstanding the existence of such other provisions, there remained a degree of legal uncertainty about the validity of the decisions of the corporation. We felt, given the extent of long-term investment in the social housing sector, that it was critical to ensure that that uncertainty could be addressed. It could, for example, have affected the ability of housing associations to borrow against their assets, the rate at which they could borrow, the draw-down of loans, and the confidence of lenders. We are all agreed across the House that we want to maintain confidence in the social housing sector in those long-term decisions.

Another aspect that we covered was the status of regulatory decisions such as statutory appointments to the board of a registered social landlord. We wanted to ensure that those were also properly covered and that there was no uncertainty about them given the need to be able to regulate in the public interest. Similar concerns involved housing association registration and rule changes.

In each of the areas where we have pursued this matter, it is possible to provide some legal comfort regarding rule changes that might be provided by other legislation such as the Land Registration Act and the Companies Act 1985. Nevertheless, it became clear that each of those provisions offered insufficient certainty and comfort, whether for the Housing Corporation itself, for the housing associations, for their lenders or, ultimately, for social housing residents, who would bear the consequences were that uncertainty not resolved and were there to be any difficulties in terms of lending decisions that might follow.

There is wide-ranging consensus among the stakeholders, as well as in the Department and among hon. Members, on the need for the Bill and the need to respond relatively swiftly to the problem that has arisen for the Housing Corporation. We believe that the Bill is the only way to solve that problem. I thank all Members for their support and commend the Bill to the House.

1.55 pm

Michael Gove (Surrey Heath) (Con): It is a great pleasure to follow the Minister in this debate. It is also a particular pleasure to see the new Minister for Trade in his place on the Front Bench. I say that because this Bill is small and, some might argue, perfectly formed, in that it has attracted no amendments and comes to us in its original pristine form. It would therefore be natural for many to conclude that it was flawless from the beginning. Indeed, given the well-known attachment of the new Secretary of State for Communities and Local Government to the Roman Catholic Church, one might even say that it had an immaculate conception.

However, I would not like anyone to think that this brief measure has passed through the House without scrutiny, because several hon. Members made valuable comments on Second Reading and in Committee. I should like in particular to pay tribute to the hard work of my hon. Friend the Member for Wellingborough (Mr. Bone), who is in his place, and my hon. Friends the Members for Welwyn Hatfield (Grant Shapps), for St. Albans (Anne Main), for Banbury (Tony Baldry) and for Hammersmith and Fulham (Mr. Hands). I think that in every case where there were local elections in the constituencies of those of my hon. Friends who spoke on Second Reading, the Conservative party made gains—in some cases, sweeping gains. I would like to think that there was a direct causal connection between their commitment to extending social housing and Conservative success, but I suspect that other factors to do with the Office of the Deputy Prime Minister may have played an even greater part in those results.

While on the subject of Whitehall manoeuvres, I congratulate the Minister on retaining her portfolio. I would like to think that the Prime Minister was taking such a close interest in the passage of the Bill that he did not dare move the Minister during its passage lest it, or she, come to some harm—but I suspect that he may have had other things on his mind in the past week.

As the Minister and the House will know, we have been happy, indeed eager, to assist the Government with this business, not only on the compassionate Conservative basis that we should help the vulnerable but because, as we outlined on Second Reading and in Committee, we think that the Bill is necessary and urgent. As the Minister made clear, it seeks only to correct an anomaly that came to light earlier this year. It will grant to the Housing Corporation the power to delegate that that body, and all independent observers, always believed that it had. It will regularise in law a state of affairs that has been ongoing for years, which everyone accepted and to which no one objected until an eagle-eyed lawyer discovered a technical breach in the corporation's constitution.

At every stage of the legislative proceedings, the Minister has been helpful and to the point in explaining the need for the Bill. However, as hon. Members have raised certain questions during its passage, I should like briefly to explain why we believe that it passes the tests that qualify it for speedy transfer to the statute book. Any legislation should pass at least three tests: the test of necessity, the test of proportionality, and the test of consequentiality. First, is it necessary, or could we achieve this goal by other means? Secondly, is it proportionate, in that it does what it says on the tin, or does it carry within it additional measures beyond those required to achieve the desired effect? Finally, what consequences will its passage have on the broader legislative and administrative framework in which we operate? Does it create precedents, or will its operations have ramifications that have profound and unheralded consequences?

As the Minister made clear, the Bill passes the necessity test. We all know that it is necessary to keep housing associations buoyant and effective and enable them to continue carrying out their superb job of providing social housing and acting as social enterprises. Their success has depended on their access to debt finance on competitive terms.

As the Minister again made clear, lenders lend to housing associations because they have absolute security and first call on their assets. They have that security because of the section 9 consents that have been granted through prior legislation. In many cases, they were granted under delegated powers. If there is any uncertainty about the legality of the exercise of those powers, an element of risk is introduced. As we all know, introducing an element of risk into the lending process places a premium on loans. That means additional costs—for the taxpayer or housing associations or those in genuine need, who depend on social housing. We therefore share the Government's commitment to removing that risk, restoring certainty and helping those in need. That is why we believe that the Bill passes the necessity test.

Let us consider the proportionality test. My hon. friend the Member for Wellingborough made some telling points on Second Reading and in Committee when he asked whether it was disproportionate to introduce a measure to deal with something that the Housing Corporation could tackle through a retrospective consent. There are some attractions in his case. However, the best advice from all lawyers is that both the Housing Corporation and housing associations would be on a securer and more certain footing if primary legislation were passed.

Given the speed with which the House has considered the measure, and that we now teeter on the precipice of seeing it on the statute book, it appears foolish to argue that there is any method other than the original course of speedy legislation to provide the security and certainty that lenders, the Housing Corporation and housing associations deserve. The Bill is, therefore, not only necessary but proportionate. At 22 lines long, it tries to do nothing more than address the specific anomaly. Some hon. Members suggested in Committee that it should be used to achieve other ends. The Minister was attentive to their concerns, and promised to revert to them by other means.

Let us consider consequences. The Bill is narrowly and precisely drafted, so few consequences flow from it other than the rectification of the existing anomaly. As the Minister was gracious enough to point out, it raises a specific question. Do any other non-departmental public bodies in Whitehall have similar or related loopholes or lacunae in their constitutions? She gave us an absolute assurance that all the non-departmental public bodies under her Department as it was before the recent reshuffle were covered, and that she would consider all those that now come within her bailiwick. She also assured us that the Cabinet Office would examine all non-departmental public bodies throughout Whitehall.

Yvette Cooper: Let me clarify my assurance. We asked the Cabinet Office to examine the issue more widely. There may be, for example, non-departmental public bodies that it makes no sense to examine because they clearly have no need of such a delegated power, and so on. We await further consideration from the Cabinet Office about how the matter should progress; I do not want to give the hon. Gentleman the inaccurate impression that we are conducting a grand search of every measure if there are more appropriate methods of dealing with the matter.

Michael Gove: I am grateful to the Minister for making it clear that this is a light-touch process. However, it is important that we do not again find ourselves in the process in which we are currently engaged, of having to introduce a Bill to tackle an anomaly. I would therefore be grateful if she passed on to her colleagues in the Cabinet Office our request, on behalf of both Opposition parties, to write to us at an appropriate moment to inform us of their progress. I look forward to receiving that correspondence in due course.

We can tell from the attendance in the Chamber that although everyone who was interested in the Bill took a keen and informed interest in it, most hon. Members wish only to secure its speedy passage. For that reason, I commend the Bill to my hon. Friends.

2.3 pm

Mr. Dan Rogerson (North Cornwall) (LD): I thank the Minister for her consideration in sharing the thinking behind the Bill at an early stage with representatives of Opposition parties and for the way in which she took it speedily through Committee.

I acknowledge the great contribution to the debate of the hon. Member for Surrey Heath (Michael Gove), although he came a little unstuck in Committee when some Labour Back Benchers took exception to the proposal for an audit of non-departmental public bodies to ascertain whether there were further instances of assuming delegated powers that do not exist. My hon. Friend the Member for Carshalton and Wallington (Tom Brake) first raised the matter on Second Reading. I am glad that the Minister has considered the matter in her previous Department and has undertaken to examine it following the reconfiguration of responsibilities.

Michael Gove: Will the hon. Gentleman join me in congratulating the Minister on facing down Labour Back Benchers? Does that not set the appropriate example—that those who exercise ministerial power should face down some of the more recalcitrant and Neanderthal elements on the Labour Benches to ensure that good advice from both Opposition parties is taken?

Mr. Rogerson: I concur with the hon. Gentleman's sentiments. Perhaps it was the shortness of the Bill that encouraged hon. Members to go further afield in seeking points to raise in Committee.

The Housing Act 1996 has been mentioned. During its passage, I was here as a student for a few weeks and had the honour to work for a week for Baroness Maddock, who was then a Member of this House and serving on the Committee that considered the measure. Little did I know then that one day I would rise, as a

[Mr. Rogerson]

Member of Parliament, to address a packed Chamber on this subject—and I am delighted to do so.

The Bill is sensible. It acknowledges a change in practice that has emerged during the operation of the Housing Corporation and its sister bodies in devolved parts of the United Kingdom. When the Housing Corporation was established, delegation was far less common in public bodies. The Housing Corporation's work load and responsibilities have increased because of the shift from local authorities' provision of social housing to more provision by registered social landlords. The Government, like the previous Administration, have tried to encourage that. If that is to continue, it is crucial that delegation be allowed to continue to ensure that local consultations can take place and effective decision making can happen at the appropriate level. The anomaly should have been picked up earlier, but at least it is being tackled now. We are considering a sensible tidying-up measure to reflect the reality. My party supports it for that reason.

Several hon. Members raised the concept of retrospective legislation. I agree that in principle the House takes a dim view of it. However, as the Minister said, the Bill is trying to secure decisions that have been made in the past, not to undermine them. It aims to increase confidence in the sector. If the Government want to pursue further private investment in social housing as opposed to public investment through local authorities, such confidence will be crucial. Confidence is also crucial for tenants who want the housing association from which they rent to be in a secure position to ensure that their tenancy remains secure.

The Bill also covers the possibility that some of the delegated decisions may have been wrong. At the prompting of a Labour Back Bencher in Committee, the Minister was keen to correct any misapprehension that the Bill's retrospective nature would allow incorrect decisions to go unchallenged. I am glad that she could reassure us about that.

The Bill will secure the confidence in the sector that is needed to ensure continued investment. For that reason, my party does not oppose it. We look forward to the Housing Corporation being able to continue with its functions effectively and positively.

2.9 pm

Mr. Peter Bone (Wellingborough) (Con): I refer the House to my entry in the Register of Members' Interests, and in particular to the fact that I am a member of Rockingham Forest housing association, in an unremunerated capacity.

The Bill will go through the House unopposed today, but it represents a missed opportunity. As it progressed through its Second Reading and into Committee, events occurred and statements were made that changed the nature of the Bill. On Second Reading, it appeared that the main purpose of the retrospective part of the Bill was to address concerns about disposals, where housing associations had disposed of properties or, perhaps more importantly, where they had granted charges on properties. Subsequently, however, it transpired that a general consent under the terms of the Housing Act 1996 would have been sufficient to address that problem. Even if there were no consent, lawyers were of the opinion that the transactions would still be valid.

In Committee, however, it became apparent that other matters, rather than the disposals, were the reason for the retrospective legislation. The Minister was kind enough to tell us about some of them. One involved the registration of housing associations. It strikes me that the registration of a housing association should never be delegated, and that the decision should always be taken at board level. I am therefore unhappy about granting retrospective legislation in relation to a matter that should always be dealt with at board level.

One hon. Member made the powerful point in Committee that giving wholesale retrospection to everything that had been approved through delegated responsibility could legitimise decisions that were wholly unacceptable. The Minister gave us an assurance that that would not be the case, but it was not clear on what basis she could give that assurance. Perhaps I missed something there, and I hope that that matter can be clarified.

The intention seems to be to rush a Bill through Parliament because we fear that lenders will object if we do not. In practical terms, however, I do not think that they would. I see no reason for the transactions that have already occurred to be challenged, as they are established as charges with the Land Registry and the rates of interest have been agreed. I find it incredible that any lender would go back and ask for a higher interest rate just because some lawyer in a seminar thought that he had spotted something wrong in the primary legislation.

The problem is that the primary legislation did require the board to make those decisions, and in all the intervening years, no one thought that the board should not do so. It might appear to the layman that the board would have to look into every detail and work out every fine part of any disposal. What actually happens is that the housing association does all that work. It does all the investigation and due diligence, then sends the request to the Housing Corporation. I am unaware of the Housing Corporation having rejected any such request. The purpose of the Housing Corporation is to regulate housing associations, not to be involved in a great deal of paperwork. So I see no practical disadvantage in the retrospection.

The Bill has missed an opportunity; it could have been much better. In addition to covering all the problems that we addressing, it could have dealt with the role of the Housing Corporation. Why are we paying £40-odd million a year for an organisation to rubber-stamp decisions that are made, very diligently, by housing associations? Would this not have been an opportunity to introduce new legislation to remove that requirement, save the taxpayer a great deal of money and improve the Housing Corporation's efficiency?

It is possible that if the fault had been discovered in a seminar in a few weeks' time we would not have had to discuss the matter, because the Legislative and Regulatory Reform Bill would have removed the necessity to do so. I am grateful that it is being introduced now.

The Minister was very kind and tolerant in Committee, but I believe that she might wish that the

Bill had been delayed slightly. In nine days' time, the consultation on whether the Housing Corporation should merge with English Partnerships will end. We shall introduce a whole lot of primary legislation shortly anyway. Why did we not wait until then to clear up this little anomaly? In practical terms, nothing would have happened—

Mr. Deputy Speaker (Sir Michael Lord): Order. I must tell the hon. Gentleman that on Third Reading, we discuss what is actually in the Bill, rather than what might have been.

Mr. Bone: I apologise, Mr. Deputy Speaker. I did bring those matters up in Committee.

The Bill will require the board to delegate to individual officers or sub-committees decisions on the disposal—and registration, would you believe?—of housing associations. I find it extraordinary that we are giving the Housing Corporation the right to appoint an officer to approve and register a housing association. Surely the original Act of Parliament was designed to make the board make that decision. With all due respect to the directors involved, I do not think that they are particularly overworked. I understand that they have been meeting once a week to deal with business under the present rules, and something like £250,000 of taxpayers' money is paid to them each year. So the additional responsibility would not represent a great strain.

The Bill represents a missed opportunity. I understand totally why the Government have introduced it, but legislation introduced in haste and involving retrospection is normally either wrong or unnecessary.

2.17 pm

Yvette Cooper: We have had a good Third Reading debate and, with the leave of the House, I shall reply to some of the points that have been raised.

The hon. Member for Wellingborough (Mr. Bone) has raised today many of the points that he made in Committee. I know that he would have preferred us to wait for another opportunity to introduce the legislation. However, after extensive discussions with the Housing Corporation, the Council of Mortgage Lenders and other stakeholders, it became clear that it would be inappropriate for us to wait any longer, as the uncertainty was giving rise to significant concerns, especially among lenders, about the retrospective decisions. We did not want that uncertainty and anxiety among lenders to have an impact on the day-to-day decisions on the draw-down of loans or the rate at which housing associations can borrow, for example. Such uncertainty could have a serious impact on the viability of those decisions, should those problems start to escalate.

We are carrying out a consultation on the Housing Corporation and English Partnerships, but we have not made any decisions at this stage on the right way forward. Any further legislation in that area could therefore still be some way off—if it is to happen at all—and it would be inappropriate to leave the Housing Corporation, and those who depend on social housing held by housing associations, in a state of uncertainty.

We have addressed all the different points that have been raised during our debates, either in detailed briefing sessions for hon. Members or in Committee. On that basis I commend the Bill to the House, and speed its passage to the other place.

Question put and agreed to.

Bill accordingly read the Third time, and passed.

Confident Consumers

Motion made, and Question proposed, That this House do now adjourn.—*[Mr. McCartney.]*

2.19 pm

The Minister for Trade (Mr. Ian McCartney): The last time I spoke in the House, some three years ago, Mr. Deputy Speaker, you were in the chair. Let me say welcome back.

Members of the House may be aware that this is my first undertaking on the Floor of the House since taking up my new role in the Department of Trade and Industry and the Foreign Office. These have been a few busy days. I am currently juggling some of my previous undertakings as Minister without Portfolio with my Foreign Office responsibilities, plus sections of the briefs of three previous DTI Ministers. I feel that I have moved from being the Minister without Portfolio to the Minister with all portfolios. It is pretty hectic. You might say I am becoming the Minister for Open All Hours.

Let me put on record my thanks to my hon. Friend the Member for Bradford, South (Mr. Sutcliffe) who puts his heart and soul into everything he does. This Government's proud record on consumer action is in large part down to his passion, commitment, drive and dedication. I wish him the very best in his new role in the Home Office.

I have had a long-term interest in consumer affairs, both in opposition and government. In opposition, I was involved in the campaign to prevent deaths caused by dangerous foam furniture. The current chairman of the Conservative party was the then Minister, and I give him credit for the action that he took jointly with me, which has led to some 10,000 lives being saved since the introduction of the legislation. New legislation was also introduced, with the help of a former Conservative Member for York who lost his seat in 1997—it is still a Labour constituency—to ensure that smoke alarms were fitted in all new property. It also required that all old property for rehabilitation had to have such alarms fitted. Local authorities up and down the country have spent tens of millions of pounds, with Government support, to ensure that all houses have smoke alarms fitted. That legislation has also saved many lives since its introduction.

Mr. Peter Bone (Wellingborough) (Con): The Minister makes a powerful point. Do the Government intend to extend prevention by providing sprinklers in all new schools?

Mr. McCartney: I understand that the Department for Education and Skills is consulting on that. Also, one of the key elements of the fire service review is a preventive strategy whereby fire services work with local communities, community groups, local authorities and the voluntary and private sectors to improve fire prevention and knowledge of it.

Both in opposition and government, I ran the campaign for the regulation of the security industry. The regulation of security companies operating in pubs, clubs and shops, and in the private and public sector, has resulted in new training for security staff and has led to many improvements. It has tackled organised crime's attempts to infiltrate a legitimate industry, rooting out dangerous and violent criminals who were a direct risk to actual or potential customers. It has ensured that people have a career structure, are better trained and have an opportunity to work in a good industry, and it has protected good companies from cowboys. Sadly, the Conservatives, for 10 years in government, refused to support the campaign.

The Government's commitment to consumers is clear. We have a proud record of providing greater protection for consumers, appropriate regulation for business and tough action against rogues who bully and rip off some of the most vulnerable in society. Today, I want to set out how we take that work to the next level. Before I do so, let me make clear Labour's manifesto commitment that we will

"continue to work to protect the rights of consumers".

It is a matter of record that the Conservative party proposed at the last election to axe 80 per cent. of the staff in the DTI, the very Department that deals with consumer affairs. It was not one of that party's greater ideas. It is odds-on that we will see a flip-flop on the matter before too long.

I am glad that the hon. Member for Hertford and Stortford (Mr. Prisk) is here today, and it was not until I saw him come into the Chamber that I realised that he would be answering for the Opposition. I notice that he has said a lot to the Federation of Small Businesses. He said:

"We need to have a radical rethink about this"—

the DTI—

"as far as I am concerned all options are on the table, including the abolition of the DTI."

That was in March 2006. My worry was that he went on to say, after questioning that

"the SBS is one of those things that is very good at Westminster or Whitehall level but means diddly squat to someone trying to run a shop in the real world."

The Small Business Service was established because small business asked us to do it. Hundreds of millions of pounds of investment has seen growth of small and medium-sized enterprises in the economy at all levels. Under the Conservatives, a business failed every two minutes.

Sir Robert Smith (West Aberdeenshire and Kincardine) (LD): Will the Minister give way?

Mr. McCartney: I will give way, but are you going to withdraw your policy on abolishing the DTI? *[Laughter.]*

Mr. Deputy Speaker (Sir Michael Lord): Order. I know that the Minister is a little rusty at the Dispatch Box, but if he casts his mind back, he will remember that we use different terminology when addressing each other in the House.

Sir Robert Smith: I welcome the Minister to the Dispatch Box and to his new portfolio. I just wanted to make it clear that our policy was to highlight consumers by creating a separate department for

consumer affairs. At the moment, the concern is that the Department of Trade and Industry is there to stand up for consumers and be the voice of business, so there is a danger that it is both poacher and gamekeeper. By separating the two roles, we would create a more powerful voice for the consumer at the heart of government.

Mr. McCartney: I apologise, Mr. Deputy Speaker. I will get some oil on the old bones by the end of this debate. I thank the hon. Member for West Aberdeenshire and Kincardine (Sir Robert Smith) for his explanation. I have heard of people getting their excuses in first, but the truth is that he did want to abolish it all and did not give any commitment at the time. Since then, the Liberal Democrats have done a flip-flop, but they are not the only party to do those.

The Government are committed to a consumer and competition regime that is fair to consumers and business. We take seriously our responsibility to help the most vulnerable consumers in the market and have set ourselves a target of raising our consumer regime to the level of the world's best by 2008. Some of our more recent initiatives will provide valuable assistance to the most financially disadvantaged in society, including extra funding for debt advice and tackling the menace of loan sharks. I shall explain those schemes further later.

The Government remain committed, as we have always said, to a system of competitive markets, with the pressure to retain custom as a powerful incentive on business to be efficient and act with integrity and responsibility. Companies that thrive in a competitive market are those that give their customers what they want. Those companies that do not do so will struggle to stay in the market. Confident, empowered consumers must be key to the success of competitive markets. That confidence helps drive markets. Consumers who are confident have the right information to know how to spot a good deal, have the confidence to know when they are being ripped off, and are confident that they are backed up by enforcers with the power to protect them from crooks and dodgy dealers.

We are undertaking several major initiatives designed to create those confident consumers. Last year, we published a strategy for empowering consumers, and I am pleased to report that we have made significant progress in meeting many of our objectives. Chief among those successes have been the establishment of the Consumer Direct helpline, the announcement of proposals to strengthen and streamline consumer advocacy and the introduction of the Consumer Credit Act.

Mr. Paul Truswell (Pudsey) (Lab): For Consumer Direct, which is a splendid initiative on which the Government should be congratulated, West Yorkshire had one of the pilot schemes, which has proved successful and has been rolled out nationally. I know that my right hon. Friend will want to achieve value for money in relation to the number of calls fielded by Consumer Direct, but will he also consider the quality of the response given, and not solely the number of calls made? In West Yorkshire, the service has a high satisfaction rate even though it might not be hitting the desired level of calls.

Mr. McCartney: I am grateful to my hon. Friend. When I visit the Yorkshire and Humberside region in the next few months, I would be happy for him to join me in looking at Consumer Direct. I shall set out some of the facts to which he has alluded, which are important.

We will need to ensure that Consumer Direct is not just value for money but gives appropriate advice. Let me describe some of the things that it has done in that regard. Consumer Direct has handled nearly 1.5 million calls since its launch. It currently receives 25,000 calls per week across England, Scotland and Wales. I can list the five most common complaints from consumers in 2005: 42 per cent. concerned defective goods, 17.8 per cent. concerned sub-standard service, 8 per cent. concerned misleading claims, 6.6 per cent. concerned delivery, collection and repairs and 3.7 per cent. concerned prices. One of the products that attracted most complaints was the second-hand car. Some things never change.

People clearly like Consumer Direct. A recent customer satisfaction survey reported that 87 per cent. of callers were satisfied or very satisfied with the service. Eight out of 10 callers now feel confident about dealing with similar problems should they occur in future. Because of Consumer Direct, an extra 350,000 people will have access to clear practical advice this year. That means total benefits to consumers through advice on sorting out their problems—for example, money saved on repairs and replacements and through refunds—of at least £135 million.

As well as educating consumers and giving them information, we are trying to improve consumer advocacy. That is why earlier in the year we announced plans to set up a new consumer body called "consumer voice" to bring together the National Consumer Council and some sectoral consumer bodies, including Energywatch and Postwatch, to represent the interests of consumers across markets and to offer the best possible consumer protection.

We have also proposed new ombudsman schemes in energy and postal services to deal with consumer complaints when companies have not provided satisfactory resolution, and to provide redress where necessary. The new schemes will be able to enforce the resolution of consumer complaints on companies, and provide compensation. That means that service providers will need to take proper responsibility for resolving consumer complaints. An ombudsman scheme that charges companies per complaint will provide directive incentives for companies to do that. Such schemes already operate in the telecoms and financial services sectors, and we want to build on that good practice and extend it to other sectors.

Sir Robert Smith: The Minister said that consumer voice would act as an advocate for the consumer. Will it be an advocate for the consumer in general, or will it be able to advocate in specific complaints on behalf of the individual?

Mr. McCartney: It will provide general advice and assistance. I shall explain later how the regime will develop in a coherent way. I shall write to the hon. Gentleman and to the hon. Member for Hertford and

[Mr. McCartney]

Stortford to keep them in touch with developments, because I do not consider this to be a partisan issue. That sounds good coming from me, does it not? I may regret having said it.

Mr. Bone: Many people come to see me in my constituency about consumer problems, but they also visit the citizens advice bureau, which helps them greatly. Are the Government planning to fund local citizens advice bureaux directly?

Mr. McCartney: In a few moments I shall give some good news about citizens advice bureaux. First, however, I have good news about the energy sector. Anticipating what would be done by other sectors, the energy regulator, Ofgem, has asked energy suppliers to appoint an ombudsman on billing complaints by July, and I know that the sector is working hard to achieve that. It must be borne in mind that existing consumer bodies such as Energywatch cannot—I repeat, cannot—decide on complaints or enforce redress for consumers. Ombudsman decisions are binding on companies but not on consumers, who can pursue their claims through other means if they wish. Ombudsman schemes are free to consumers: the companies pay the costs.

Our plans were subject to consultation earlier this year. We expect to announce the outcome of that consultation, and the details of how we intend to implement our proposals, in July. We will need primary legislation, and if that is passed, it may be possible to introduce the first changes towards the end of 2007. When I know more, I shall write to hon. Members.

As I said earlier, we have worked hard to establish better protection for consumers. Following the recent introduction of the Consumer Credit Act 2006, millions will enjoy greater protection when borrowing money. More than 74 million credit cards were issued by the end of 2004—the hon. Member for Lichfield (Michael Fabricant) probably owns half of them—and about 50 per cent. of households have at least one credit agreement. The new Act constitutes the biggest overhaul of credit legislation since 1974 in relation to both rights and redress. It also changes the licensing of consumer credit businesses, and introduces new powers to drive undesirable elements out of the market.

We shall implement the new Act in stages over the next two years. Consumers will then be able to take complaints about lenders to the financial ombudsman service, challenge unfair credit agreements in court and receive more information about the state of their accounts, which will help them to identify potential problems before it is too late.

Mr. Mark Prisk: (Hertford and Stortford) (Con) The Minister's predecessor generously ensured that all the principal political parties could meet the Association for Payment Clearing Services regularly, particularly to discuss the Consumer Credit Bill, so that we could work on a cross-party basis to apply pressure for the changes that we felt were important. Does the new Minister intend to continue that arrangement?

Mr. McCartney: As a former chairman of the Labour party, I am all for consensus with the Opposition. On this and other issues, when I think it appropriate for people to work together—when they need and want to work together—I shall be found to be most accommodating. I am strongly in favour of access to both Labour Back Benchers and Opposition parties. That is how we operated in the Department of Trade and Industry before. We did not always agree, but people could not say that they did not have access to me. I think that that was the right answer to give the hon. Gentleman. If not, I shall be given a black eye by my officials later.

In addition to our objective of giving greater protection, another objective is to minimise the number of people who become over-indebted as well as to improving support for those who do. Credit is greater for those who can afford to repay it, but inevitably some get into financial difficulty and become over-indebted, often as an result of the unexpected events that life throws up such as divorce, redundancy and serious illness.

The impact of over-indebtedness on individuals and their families can be terrible. We aim to minimise the number of people who become over-indebted, as well as improving support for those who do get into difficulty. To that end we are funding, jointly with industry and other Departments, the National Debtline telephone advice service. We are also providing £45 million in a two-year programme to fund face-to-face debt advice, helping tens of thousands of families to tackle debt.

The funds will pay for 500 new debt advisers to help people to get their debts under control. It will fulfil the Government's commitment to achieve a step change in the availability of debt advice. It will focus particularly on the financially excluded, who are most in need of such advice.

About £16 million will go to citizens advice projects, about £7 million to other voluntary sector advice agencies, and the remaining £22 million to partnership projects involving both Citizens Advice and other advice agencies. Citizens Advice chief executive David Harks has said:

> "We are absolutely thrilled by this news, which represents a real vote of confidence in the debt advice already done by the CAB network, and means that a new generation of debt advisers will be able to help tens of thousands more people overcome serious debt problems."

Steve Johnson, chief executive of AdviceUK, gave a similar endorsement of the proposals that I have just outlined.

I mentioned earlier the Government's commitment to tackling loan sharks. It is often some of the most vulnerable and excluded who fall prey to these illegal money-lenders, so we are funding pilot projects in Birmingham and Glasgow to investigate the impact of strong enforcement against illegal moneylenders. We have invested £2.6 million over two years in the project, and both pilots are performing well. Three high-profile prosecutions have been secured in the midlands, and more are in the pipeline both there and in Scotland.

Richard Burden (Birmingham, Northfield) (Lab): I certainly welcome the Birmingham pilot. My right hon. Friend will be aware of the case of Mr. Alan McNally, who preyed on many people in my constituency and who, fortunately, has been prosecuted as a result. It is

important to make an example of such people. It is also really important to highlight these cases as a warning to others, and so that they can act as a back-stop to the debt advice schemes that my right hon. Friend mentioned.

Mr. McCartney: I thank my hon. Friend for those remarks. My constituency, like his, has been bedevilled by illegal loan sharks who terrorise individuals and communities. They have no place in our communities or on our streets and doorsteps. Such prosecutions and subsequent ones will send the clear message that there is no hiding place for these people, who inflict misery on families and communities, particularly the elderly and other vulnerable people.

Prosecutions aside, the teams are preventing illegal moneylenders from operating by generating publicity for their work. They are demonstrating that loan sharks can, and will, be prosecuted, and directing victims towards seeking money advice, and towards third-sector lenders such as credit unions. Credit unions are an important means of accessing affordable credit. One of my first actions in my new role was to sign off legislation that will help the Treasury in its plan to encourage the growth of credit unions, so that they can offer loans to a broader range of people.

I turn to the unfair commercial practices directive. The Government are committed to simplifying regulations in order to provide effective protection for consumers. That is why we will introduce into the UK regime—through the implementation of this directive—a general duty not to trade unfairly. That will assist us in tackling aggressive doorstep selling; scams requiring competition "winners" to call premium-rate numbers; bogus closing-down sales; the advertising of unavailable products at low prices to attract consumers, in order to then sell them higher-price goods; and false claims that consumers will get a better deal if they sign up immediately, to prevent them from buying elsewhere. We have already consulted business and consumers on how to implement this new law, and we will publish our response before the summer. We aim to introduce this legislation next year.

Mr. Truswell: My right hon. Friend is displaying his customary generosity in giving way. Many of the scams that he has just described are perpetrated by fraudsters who use accommodation addresses provided by mailing companies. Such an address often proves to be just one of many post-boxes at a particular, sometimes prestigious location. A couple of weeks ago, I had an Adjournment debate on this issue. The then Minister for Competitiveness, my hon. Friend the Member for Brent, North (Barry Gardiner), was so impressed that he invited me to meet him and his officials to discuss the issue, and to bring trading standards officers with me. Given that my hon. Friend has been shuffled off to another Government coil, and that, essentially, this is a consumer protection issue, will my right hon. Friend pick up the baton and meet me and my posse of trading standards officers?

Mr. McCartney: I am more than happy to meet my hon. Friend and his trading standards posse. I have not read his Adjournment debate, but I will put it in my red box—there is a name to drop—for this weekend. The problem that he refers to is a genuine one. I have visited some of these posh addresses, a number of which are in the City of London. Often, there is a very nice office full of display cabinets, all of which are locked. They contain the records of scam companies that every day throughout Britain are scamming pensioners and other vulnerable people and those who are unsure of their rights. Trading standards officers write to, or visit, the posh addresses given. The records are filed, and that is the last than anyone sees of them. These companies know that they are operating in this way. Those looking after such records know that such schemes are scams, and they are making a living out of doing so.

We can do more, and should be doing more, to bring together all the enforcement bodies—trading standards officers, the police and others—to tackle the problem of dead postal addresses, which are a cover-up for illegal scams that cause misery in many parts of the country. Unfortunately, when they are closed down they often reappear. I will definitely meet my hon. Friend the Member for Pudsey (Mr. Truswell) and his delegation to discuss this issue. However, as the proposals that I have set out show, the Government are very much on the front foot in dealing with it.

On enforcement, we are making great strides in developing policies to deal with those who flout the law and harm consumers. In the long term, competition punishes bad business; in the short term, rogue traders can undercut decent firms and dent consumer confidence in the market. We need to protect vulnerable consumers, the vast majority of decent businesses and the market itself by cracking down on these crooks. That means effective enforcement. The Department of Trade and Industry's company investigation branch is a powerful weapon in the fight against undesirables such as those whom my hon. Friend the Member for Pudsey is probably going to tell me about later.

Investigations can lead to companies being wound up in the public interest. We are tackling scams targeting consumers and we work closely with trading standards, the Office of Fair Trading and the police. Last year, the Company Investigation Branch conducted 162 investigations and wound up 121 companies. A plethora of con artists, running charity scams, buy-to-let scams and dodgy ticket agencies, were targeted and have now been dealt with effectively.

The amounts of money involved are staggering, but we have the power to put the firms out of business and we will be aggressive about doing so. Those targeted will include cowboy builders who cost homeowners thousands of pounds in shoddy and unnecessary building work, illegal doorstep salespeople, including those trying to sell financial and credit services, counterfeiters, and those who prey on the unsuspecting at car boot sales.

Richard Burden: Will my right hon. Friend also address the scams that target home workers, which still cause many problems for my constituents and others? People are promised thousands of pounds for work, but are required to pay up-front for meaningless kits and end up receiving nothing back. I introduced a private Member's Bill on the issue some years ago, which did not proceed, but there is still a problem and I ask my right hon. Friend to look into it.

Mr. McCartney: I am happy to do so, together with the Under-Secretary of State for Trade and Industry,

[Mr. McCartney]

my hon. Friend the Member for Poplar and Canning Town (Jim Fitzpatrick), who deals with employment rights. The issues are covered by the legislation on the national minimum wage—[*Interruption.*] My point is that we have a regulatory regime to protect home workers—

Michael Fabricant (Lichfield) (Con): That is a different matter.

Mr. McCartney: I am trying to be fair to all concerned. We have a regime to combat such practices, but if my hon. Friend the Member for Birmingham, Northfield (Richard Burden) is saying that people have found different ways to get round that regime, I am happy to address that, together with my hon. Friend the Under-Secretary. We have been very hot on regulatory matters around the minimum wage to ensure that we deal with any potential loopholes. I welcome the comments by my hon. Friend the Member for Birmingham, Northfield and I will arrange for him to have a meeting with my hon. Friend the Under-Secretary. I will liaise with him.

Michael Fabricant: Will the Minister give way?

Mr. McCartney: Why?

Michael Fabricant: I wish to be helpful. The hon. Member for Birmingham, Northfield (Richard Burden) was talking about the scam where the supplier provides goods that the person has to pay for, on the understanding that when they have made those goods into some other item, they will be paid considerably more—in effect, for the value added. It is a complete scam, because people pay for the goods, do what is required to make the finished item and are paid nothing.

Mr. McCartney: Well, it is the first time that the hon. Gentleman has been helpful to me. It is a business scam. We have dealt with the issue of the employment scam effectively and I have invited my hon. Friend to the Department so that we can consider the points that he makes. I thank the hon. Gentleman for his interest.

Sir Robert Smith: The Minister mentioned increasing enforcement and making it more effective. The Government accepted the Hampton report, which recommended bringing together various agencies into an organisation to be called the consumer and trading standards agency. The consultation on that proposal closed in October and I would like an update on the Government's intentions. As the report said, the new body

"would need to dedicate significant resources to deliver a more coherent enforcement network and to improve performance in local authorities around the country."

Mr. McCartney: I will be frank in saying that that issue has not crossed my desk, but I will get a reply for the hon. Gentleman and place it in the Library so all hon. Members present can read it—as long as the reply is sufficiently coherent in terms of the hon. Gentleman's request.

Many hon. Members are interested in the Government's review of any further liberalisation of Sunday shopping laws. I attended a stakeholder conference on that issue yesterday and heard first hand both the economic evidence and the concerns of stakeholders. The current laws governing Sunday opening were put in place 12 years ago. The Sunday Trading Act 1994 restricts large shops in England and Wales from opening for more than six hours between 10 and 6, and prevents them from opening at all on Easter Sunday. Sunday shopping hours have never been restricted in Scotland, but in 2003 the Government passed the Sunday Working (Scotland) Act to ensure that Scottish shop workers have the same right to choose not to work on Sundays as shop workers in England and Wales. The Government also supported the Christmas Day (Trading) Act 2004 which ensures that large stores cannot open on Christmas day, no matter which day of the week Christmas falls on.

The fact that the regulations have been around for 12 years does not necessarily mean that they are wrong, but it means that it is sensible for us to review them. According to the Office of Fair Trading, which recently announced that it was studying certain areas of online shopping, internet retail sales in the United Kingdom have increased by 350 per cent. in the past five years. Between January and April this year the Department for Trade and Industry asked informally for views and evidence on a possible extension of Sunday shopping hours. I have not yet seen the results, but I know that there is a wide range of opinions and some are exceedingly strongly held. This is the time for the Government to listen, so if I may, I shall say that I am shopping around for a few good ideas.

Michael Fabricant: Will the Minister give way again?

Mr. McCartney: If I may, I shall finish the point. I know that the hon. Gentleman has strong views on this and he may want to make a speech. I ask the hon. Gentleman to hold on for a second.

I want to run through some of the strongly held views to illustrate the strength and complexity of the debate outside the Chamber. No one will agree with all of them. Indeed, some may not agree with any of them. For example, some consumers are keen to be able to shop at all hours of the day and night; others cannot imagine why they would ever want to do so. Some employees value the chance to work on Sundays; others say that Sunday opening has made their working life more difficult. Some people feel it is not the Government's place to regulate in this area; others would like to see Sunday protected as a day of rest by as much regulation as possible. Some religious groups feel either that it is wrong that shops open at all on Sundays or believe that family life benefits from having a day in the week without shopping and that it is extremely important to the social fabric of the country. Some have commented that the current rules under which many shops open and close at similar times—for example 10 am and 4 pm—cause congestion on the roads and say that it would be better to allow shops to decide for themselves when they close, which would be similar to the greater freedom now available to public houses.

There is also a wealth of interest in the effects on small shops, as I have witnessed at first hand in the

Makerfield constituency. Some people are worried that small shops near them might have to close; others think that it is good for small shops to have to raise their game to compete. Those and all other views expressed have to be weighed in the balance. My right hon. Friend the Secretary of State for Trade and Industry and I will look at all the evidence that we have received so far. I want to ensure that consumer and labour policies are well informed, even if we have to recognise that there will never be an overall consensus.

Michael Fabricant: Will the Minister give way?

Mr. McCartney: I will give way, although the hon. Gentleman's point might be answered in a few seconds.

Michael Fabricant: I rise to point out that the Minister is right that the arguments are finely balanced. I was personally reassured that the previous Secretary of State for Trade and Industry was inclining to the view that time has moved on. The Minister will be aware that 12 years ago the John Lewis partnership, which now employs 64,000 partners all of whom have a stake in the company, was dead against Sunday trading. Now they take a neutral view because they recognise that time has moved on. The arguments made 12 years ago may not be so relevant today.

Mr. McCartney: I thank the hon. Gentleman for trying for the second time in 18 years to be friendly to me. I, too, must be neutral in this matter. I know that he is trying to entice me for the best of reasons to comment on this. The whole point of what I have been saying is that we are genuinely looking to have proper consultation. I shall come to that in a minute.

We have not yet reached a conclusion on what should happen with regard to Sunday shopping hours. Given that I have only just arrived in the job, it will be no surprise that I have a generally open mind. No decision will be taken until I have assessed all the evidence and given appropriate advice to the Secretary of State. Secondly, we have promised that if we decide to continue to look at the question of changing the restrictions on Sunday shopping hours, there will be a formal consultation on the issue. We will keep that promise. We have said, and this remains the case, that the legislative process will be transparent; any changes will be part of a consumer Bill and subject to a full vote in the House.

Thirdly, I give the House an absolute commitment that the special protection that shop workers have, allowing them to choose not to work on Sundays, is here to stay. The review will not include changing that protection because we are firmly committed to keeping it in place. Fourthly, I make it clear that the Government are committed to values of economic and social justice. Although the economic case is important, it is only one part of the equation. The Government support a greater work-life balance. We also support the regeneration of communities and we want to see small family businesses flourish. We also know that many large companies are at the forefront of community regeneration. Many have developed strong partnerships with unions and have taken a positive approach to campaigning to end age discrimination and allow older men and women to return to the labour market after many decades in which such people were not able to find work.

Our consultations are on all aspects of relaxing the restrictions on Sunday shopping, and I look forward to hearing hon. Members' views on the matter. We know that there is a social impact whatever we do, whether it is leaving the current arrangements in place, extending the restricted hours or complete deregulation. This is not about being pro-small business or anti-big business; it is about being pro all businesses but also pro the people who work in them. I am determined to try to strike the right balance.

Mr. Prisk: The Minister says that he intends to make sure that there is a full and proper consultation. That is welcome. We understand that the Secretary of State has commissioned a study of the economic pros and cons. Will he undertake to ensure that that is published in order that we and the general public can see it as part of the consultation process?

Mr. McCartney: The whole purpose of yesterday's stakeholder event was indeed that. This is about two things—the economic assumptions and the consultation document itself, which I am working on and hope to produce soon. I will write to the hon. Gentleman about the timetable for that and its content when I have obtained agreement with my Secretary of State. I will also write to the hon. Member for West Aberdeenshire and Kincardine (Sir Robert Smith), if that is helpful.

Michael Fabricant: Will the Minister give way?

Mr. McCartney: I want to conclude. I know that the hon. Gentleman has started to like me a bit more, but I have taken a long time to put the Government's case and I want to give the two Front-Bench spokesmen time to speak. I hope that what I have said has been helpful. I have been generous in giving way. I have set out a lot of detail. I hope that hon. Members can see how I want to prosecute the job that I now have.

Our vision is to deliver a consumer and competition regime that creates confident consumers—a regime that provides help for the most vulnerable. What I have outlined today is designed to create those confident consumers, to arm them with skills to spot a bargain, to give them knowledge to exercise their rights when they are wronged and above all to protect them with the full force of the law. If we continue to fulfil those ambitions, I am sure that we will have a consumer regime that is fit for the 21st century.

I apologise again for the length of my speech, but I hope that in the length there has also been quality.

2.58 pm

Mr. Mark Prisk (Hertford and Stortford) (Con): May I begin by concurring with the Minister's remarks about his predecessor, the hon. Member for Bradford, South (Mr. Sutcliffe)? He and I had a professional, courteous relationship, and I look forward to a similar relationship with this Minister. I welcome him to his new post. I say new, but, as he rightly highlighted, he was a Minister of State at the Department some nine years ago.

[Mr. Mark Prisk]

It is true to say that neither the Minister nor I exactly tower over the Dispatch Box. I can recognise that, although I often feel that good things come in small packages. It has been unkindly suggested that many hon. Members look forward to him and me debating the working at height regulations.

We welcome the opportunity to discuss this issue today. The Minister set out the Government's stall. I have to say, without causing him too much concern that things are getting a little too consensual, that we welcome much of what he had to say. However, there are questions of principle and practice that I want to raise.

Why do we need consumers to be confident? In this context, that means that they should be informed and empowered. I contend that confident consumers will encourage higher standards among manufacturers, shops and other service providers. Equally, informed consumers can better recognise and avoid the scams or frauds that the Minister described.

Confident consumers also encourage innovation and good value simply by using their spending power wisely. Sectors such as information technolcgy or the computer games industry show how consumer feedback directly affects future product development. That increases our competitiveness and productivity and so contributes to making this country the best place to do business. Sadly, there remains considerable room for improvement: in 1997, when the Minister was last in the Department, the UK was the world's fourth most competitive country, but it is now the 13th.

Informed and empowered consumers are good for their own welfare and for the economy as a whole, but what do those qualities mean in practice? Informed consumers know what advice they need and where to get it. They understand the consequences of their purchasing decisions but, with new and more complex products and services entering the market each week, providing that information is increasingly difficult. Ironically, it is in the areas where the financial consequences are greatest—financial services, for example—that consumers are often least well placed to make informed decisions. Indeed, I recently hosted a seminar on consumer credit that looked at issues to do with financial exclusion and education. We also examined ways to ensure that consumers are enabled, rather than trapped, by the choices that they make.

Mr. David Drew (Stroud) (Lab/Co-op): The Financial Services Authority is tasked with doing a lot of work in the area of consumer and financial education. I believe that the jury is still out on whether it has been effective, or whether its approach has been too laid back and complicated. Does the hon. Gentleman agree that it would be good to know how much impact that work has had in schools? If younger people do not have the relevant knowledge, we will all be—to use the old expression—doomed.

Mr. Prisk: I hate to admit that I am of the generation that understands the reference that the hon. Gentleman makes—but he is right that we need to establish the FSA's role in education. It has not been engaged in the process long, and some would say that it could face a conflict of interest in trying to be both regulator and educator. When the Government go ahead with the financial services consumer panel, it will be interesting to see what sort of relationship the panel has with the new advocacy bodies.

Empowering customers cannot be achieved simply through education and information. Customers also need to have confidence that appropriate and convenient means of redress will be available and enforced, when that is justified. Clearly, there are many forms of redress to deal with the different harms that consumers can suffer, but they need to be accessible and effective.

The Minister referred to the ombudsman system. It has worked well but, as expectations change, the standards of enforcement may need to change too. The central policy question has to do with how we create confident consumers. The responsibility must be shared between Government, business and consumers.

It is the Government's role to ensure that the right balance is struck between protecting consumers—and especially the most vulnerable in our community, as the Minister rightly pointed out—and allowing business to trade without being handicapped by over-burdensome and often ill-considered regulation. The Government also have the responsibility to ensure open and competitive markets, in which business and consumers can operate. In addition, they should provide a legal framework that is clear, simple and easily understood, and put in place effective resolution and redress systems. Given the Government's ambition to make Britain among the best consumer regimes by 2008, is the Minister still confident that they will fulfil this target, and how far have they progressed to date?

Business must also share in the responsibility. It is not, and should not be, the role of business alone to educate consumers, but I believe that it is clearly in the interests of reputable businesses to ensure that their customers are well educated and informed about their services and products. It is in their interest to be accessible to consumers, to make their offers clear and to be responsive to feedback and complaints. In fact, I would contend that that can be a source of genuine competitive advantage for businesses. The John Lewis Partnership, which was referred to earlier, is well known for its slogan, "Never knowingly undersold". That means that its customers can be confident that it will not be beaten on price. Recent showings suggest that the partnership is offering something that is well received by some customers.

Sir Robert Smith: As in all things, if consumers are to be fully informed, they sometimes have to be careful. A company may be never knowingly undersold on the same product, but manufacturers produce many different models for different suppliers to allow a certain element of differential pricing for products that may not differ very much.

Mr. Prisk: All of which generously leads me on to my third point. I believe that consumers themselves have a personal responsibility to take informed decisions. It is not for the Government to protect consumers who took rash decisions when they were in

a position to have made an informed choice. It is right, in cases where information is available, to make a rational choice or decision, but consumers must face the consequences of their choice if they make it carelessly. In fact, if the truth be told, the distinction between Government, business and consumer may be partially false, for we are all consumers and we all have a responsibility to ensure that we are appropriately informed. The Government can, of course, help to ensure that the most vulnerable consumers are protected by clamping down on companies that use rogue practices. In the end, I still believe that the principle of caveat emptor should always remain the consumer's motto.

Before I turn to the consultation that was mentioned earlier and deal with "consumer voice" and Consumer Direct, I would like to raise two specific issues with the Minister. First, he has had the pleasure of reading many papers this week, so he may be aware that we have been pressing for a national debate on the future of small shops. Promoting the health of our high streets is a classic example of how shared responsibility can work. It is the Government's responsibility to ensure that there is a level playing field and that players within the market are not unfairly disadvantaged. That is why we welcome the Competition Commission's inquiry into the grocery market, so long as it is thorough and comprehensive. I am pleased to say that I have had a direct assurance from the commission that that will be the case.

As the Minister and the House will know, allegations have been made of predatory pricing and unfair behaviour to suppliers. If they are proven, they must be exposed and dealt with properly. It is in the interest of retailers and consumers alike that those claims are investigated thoroughly because, in the end, if the final report produced after 18 months or two years is not trusted by the market, the danger is that we shall face calls for a fourth inquiry into the market. That would not be good for retailers, large or small, or for consumers.

Equally, in addition to the role of the Government and business, it is the responsibility of small independent retailers to respond to changing consumer demand and to seek out and develop the new market. Most of them already do, but there is a need to encourage firms constantly to seek to improve and not to assume that the Government can always protect them from open competition.

Consumers need to realise that they have a vital part to play in the shopping world. Many consumers rightly say that they value their small local shops. If they do, they have a responsibility towards them. After all, it is their spending power that can make the difference. They must recognise that if they genuinely value their local shops, they must use them. Indeed, that is one of the reasons why I have endorsed the excellent campaigns by the *Evening Standard* and, more recently, by Friends of the Earth, which have encouraged people to use their local shops more.

The second issue is the growing concern about instances of alleged chip and pin fraud. This week, we have heard that hundreds of customers at garage forecourts have had their details stolen as they paid for petrol using their chip cards and pin numbers. Those incidents highlight the need for customers to make sure that they do not allow the advent of new technology to lull them into a false sense of security—as the Home Office knows, no IT system is completely foolproof. However, it is vital that consumers have confidence that the systems they use are generally secure. Given the clear public interest, will the Minister tell the House what action his Department is taking to establish the nature of the problem, what steps might be taken to minimise it and how the industry intends to maintain consumer confidence in what is after all a relatively new scheme? In particular, does he intend to meet APACS—the Association for Payment Clearing Services—to establish the facts? If not, I urge him to try to do so, although I appreciate that these are early days in his job.

I turn to some of the Government's proposals to rationalise the process of consumer advice, advocacy and redress. In principle, there appear to be considerable benefits from such a move. However, there are a number of points on which we shall seek clarification and reassurance, not just today but as the legislation is debated and implemented. Indeed, the implementation timetable is one of the issues that concerns me.

The Government have set out a timetable for consumer voice to be established as a shadow body by November 2007—the Minister alluded to that earlier—and to take up its full responsibilities by January 2009. Significant changes of that nature cannot and should not be rushed, but I would welcome, either today or when he has had the chance to consider them carefully, the Minister's views on the matter, especially on the measures that will be taken to avoid policy and management drift over what could be a three-year period as the existing system is phased out and the new one phased in. What arrangements will be made to ensure that staff are aware of the status of their employment so that they can concentrate properly on implementing the new scheme effectively? A distracted and unmotivated staff is in no one's interests.

The Government hope that one result of a consolidated advocacy and redress system will be to deliver better value for money. Incidentally, I enjoyed the Minister's vociferous starter for 100 at the beginning of his speech and I look forward to similar exchanges of a partisan nature. On a non-partisan point, however, can he give me an assurance that the attempt to seek better value for money is not actually a cost-cutting exercise, and that there will be no net reduction in the resources dedicated to consumer support?

As the Government contend in their document, the new joint association will be both large and powerful and will thus enhance the voice of the consumer in Government, which could prove helpful. However, there is a risk that other equally legitimate bodies could be marginalised in that policy development—for example, the Consumers Association and Citizens Advice, both of which are highly respected organisations. They have gained tremendous experience over the years and are trusted by the public. They perform a useful role and it will be important for the Government to make a clear commitment that such independent bodies are not crowded out by the Government's new, substantial advocacy body.

[Mr. Prisk]

What assurances can the Minister give me that the body will not prove overly dominant in both the advice and representation roles envisaged in the consultation document? Equally, it will be vital for the credibility of consumer voice that it is seen to be independent of, with the ability to dissent from, Government. Is the Minister satisfied that the structural arrangements proposed will provide that degree of impartiality and independence? The Government plan a range of options for the structure of consumer voice. Can the Minister give us an indication of their preferred option, and can he assure us that the views of all those consulted will be properly taken into account in reaching that conclusion?

I think that the Minister alluded to this in his remarks, so I suspect that he will accept that an effective enforcement and sanctions system is only one of the ways in which responsible business practice can be ensured. Given the earlier comments about the Hampton review and the need to target energy on enforcement, what action will the Government take to encourage suppliers to manage complaints effectively, as well as to impose sanctions when they do not? After all, I think that carrots often prove more effective than sticks.

I would also welcome the Minister's views on how consumer emergencies will be handled. If a utility company, for example, fails to make urgent repairs, principal redress seems to lie in an ombudsman system and will very often occur some months after the event. Frankly, that is of little help to the people affected. Last year, Energywatch dealt with 280,000 such problems. Does the Minister, like me, understand that there is a possible danger that those consumers will be simply stranded by the proposed new system, which will work very differently from the current system?

Will the Minister offer further clarification about where responsibility for consumer education will lie? We touched on that issue earlier, when the hon. Member for Stroud (Mr. Drew), who is, sadly, not in his place now, asked a question about it in the context of the financial services sector. What will be the role of consumer voice, given the existing role of the Office of Fair Trading? In particular, how will consumer voice co-ordinate its new role in educating consumers, which is anticipated by the Government, with the OFT's mandate to promote a "national consumer education strategy"?

Informed and empowered consumers benefit us all. They can use their knowledge and spending power to get what is best for them and their families, and they are better able to avoid fraudsters and conmen. They can encourage both producers and retailers to raise their standards and businesses to innovate and respond to their needs. Where consumers recognise the wider social value of, for example, a healthy high street, they can support good local shops, which very often form the focus of both our rural and our urban communities. That is why effective competition and consumer laws are important to a modern economy.

The Government have stated that their ambition is to create the best consumer regime by 2008. That is a good ambition, if it is tempered by a recognition that consumers' rights must be balanced with responsibilities and, frankly, that each of us—the Government, business and consumers—share those responsibilities. But effective consumer policy must also balance the rights of the consumer with a healthy attitude to vigorous but fair competition and a recognition that if we hamper business with unnecessary rules and regulations, none of our worthy ambitions can be realised.

I look forward to hearing from the Minister—whether at the end of the debate or in writing—on the points I have made, and I certainly look forward to what I can see will be a lively debate, as the Bill is developed and presented to the House.

3.18 pm

Sir Robert Smith (West Aberdeenshire and Kincardine) (LD): I, too, welcome the debate as a chance to take forward the issue of consumers and the important role that empowering consumers can play in helping not only the individual but the economy, business and the general well-being of society. Creating confident consumers clearly not only needs informed consumers and fair competition, but needs consumers to have the tools to make use of the information—the numeracy and literacy skills and the understanding of risk—because what goes wrong with many products and what causes many problems for consumers is that the person who is doing the selling can take advantage of their misunderstanding of the risk profile of what is being sold. A good consumer regime will benefit business and allow good businesses to thrive.

The Minister touched on the structure of the Department of Trade and Industry, and we still believe that a separate Department of consumer affairs would put the voice of the consumer very much at the heart of Government and separate out the Department's responsibilities for advocating the needs of business and consumers. In reply to my intervention, the Minister said that he would write further on the subject of the consumer and trading standards agency, but if the agency is to be effective it must be effectively resourced, and it must be brought together in a way that ensures that the sum of the parts is greater than that of the individual organisations that make it up.

As the hon. Member for Hertford and Stortford (Mr. Prisk) has made clear, the Competition Commission's welcome reinvestigation of supermarkets will help consumers by ensuring that there is a fair and level playing field for local shops. I reinforce the message that if the local shop is valued, it will be used. The shop will be there only if consumers are there to make use of it. Competition is one way in which consumers can benefit. The liberalisation of the car market and the opening up to competition of the sale of cars has improved the rights of consumers. They have benefited from price reductions and a more open market. Making sure that there is effective and open competition can often be the way to benefit consumers.

Consumers can also ensure the delivery of other concerns. A consumer's decision is the sum of all sorts of different interests that they have when they go out to buy a product, such as the price and the benefit of the product to them. Consumers also quite often have a wider interest. The fair trade movement has shown that those who are concerned about the conditions of suppliers in less developed countries can influence

behaviour through their consumption. However, they need to be informed. The Minister should reconsider the Government's decision to abandon the operating and financial review requirements of company law that would have forced companies to make sure that consumers had information on how they traded and operated. That would have meant that the market was more informed. As he recognises, informed consumers are able to make those decisions. If consumers do not have all the facts to enable them to assert their views, they will miss out.

I welcome the Consumer Direct approach, which means that the informed consumer knows where to go to access information to take up their case and to make their case more strongly. Clearly, that organisation is guiding many consumers to the right place to assert their rights. Many consumers are able to assert their own rights, but I am concerned about the "consumer voice" role. In certain specialist areas—particularly energy and the postal services—where complex nationalised monopolies have been regulated and privatised and complex markets are involved, we need to be careful about the loss of individual advocacy. The Government may want to reconsider to ensure that less informed consumers and vulnerable consumers, who cannot assert their own rights, do not lose out; I shall come back to the energy sector in that context. If consumers have to rely on an ombudsman scheme, they have to access that scheme. The great benefit of what Energywatch and Postwatch have done in the past is that they have taken up individual problems on behalf of consumers.

We need to look at the effectiveness of delivery in a wide area of consumer concerns. The telephone preference service assists people who face unwanted calls. People register with that service. However, what is being done to deliver what those people want? People still get the calls, and then they make a complaint. Some of the top companies have 1,800 complaints against them, but still have not faced a fine for breaking the rules of the telephone preference service. Clearly, consumers are trying to make use of a service to assert their rights, but the Information Commissioner needs more effective powers and resources to deliver what the consumer wants from the telephone preference service.

Mr. Prisk: Does the hon. Gentleman think that the problem is resources, or sanctions?

Sir Robert Smith: It is a mixture of both. The Information Commissioner's department is snowed under with freedom of information inquiries, so he may well have a resource problem. If he had effective resources, he might be able to make use of the sanctions and fines. However, as fines have not been levied, he might need more powers to make it easier to impose sanctions.

I have a worry about the regulation of financial services. There have been attempts to protect consumers from buying products that are not suitable, or do not deliver what is expected, and to ensure that consumers are informed. However, as financial products become more effectively regulated, it is possible to link them more imaginatively to products that are less regulated. Financial products for buy-to-let might be well regulated, but the information that a person gets about the underlying property, such as its value and the likely expectations built into the product, might well be less regulated and effectively delivered.

As the world becomes ever more complex, it is important that regulators are able to see beyond the part of a product that they are regulating and examine the underlying substance of what is being sold to the consumer so that consumers can make informed and effective decisions. We could, as a nanny state, prevent people from making their own choices, but we should not do that. If people want to expose themselves to high-risk property speculation, they should be able to do so, but they should do that in an informed way, with the knowledge that the underlying product is at risk.

The Government have not only the role of enforcement and ensuring that the right regulations and systems are in place, but the fundamental role of setting an example through the way in which they deal with consumers. A classic example of the way in which the Government are setting a bad example is the Post Office card account. Consumers took out the account in good faith and the belief that it would be a permanent product. They did not know that behind the scenes the Department for Work and Pensions had always assumed that the accounts would come to an end in 2010. The Government preach to the private sector that they should treat customers in an open and transparent way, but they are setting a poor example.

The Minister talked about the danger of over-indebtedness. The Government need to understand that many people use the card account specifically to avoid the risk of over-indebtedness. Many such people have a bank account for savings, but choose to use the card account for their regular budgeting, in part because they know that they are at absolutely no risk of being exposed to charges, or £20 or £30 letters from the bank to tell them that they are overdrawn. The preferable option would be to keep the card account, but if the Government are not going to, they must ensure that there is a Post Office product in place that offers the same protection from indebtedness as the card account.

The Government could have given a lead to industry with the way in which they treated the ombudsman's report on pensions. However, given the way in which they rejected the report quickly and summarily, what kind of example did they set to the wider industry on how it should respond to an ombudsman service, which is the Government's preferred solution to ensure that there is effective dispute resolution?

Mr. Bone: The Minister made the case for ombudsmen very clear. He said that an ombudsman would protect vulnerable people because they would not have to pay for the service or abide by it. He said that the big organisation would have to pay for the service and be bound by the decision. That would be great, but it does not happen with the parliamentary ombudsman.

Sir Robert Smith: The Government seem to have two standards: one for business outside, and another for the way in which they act when consumers deal with Government Departments.

[Sir Robert Smith]

Experiences in the energy sector throw up various aspects of the way in which consumers can influence and make decisions. Everyone says that it is a no-brainer that consumers will benefit from improving the insulation of their houses, yet we still find it difficult to promote conservation and energy efficiency. Perhaps that is because consumers do not necessarily have confidence in, or information about, the product, or because they do not trust those selling it. One may have a good solution, but unless the market is well informed and consumers are confident, one cannot deliver it. The market may not be the only means of delivering measures such as energy efficiency. Building regulations and minimum standards set by the Government are still important in delivering good-quality products to the market.

As has been said, Energywatch offers an important advocacy service for individuals. It would be a great mistake, however, to assume that every individual has the skills and powers to make use of an ombudsman service. In the telecommunications sector, people must wait 12 weeks, before being allowed access to the ombudsman, Otelo. If people are about to be cut off, that is far too long to wait to resolve the problem. Some of 87 per cent. of Energywatch's cases are dealt with within seven weeks, but under an ombudsman scheme there would be an additional five-week wait before the resolution process even began.

It is extremely important that the Minister should look at the consultation to see whether the new regime can maintain an advocacy service for individuals and provide a more robust ombudsman scheme, following the initiative with Scottish and Southern Energy. If Energywatch receives a complaint from a consumer about Scottish and Southern, it works with the company to fast-track the complaint and refer it within two weeks. That is different from the traditional ombudsman's role, but it is a much faster way of resolving disputes.

The role of citizens advice bureaux has been mentioned. The decoupling of the work on individual complaints from the role as a general advocate for the consumer could lead to a loss of touch with the coalface. Because Members of Parliament deal with individual cases, we can start to see patterns emerging. If we deal with a significant amount of Child Support Agency casework we realise that we cannot solve the problem by tackling the failure of bureaucracy—there is an underlying policy failure. Similarly, consumer advocates such as Energywatch, Postwatch and so on can build up a picture from the cases with which they deal and identify problems in the sector. They act as a general advocate, but their work is informed by individual experience. The Government must look at the way in which the consumer voice is heard so that the consumer experience is understood.

Mr. Prisk: Given the strong role that the Government anticipate for the consumer voice and the development of policy, is it not equally important to set out the role of citizens advice bureaux, the Consumers Association and others in any legislation that is introduced, so that their detailed experience and on-the-ground contact is not lost in policy development?

Sir Robert Smith: It is important to set out that role. If consumer voice informs policy making, it should not become a judge of its own advice. If it advocates a strategy that the Government take on board, but that strategy fails to deliver, it may not be the most effective advocate, given that its original advice will have been wrong. Someone who handles cases day to day will know whether the strategy is working, so their voice needs to be heard in the system. The Government must make sure that people who deal with individual cases have a strong voice that informs policy making. Finally, I welcome the concept of informed consumers as an important aspect of delivering fair competition and effective business. However, I reinforce my view that that cannot be delivered if we throw away effective advocacy for individuals who cannot pursue a case on their own.

3.34 pm

Mr. Peter Bone (Wellingborough) (Con): I draw the attention of the House to my declarations in the Register of Members' Interests, particularly as a director of AJWB Travel Ltd.

It is a great pleasure to follow the hon. Member for West Aberdeenshire and Kincardine (Sir Robert Smith), who made some powerful points. I shall deal with some that he did not mention. The debate is entitled "Creating Confident Consumers" and we could probably discuss such an enormous subject until midnight. Introducing the debate, the Minister had a go at the Conservative manifesto, when he said that we would drastically cut back the Department of Trade and Industry. As I understand it, unless he has changed his mind, the Department's numbers are to be cut by 30 per cent. If we are trying to create confident consumers and increasing protection, will the Department have the resources to do it? Perhaps the Minister could deal with that when he winds up.

We speak of consumer confidence as though it applied only to the private sector. Of course, it is equally important in the public sector, and that has not been discussed today. Children are perhaps the most vulnerable consumers. They are consumers of education, and they have the right to be confident that they are safe where they are being taught, yet the Minister could not give me an assurance that all future schools would be protected by sprinkler systems. That would protect consumers and build confidence. One of the problems may be that the Government are prepared to undertake prevention, but not reaction. However, the topic may not be entirely germane to the debate.

Mr. McCartney: When you raised the point, I made it clear that the matter was out to consultation. I will read my remarks carefully, and if I have misled the hon. Gentleman I will write to him. I thought I had made it clear that we were trying to meet that point and were examining the matter.

Mr. Bone: I am grateful for the Minister's clarification. I understand the point, but I also understand that if the Government introduce extra prevention, they propose to withdraw reaction by cutting back on the fire service. That concerns me, and I look forward to the outcome of the consultation.

The Minister also spoke of introducing legislation for the security industry to protect consumers, which I welcome. The problem is that the Government did not provide the resources or allow time to register people in the security industry, so for some months, the industry has been in flux. People who should be registered are not registered, and people who are acting illegally should be closed down. It is rather a mess. When consumer legislation is introduced, I urge that enough time should be allowed for the right regulation to be enforced and that it is not rushed through.

Creating confident consumers in the health service is particularly important. Back in November, the Prime Minister gave a guarantee to consumers of the health service that nobody would have to wait more than six months for an in-patient operation at an NHS hospital. The Government failed to meet that in November, December, January and February. The number of people waiting more than six months is growing.

If we are to create consumer confidence in the NHS, should there not be some quick remedy for those who wait more than six months, when there is a guarantee—not a target or an aspiration, but a guarantee—that they will not have to wait more than six months? Should there not be a method whereby they can be transferred to another hospital for an immediate operation, given compensation or treated in the private sector? If we expect companies in the private sector to meet all the regulations, why do we not expect the Government to do so?

The hon. Member for West Aberdeenshire and Kincardine spoke about citizens advice bureaux. I am told by citizens advice bureaux in my constituency—I expect hon. Members across the country hear the same comments—that they are dealing with more and more debt management problems. Unfortunately, some of those are coming about because vulnerable people have been given tax credits, have found that they have been overpaid and are being asked to pay back thousands of pounds. I have had people in my constituency office in tears, saying, "I can't possibly meet these bills—what are my options? Am I going to go bankrupt? I can't sleep. My marriage is on the line." Those problems are being sorted out by local citizens advice bureaux. I was horrified to learn that no Government money goes directly to them, but only to the national organisation. If the Minister wants to improve debt management, and I think that he genuinely does, I am not sure that creating a semi-state advice centre is the way forward. That money should be given directly to local citizens advice bureaux, which have the great advantage of being seen to be completely independent of the state and of business, and will give impartial advice. That would represent a change in attitude from the Government, who always seem to think that they can impose from the top, whereas this would be a great solution from the bottom upwards.

The Minister is right to say that ombudsmen have a significant role to play in protecting vulnerable people if the banks do someone wrong, as they often do. The process may be lengthy and frustrating, but it does not cost anything, and ultimately the bank is bound by it but the person is not—they can still challenge the ombudsman's decision through the court if they are not happy with it.

I fail to see why the Government cannot accept that principle when it comes to themselves. They are the only organisation—the most powerful organisation in the land—who, when they are found guilty of maladministration, say, "Sorry, but we don't agree; we're not guilty" I am sure that half the time banks do not think that they are guilty of maladministration, but they still have to pay up. If the Minister could go back and say, "We've been unfair to these pensioners," I think that the country would say, "This Labour Government are beginning to listen." However, I fear that that will not happen.

I should like to talk mainly about the travel industry, which I have been involved in for several years. When it first developed, many years ago, people had to pay a fortune to go abroad, and only the rich travelled. Then came the invention of the package holiday, Freddie Laker and the Association of British Travel Agents. People went into their local travel agent, looked at brochures, and picked a holiday. If the holiday company went bust, they were covered either by ABTA or the ATOL—air travel organiser's licence—system. Everybody had consumer confidence, and in a highly competitive industry, no consumer ever lost out.

Now, the travel industry has moved on. People do not necessarily go to their local travel agent because they are able to book online or by telephone. A system called dynamic packaging has been introduced, whereby people do not book a package holiday but book the airline, hotel and car separately. It is also called split contracting. The problem with that system is that if any provider of the travel arrangements goes bust, the consumer is most unlikely to be covered by protection. If they have booked online, they are not covered in any form whatsoever. They will have an element of protection if they happen to have paid by credit card, but most people do not like to do that because they have to pay a fee on top of the cost of the holiday. If a major low-cost airline were to go bust, many thousands of people would lose out.

The waters have been muddied even further by the European Union. There is an EU directive on travel that is so incomprehensible that I am sure that the Department of Trade and Industry does not understand it, let alone local travel agents and consumers. All the EU has done is confuse matters. People could book a holiday to America on an American airline, which might fly under chapter 11 protection. In other words, it might be bankrupt. Many consumers in this country are likely, sooner or later, to lose a great deal of money. I fear that the Government will be blamed for sitting on their hands.

The travel industry has welcomed a proposal to charge a levy of £1 on every ticket, thus building up a fund. Every consumer would then be covered. It is a simple solution that does not require all sorts of bonding or ATOLs. People would be covered whether they booked through an ABTA agency or online. Such consumer protection would give people great confidence. I urge the Minister to consider that because the travel industry is highly competitive and produces great value for money. In the past, when big firms have gone bust, all consumers have been protected. I fear that, although we still have the highly competitive industry, we also have difficult times because of higher

[Mr. Bone]

fuel costs and the possibility of booking with airlines that fly under bankruptcy protection, and consumers could lose a lot of money.

I appreciate that the Government's heart is in creating confident consumers, but I sometimes worry about their methods.

Sir Robert Smith: I am listening to the hon. Gentleman's careful analysis. I wonder whether a different Department will relate to the consumer on the matter that he is considering. Does he agree that the Government need to work across Departments to get their values across for dealing with consumers in all sectors?

Mr. Bone: That is a valid point. The attraction of the proposal that I mentioned is that it is simple and straightforward.

The Government often set out to do things but create so many regulations and complicate matters to such an extent that no one is genuinely protected and the industry is burdened with huge costs. In the case that I am considering, the industry would not be burdened with such costs and the consumer would be protected. That would be a good way forward in creating confident consumers in the travel industry.

3.47 pm

Tony Lloyd (Manchester, Central) (Lab): First, I apologise to you, Mr. Deputy Speaker, and to my right hon. Friend the Minister for missing part of the opening speech.

The debate is important and well informed, and there is a measure of agreement between all parties on some of the issues. I want to speak about the role of information in creating confident consumers and mechanisms for protecting them. I also want to speak about my trade union interests and those who supply the consumer with information. Consumers can be confident only if those who serve them are well trained and motivated.

It is obvious that consumers need access to adequate information to be confident. In several services that we all use—for example, financial services— such information is not available. Most of us are used to the plethora of credit card letters on our doorstep every morning that offer us many different deals, structures and so on. That does not inform consumers, it simply bewilders them. One of the problems with financial services is that although we have a system of necessary regulation, we have no system of standardising the important parts of product information. I hope that my right hon. Friend, as Minister responsible, will consider the matter. The Treasury Committee recommended that in one of its most recent reports and I strongly endorse the recommendation.

Let us consider food provision. We have perhaps become a more cranky and individualistic society in many ways. That is healthy, and what consumers should do when there is choice. We have taken huge steps forward on food labelling, some of which have been absolutely vital. Some of my children have specific allergies, and they need the protection that proper labelling can provide. One of my daughters has an allergy to corn, for example, and it is important for her to know when a particular food product contains corn. We have made advances in the provision of information on food products, but we have not yet gone far enough to give consumers the confidence to make these choices. There may be personal moral choices involved—for vegetarians, for example—or health choices.

I urge my right hon. Friend the Minister to consider one particular anomaly in the food production system. It is perhaps a difficult question, but it is worth examining. It involves the big gap that now exists between the producers of food sold through shops and those who produce for the restaurant or café trade. Food labelling in restaurants and cafés is still virtually non-existent, and we need to look at that issue if we are to offer adequate protection to the public.

I agree with the points made by Opposition Members about what we should be looking for in our systems of regulation. It worries me that our big utilities are quite resistant to the consumer. I have experienced this myself; my right hon. Friend the Minister, who is also a north-western MP, will know—I say this perhaps a little unfairly—that it is not always a joy and a pleasure to try to get through the almost impenetrable wall in order to deal with United Utilities. That can be difficult even for a Member of Parliament, and it is often much more difficult for someone who genuinely has a leak in their water supply. The same arguments apply to the other utilities and energy industries.

I have a great deal of sympathy with the points made by Opposition Members on the role of Energywatch. When we change the way in which we protect consumers, we must be careful not to throw away the advantage of the personal service that Energywatch has provided. We must recognise that we need that type of direct advocacy service when dealing with the large utilities. Perhaps we can manage to retain that, with Consumer Direct as well. It should not be impossible to ensure the continuation of the good work that Energywatch has done in the past.

In some industries, regulation is not yet up to speed. Legal services have been mentioned in that regard. I have never been a great fan of the Law Society being the regulator of solicitors when complaints are made against them. We need to look at how we regulate in such services. Fortunately, most of us use them only rarely, but it can be very stressful for people when things do go wrong. I am sure that all Members of Parliament have had that experience.

Many years ago, I had a fairly detailed knowledge of the building trade. I know that it still contains those who glory in the title of the cowboy builder and, alas, from time to time, my constituents come face to face with these people. It is difficult to determine how much and what kind of regulation we should have in such industries, and I am prepared to accept that sometimes the most appropriate regulation can be provided from within the industry. However, those services are not comprehensively regulated at the moment.

There are interesting examples from other countries, in which membership of a trade association is mandatory, and that may or may not be a way forward here. I can see the value of such an arrangement,

because trade associations can help to inspire confidence by providing properly structured trade agreements that offer the necessary protection. The hon. Member for Wellingborough (Mr. Bone) mentioned his own experience in that regard. Such an arrangement could serve as a model for the building trade.

My right hon. Friend the Minister mentioned shop workers and Sunday trading. It is axiomatic that, if we are to create consumer confidence, our consumers need to be served by well-motivated, well-trained staff, be they shop workers or people who work in the hospitality industry. We still have some way to go in this country in relation to changing public attitudes towards people who serve in those roles. Unlike in the United States, their jobs are sometimes seen as menial. However, many of our constituents now look to those industries for employment, and we need to guarantee that they will have a system of career development through properly structured training schemes. Trade unions have a strong role to play in that form of training and education.

In that industry, in which there is direct contact with consumers, not all of whom are confident and decent, violence against shop workers, for example, is a major issue. The Union of Shop, Distributive and Allied Workers has been anxious to campaign on that recently. It is legitimate to promote responsible as well as confident consumers, and one of their responsibilities is not to assault physically or abuse verbally those engaged in providing such services.

Mr. Prisk: The hon. Gentleman is right that where companies clearly abuse their position, they must be dealt with thoroughly and properly. Does he also accept, however, that one of the ways in which we can change behaviour among businesses is to use the carrot rather than the stick—to show that, for many businesses, customers value good service, which therefore provides a competitive advantage? That language might be more likely to encourage the vast majority of people involved in business and in providing services, public or private, to up their game.

Tony Lloyd: I probably did not explain my original point fully—I was talking about the customer, not the company. Assaults on shop workers are, I hope, rarely committed by their employer; it is not a good motivational technique in the modern world. *[Laughter.]* We certainly know of cases in which shop workers have been assaulted by irate customers, and all of us have probably been irate customers from time to time, but that is not an excuse to subject those who provide such service to physical or verbal abuse.

The hon. Gentleman makes a credible point; there is a strong role for companies in recognising that the provision of high-quality service, which requires highly motivated, well-trained staff, is also in the corporate interest. The best companies do exactly that, and we hope that that spreads throughout industry.

Finally, I want to refer to the debate about the consultation on Sunday trading. My right hon. Friend the Minister, who is new to his job, must take a dispassionate, neutral attitude. However, I do not feel that I must be neutral or dispassionate. We altered the laws on Sunday trading only 12 years ago. At the time, a compromise was struck between those who argued from different perspectives, ranging from those who wanted no Sunday trading whatever to those who wanted total deregulation. That compromise recognised the different feelings in society. Of course, society is not static, so there is no inevitability that we will stay where we are for ever. Not enough has changed in those 12 years, however, to alter that fundamental compromise.

Michael Fabricant: Does the hon. Gentleman recall that when we debated this issue 12 years ago we had a free vote? Does he wish, as I do, that when we eventually get round to voting on the issue again, whichever view we take, it will be a free vote, not one divided on party lines?

Tony Lloyd: Most of us are pragmatic and believe in a free vote when it guarantees that our side wins the vote. I may have to allow the argument to develop a little before I come down on one side or the other. This type of debate raises some genuine issues, and our approach should be to try to build the largest consensus. I think that we have a consensus at the moment. I have family members who work in the retail industry and who make the point to me that they quite like to work on Sundays. That is okay; it is what they choose. However, they like to work on the present Sunday, not a Sunday that might ultimately look like every other shopping day of the week. Keeping Sunday as a rather different day of the week is not necessarily to pander to ultra-Sabbatarians but to recognise that our way of life is best protected if our ordered week at least maintains something of the present character.

I live in the middle of one of the most bustling cities in Britain, in the area where arguably such considerations apply least. Nevertheless, people still value the fact that one day of the week is a little different, and shop workers want to maintain the benefits of that.

It could be said that the argument is not about the interests of consumers but about those of the very large stores, which still believe that they can gain a competitive advantage if they can open for longer on Sundays. That is questionable. It may not be in the interests of consumers if the result of longer opening hours for the large operators is smaller distributors being squeezed out of the industry. Interestingly, Tesco, which was one of the leading advocates of a change in the regulation of Sunday hours, has withdrawn from the deregulation coalition. I do not know why that is, but I am pleased that Tesco may have realised that it is not in its corporate interest to advocate a change that would be unpopular with the public.

I warmly welcome my right hon. Friend the Minister to his new role. I can think of no one in Government who is quite as tenacious in supporting the interests of ordinary people against those who abuse their different forms of monopoly power. He has a great personal reputation. I am happy to say that publicly. We are not often given the chance to read our colleagues' obituaries while they are still with us. I am delighted that the Prime Minister did absolutely the right thing in this instance in moving my right hon. Friend to the DTI in his reshuffle.

4.1 pm

Mr. McCartney: Although only a few Members have been present to participate in my comeback, I can genuinely say that the debate has been interesting and has featured a good deal of serious comment, questioning and analysis. We all want to arrive at the same destination when it comes to some of the big issues and challenges, although there may be different options along the way. Difficult decisions may be necessary. Sometimes the easy decision is to opt out, while a decision that appears difficult at the outset may provide stability in the long term.

I shall respond to as many points as I can, but I do not want to give an answer about which I am uncertain, and I may want to go away and ponder some of what has been said. I shall write to those to whom I do not respond today.

Both the hon. Member for West Aberdeenshire and Kincardine (Sir Robert Smith) and the hon. Member for Hertford and Stortford (Mr. Prisk) asked about access to cost-benefit analyses relating to Sunday shopping. I said that I would write to them, but I can also tell them that following my contribution at the stakeholders meeting yesterday the information has been placed on the DTI website. We would welcome comments. That is, however, separate from what I said earlier about preparation for potential further consultation.

Mr. Prisk: I am grateful to the Minister for what he has told us about the study, but has he any idea when the formal consultation might begin? I assume that it will have to begin reasonably soon if the timetable set by the Queen's Speech is to be adhered to.

Mr. McCartney: That is a fair point. I am working on it as we speak. We have been consulting since January, and yesterday's stakeholders meeting represented almost the culmination of that first phase. I must now organise a further consultation, and, as the hon. Gentleman says, if it is to form any part of the legislative programme it will have to start fairly soon. Given that it is part of a continuing process of consultation, I expect that that will be the case. I shall give the hon. Gentleman the information as soon as I can. I shall ensure that he does not read it in the newspapers, and that I announce it in the House.

I want to say a few words about the national debate on small shops. It grates a little when, just as that debate begins, the hon. Member for Hertford and Stortford announces that he wants to close the Small Business Service. Small businesses will be horrified to hear that. The Conservatives say one thing, but would do another—yet another example of their flip-flopping. This Government have shown their absolute commitment to the regeneration of town centres and marginal shopping areas, and to the renaissance of villages, small towns and estates, all of which were abandoned during 18 years of Tory government. A key aspect of that fundamental renaissance is bringing sustainable local businesses back to communities. This Government have pumped, and continue to pump, billions of pounds into the renaissance not just of our cities, but our out-of-town areas, villages and estates, all of which the previous Government abandoned. Small businesses have a big role to play in that renaissance.

Mr. Prisk *rose—*

Mr. McCartney: I thought that that would wake the hon. Gentleman up.

Mr. Prisk: I am grateful to the Minister for his stopping our drift into a consensual swamp. I enjoyed his pantomime attempt to suggest that we have a particular policy commitment regarding the SBS and the Department of Trade and Industry, but of course, and as he well knows, it is not true. Can he give a commitment to ensuring that the Government will provide time for a debate in this Chamber on the future of small shops?

Mr. McCartney: As the hon. Gentleman knows, that is a matter for the Leader of the House, on whom the hon. Gentleman will have to use his persuasive talents. But whether or not that debate takes place, day in, day out, this Government will act to support small businesses, while you talk about it.

The hon. Gentleman made a serious point about the need for action and financial capability. I agree that it is important that consumers have the knowledge and understanding necessary to manage their money. The Financial Services Authority is taking the lead in work on financial capability. It has launched a range of initiatives, targeting employees and parents in particular, to provide people with simple tools to enable them to assess their financial position and borrowing. As part of this strategy, we will introduce financial education into the core curriculum from 2008.

The hon. Gentleman also asked whether I will meet representatives of the Association for Payment Clearing Services to discuss chip and PIN fraud. Credit card fraud is a matter for my right hon. Friend the Home Secretary, whose Ministers have regular contact with APACS. I can however assure the hon. Gentleman that I will meet APACS representatives to discuss a range of issues, including this one. I will not be dishonest and say that such a meeting is already in my diary, but APACS is among a list of organisations whose representatives I will be meeting very soon. If the hon. Gentleman wants to write to me on this issue, I invite him to do so.

It is important not to rush change, and we judged the proposed time scale for the introduction of consumer voice as sensible. We fully understand the importance to staff of stability, and we are closely consulting existing bodies, including staff representatives. This is in no way a cost-cutting exercise. The National Consumer Council is Government-funded and is at the core of the establishment of consumer voice. There is no intention to marginalise citizens advice bureaux. All such bodies are working closely together with the NCC.

Consumer voice will be a statutory, independent body, which, I believe, is the commitment that the hon. Member for Hertford and Stortford and others were looking for. We are considering our response to the consultation now, and we will announce the preferred option in July. Given that I have come late to this issue, I will read all the consultation documents, rather than simply looking at the recommendations made to me. I am very happy to consider the views and opinions

expressed here today. If the hon. Gentleman has further opinions that he wants to express, I invite him to do so over the next few weeks. I give a genuine commitment to considering them in reaching my conclusions on the option to be announced in July.

There is no better incentive for companies to resolve complaints themselves than having to pay ombudsman's costs. The new body will have specific responsibilities for vulnerable consumers in areas such as energy. The Office of Fair Trading has a key role to play in consumer education. Like Postwatch, Energywatch has a low public profile, and it cannot enforce compensation. I should point out that there are not 280,000 stranded customers; that figure includes all those who phoned to make a simple inquiry.

Energywatch can act as an advocate, but it cannot enforce solutions. On issues such as disconnection, I agree that a faster track is needed. Energywatch is consulting Ofgem on a new billing ombudsman and speeding up the processes. Consumer voice is able to retain specialist panels in relation to energy and other issues, so it has the capacity to act independently and consider issues that arise. I have no doubt that Members of Parliament, consumer organisations and consumers themselves will try to influence the work load of the body.

I noticed that the hon. Member for West Aberdeenshire and Kincardine (Sir Robert Smith) made a new financial commitment for a new Department. However, he did not say what would happen to state aid, regional aid and the Small Business Service. He was careful, but I caught him out in one small aspect of that disastrous policy announcement. He has tried to cauterise the wounds, but as his proposal stands, all the other services of the DTI, including insolvency services, would be lost.

Sir Robert Smith *rose—*

Mr. McCartney: He made his bed: will he lie in it?

Sir Robert Smith: The Minister is exaggerating. If he looks at our manifesto from the last election, he will see that responsibility for energy would be put with environment and transport, which logically belong together. Responsibility for consumer affairs and the voice of business would go to the Treasury, and consumer protection would go to the new consumer Department. Regional aid would be devolved to the regions. Such a reorganisation is a matter for another debate, and I suggest that the Minister concentrate on the consumer affairs aspect.

Mr. McCartney: The hon. Gentleman is trying hard, but he is drowning. Regional development agencies already have budgets, but what would happen to trade support services, insolvency and all the other responsibilities? The hon. Gentleman has a very bad policy, and that was noticed by very many consumers at the last general election.

The hon. Gentleman raised several issues connected with the Information Commissioner's Office. The Government believe that it has a strong and supportive voice for telephone reference services. I will ensure that the hon. Gentleman's comments are drawn to the attention of my noble Friend the Secretary of State for Constitutional Affairs, whose responsibility includes the Information Commissioner. I will ask my noble Friend to respond to the hon. Gentleman.

The hon. Gentleman also raised the issue of the Post Office card account, which will be funded by the Government until 2010. That was always the plan, so the issue of the contract cannot be a surprise. However, it has not yet been settled what accounts will be available beyond 2010 and we are working closely with the Post Office to ensure that customers continue to have a choice of how to access their money at the post office. The Government have put in hundreds of millions of pounds to support the network, not only this year, but every year since we came to power.

Sir Robert Smith: The Minister should ensure that his colleagues in the Department for Work and Pensions get things in the right order. It is premature to bully people away from the card account now—and into bank accounts with the prospect of £20 or £30 letters if they go overdrawn—when the future arrangements have not been decided.

Mr. McCartney: The Government have been careful to work with the Post Office to provide improved services for pensioners, including the Pension Service and the card account. I feel a "Focus" leaflet coming on from the hon. Gentleman, but I hear what he says and I will put his comments to my right hon. Friend the Secretary of State for Work and Pensions. He can rest assured that this Government, more than any other, have supported the Post Office in all its aspects, including services to its most vulnerable customers, especially pensioners.

The Government intend to introduce a legal services board, with specific responsibilities for competition and consumers. I will get an appropriate Minister to write to the hon. Gentleman about that with further details.

On the building sector, the Government have supported a trust mark scheme to provide reassurances that the consumer is employing a good builder or property repairer.

The hon. Member for Wellingborough (Mr. Bone) raised a number of interesting points. Like me, he was consensual one moment and partisan another. I will try to deal in equal measure with the issues that he raised, but I am not sure that I can manage that.

There were some problems with the security industry registration. Let us be straight about this. The vast majority of the people not being registered could not be registered because of their criminal records. The point of introducing the registration scheme was to clean up the act and stop the industry being undermined by cowboys. This is a good industry. It is a good employer and an international industry. It provides global public and private services from the United Kingdom. It will continue to grow as we need the services of that industry in many areas. When I first raised the issue, the industry was worried, but it now has a protection that will help it expand and offer new services here, in Europe and beyond.

I am proud that there are people in my community who are not registered. They should never have been in

[Mr. McCartney]

the industry in the first place. I am glad they are out of it and will not get back into it. Those who are in the industry can now join a union and get better pay and training. The training system is recognised. There is security in the industry. Those working in it have a skill and can be respected. Many of those who work in it, particularly door security people, are good, skilled and knowledgeable. Unfortunately, on occasions they face violence caused by drink or other factors. Because the industry has been cleaned up and because these people have skills, knowledge and a clean record, the industry as a whole will flourish. I am pleased about that, as I hope the hon. Gentleman is.

Mr. Bone: I agree with the Minister. My point was that the regulation and the administration of the regulation were poor. Two of my constituents were just as the Minister described the right sort of people to be registered yet their forms were rejected because apparently they had not signed in the little box. In fact, they had. My point was that the resources were not there to implement the scheme properly.

Mr. McCartney: The resources are there. Mistakes are made on occasion, and the hon. Gentleman, who has been in the travel industry, knows that. My God, many a holiday has been spoiled by a technical mistake. I hope that the hon. Gentleman's constituents have now registered and have a career. I am sure that they have. Over the years many of my constituents have just had to say goodbye to their holiday. We will come back to that because there is a good tale to tell about that industry too. Mistakes can and do happen, unfortunately. We have lots of regimes so that whenever there is a mistake, there is a remedy for it—not just a legal or financial remedy. The big issue is getting cultural change within business systems and organisations to prevent mistakes in the first place. Rather than a remedy afterwards, prevention is always the best policy. Where that breaks down because of human or business frailty, whether public or private business failure, there must be a remedy. In my speech today I have tried to set out a framework, showing the Government's ambition to make this a world-class regime. I hope that if we take step by step, that is exactly what will happen.

The hon. Gentleman raised a number of other issues. On the national health service I can well remember coming here and agitating on behalf of constituents who were waiting for heart operations or cataract operations, not for 18 months, but for two years. Across the country constituents were waiting for nine months, 12 months, 18 months or two years. There was chaos. An average wait in hospital during the winter months under the Conservatives could be 20, 21, 22 or 24 hours. Take your pick. There have been substantial changes in the NHS. It is a good news story. Thank goodness we won the last election. The hon. Gentleman supported a manifesto to take at least £1 billion a year out of the NHS and hand it as a subsidy to those who already had private health care.

The Government have an absolute commitment, and I hope that the Conservative party will do a flip-flop and support it. We have promised, end to end, 18 weeks from seeing your GP to having a successful operation. We have made that promise, and it will happen. In the interim, across Britain, you now have a choice to go to another hospital if you cannot get the service at your local one. That includes if necessary attending a private hospital as an NHS patient, receiving treatment free at the point of use based on your medical need. *[Interruption.]* The hon. Member for Hertford and Stortford may complain and grumble, but his hon. Friends raised the matter on the basis that NHS patients are consumers—

Mr. Crispin Blunt (Reigate) (Con): The hon. Gentleman is doing a good job for the Labour party.

Mr. McCartney: I am the consumer Minister, and thank goodness I am. Any job I do, I will make a success of it. I may be a small man, but I am a bigger man than the hon. Gentleman in all respects. He can take that how he likes.

The hon. Member for Wellingborough (Mr. Bone) said that citizens advice bureaux did not receive any direct Government funding. That is not correct. Earlier I announced that we will be giving £45 million to fund debt advice services and £16 million will go to projects led directly by Citizens Advice. It will also receive a share of the £22 million going to projects run jointly with other advice agencies. So we are giving substantial funding.

When I was a Minister in the Cabinet Office between 1999 and 2001 we gave substantial assistance—millions—to the CABs to invest in infrastructure so that they could interconnect on advice, services and training. They welcomed that. Local authorities also support the CABs. It was to the eternal shame of the Conservative Government that they substantially cut resources to the CABs. We have not only put them back but bettered them, and rightly so.

Mr. Bone: Will the Minister give way?

Mr. McCartney: Okay, you want some more.

Mr. Bone: I appreciate that this is the consensual part of the Minister's speech. He would not want to misrepresent me. I said that no money went directly to the local CABs. Government money goes only to the national organisation, as I understand it.

Mr. McCartney: I know that the hon. Gentleman is trying to get himself off the hook he put himself on, but Citizens Advice is the citizens advice bureaux. It is a national network linked to the local one. It is one and the same organisation. It is true to say that there is some local independence of services, but it is a national organisation, and we are funding it. It welcomes that funding. It also receives funding from local authorities of all political persuasions—rightly so.

In the past few years the CABs have run services directly for local authorities in relation to unclaimed benefit or employment issues. They provide better services that are value for money. I welcome that. We will continue to invest in the CABs and I, and the Government as a whole, will continue the partnership arrangement. I thank the hon. Member for Wellingborough for his

comments. I am sure that the next time we have a date—I mean a debate. I said a date there, I do apologise. Och, you are over 21.

The hon. Member for Wellingborough suggested a different way of funding risk in the package travel industry. I will be honest with you. This may be a good idea; it may be a barmy idea. When I have read *Hansard*, I will write to the hon. Gentleman about that. In the meantime, I will give you some information that may or may not help you, but it is information that I want to put on the record.

Mr. Deputy Speaker (Sir Alan Haselhurst): Order. I have restrained myself for a long time with regard to the language used by the right hon. Member. When he reads *Hansard* perhaps he will notice how many times he has incorrectly used the term "you".

Mr. McCartney: I apologise, Mr. Deputy Speaker. That is the second time that I have been pulled up today. I explained earlier that I was a bit ring-rusty but that I hoped to have a bit more oil in my body by the end of the debate. I am nearly there, and I hope that you do not have to call me to order again—but you have to admit, it is good stuff. We have livened up what could have been a very dry debate and I hope that consumer magazines and newspapers will join the discussion. In that way, they will give information about the services that the Government are providing and the investment that we are putting in.

I hope, Mr. Deputy Speaker, that you do not think that I was using being pulled up as a tactic in the debate. It is not the first time in my life that I have been asked to watch my language.

Mr. Prisk: While the Minister is preparing his release for the trade press, I want to return to the important point about the difference between local citizens advice bureaux and the national organisation. The people who work in my local bureau, for instance, worry that money given by the Government is often held at the national association level. Some support is given with computer systems, for example, but my experience is that many local bureaux—which are funded by local authorities of all political persuasions—rarely see the benefit of that money, even though they bear the burden of the work. Does the Minister understand the distinction between the local bureaux and the national organisation? They are not the same thing.

Mr. McCartney: I understand the hon. Gentleman's point, but I stick to what I said. All the new local bureau services being rolled out across the country are funded directly. The national organisation redistributes the resources that the Government make available, according to where the money is needed. No one would expect the Government to meddle in that. The partnership agreement requires that the national organisation distribute resources and provide services in a way that achieves value for money, but local funding is provided, by agreement, where that is deemed to be more suitable. We are committed to the massive new local investment that I described, and the organisation has made it clear that it is delighted at the huge increase in its capacity to deal with clients in local communities and to help vulnerable people who get into unnecessary debt.

I know that the hon. Member for Hertford and Stortford has to be able to tell the people in his local CAB that he has put their case. I accept that he makes a genuine point as, from time to time, I have to put the case for my local bureau with my local authority, but I think that I have responded to it. The Government are spending millions of pounds at both local and national level, and will continue to do so.

I shall not read out the stuff on package travel for the hon. Member for Wellingborough, as I got diverted. However, I shall write to him with the details, which I shall place in the Library for other colleagues to see.

Finally, I turn to my—*[Interruption.]* The hon. Member for Reigate (Mr. Blunt) makes a remark from a sedentary position, even though he has not contributed to the debate. I am trying to answer the questions that have come up. I know that he thinks that I have been here too long, but that was an unfair comment to make.

My hon. Friend the Member for Manchester, Central (Tony Lloyd) raised a number of issues. I can assure him absolutely that I and the Government are absolutely neutral about how the review of Sunday trading should be conducted. If he reads *Hansard*, he will see how complex the issues are. I have made it very clear that the Government want to be pro-business, small or large, and that we also want to be on the side of the people who work in those businesses.

My hon. Friend the Member for Manchester, Central asked about service workers. I used to be one; I know that service workers need to be properly respected by employers and customers alike, and I have supported the campaign to secure that respect. Millions of pounds are going into training these vulnerable workers through the trade union learning fund and other training services provided by the Government. The national minimum wage has been a big boost to service workers and will continue to help them.

The Union of Shop, Distributive and Allied Workers and the GMB, which was at the conference yesterday, are part and parcel of the core groups that we are consulting over the future of Sunday trading. I can tell my hon. Friend the Member for Manchester, Central that USDAW held its first awards ceremony for service workers at the Radisson hotel in Manchester airport—I am always pleased to get in a plug for that airport—and I participated in the presentations there. It was a wonderful occasion, because many ordinary men and women do extraordinary things, but are never recognised. They are not film or sport stars, but each and every day they go to work with a smile on their face to provide a service. Sometimes they get abused, so thank goodness USDAW has the skill, the guile and the knowledge to recognise these extraordinary people for their huge contributions to the community and the British economy.

The United Utilities company has been transformed over the last few years. I recognise what was said about some of the difficulties, but United Utilities has recently announced a multi-billion pound investment

[Mr. McCartney]

programme on sewer water flooding, for example. John Roberts, the chief executive who has just retired, transformed the company and I am assured that the new chief executive will further transform it, improve customer services and invest its capital and revenue resources to do so. I hope that my hon. Friend the Member for Manchester, Central will recognise that.

In conclusion, the hon. Member for Hertford and Stortford raised a number of questions and I assure him that he will receive replies. Any replies that are non-specific will be placed in the Library, so all hon. Members attending the debate will be able to assess whether the responses that I have given are accurate.

After a very good debate, I want to stress the positive point that the Government intend to create a world-class regime by the date that I set out. It will benefit business and consumers and will make it clear to those who want to operate scams that we will deal with them. We will deal with those who want to carry out illegal money lending; we will deal with those who want to damage communities by their activities.

I hope that, after our debate, a consensus will emerge on the road that we are taking. A country with appropriate regulation can ensure that business grows and that when it does, it is not hindered by cowboy organisations. If any cowboys are providing services in which consumers are badly treated or ill informed, the Government and the state will be on the side of consumers. That is my final point. However long I am in this job as Minister with responsibility for consumers, I am going to be on the consumers' side—not just on Monday or Tuesday, but seven days a week, 24 hours a day and 365 days a year, including leap years.

Steve McCabe (Birmingham, Hall Green) (Lab): I beg to ask leave to withdraw the motion.

Motion, by leave, withdrawn.

Rod Licences (Border Esk)

Motion made, and Question proposed, That this House do now adjourn.—*[Steve McCabe.]*

4.33 pm

David Mundell (Dumfriesshire, Clydesdale and Tweeddale) (Con): I am delighted to have secured a debate on a subject about which I could speak at great length, although the House will be pleased to learn that I do not intend to do so. We have an opportunity to debate on the Floor of the House a matter of great concern to my constituents in and around the Muckle Toon of Langholm and the Eskdale valley in Dumfriesshire.

I raised the matter in my maiden speech and have previously raised it in the Scottish Parliament. It was also brought before the Public Petitions Committee of the Scottish Parliament. I have already met the Minister to discuss it, but it remains unresolved, so I welcome this opportunity to record the concerns of my constituents about the imposition of rod licences on the Scottish section of the Border Esk and to look for a way forward that commands the support both of my constituents and the Environment Agency.

I am, however, already reassured about Parliament's role in this matter of great import, for no sooner had I secured today's debate than I had proactive contact from the Environment Agency for the first time. This morning, I was pleased to receive a fax from the Minister of a letter responding to a letter of 30 November 2005. Let no one say that debates in the House do not produce action.

The matter has a long history and has been raised previously in the House, in particular by one of my predecessors, Lord Monro of Langholm. I pay tribute to him for his assiduous pursuit of the issue over the years, and I thank him for his help as I prepared for the debate. I first became involved as a Member of the Scottish Parliament for the South of Scotland region. I was pleased to welcome members of the Esk and Liddle improvement association to the Scottish Parliament and to support their petition about the inequity of the Environment Agency's imposition of rod licences in 2003.

The Scottish Executive's failure to get involved at that time was disappointing and lacking in backbone. Their failure to stand up for the interests of my constituents was a clear dereliction of the duties and obligations expected of them by people who supported the establishment of a Scottish Parliament. Instead, the Executive simply kowtowed to the wishes of the Environment Agency and allowed it to go ahead with the rod licensing regime. If the Scottish Executive had spoken out against the introduction of rod licences on the Esk, I do not believe that the Environment Agency would still have gone ahead. That failure to act is consistent with many of the disappointments that people in my constituency have endured since the setting up of the Scottish Parliament.

I shall not dispute the background to the regulation of fisheries on the Border Esk; as the Environment Agency points out in its briefing for the debate, there has been regulation under English fisheries law since the 1860s. That has never been in dispute, although the agency's responsibility for the Border Esk—and, indeed, the responsibility of the Scottish authorities in various guises for the Tweed—is not based on any scientific fact, but merely reflects the historical need to come to a sensible resolution of cross-border issues. That is why I find it hard to accept the inflexible and unhelpful approach adopted in recent years by the Environment Agency, which, regardless of everything said by Baroness Young and people from the Environment Agency, is wholly contrary to the undertaking that Lord Sewel gave the former MP for Dumfries, Lord Monro, in a letter of 16 November 1998 after Lord Monro had raised the issue during the passage of the Scotland Act 1998.

Lord Sewel clearly and unequivocally stated:

"Because of local circumstances, the Environment Agency has never enforced its legal obligation in this area and as I indicated has no intention of changing that situation."

No satisfactory explanation has ever been proffered, only some bureaucratic nonsense that all rivers must be treated the same and therefore that the Scottish section of the Border Esk must be brought into line with the rest of the rivers within the responsibility of the Environment Agency.

Martin Salter (Reading, West) (Lab): I have some sympathy with the hon. Gentleman's constituents, who clearly feel aggrieved, but is there not a quid pro quo? Although the Tweed flows in England and would be subject to Environment Agency rod licensing in normal circumstances, anglers are effectively exempt from paying for that licence, as a quid pro quo for the similar but converse situation in Scotland. Is that a balancing factor in the debate? I am genuinely interested, and I wonder whether the hon. Gentleman can inform the House.

David Mundell: I can inform the hon. Gentleman on two points. First, as has been confirmed again today in the Scottish Parliament, the Scottish Executive have no plan at all to introduce rod licences in Scotland on any river for which they have responsibility, including the Tweed. Secondly, even though parts of the Tweed are physically in England, people fishing on those parts of the river are not required to pay for rod licences. The hon. Gentleman highlights the important point that an accommodation has been reached to avoid an incredibly complicated situation where different regimes might apply to either bank of a river. That accommodation has been put in statute in some ways, but it is mostly informal and there is no particular reason why it should not apply the other way around. It probably dates back to some border reiving activity, which is probably the ultimate historical origin of the choice of which authority covers which river.

Martin Salter: Particularly in salmon rivers in Scotland and elsewhere, it is common practice to wade across the river to fish a pool on the other side and back again, so the hon. Gentleman will be aware of the difficulties of enforcing a different administrative regime on either bank. Does he have a set of proposals to which my hon. Friend the Minister could respond that would not involve imposing a different administrative regime on either side of the river? I am sure that he would agree that anything other than that would be utterly unenforceable.

David Mundell: I hope to suggest a set of proposals that will commend themselves not just to the Minister but to the Environment Agency, as he tells me that he cannot tell the Environment Agency what to do. Again, the hon. Gentleman highlights an important point that has arisen recently: the Environment Agency's capacity to prosecute those who do not have rod licences through the Scottish courts, when its framework is geared for England and Wales. I will refer to that later. There have been some recent instances of prosecutions that have not been proceeded with, and although the Environment Agency claims that it has the right and ability to proceed with those prosecutions, the suggestion is that it has drawn back because the law may be over-complex. Again, that reinforces in my mind the need for a solution that can commend itself to all interested parties.

I cannot accept, however, that is it equitable that a rod licensing regime should apply to the Esk when one is not applied to any other river in Scotland and, as I have just indicated, there is no plan to introduce any. None of the issues that have been raised by the Environment Agency justify the introduction of the licensing regime. Indeed, I find the issue of the costs and recovery of costs a particularly ironic one, since so much money must have been spent on dealing with the local dispute and the questions and correspondence from myself and others, that the sum raised through the licences cannot come even close to the cost of introducing them.

My preference today would be for the Minister to announce that the Environment Agency has indicated that it has thought again and will not now continue to proceed with the rod licensing regime on the Esk.

However, having received his letter and the Environment Agency briefing, and having pursued this matter over many years, I am realistic enough to know that that is not likely to happen. As was the case when I met the Minister, I am genuinely seeking a solution within the legislation that will allow the Environment Agency to meet what I consider to be its tick-box requirements, but which will also allow my constituents to fish on the River Esk without making the payments that others in Scotland do not have to make, without individual rod licence payments and without fear of prosecution.

The solution that I suggest is one that I raised during my meeting with the Minister on 12 October. It has been the subject of discussions in the Esk and Liddle Improvement Association. It would allow a form of general licence to be granted to the association. That provision is allowed under section 25 of the Salmon and Freshwater Fisheries Act 1975. That could allow any angler, including a child or pensioner, with a valid Esk and Liddle Improvement Association fishing permit to be covered by the general licence granted to the association. Of course, any angler who does not have a valid fishing permit from the association would not be covered by the exemption and would have to have a rod licence. I accept that if we are going to have rod licences, that would be the case.

The Environment Agency briefing anticipates that request by pointing out that a general licence is not usually an alternative to a charging scheme, and fees are based on the number of people who would wish to fish under the licence. However, the Act also makes it clear, as a special provision, that the Environment Agency has the power to waive rod licence duty when it deems that there is a special case. What more special case could there be than a river that is physically in another jurisdiction and is the only one flowing outwith England and Wales within the remit of the Environment Agency? The Border Esk is like no other river under the control of the Environment Agency and so I believe that it falls within the definition of a special case in the legislation. That would allow the general licence to be granted without the payment of a fee.

The Environment Agency is very keen on the letter of the law, and there can be no doubt that the legislation makes provision to enable it to waive the fee for a general rod licence for the Esk and Liddle Improvement Association. That would provide a solution that would meet the Environment Agency's stated requirement that the rod licensing regime should apply on the river, but it would also ensure that local anglers on the River Esk were treated the same as other anglers in Scotland in relation to the payment of rod licensing fees.

I would have hoped that the Minister and the Environment Agency would welcome the association's efforts to encourage fishing among young people by a favourable licensing policy for that group, and for retired people too, to allow them to continue to participate in angling. Those initiatives are to be welcomed, not stifled by petty bureaucracy. Only last week, the Environment Agency said how important fishing was in diverting young people from antisocial behaviour. Apparently, the agency hopes to attract 200,000 extra young people to the sport by 2015. According to the statement to the media on the matter, all those extra 200,000 people are to be in England and Wales. If one reads Environment Agency documents, one realises that they generally make no recognition of the Border Esk. Clearly, that reflects the reality that the Border Esk is an anomaly in the Environment Agency. That is another reason why it is a special case and should be treated differently.

One thing that must come out of the situation is a review of the way in which the Environment Agency has conducted itself. It has been a public relations disaster, which surely has been to no one's benefit. I was a little surprised that the Minister's letter of 3 November 2005 to Baroness Young stated:

> "We (and no doubt you) would regard approaches to the press on the lines of 'Mundell gets DEFRA/EA to back off over rod licence duties on the Border Esk' as entirely inappropriate".

For me, the issue has been about getting not headlines, but a fair and equitable situation on the Esk. No one is more disappointed than I am that headlines have been easy to obtain. Adverse headlines have appeared about the Environment Agency, such as the latest in the *Eskdale and Liddesdale Advertiser* of 27 April, which read: "Esk Fishing Licence Cases Are Dropped." I would prefer to move towards a solution to the problem.

I am at an absolute loss to understand how the Environment Agency believes that it has benefited from not carrying out effective communication with stakeholders on the Scottish part of the Border Esk and why it thought that a brusque and unrelentingly strident line would achieve its goals. Even in the letter that was faxed to me from the Minister this morning,

the Environment Agency says that it wants undertakings about the way in which it will be portrayed in any future discussions on the matter. I am sure that those undertakings can and will be given, but the requirement seems to strike at the heart of the issue. The agency has been more worried about the way in which it is perceived than about fishing on the Esk. At the same time, its stock, rather than the fishing stock, has plummeted. That is why I hope that the agency can now move forward without any baggage and discuss the proposal that I have put on the table this evening of a general licence for the Esk and Liddle Improvement Association with no fee under the special case provision.

Whether or not I get the response for which my constituents would hope, it has been extremely important to put the issue and their concerns once again on public record. I express my gratitude for the opportunity to do so, and await with interest what the Minister has to say.

4.52 pm

The Parliamentary Under-Secretary of State for Environment, Food and Rural Affairs (Mr. Ben Bradshaw): May I start by apologising to the hon. Member for Dumfriesshire, Clydesdale and Tweeddale (David Mundell)? Despite my writing to him back at the end of November, following our October meeting, to promise that I would contact him again when I had heard from the Environment Agency, that did not happen until earlier today. Following our meeting, I did, as promised, write to Barbara Young, the chief executive of the Environment Agency, to ask her to consider the hon. Gentleman's request about the possibility of granting a general licence to fishers on the Scottish side of the Esk. She replied on 21 February with an offer from the Environment Agency to meet him and representatives of the Border Esk's fisheries interests to discuss the possibility of a general licence. I apologise that the letter got lost in the system and was not sent to the hon. Gentleman. He alluded in his speech to the fact that it came to my attention only when I met officials yesterday to discuss the debate, so I am extremely sorry.

As the hon. Gentleman will have seen from the letter—I hope that he has had a little time to digest it—its offer is not without conditions. The agency requires an assurance that the fisheries interests will not try to portray its willingness to meet and discuss the matter as indicative of any change to its position that the Border Esk and its Scottish tributaries are managed under English law and thus subject to the agency's licensing regime. However, if any of the Esk fishery associations applied for a general licence, the agency would look into the possibility. Nevertheless, the fisheries associations must be sure that their members have exclusive rights, as the Salmon and Freshwater Fisheries Act 1975 requires, and that a suitable administrative system is put in place so that the agency can be sure that people who fish are licensed and can collect the associated catch statistics to assist management. While a general licence could be the way forward, our position on the question of who should manage the Esk and the legal entitlement of the Environment Agency to collect licence fees remains the same.

The hon. Gentleman raised the matter in the Scottish Parliament in February 2005 as an MSP and was told that under section 25 of the 1975 Act the Environment Agency has no option but to regulate fishing on the Scottish side of the Border Esk with a rod licensing scheme. He has raised the issue on a number of occasions, but I am afraid that the answer remains the same. Now, however, he has the offer of talks with the Environment Agency. The Government, the Scottish Executive and the agency have adopted a consistent position. Under the provisions of the law, the agency is obliged to regulate fishing by rod and line licence in all the areas for which it has responsibility and to collect rod licence duties from people wishing to fish by rod and line in those areas.

As the hon. Gentleman knows, and as my hon. Friend the Member for Reading, West (Martin Salter) has learned in our debate, the whole Border Esk has been regulated for the purpose of fisheries under English law since the 1860s. Section 6(7) of the Environment Act 1995 requires the Environment Agency to carry out its functions in regard to fisheries on all of the river Esk in Scotland, including its banks and tributary streams, up to their sources. Although it may seem an anomaly that English law covers the Scottish part of a cross-border river, the Tweed—another cross-border river—falls under Scottish law, as my hon. Friend reminded the House. Tweed anglers on the English side may "benefit" from not having to pay for a rod licence, but funding is generated for the operation of the fisheries by the payment of permit fees to the owners, who pay a levy to the River Tweed council. It is worth bearing in mind, as my hon. Friend said, that rivers are managed according to their catchment areas, not according to administrative boundaries. The House will acknowledge that that makes obvious sense.

As I have said, the Environment Agency is willing to discuss the arrangements that must be in place for a general licence to Scottish fishers on the Border Esk, and I urge the hon. Member for Dumfriesshire, Clydesdale and Tweeddale and his constituents to take up that offer as soon as possible. As I have already cautioned, however, if the necessary conditions cannot be met, there is no alternative to the standard rod licence scheme. The resolution of outstanding issues is properly a matter for the agency and the fishery interests without, I hope, the need for further involvement from the House.

Question put and agreed to.

Adjourned accordingly at two minutes to Five o'clock.

CORRECTION

Official Report, 10 May 2006: In col. 430 for Mr. Grieve read Mr. Garnier.

House of Commons

Friday 12 May 2006

The House met at half-past Nine o'clock

PRAYERS

The Second Deputy Chairman of Ways and Means took the Chair as Deputy Speaker, pursuant to the Standing Order.

[SIR MICHAEL LORD *in the Chair*]

Mr. Andrew Dismore (Hendon) (Lab): I beg to move, That the House do sit in private.

Question put forthwith, pursuant to Standing Order No. 163 (Motion to sit in private):—

The House divided: Ayes 0, Noes 83.

Division No. 230] **[9.34 am**

AYES

Tellers for the Ayes:
Mr. Andrew Dismore and Jim Sheridan

NOES

Ainsworth, Mr. Peter
Anderson, Mr. David
Atkinson, Mr. Peter
Barker, Gregory
Barlow, Ms Celia
Barrett, John
Bellingham, Mr. Henry
Blackman-Woods, Dr. Roberta
Boswell, Mr. Tim
Bottomley, Peter
Brokenshire, James
Brooke, Annette
Brown, Lyn
Butler, Ms Dawn
Caton, Mr. Martin
Chope, Mr. Christopher
Clark, Greg
Coaker, Mr. Vernon
Denham, rh Mr. John
Dobson, rh Frank
Duddridge, James
Field, Mr. Mark
Foster, Mr. Don
Foster, Mr. Michael *(Worcester)*
Gidley, Sandra
Goodman, Helen
Gove, Michael
Griffith, Nia
Hammond, Mr. Philip
Heathcoat-Amory, rh Mr. David
Hemming, John
Hendrick, Mr. Mark
Hendry, Charles
Hepburn, Mr. Stephen
Heyes, David
Hillier, Meg
Hollobone, Mr. Philip
Horwood, Martin
Howarth, David
Hughes, rh Beverley
Huhne, Chris
Hurd, Mr. Nick
Jenkin, Mr. Bernard
Johnson, Ms Diana R.
Jones, Lynne
Keen, Alan
Keen, Ann
Knight, rh Mr. Greg
Lamb, Norman
Leech, Mr. John
Liddell-Grainger, Mr. Ian
Linton, Martin
Lloyd, Tony
Love, Mr. Andrew
Mackay, rh Mr. Andrew
McCabe, Steve
McKechin, Ann
Miller, Mrs. Maria
Milton, Anne
Moore, Mr. Michael
Newmark, Mr. Brooks
Norris, Dan
Osborne, Mr. George
Ottaway, Richard
Palmer, Dr. Nick
Pugh, John
Russell, Bob
Seabeck, Alison
Selous, Andrew
Skinner, Mr. Dennis
Smith, Sir Robert
Strang, rh Dr. Gavin
Stunell, Andrew
Swinson, Jo
Vara, Mr. Shailesh
Wallace, Mr. Ben
Waltho, Lynda
Watts, Mr. Dave
Weir, Mr. Mike
Whitehead, Dr. Alan
Wicks, Malcolm
Willetts, Mr. David
Wright, Jeremy

Tellers for the Noes:
Mr. David Hamilton and Ms Karen Buck

Question accordingly negatived.

9.44 am

Mr. Christopher Chope (Christchurch) (Con): On a point of order, Mr. Deputy Speaker. My right hon. Friend the Member for Bromley and Chislehurst (Mr. Forth) has asked me to apologise to the House on his behalf for his inability to be here today to resume his Third Reading speech. As some hon. Members may know, he has not been very well over the past few days. Indeed, he has been under the weather, but he assures us that it has nothing to do with climate change.

Mr. Deputy Speaker: I am not sure whether that is a matter for the Chair or not, but I am sure that we all wish the right hon. Gentleman well; his presence will be greatly missed this Friday.

Orders of the Day

Climate Change and Sustainable Energy Bill

Order read for resuming adjourned debate on Question [17 March], That the Bill be now read the Third time.

Question again proposed.

9.45 am

Richard Ottaway (Croydon, South) (Con): I am sure that we all miss my right hon. Friend the Member for Bromley and Chislehurst (Mr. Forth) and wish him well in his speedy recovery.

I rise to support the Bill. It is commendable and long overdue, and most people who believe in the need to address climate change can support it. I welcome the language used by the new Secretary of State for Environment, Food and Rural Affairs on the "Today" programme this morning. He said that at the heart of the Government is a series of Ministers who are all committed to addressing climate change. That is very welcome language, but the difficulty that we Opposition Members have is that such language has been used for many years—the real issue is delivery. We must focus on delivery and if the Bill goes some way toward achieving that, it will be very welcome. The truth is that that issue should have been addressed in the last energy review, some three years ago. The review was a complete cop-out, however, because the various divisions within the Labour party were unable to agree on the central issues of the day. They could see an election coming, so they parked the issue and as a result, for three years absolutely no progress has been made.

I point out in particular to the Minister for Energy, who is in his place, that his energy review has to find a way to finance new power generation plants. For the first time, we will have a completely new series of power generation plants built by the private sector. Be they nuclear, gas, oil, coal or clean technology plants, the finance will have to come from the private sector. However, there is no framework in place to give the private sector the confidence to build, invest in and deliver the power generation that we want. Producing such a framework is a pressing issue for the Minister to consider in his review.

So far as I can see, no new power generation is going on whatsoever outside the renewable energy sector, for the simple reason that the payback on a large power station could take 15 to 20 years to realise. An investor will not invest unless he can see that he can get a return on his money; he has to have some assurance that he will see a return before building a power station that, hopefully, will reduce emissions. That is a fundamental policy issue, and I hope that the Minister will take account of it in his energy review.

My final point, which the Minister and I have discussed before, concerns co-firing. Co-firing is the process by which a biofuel is put into the mix and burned in, say, a coal-fired power station. Such biofuel qualifies as a renewable energy. Under current rules, however, co-firing is to be phased out. To be fair, the Minister has said that he will review that policy. I wish him well in doing so, because the net effect of phasing out co-firing will be an increase in carbon dioxide emissions, not a decrease, and at a time when we are all committed to reducing CO_2 emissions. Moreover, I urge the Minister to restore the cap, set currently at 10 per cent., to its original level of 25 per cent. That way, we can achieve a much better energy mix.

All those points are important. I will not go on any longer, as there are plenty of people here today who want to put in their two penny-worth. I wish the Bill well and give it my full support.

9.49 am

Ms Celia Barlow (Hove) (Lab): I congratulate my hon. Friend the Member for Edinburgh, North and Leith (Mark Lazarowicz) on introducing the Bill and on successfully piloting it to Third Reading. It is clear that much time and erudition has gone into the Bill, which addresses a concern of vital importance to local communities and our nation as a whole.

As a member of the Environmental Audit Committee, I declare a special interest in the Bill. It is good to see that some points that had been for only theoretic discussion are now ready for implementation. It will also delight thousands of my constituents who have raised with me the threat of climate change on the doorstep, in letters and e-mails and at local meetings. I am more than happy to represent their concerns here today not just because I share them, but to make real decisions in order to act against that man-made danger.

In my speech, I shall address two very important points that are included in this Bill. First, I wish to talk about microgeneration. Then I will come to the parts of the Bill tackling sustainable housing, inserted after Second Reading in November, namely clauses 12 to 14. Microgeneration has a particular relevance to the fight for a sustainable energy policy. That is particularly true of section 4, which covers national targets. Microgeneration has been sadly neglected in public discourse, which tends to favour the big projects of renewable energy like wind farms, large solar panels and hydroelectric plants. However, microgeneration has the potential to contribute not just to people's energy needs, but to the way in which a community perceives and interacts with our power generation process.

In the Committee's recent report, called "Keeping the Lights on: Nuclear, Renewables and Climate Change", we stated that our electricity generating network was based on a relatively small number of large generating plants situated in remote locations.

Mr. John Redwood (Wokingham) (Con): Does the hon. Lady agree that it is all very well setting targets, but if the Government do not take the decisions to give us the chance of hitting them, it is a completely pointless exercise? Is not that what has happened with the target to cut carbon dioxide emissions by 20 per cent.?

Ms Barlow: The right hon. Gentleman makes a valid point. However, the targets for cutting carbon emissions are still there and the Government are doing all that they can to reach them.

The Committee found that electricity losses on the UK grid system are in the order of 10 per cent., while the efficiency of coal power stations can be as low as

35 per cent. We suggested that there should be more intelligent solutions. Flows of electricity could be in both directions, depending on local demand. The Committee suggested that microgeneration offered potentially huge improvements in energy efficiency, particularly in the case of combined heat and power.

Another recent report by the Sustainable Consumption Round Table produced some pertinent findings. For example, microgeneration vastly increases people's awareness of the entire energy production and consumption chain. The result of that awareness is that people tend to become much more concerned not only with the production of energy, but with the conservational aspects, and that is surely a good thing. It would be a mistake to underestimate the significance of those educational side effects of microgeneration. It is surely a regret of many hon. Members that successive Governments have been unable to instil into the public consciousness the urgent need for energy conservation, and the fact that individuals really can make a difference.

I acknowledge the significant contribution of the co-operative movement to developing and implementing the technology in many innovative ways that will surely benefit our society as we learn more about the potential of those systems. Microgeneration eradicates the gulf between energy producers and consumers, and that can only be a good thing, as today most people have no idea at all where their energy comes from. In an age when Governments around the world and every significant scientific body are urging a shift in energy production techniques to safeguard our very existence, that is simply unacceptable.

Given all those benefits, the Committee came to the conclusion that support from the Government was not overwhelming. We found that the technology was reasonably well developed and only needed to be scaled up to industrial production in order to reduce unit costs. Investment was needed, as well as physical and regulatory issues surrounding installation.

Yes, there has been progress: the Energy Act 2004 put an obligation on the Government to come up with a microgeneration strategy. The Department of Trade and Industry published a microgeneration strategy a few weeks ago. In his Budget, my right hon. Friend the Chancellor of the Exchequer committed a further £50 million to the low carbon building programme for offices and social housing.

Obviously, I welcome those initiatives as good steps in the right direction, but there is still a lot more to be done, and I have to agree with my colleagues on the Committee who complained about a lack of urgency on the Government's side, especially when it comes to private housing. The Bill's provisions for national microgeneration targets are therefore the best way forward. I am not a great fan of targets, but in this case I see no alternative that would provoke the scale and swiftness of response—

Mr. Peter Ainsworth (East Surrey) (Con): I know that the hon. Lady plays a distinguished part in the proceedings of the Committee, and she is right about the importance of the contribution that individuals can make. What contribution can the Government make with their estate? Some recent disturbing figures have shown that the Government, who have a huge buying potential that could transform the market, are not pulling their weight in terms of installing combined heat and power or micropower systems in their own buildings.

Ms Barlow: As the hon. Gentleman is aware, the Committee—which he chaired until his recent promotion, on which I congratulate him—has done a lot of research on that issue and the evidence suggests that we should put more effort into combined heat and power, especially in new buildings. The regulation in place at the moment amounts to guidelines, and it would have a huge impact if they were to be made compulsory.

Mr. David Hamilton (Midlothian) (Lab): I have spoken to the House Builders Association, and it would not object if planning legislation were to require that insulation be fitted as houses are constructed, as long as it is a fair, competitive market. We could argue for a much higher standard to be laid down by planning authorities, if we give the lead here and in the Scottish Parliament. Does my hon. Friend agree?

Ms Barlow: We accepted evidence from several house building organisations. They are willing to put such provisions into practice, but purchasers appear to prefer to put their money into facilities such as power showers, which are themselves damaging to the environment.

Ms Diana R. Johnson (Kingston upon Hull, North) (Lab): My constituency has a major school building programme. Will the Bill cover the installation of microgeneration in schools in my constituency and across the country?

Ms Barlow: The Bill does address the issue, but it would only assist my hon. Friend in promoting the installation of microgeneration, not make it compulsory.

I was also pleased that many of the propositions put forward in a private Member's Bill by my hon. Friend the Member for Southampton, Test (Dr. Whitehead) have been transferred to this Bill. I believe that we have a huge untapped resource for reducing carbon emissions from residential homes. I am talking not about symbolic gestures like installing a windmill on the roof, but about a serious approach that tackles the opportunities for installing microgeneration facilities and solar panels, complemented by better insulation and energy conservation measures. That is why I support the Bill's proposition to oblige the Government to report regularly on progress in promoting energy efficiency in homes.

Once again, I draw the attention of the House to a report published by the Environmental Audit Committee, in which we examine sustainable housing. The new homes due to be built are welcome, and I fully support the Government's plans; no one will deny that there is great housing need, especially in the south-east. However, the construction of more than 1 million new homes in five years is a once-in-a-generation

[Ms Barlow]

opportunity to implement new standards for environmentally friendly residential dwellings.

Greg Clark (Tunbridge Wells) (Con): Does the hon. Lady agree that it is not environmentally sustainable for all those new homes to be built on back gardens, as is the case owing to the current definition of gardens as brownfield sites?

Ms Barlow: In my constituency, not all new homes are built in back gardens.

In the report, the Committee expressed concern that houses have already been constructed and will continue to be built without sufficient regard to strong environmental standards. We believe that too much reliance has been put on developers' good sense to do the right thing of their own volition. The report spoke of a fundamental lack of urgency in the Government's approach to ensuring that new housing and new communities are truly sustainable. Although I believe that the Government are sincere in their commitment to better environmental standards, they cannot be left to chance and voluntary or private initiative. I reinforce the Committee's conclusion that it is for the Government to provide strong leadership for developers and for local authorities.

Andrew Selous (South-West Bedfordshire) (Con): Will the hon. Lady give way?

Ms Barlow: I am anxious to make progress.

We need clear guidance to introduce strong standards for sustainable homes. Even when that is achieved, there will be a yet bigger challenge—improving existing housing stock. The Budget contains many measures to tackle climate change at local level and to promote energy-efficient homes, but all those individual initiatives cannot compensate for lack of policy to promote better insulation of private homes and replace an overhaul of the building regulations for existing housing stock and new construction projects.

The Bill requires the Government to promote the availability of microgeneration in new homes. I commend the measures to encourage local authorities to contribute to energy efficiency. My local authority, Brighton and Hove city council, has already started many initiatives, but I will describe only a few. Since October 2003, the main council buildings have been serviced by electricity from 100 per cent. renewable sources. Yesterday, the local authority carbon management programme was launched, in conjunction with the Carbon Trust, through which the council will undertake an extensive audit of all its activities and services and the carbon emissions associated with them, and then take action to reduce them. Today, the council's climate change action plan will be published, containing 100 actions to raise awareness of climate change.

I could mention many more ideas being pursued by my local authority, but as many Members want to take part in the debate, I shall not. All those initiatives show that local authorities are ready to take responsibility and to make their contribution.

The possibility of over-burdening our local councils was raised on Second Reading. I argue the opposite. Across the country, there are many schemes similar to those in Brighton and Hove. It is our responsibility to provide leadership and resources for those schemes so that they will be taken up locally. I am pleased that the Bill promotes community energy, as it is vital that such sustainable energy generation methods be promoted with the enthusiasm they deserve.

The Government have a manifesto commitment to reduce the level of carbon dioxide emissions by 20 per cent. from the 1990 level. Members on both sides of the House want that achieved. I was heartened that on 11 November on Second Reading there seemed to be great cross-party consensus to pass the Bill, as the vast majority of my constituents and the vast majority of people across the nation want, so I urge in the strongest possible terms that planning regulations be amended to allow community and renewable energy generation to flourish across our nation. I also urge communities to embrace such schemes whenever they can.

We all need to adapt and act so that we can bequeath to future generations the wonderful opportunities that we enjoy. We need to celebrate schemes that are already working and we need to show that the Government are on the side of communities that want to take advantage of those innovative and much needed schemes. For that reason, I once more commend my hon. Friend the Member for Edinburgh, North and Leith on his Bill.

10.5 am

John Barrett (Edinburgh, West) (LD): Our thoughts are with the hon. Member for Edinburgh, North and Leith (Mark Lazarowicz) at this time. He and I served on Edinburgh city council for many years, and although we were on opposite sides of the fence I wholeheartedly support the Bill and commend him for his work to bring it to this point. He would probably agree that there has been enough talk on previous occasions, so I shall keep my remarks brief.

Many people in Edinburgh support the Bill. A number of the hon. Gentleman's constituents from the Craigleith area were formerly my constituents, before the boundaries were redrawn, but they will all appreciate the support being expressed for the Bill today. I have had many e-mails and correspondence from constituents in its support.

The environment is too important to be a political football. We have all watched the issue of climate change climb up the agenda, but people expect more than targets or reports. They want action. Under one of the Bill's provisions, it will note whether action has been taken. It may move us in the right direction, but Labour came to power in 1997 on a manifesto that promised to cut carbon dioxide emissions by 20 per cent. from 1990 levels by 2010, yet last year the Government said that the 20 per cent. target would not be met. The latest figures suggest that the UK is veering well off course from meeting its much more modest Kyoto protocol target to reduce greenhouse gas emissions by 12.5 per cent. from 1990 levels. If the Bill brings the Government and the country back on target, it will be a good thing, but I fear that the targets may not be met.

I support the Bill's provisions on greenhouse gas emissions, microgeneration, energy efficiency and renewable energy investment. They all show why further building for, and investment in, nuclear power is not the way forward.

We often see television programmes about species endangered by the destruction of their habitat and are aware that action could have been taken to avoid that destruction. We should look to ourselves; we have been directly involved in destroying much of the natural habitat of our planet. We have caused much of the damage so we must do what we can to reverse it. If the Bill plays some small part in that process, it will be well worth supporting, but we want more than reports and targets—we want action.

10.8 am

Mr. David Anderson (Blaydon) (Lab): I associate myself with the comments made by the hon. Member for Edinburgh, West (John Barrett) about my hon. Friend the Member for Edinburgh, North and Leith (Mark Lazarowicz), to whom the whole House extends its deepest sympathy.

There needs to be acceptance in this debate that the people of this country do not want the lights to go out. They want to carry on watching their TVs, chilling their lager, freezing their pizzas and grilling their steaks. We have to ensure that our discussions do not result in a "holier than thou" solution that only ageing hippies such as me, or tree-huggers, will sign up to. We have to be hard-headed, practical and bold, if we are to square the circle between keeping the lights on and saving the planet. We must continue to develop the use of renewables and extend incentives to encourage more development and innovation, and ensure that the people of this country can access new technologies easily.

We have had experience of massive technical change—for example, the changeover to North sea gas—that has been carried out successfully with relatively little inconvenience. We should take a similar view of enabling people to maximise the use of solar and wind power and microgeneration. However, we must accept that there is a need to utilise present energy sources better, and nuclear power may have to be included, but it is no use using nuclear power to prevent global warming while risking the lives of ourselves and generations to come because we are unable to dispose of the radioactive waste produced safely. The industry must ensure, and we must verify, that any resurgence of nuclear energy is based on verifiable and safe disposal. Public acceptance of nuclear energy might be more probable now than in the days of Three Mile Island and Chernobyl, but we need proof that we are not swapping one evil for another.

We must not ignore the role that coal can play in delivering energy for the people of Britain. Despite my eternal optimism, I accept that there is unlikely to be a return to the days of king coal in this country, but we must not reject coal out of hand. There are massive coal reserves in the country, and we should encourage research and development into innovative ways of claiming that very precious resource. Even if we do not have the nous, the bottle or the will to pursue a return to the deep-mining, indigenous coal industry in this country, we must still develop ways of burning coal in an efficient and environmentally sound way.

Mr. Brooks Newmark (Braintree) (Con): The hon. Gentleman makes an excellent point. In the Science and Technology Committee we have been doing a lot of work on carbon sequestration, which will play an important part in keeping a sustainable coal industry in this country in an environmentally friendly way, and I hope that the Government will consider that.

Mr. Anderson: I thank the hon. Gentleman. I agree entirely, and he has mentioned one of the things that I want to come to.

It is sad to reflect that in the Conservative party's drive to destroy the coal industry 20 years ago, as a way to destroy organised labour in this country, we also destroyed what was then the best and most modern clean-coal technology anywhere in the world. Thankfully, people are now starting to realise that that is something that we must grasp. We must develop the technology if we are to continue to have a decent energy supply. There is now a real acceptance that the reduction of CO_2 must be the key determinant in future coal-fired power stations.

Using well-placed investment, we can improve the performance of existing and new plants. Co-firing—blending coal with renewable biomass—is emerging as a credible way forward. As an extra, it will help the development of the UK energy crop market, enabling farmers to produce renewable energy crops that will help to reduce carbon emissions and provide employment in agriculture. Developments in boiler technology, using pre-heaters and fitting advanced supercritical boilers can increase thermal efficiency. If we introduce them properly, those measures could bring UK coal plants into line with the performance of today's gas plants. With the ongoing research, as has been said, we can promote carbon capture and storage, and coal can make a real contribution to our energy needs once again, but there is more to be done in terms of trade.

Mr. Mohammad Sarwar (Glasgow, Central) (Lab): My hon. Friend makes a good point. We have huge coal reserves in this country; unfortunately, they are high in sulphur, but equipment can be placed in coal-burning stations to capture carbon dioxide and sulphur. Does he agree that the Government should underwrite the cost of that equipment to promote such energy production?

Mr. Anderson: I certainly accept that the Government should play a major role, but I am not too sure whether they would underwrite it. I would like them to underwrite it totally and return to a nationalised coal industry, but even I am not hopeful about that happening in the next few years. The new technology could be used to tap into the reserves that people are refusing to use in open-cast sites. People in my area are adamantly against open-cast sites, which would destroy the environment, but if the mining could be done in a way that is not harmful to the environment, surely we could look into that.

[Mr. David Anderson]

I now come back to trade. Whether we use indigenous coal or coal from abroad, there is a clear message—we need to get it right; we need to get it clean—but we cannot allow cheap coal from China to dominate our markets while, at least officially, 9,000 miners are killed in incidents in their mines, most of which are avoidable. It is believed that at least as many again are killed in privately owned, unregulated mines. Let us just think about it. Every day—yesterday, today, tomorrow—more people are killed at work there than we lost in the 7 July tragedy last year. We cannot accept that cost. The world will not accept dirty coal, and the world should not accept coal that is covered in blood.

We in this country showed that deaths in coal mines are not inevitable. We moved from a position in the 1930s where a miner was killed every six hours in this country to a point, 50 years later, where that figure was down to one a month—one too many, but that is still a massive change. That change did not just happen by accident; it happened because the people of this country insisted on safety as a prerequisite in coal mining. We developed quality machinery and safer working practices, and we engaged with the men who actually put their lives on the line, day in, day out, on the real coal face of life. The world should accept that form of protectionism. I make no apology for saying that, because it is real protectionism: it protects the environment, it protects the economic interest of all trading nations, and it protects some of the most exploited workers on the planet.

I wish my hon. Friend the Member for Edinburgh, North and Leith (Mark Lazarowicz) the very best with the Bill. I am sorry that he is not here today. I hope that we, as a country, take up the challenge that could deliver a cleaner world for our kids, and also a rebirth of the engineering and entrepreneurial skills for which this country is rightly famous.

10.16 am

Mr. Brooks Newmark (Braintree) (Con): I, too, wish my right hon. Friend the Member for Bromley and Chislehurst (Mr. Forth) a speedy recovery.

I speak in support of the Bill because it represents another valuable attempt to focus our collective attention on the most important issue of our day, but it will also achieve practical results. I want to speak about just one of those results: the duty imposed on local authorities to have regard to information on energy measures when exercising local functions. That provision will help to ensure that public bodies are better at sharing best practice, co-ordinated by the energy measures report from the Department for Environment, Food and Rural Affairs.

Clauses 3 and 20 are not unduly onerous, and many public bodies are already making energy efficiency a priority of their own accord. My own district council in Braintree is a good example. I was delighted that my hon. Friend the Member for East Surrey (Mr. Ainsworth) visited us recently. Braintree district council has been participating in a pilot scheme that offers a council tax rebate in return for the installation of cavity-wall insulation, and 15 other councils have so far followed Braintree's example. I congratulate the council on that initiative.

As the House of Lords Science and Technology Committee heard in evidence from the director of corporate affairs at British Gas,

"it is that sort of compelling offer which begins to shift this market... Braintree do not seem to have to market this very hard for people to actually come forward and say, 'that's a very interesting proposition and I would like to know more about it,' because it is framed in a compelling way."

We must change the perception that the promotion of microgeneration and energy efficiency to tackle climate change is somehow radical, or even unusual. Instead, it must be compelling and practical, and it must also make good economic sense.

I congratulate the hon. Member for Edinburgh, North and Leith (Mark Lazarowicz) on introducing the Bill, and I am sorry that he is not here with us today. He has already succeeded in raising public awareness of these issues, and I have no doubt whatever that his success will continue once the Bill receives Royal Assent.

10.18 am

Ann McKechin (Glasgow, North) (Lab): I, too, extend my sympathies to my hon. Friend the Member for Edinburgh, North and Leith (Mark Lazarowicz) and condolences to his family.

I am delighted to support the Bill, which has received support not only in Parliament, but from hundreds of our constituents, who have written to us to express their hope that it gets through Parliament during the current Session. I commend my hon. Friend for his hard work and dedication to passing the Bill through the House of Commons. It marks an important step by Parliament in ensuring that energy efficiency and the increase in renewable sources remain high on our political agenda.

The reasons for that priority have been well stated, and they include the effects of climate change and the increase in energy costs in the past few years, particularly for oil and gas. I welcome the proposals as part of the important effort to ensure that the gains we have made in the past few years to eliminate fuel poverty are not lost. A recent report by Energy Action Scotland highlighted the scale and complexity of the task in future fuel poverty schemes. Scotland faces unique problems. In 2003, average earnings were 12 per cent. lower than in England. As a result of the difference in climate, it has a much longer heating season: a home in the north of Scotland may spend 68 per cent. more on fuel a year than an equivalent property in the south of England. In London we are basking in unusually high temperatures for May, but this weekend, temperatures in the north of Scotland are predicted to drop to minus 5° C at night, which demonstrates the difference in temperatures throughout the United Kingdom.

Scotland has many properties that are not on the main gas grid, and they are not likely to be connected. Although gas central heating is the most effective measure in removing a house from fuel poverty, 33 per cent. of homes in Scotland do not have any gas, because either they are located in remote rural locations or they are high-rise accommodation, where it is not appropriate to use gas. The nature, type and design of housing is different from housing in England. Although about 70 per cent. of houses in both

countries have cavity walls, in Scotland, 23 per cent. are traditional sandstone or granite houses, with an additional 10 per cent. classified as non-traditional. All of those are hard to heat.

Energy Action Scotland has identified three main factors that contribute to fuel poverty, and we should not find any of them surprising. The first factor is domestic fuel prices; on average, a 5 per cent. rise in fuel prices results in a further 30,000 households being pushed back into fuel poverty. Secondly, disposable income is important. The third factor is energy efficiency.

Mr. Newmark: The hon. Lady is right. The problem of fuel poverty has been exacerbated by the increase in energy prices, which have risen by 37 per cent. in the past year alone. Does she share my distress that in the Budget the Chancellor did not extend the £200 council tax rebate, which was needed by many pensioners in fuel poverty?

Ann McKechin: I remind the hon. Gentleman that we have retained the winter fuel payment, which is specifically designed to tackle fuel poverty. We have also lowered the barrier for the additional hardship payment. When the Opposition were in government, the same guide temperature was used for Brighton as for the north of Scotland.

Mr. Newmark: The hon. Lady makes an extremely valid point. However, the winter fuel payment did not increase substantially, and this year pensioners lost the £200 that they received last year, even though fuel prices went up by 37 per cent. There was a double whammy—fuel prices went up, but pensioners' council tax rebate was £200 lower.

Mr. Deputy Speaker: Order. The hon. Gentleman should not pursue that point too far.

Ann McKechin: Thank you, Mr. Deputy Speaker. I am pleased to say that in Glasgow there was a zero increase in council tax this year. In the previous five years there was only an inflation rise, so we benefit from good Labour authorities in our area.

Energy efficiency schemes have made significant progress, both in Scotland and throughout the United Kingdom, but recently there has been a rise in fuel prices, as the hon. Member for Braintree (Mr. Newmark) rightly pointed out. That is probably a permanent trend, and it threatens progress, which is why we urgently need a step change in the energy-saving initiatives that the Bill tries to foster. To achieve that, we need to make sure that all levels of government are firmly committed to improving current regulation and practice. In *The Guardian* on Wednesday, there was an article on the possibility that the parliamentary estate may introduce measures to increase renewable energy sources. We must wait to see whether that happens, and whether wind turbines or solar panels will be installed on the House, although progress tends to be slow when we make changes to the parliamentary estate. Parliament can make practical suggestions to achieve quick changes, but we must also address systemic issues.

James Duddridge (Rochford and Southend, East) (Con): This is a significant cross-cutting issue, so does it not merit a Cabinet Minister for climate change, whose responsibilities cut across several Departments? May I cheekily suggest that the Office of the Deputy Prime Minister take on those duties in the interim until there is a full-time—

Mr. Deputy Speaker: Order. That is another road that we will not go down.

Ann McKechin: Thank you, Mr. Deputy Speaker. The hon. Gentleman will be aware that the Deputy Prime Minister has responsibility for our commitments under the Kyoto treaty, and has an excellent range of experience.

Electrical appliances are increasingly left on standby. Amazingly, in some countries, that represents up to 5 per cent. of total electricity consumption. Reducing standby consumption to 1 W is a simple change, but it would make a substantial difference, enabling us to close down one or two power stations. Tackling the often bureaucratic arrangements to sell excess energy from renewable sources to the national grid would improve matters. The Bill's modification of Ofgem's statutory duties to take into account available information on microgeneration is a step in the right direction. We must improve the investment climate for renewable energy technologies and provide additional long-term funding, both for those technologies and for insulation, which is important in hard-to-heat buildings.

Training must be improved to meet current demands—anyone who has tried to find a central heating engineer will know that they are in short supply—and we must also greatly increase capacity and the range of skills, so that engineers can deal with the new technologies that are likely to come on to the market.

Sir Robert Smith (West Aberdeenshire and Kincardine) (LD): The hon. Lady is making a thoughtful speech on the impact of the Bill, whose measures many of our constituents support. She has made an important point: skills and knowledge are needed not just to install the new equipment but to give customers the reassurance and confidence to take the step of acquiring it. Until they are willing to do that, we cannot achieve those targets.

Ann McKechin: I fully accept that important argument. Consumers need to be confident that new technology will work. I recently had a conversation with the hon. Member for Edinburgh, West (John Barrett) about new types of central heating boiler and their propensity to break down compared with the old-fashioned, less energy-efficient boilers that worked remarkably well. Over the years, new technology has made cars much more efficient and reliable. They may not be as exciting, but consumers are much more likely to buy them, because they are reliable. Throughout manufacture and production, there should be an emphasis on reliability, consistent standards and clear labelling. As has been said, this is a cross-cutting issue that covers all areas of consumption.

[Ann McKechin]

Finally, as a report by the Select Committee on Scottish Affairs recommended in the last Session, we must carry out a comprehensive analysis of the sources of renewable energy in the UK, including wind, solar energy, biomass and geothermal energy, so that we can inform the choices and decisions of local communities and make sure that further major developments are as energy-neutral as possible. We should aim to generate energy in such developments, to reduce the demand on the national grid as much as possible.

Again, I welcome the Bill, which plays an important part in taking the debate forward in Parliament, throughout government, among the electorate and in the country, where there is a huge question mark over how we should proceed. The energy review later this year will play an important part in trying to focus that public debate, and I very much hope that the Bill will complete its passage through Parliament later this year.

10.29 am

Mrs. Maria Miller (Basingstoke) (Con): I am particularly pleased to be called to speak on the Bill, because it does an awful lot to make us all more accountable for solving the problems of climate change. The Bill talks about the need for the Government to report to Parliament annually on greenhouse gas emissions, and that will be an extraordinary help in addressing the problem in a meaningful way. I am also pleased that the Chancellor will be put in a position in which he would need to have a tax policy to promote microgeneration. That is another important move in enabling us all to have an opportunity to get involved in the issue.

I know from talking to my constituents that many people find it difficult to engage in, or talk about, the issue of climate change. When we look at the facts, we see that 42 per cent. of the CO_2 emissions come from China and the United States. It is very easy to say that we cannot control that, that it is a matter for other people and that the problem will be dealt with by international policy. However, it is important that, through this debate, we say to all our constituents that climate change is not somebody else's problem. We can all address the problem and make a meaningful contribution towards solving it.

Anne Milton (Guildford) (Con): The Bill goes some way to making us all more accountable, but does my hon. Friend not agree that it will also cheer the hearts of anyone listening to the debate today? They will see that Members on both sides are joining together to put in place legislation that will have a real impact.

Mrs. Miller: I could not agree more with my hon. Friend. All too often the perception among my constituents and those of many other hon. Friends is that we spend a great deal of time in this place arguing with each other rather than working together to come up with practical tangible solutions.

As I said earlier, the debate provides us with an opportunity to reiterate to all our constituents the need for all of us to take personal responsibility for climate control and then, on the international stage, to have a little more moral authority when putting pressure on countries such as China and the United States, so that they see that a lead needs to be taken on these issues.

One aspect of the Bill on which I would particularly like to focus is the role of local authorities. To return to the issue of increasing accountability, giving them a role is an excellent way of our trying to take the policies to our communities so that we can all play a role. I particularly welcome the inclusion in the Bill of new clause 28, which was introduced by my hon. Friend the Member for Bexhill and Battle (Gregory Barker). It requires local authorities to consider microgeneration and energy efficiency in planning applications. That is especially pertinent at this time when the Government have such ambitious house building policies. Some 140,000 new houses are being built every year, and the figure will go up to 260,000.

Alison Seabeck (Plymouth, Devonport) (Lab): To pick up on the hon. Lady's point about local authorities and planning changes, the relaxation of the permitted development guidelines will be tremendously helpful particularly in the rural areas that do not have a good gas supply. Enabling people to put up microgeneration projects within the curtilage of their property will also undoubtedly be a significant change.

Mrs. Miller: The hon. Lady makes an excellent point. The Bill works in many ways to give local authorities far more control and input into the issue. If we do not approach it as a national Government issue, we will make many others accountable.

Mr. Newmark: Does my hon. Friend not agree that many microgeneration projects are becoming almost economically viable? However, the cost of planning permission is prohibitive. For example, planning permission for a wind turbine on a house costs £265. If we want to encourage microgeneration projects such as wind turbines on people's houses, surely we should encourage local councils not to have such prohibitively expensive charges for planning permission.

Mrs. Miller: My hon. Friend makes an excellent point, and perhaps I can illustrate why I support what he says with an example from another area. Not that long ago, unleaded fuel was not widely used. However, through the use of fiscal measures and cuts in taxation, we were able to promote its use. He suggests that we should consider measures such as cutting the cost of planning permission to promote microgeneration, and I agree that we need such tools to promote the behaviour that he described.

Anne Milton: My hon. Friend is being most generous in giving way. On the subject of local authorities, does she agree that councils and constituents are keen to use their imagination to take innovative measures and that we need to create the climate through legislation that allows councils to innovate and to take decisions locally so that they can drive measures forward?

Mrs. Miller: I agree, but I was about to come on to the fact that there is an awful lot that we could all do now. Rather than merely relying on legislation to cut

CO_2 emissions and deal with climate change, we should all consider at a local authority and, indeed, personal level what we can do to address the issues. My hon. Friend is right to suggest that this place should set the tone and allow things to take place locally, but we should also remind people that there are practical steps that they can take now.

Let me return to the effect that house building has on climate change. I said earlier that the Government's policies mean that there will be a significant increase in house building if the Barker report is adopted. In my constituency, about 800 houses are built every year and that is in a part of the south-east which, as many hon. Members know, is under drought orders and hosepipe bans. Furthermore, many housing developments in my area and throughout the south-east are being built on floodplains. How environmentally sustainable is that policy? Although we are debating what we can do about climate change, we must not forget the broader issues when we discuss house building with the new Secretary of State for Communities and Local Government.

As I said, 800 houses are built every year in my constituency and one of the consequences is that our local electricity station, Bramley Frith, will have to increase significantly in size, with substantial impacts on the local environment that are being dealt with. There is a planned 1.5 per cent. increase in electricity demand in my constituency in the near future. Yes, there is a lot of house building going on, but surely we should be looking at how we can reduce consumers' demand for electricity and not just accept as a fait accompli that electricity demand will go up exponentially. We must consider that point more closely.

Mr. Newmark: My hon. Friend is absolutely right. Part of the process of reducing demand is to ensure that new houses are built with minimum quality criteria for insulation. One of my concerns about the Deputy Prime Minister's initiative for more low-cost housing—I believe that it was a good initiative—is to ensure that builders do not cut corners by building houses without the necessary insulation. Through the sensible insulation of housing, we will have warm homes, reduce costs for the poorest in society and consume less energy.

Mrs. Miller: My hon. Friend makes an excellent point. I would like to look at some of the other aspects of house building and the things that we can do to our current housing stock to reduce CO_2 emissions. Half of UK CO_2 emissions come from buildings. Indeed, 30 per cent. of them come from houses. Three quarters of those CO_2 emissions come from the generation of heating and hot water. We need to look at ways of making our current housing stock, as well as our new housing stock, more energy efficient. There are many different ways to do that. In my hand, I have a piece paper entitled "Reducing personal emissions"—something that I am sure that we could all think about. My hon. Friend has talked about insulation, which reduces heating bills. CO_2 emissions from heating equal 1 tonne a year from each house. There are many different ways in which we can try to address that on a daily basis. I have even seen one example of adopting natural insulation—from wool. We can also lag boilers and use energy-saving light bulbs.

Anne Milton: As I know that my hon. Friend is a parent, perhaps she will join me in saying that one thing that we can do is to get our children to turn off the lights.

Mrs. Miller: My hon. Friend makes an excellent point. A point was made earlier about the issue of stand-by. Under a year ago, I moved into my office in the House of Commons and was told that I could not turn the television off because that was not the way in which the system worked in the House of Commons. That is quite extraordinary when one thinks that there are more than 600 of us here, all having to leave our televisions on at night when we go home—albeit that we do not leave that early, so perhaps there is not that much to be saved.

Dr. Roberta Blackman-Woods (City of Durham) (Lab): I wonder whether the hon. Lady would accept that the Government are doing quite a lot to encourage individuals to be more efficient in their use of energy through the warm front scheme. It has certainly helped a lot of people in my constituency who are on low incomes to use energy-efficient measures, including insulation, in their properties.

Mrs. Miller: The hon. Lady makes an excellent point. I am a great supporter of that scheme in my constituency. However, there is so much more that we could do and, as I have outlined already, there are measures that are easily put in place—measures that local authorities can assist with.

Mr. Sarwar: Everybody in the House acknowledges that local authorities can play a major role in saving energy by introducing guidelines and by encouraging and providing incentives to individuals. Would it not be a good idea for every Member who is present to make sure that we give every councillor in our local authorities a copy of the *Hansard* for this debate?

Mrs. Miller: The hon. Gentleman makes a good point. I will leave it to hon. Members as to whether they wish to follow that through. Certainly, I will talk to my councillors in Basingstoke—on the new Conservative-controlled council—who take this issue very seriously. The issue was at the top of the agenda during the local elections in Basingstoke. The council in my constituency has been controlled by the Liberal Democrats and Labour for the past 10 years and, as a result of that—perhaps as a result of other measures, as well—we have achieved only a 17 per cent. rate of recycling in my borough. I am not that pleased about that. Our neighbours in East Hampshire achieve a recycling rate of 34 per cent., so it is not an overall problem. There are others achieving better rates. The issues need to be taken seriously on the ground. The hon. Gentleman made an interesting point.

Anne Milton: Perhaps my hon. Friend will join me in congratulating Guildford borough council in my constituency? It has the highest recycling rate in the

[Anne Milton]

whole of Surrey. Perhaps she would also agree that it is tremendous to see Conservative councils throughout the country making such huge strides in addressing things such as recycling and other energy-related and sustainable measures that they can put in place.

Mrs. Miller: My hon. Friend makes an excellent point. As a Hampshire Member of Parliament, I am not as familiar with what is going on in Surrey—albeit that Surrey is a neighbour—and I thank her for bringing that to my attention.

Mr. Newmark: Perhaps I can make a bold statement and encourage the new leader of my hon. Friend's council to visit the council of my hon. Friend the Member for Guildford (Anne Milton) to see their recycling initiative and to come to Braintree to see how we do insulation.

Mrs. Miller: I will, of course, bring that to the attention of the leader of the council. I am very pleased to be able to offer him the opportunity of visiting my hon. Friend's constituency and I am sure that he will consider that.

I had a public meeting with local residents in my constituency recently. We had a range of speakers talking about the issue of climate change. I was pleased that residents had taken the initiative to set up such a meeting because it is through such meetings that we can try to highlight the issues in our communities and explore what people can practically do today to address them. One of the speakers at the meeting raised a point that I want to share with the House. He raised the issue of whether we are all in denial about climate change—in other words, we talk about it, we debate it, we try to put measures in place to address increasing CO_2 emissions, but we do not truly believe that there is an issue. Perhaps we can all think individually about whether we truly believe that climate change is an issue. As Members of Parliament and representatives of our communities, we have to be leaders on this issue and take the message back to our communities that climate change is not a figment of the media's imagination or the climatologists' imagination. It is a real issue that will affect not just people living in other countries, but us, our children and our future generations. As I said, I was pleased that the residents of Basingstoke felt strongly enough about the matter to have a public meeting where the issues were debated in full.

The Bill is another signal to communities such as mine that the House is not in denial, that it takes the issue very seriously and will do all that it can to try to promote a change in consumer habits on this matter. I find it unacceptable that UK CO_2 emissions have risen, not fallen, since 1997. We should not accept that; we should fight against it. The Bill increases all of our accountability on this matter. It drives the issue of climate change not just upwards into international Government and national Government, but down into our communities. At the end of the day, it is down to all of us to address this issue if we are really to see change.

10.49 am

Helen Goodman (Bishop Auckland) (Lab): I, too, am very sorry that my hon. Friend the Member for Edinburgh, North and Leith (Mark Lazarowicz) is not here and I send my condolences to him and his family. I congratulate him on the excellent work that he has done, which has brought the Bill so far in its passage. I am pleased to have the opportunity to support the Bill and to have been able to contribute as a member of the Standing Committee.

My main reason for supporting the Bill is my consciousness of the urgency of the problem. The chief scientist has made it absolutely clear that we have a short window of opportunity in which to avoid the most damaging effects of climate change. For example, it is not widely understood that it is possible that there will be a reversal of the Gulf stream, which would make this country much colder, not warmer. It is possible that countries such as Bangladesh could be flooded, and although people are worried at the moment about refugees and asylum seekers, if that happened, the current problems would pale into insignificance.

I agree with the hon. Member for Basingstoke (Mrs. Miller) about people being in denial. We must not move from denial to despair when we contemplate the problem. Action now will be much easier and more economic than action later. The key to achieving our target and tackling climate change effectively is a change to our culture.

In 1973, when I was a schoolgirl, I went to a summer fair in Ashbourne. I entered a competition about the environment that was run by Friends of the Earth, with a prize of membership of Friends of the Earth. I won the prize because I was the only person who had entered the competition, but I think that consciousness has been raised since then.

Fifteen years later, I was a Treasury civil servant when John Major was a Treasury Minister. We were having the annual round of spending cuts and he was thinking about cutting the home energy efficiency scheme, which was the forerunner of Warm Front. When I pointed out to him that the scheme was good and that it tackled fuel poverty, benefited the environment and created jobs, he agreed not to cut it. That is a good example of the way in which people are prepared to act once they understand the issues.

Mr. Christopher Chope (Christchurch) (Con): The hon. Lady says that people will act, but is she aware that under her Government, according to a Government document on microgeneration, the number of people in fuel poverty rose by 1 million between 2003 and 2006?

Helen Goodman: I am not aware of those statistics. I must say that I am slightly sceptical about them, given our excellent Warm Front investment scheme, which is running at record levels.

Ms Dawn Butler (Brent, South) (Lab): Does my hon. Friend agree that part of the reason for fuel poverty is that the fuel companies are overcharging low earners, so the reason is not necessarily any Government legislation or programme?

Helen Goodman: It is true that there are problems due to the charges of several of the intermediaries, but I will not go down that path because we are not considering that today.

When we examined the Bill in detail in Committee, it became evident that some of the old thinking still exists in small pockets of bureaucracy. In general, they are quite obscure, but planning and building regulations are absolutely vital to the situation. The fact that many of our constituents have contacted us to say that they want the Bill to get through shows that the tide has definitely turned with the general public.

Mr. Sarwar: Our constituents are extremely worried about the impact that climate change can have on communities and globally. My constituents have written me many e-mails and letters to ensure that I support the Bill. Why are the international community and developing nations not taking the problem seriously? What more can the Government do to exert maximum pressure on the United States and other nations to ensure that they put climate change at the top of the international agenda?

Helen Goodman: My hon. Friend anticipates one of my points. It is important that we take action and set a good example because although the UK's emissions are not especially significant in global terms, because we have higher standards of living and consume much more than other countries, our carbon dioxide emissions per capita are higher. That is driving the position of India and China, which is why it is important that we pass the Bill and take practical measures.

The Bill is now in a better state than it was before it went into Committee and its provisions are now easier to implement. I especially welcome the accountability clause at the beginning of the Bill because if we are accountable and have to report annually, we will have an incentive to take more action. There are practical measures in the Bill on microgeneration, building regulations and combined heat and power.

Mrs. Maria Miller: The hon. Lady talks about taking more action. Does she agree that we should take additional action on air transport? We all know that 24 per cent. of CO_2 emissions come from transport in general. Emissions due to aviation represent an enormous part of that, but there is no tax on aviation fuel, which grossly distorts the cost of flying in environmental terms. Does she agree with the Environmental Audit Committee that we should consider introducing an air passenger duty tax that better reflects the environmental effects of emissions from planes?

Helen Goodman: As it happens, I am a member of the Standing Committee that is considering the Finance (No.2) Bill. We had such a discussion earlier this week. The hon. Lady is not right that there is no duty at all, but it is about half the level of the other duties. When we asked the Treasury Ministers about the matter, they said that they would not be able to take action until they had renegotiated international treaties. My feeling was that they should energise—

Mr. Deputy Speaker: Order. I appreciate that it is not the hon. Lady's fault that she has been led astray, but perhaps she can come back to the Bill.

Helen Goodman: Ultimately, climate change is a justice issue between the rich and the poor and between us and future generations. As the great economist Amartya Sen said, we should not abuse the environment to the detriment of future generations

"simply through the accident of being born first".

I hope that all hon. Members will support the Bill.

10.57 am

Mr. Mike Weir (Angus) (SNP): On behalf of the Scottish National party and Plaid Cymru, I offer our condolences to the hon. Member for Edinburgh, North and Leith (Mark Lazarowicz). It is sad that, due to tragic circumstances, he cannot be here to see his Bill progress. Both parties strongly support the Bill as an important step forward on tackling climate change.

It is true that the UK Government have set targets on climate change under Kyoto, but they have slipped somewhat. The Scottish Parliament has set somewhat more ambitious targets. It is important that we have cross-party consensus on climate change, and we must start by recognising that climate change exists and that it is a man-made problem—even getting there would be an important step forward.

I was pleased that earlier this year, five Opposition parties got together to announce common principles on climate change and to recognise those basic points. That was important because although it is all very well for us to agree, when we get into the cut and thrust of an election campaign, such agreements often break down because it is politically expedient to attack a Member's support for a wind farm, higher fuel duty, or anything else in their constituency. That affects all parties, so we need to agree common aims and not use the matter as a political football. All too often, a Government come up with an idea to tackle climate change, but if their policy is changed at the next general election when another Government come in, we will have no long-term stability on tackling climate change, which we all must seriously examine.

There will be disagreements. The current energy review may recommend new nuclear power stations. There are some who argue that such stations can help to deal with climate change. I strongly oppose that approach. However, it is a legitimate argument about a particular issue. My view is that the use of nuclear power is putting one problem in place of another. There is no solution to dealing with nuclear waste, as shown by the recent Quorum report. However, there are many things that we can do. Wind, for example, seems to cause so many problems, and we are not confined to wave energy.

Mr. Sarwar: I know that the hon. Gentleman is a strong advocate of renewable energy. Applications are submitted to local authorities and there are pressures from local communities. Planning permission is not granted and then the matter goes to the Scottish Executive. The process takes a long time. A greater problem stems from the hon. Gentleman's party

[Mr. Sarwar]

activists. What is his message to them when a planning application is made to a local authority?

Mr. Weir: The hon. Gentleman has given a graphic demonstration of the problem. There are communities throughout the country which, sometimes for good reasons, oppose particular developments. These are cross-party matters. Labour party members, Tory party members, some of my party members and even some Liberals will oppose specific developments. That is understandable. We are lacking an overall review of what we need. The Scottish Affairs Committee, on which I and the hon. Gentleman served, made that point, which was included in the Committee's report. We said that we needed an audit to set out the energy sources that were available. We said also that we needed an overall view of what was needed. The Scottish Executive have been under a great deal of pressure to take that approach in respect of wind farms. There is a massive number of wind farm applications, and far too many given the number that are needed. Whenever there is an application there is chaos in the local community. We need an overarching view of what is needed and where these developments go. That would be an important way forward.

Pete Wishart (Perth and North Perthshire) (SNP): Does my hon. Friend agree that we need a proper and effective planning process for wind farm applications? Without that, we will be left in the dark about what is intended. There is no systematic approach and the end result is frustration for communities and local authorities.

Mr. Weir: That is correct. The issue is not confined to wind power.

The hon. Member for Blaydon (Mr. Anderson) made a good case for coal. Scotland and the rest of the UK have huge coal reserves. There is, of course, the problem of emissions. However, there are technologies available for carbon capture and carbon sequestration. However, the coal industry needs a clear signal from the Government that it has a future and that there will be investment in such technology to ensure that we can use Scottish coal and UK coal.

Mark Pritchard (The Wrekin) (Con): Does the hon. Gentleman agree that we can talk as much as we like about the potential of new technologies and new alternatives? Access to research grant goes through framework 6 from Europe or the Department of Trade and Industry, and is an incredibly complex and slow process. That being so, the market will not be stimulated to produce new technologies. We can all agree in the House that we want them but they will not be delivered by the universities and research bodies.

Mr. Weir: The hon. Gentleman makes a good point. I think that the Government need to give a signal. We all expect the energy review to give a signal for nuclear power, but there needs also to be a signal for coal. What will the Government do to help the UK in future?

Agriculture has gone through some pretty bad times in recent years. There is huge potential in biomass energy generation, and a mixture with coal. That could give a boost to the farming industry in areas such as the one that I represent. It is an interest that I have pursued. The process is beginning to happen. E.ON, for example, has proposed a biomass generator in Dumfries, I think. There needs to be a signal that this approach has a future. That needs to be on a cross-party basis. We must try to come to an agreement on how we go forward. The Bill is important in that respect, and it has cross-party support.

Anne Milton: Does the hon. Gentleman agree that if the public, industries and those undertaking research want a signal, that signal will have been given today? There has been a sensible and intelligent debate. That is exactly what the hon. Gentleman was talking about. It has been a cross-party debate. If we want to tackle climate change and other environmental issues, the only way is to proceed with cross-party support.

Mr. Weir: The hon. Lady is right. As I have said, it is easy in this place to talk and reach agreement on a cross-party basis. The problem is leaving this place continuing to agree on a cross-party basis on what needs to be done. Until we can get past our political problems with that, we will not make progress.

Parts of the Bill do not apply to Scotland. Separate legislation is passing through the Scottish Parliament, and that reflects many of the provisions in the Bill that do not apply to Scotland. During the passage of the Bill one good change was made by the Minister in respect of the charging regime for renewable energy on the islands off the Scottish coast. He did not go as far as I would like. There have been many debates about changes in the mainland and offshore. I will not rehearse those arguments. I am sure that the Minister will not delight me by making the announcement that I would seek. I live in hope that some day he might do so.

The hon. Member for Glasgow, North (Ann McKechin) made an extremely good point about the report from Energy Action Scotland. It was an excellent report. There are difficulties with energy in rural areas. In my constituency, many houses in rural areas still have old-style oil-fired central heating. It is an expensive way to heat a house. We need to tackle the problem. As has been said, there is a difficulty with alternative sources.

We face increasing energy costs, something which pushes many people into fuel poverty. That is the reason for the increase in fuel poverty over recent years. Action needs to be taken. On many occasions, I have raised the issue of prepayment meters. Often, the poorest in society are discriminated against by energy companies. Again, that is an issue that the Government must consider.

There is the complexity of new technologies, particularly with new-style boilers. Another problem is the cost of new technology. It is all very well telling someone that he or she needs a combined heat and power boiler, but such technology must be available at an affordable price so that people will invest in it. In that way, we will ensure that we reduce consumption.

I was interested in what the hon. Member for Basingstoke (Mrs. Miller) said about natural insulation. Will we all be asked to put on another jumper in the winter? The hon. Lady did not go quite that far. I was interested also by her remarks about televisions in the House. In my five years in this place, I have faithfully switched off my television every night. I have not yet been carted off by the Serjeant at Arms. Perhaps I will be at the end of the debate.

We all have an individual responsibility to reduce our energy consumption. We must be serious and have a cross-party agreement. It is imperative that we adhere to it outside the House. I urge everyone to support the Bill. Let us give it a fair wind and a good start.

11.9 am

Dr. Roberta Blackman-Woods (City of Durham) (Lab): I am grateful for the opportunity to put on record my support for the Bill. I thank my hon. Friend the Member for Edinburgh, North and Leith (Mark Lazarowicz) for successfully steering the Bill through the parliamentary process thus far. I extend my sympathy to him and to his family at this time.

Reacting powerfully to climate change is essential if we are to meet the challenge of cutting global greenhouse gas emissions. It is necessary to expand the availability and development and, one would hope, ultimately the use of renewable energy sources as the major means of our energy supply.

I am fortunate in having a research centre in my constituency at the university of Durham, which concentrates on enabling renewable energy to make a full contribution to society and to the environment. It undertakes fundamental research into renewable energy technologies, including solar and photovoltaic research and wind and wave energy. Critically, in respect of the Bill, it also undertakes research into the technology that underpins microgeneration. I should like to say in passing that the north-east is ideally placed to lead the UK development of the production of renewables, as wind and waves are in plentiful supply there.

If the Government are to meet their long-term targets of reducing CO_2 emissions by 60 per cent. by 2050, and of producing 10 per cent. of our electricity supply from renewables by 2010, it is essential that we make renewable sources, including microgeneration, more efficient, to bring down their costs and give them a wider application. The Bill will play an important part in contributing measures that will help the Government to achieve those targets.

It is worth highlighting the fact that the use of microgeneration is important if we are to encourage individual householders, small groups of households and communities to adopt an energy supply based on micro-renewables. All the clauses in the Bill are very welcome, and especially those relating to permitted development and to support for community energy schemes, as they will help to reduce harmful greenhouse gas emissions and assist us to meet our targets. Critically, the measures will empower individuals and communities by giving them the tools to get directly involved in the use of renewable energy sources. Many people are very keen to find out what they can do personally to use energy more efficiently in their homes. Clauses 7 to 10 are important in encouraging that, and in helping to cut the fuel bills of those who install and use microgeneration systems by making them more efficient and more widely available.

The use of micro-combined heat and power could also contribute to ending fuel poverty. Clause 21 will require the Secretary of State to consider what steps he considers appropriate to promote the use of heat produced from renewable sources. I hope that this measure will help to stimulate the demand for renewable heat produced by solar, thermal or photovoltaic sources.

Ms Butler: Does my hon. Friend agree that clause 21 is vital for developing a low-carbon economy in the UK? It will help to raise awareness of what individuals can do to achieve that aim.

Dr. Blackman-Woods: I agree with my hon. Friend. One of my reasons for highlighting that clause is that I believe that it is essential in helping us to develop a low-carbon economy. We need to take the opportunity to make the use of renewable fuel for power and heat more widely available.

The Bill could contribute to sustaining a secure energy supply for the UK. Recent reports from Sussex and Southampton universities and Imperial College London suggest that micro-renewables hold great promise, provided that the uneven playing field on which they are fighting is removed. So promoting the use of microgeneration using renewables will require some Government intervention and up-front investment. The Bill is also important in reducing the barriers to promoting microgeneration, especially at local level.

The role of local authorities and parish councils outlined in clause 3 will be important if we are to enable individuals and communities to lower their greenhouse gas emissions. Many local authorities are involved in regeneration schemes involving the building of new houses and office blocks, and it is important that they take the lead in ensuring that those buildings are as energy efficient as possible. We must also bring parish councils back on board, because they are the best placed bodies to respond to local demand and to promote schemes locally so that individuals can become involved directly.

There is a great deal in the Bill to be welcomed if we are to take climate change seriously, and I hope that the House will support it today.

11.14 pm

Mr. Nick Hurd (Ruislip-Northwood) (Con): I, too, rise to support the Bill, and I congratulate the hon. Member for Edinburgh, North and Leith (Mark Lazarowicz) on his tenacity in building consensus on it. However, the House should be honest in acknowledging that it is a quite modest measure. It will certainly not transform the landscape of domestic climate change policy. For that, we need to look to the bigger beasts: the outcome of the energy review that the Minister is conducting and, critically, the decision taken on the national allocation to the second phase of the EU emissions trading scheme this summer. A recent report by the National Audit Office to the

[Mr. Nick Hurd]

Environmental Audit Committee highlighted the latter as the policy decision that would have the greatest impact on carbon emissions reduction in the short term. Those will be the real tests of the appetite of the Government and the House for reducing carbon in our economy.

The Bill is welcome, however, because it takes a small, positive step in the direction of promoting greater accountability to the House on the progress made in tracking carbon through the economy and the progress of the Government in reducing it, as the hon. Member for City of Durham (Dr. Blackman-Woods) rightly pointed out. A second important step will be to force central Government—and, to a lesser extent, local government—to think more about microgeneration and energy efficiency.

The increase in accountability will be hugely important, because the lack of accountability is undermining the effectiveness of the international process to reduce carbon. Many countries will not meet their Kyoto targets, yet they will suffer very few penalties for that failure. This country probably will meet its Kyoto targets, although, as the Government now acknowledge, there are significant doubts about the 2010 target, and there is complete uncertainty about the 2050 target. It is very difficult for the House and all other interested parties to get to grips with the reality of how carbon tracks through the economy, and with the probability of success for the various policy measures that the Government are implementing. That makes it difficult for us to hold the Government to account.

The desire for greater accountability, transparency and rigour in the review process underlies the cross-party consensus—on the Conservative Benches, at least—in suggesting the creation of an independent body, which could add tremendous value to the ability of the House to understand what is really happening with emissions and to assess the probability of success in meeting the longer-term targets. I suspect that that would have a much greater impact than the measures introduced in the Bill, but I welcome what is on offer today.

I echo the sentiments on microgeneration expressed by the hon. Member for Hove (Ms Barlow), with whom I had the pleasure of serving on the Environmental Audit Committee. Microgeneration has the potential to play three important roles at a time when energy policy must necessarily shift from focusing only on the cost of energy to considering the more complex set of issues with which the Minister is wrestling, including security of supply and the impact on climate.

The sources of energy and technology that we are considering under the banner of microgeneration will have three important benefits. The first is reducing carbon. The second is reducing the waste of energy in our system. It was pointed out in Committee and in the debate that, if we are to believe the reports, two thirds of our energy is wasted between the point of production and the point of consumption. If it is true, that statistic ought to be a matter of considerable concern to the House in a new energy age in which security of supply, efficiency and affordability will become increasingly pressing issues. The third benefit, as the hon. Member for Hove pointed out, is that microgeneration will bring people closer to their source of energy. The evidence is that, where that happens, it is successful in changing attitudes to demand and to energy conservation.

Colin Challen (Morley and Rothwell) (Lab): Will the hon. Gentleman give way?

Mr. Hurd: I am happy to give way to a fellow member of the Environmental Audit Committee.

Colin Challen: I indeed have the pleasure of serving with the hon. Gentleman on the Environmental Audit Committee. Is there not a fourth benefit that arises from some of the other benefits that he mentioned: reducing fuel poverty? He said that £5 billion-worth of domestic energy is wasted each year. Surely, if some of that money was saved, it could be put into fuel poverty measures, making life better for everybody.

Mr. Hurd: I thank the hon. Gentleman for making an extremely valuable point that I had not thought of.

The point that I was trying to make is about the importance of energy efficiency to this debate, because it is surely the low-hanging fruit in climate change policy at a time when concerns about the costs attached to reducing carbon emissions and mitigating climate change are a drag on the international process, not least in the United States. Like other economies, it is concerned about the implications for economic competitiveness. Rigorous pursuit of greater energy efficiency in producing, distributing and conserving energy must be the ultimate win-win approach to ensuring that we reduce carbon emissions and improve the efficiency and competitiveness of our economies.

I welcome the Bill, but I want to conclude my speech by expressing one regret, which is about the cautiousness with which it engages local government—a point that my hon. Friend the Member for Bexhill and Battle (Gregory Barker) pressed vigorously in Committee. He was right that the Bill raises an interesting debate about centralism versus localism, which the Minister enjoyed in Committee, but the fact that recycling is arguably the one green activity that has been successfully transformed from a niche activity to a mainstream one has come about because local authorities have played a critical role in making it easy for people to do—they have made it simple for people to do the right thing. I see an opportunity for local government to perform a similar role in the space that we are discussing.

We have heard both in the Chamber and in Committee about beacons of excellence. We have heard today about Brighton and Braintree, and Croydon was mentioned in Committee. If the Government are not prepared to engage more with local government on the Bill, they should be doing more to promote best practice across the country. I hope that the House, and certainly Opposition Members, will hold the Government to account on that opportunity.

11.22 am

Nia Griffith (Llanelli) (Lab): I congratulate my hon. Friend the Member for Edinburgh, North and Leith (Mark Lazarowicz) not only on introducing the Bill, but on seeing it through to this stage. I also join other hon. Members in offering my condolences to my hon. Friend and his family at this time. It is a tremendous credit to him that the ideas in the Bill are so widely accepted across the House that—I hope—we will be able to see it through, even though he is unable to join us today.

It is now almost a year since the ballot for private Members' Bills was held. At that time, very few people had any idea of what microgeneration was. Perhaps they thought that it was some new form of computer. Simply in their efforts to get the necessary 100 Members here on a Friday, my hon. Friends the Members for Edinburgh, North and Leith and for Southampton, Test (Dr. Whitehead) have raised awareness of microgeneration across the whole House and in the country.

Everyone is now talking about energy-efficient buildings and microgeneration, everyone accepts the idea of microgeneration and many people are very excited about the idea of making their own energy within their communities rather than depending on a centralised system that loses so much power just in transmission. As a gentleman in my constituency says, it is always either windy, sunny or raining. We know a lot about how to harness the wind and sun, but he is now thinking about how to harness the rain as it gushes down the gutters on the roofs of our steeply terraced houses in the Welsh valleys. That is just one example of how people are thinking about where energy and heat come from and how we generate them.

I welcome the announcement in this year's Budget of an additional £50 million that the Chancellor has pledged for the low-carbon buildings programme, with the specific aim of boosting the market for microgeneration equipment, working on the principle that an increase in the volume of equipment produced will help to bring down prices.

Alison Seabeck: My hon. Friend mentioned improving access to microgeneration equipment. Does she accept that until such equipment is readily available—at the moment, most members of the public would not know where to go to obtain it—and heating and other engineers advise the public almost automatically on where to get such products, as opposed to other forms of fuel generators, we will still face long-term energy efficiency problems?

Nia Griffith: I agree absolutely. The key point is that we need to put in subsidy now in order to make the market more viable. By spending now, we will help to bring down prices and to make the possibilities more viable.

Gregory Barker (Bexhill and Battle) (Con): I hear what the hon. Lady is saying about subsidy, but does she accept that a much more effective way to promote microgeneration than trying to pick winners and impose subsidies—we should recognise that in the scheme of things, £50 million, however welcome, is a tiny amount in an electricity industry that generates billions of pounds—would have been for the Government to have supported the new clause that I tabled in Committee, proposing a local authority planning regulation requirement to fit microgeneration as standard in developments of a certain size? The estimates are that, if that had happened, it would have transformed the market from about £50 million to about £800 million.

Nia Griffith *rose—*

Mr. Deputy Speaker: Order. Before the hon. Lady responds, may I tell her that we should be talking about the contents of the Bill, not what it does not contain?

Nia Griffith: Thank you, Mr. Deputy Speaker. I should like to enlighten the hon. Gentleman: the Bill now contains a clause that refers to large buildings. I cannot immediately refer him to the clause, but it does feature in the Bill, even though it may not appear in the exact format that he suggested. Obviously it is important that we get on with pump-priming the process and enabling people to move forward with the technologies, as well as with supporting our fledgling industries, so that we do not end up importing products when we could be making them here with the right demand and subsidy.

Sir Robert Smith: After the hon. Lady's exchange with the hon. Member for Bexhill and Battle (Gregory Barker), does she accept that the important message in this debate is that although the Bill sends a signal about a direction in which we want to proceed, the actual delivery still very much depends on the Government taking the actions that will be necessary to achieve the Bill's aspirations?

Nia Griffith: Absolutely; that is why it is so important that we have pledged another £50 million to taking a step in that direction.

Dr. Alan Whitehead (Southampton, Test) (Lab): My hon. Friend may be aware that clause 11 entails adding to the building regulations a particular category on

"the production of heat or the generation of electricity by microgeneration".

That provision incorporates the suggestions made by the hon. Member for Bexhill and Battle. (Gregory Barker).

Nia Griffith: I thank my hon. Friend for finding the right clause.

Gregory Barker: For clarification, I may say that the amendment that has been made to the Bill is permissive. It allows things to happen, but the question is whether they will happen. I was talking about an imperative for local authorities to include microgeneration provision in all developments, ensuring an immediate transformation in the size of the market. Under the clause that now features in the Bill, it may or may not be incorporated in new build.

Nia Griffith: I hope that the hon. Gentleman will accept that the provision is at least a step in the right direction.

As I understand it, the aim is that the £50 million will be available for use on public buildings and for housing association homes, but I would also ask my hon. Friends in the Treasury and the Department of Trade and Industry to make it available for private households. Some Ministers may have reservations about making grant money available to the public. Others see some in the microgeneration industry as perpetually demanding grant funding, with no model for reaching viability without it. However, evidence from fellow northern European member states shows that medium to long-term grant programmes help to build critical market mass, which then offers the prospect of reaching a sustainable large market without grants. All we need is a few years with steady growth conditions in the market, and the rising price of fossil fuels is likely to increase demand.

In the UK, as in Germany, the home owner sector has been and continues to be the cornerstone of the growing solar-thermal market. Purchases by home owners encouraged by the availability of small incentives provide businesses in the sector with the market conditions to invest in growth. Through either subsidy programmes or fiscal incentives, a meaningful market stimulation programme for renewable microgeneration is essential, and it is crucial that that incorporates stimulation of the home owner sector.

Investment in a meaningful market stimulation programme for renewable microgeneration will offer strong returns and will lead to a self-sustaining market, which will not require Government incentive. That will significantly reduce UK demand for expensive new power stations, and it will help to foster an internationally competitive UK renewable microgeneration industry, which is important if we are to get ahead of the game. It will also create jobs in the design, manufacture and installation of renewable microgeneration technologies.

I thank the Minister for Energy for his patience in dealing with the Bill and for producing the microgeneration strategy this year. However, I ask him to re-examine the criteria on spending the £50 million, which is an important practical issue.

11.31 pm

Martin Horwood (Cheltenham) (LD): I, too, extend my sympathies to the hon. Member for Edinburgh, North and Leith (Mark Lazarowicz); I regret his absence today. I also extend my best wishes to the right hon. Member for Bromley and Chislehurst (Mr. Forth)—but I cannot say that I regret his absence, and it is nice to participate in a private Member's Bill debate in which other hon. Members can get a word in edgeways.

The Bill is important, and it includes many imaginative measures, although it is slightly less imaginative now than it was when it started. Personally, I regret the loss of the clauses on renewable heat obligations, which would have formed an important incentive to technologies such as heat pumps and solar-thermal microgeneration. Nevertheless, the Bill will make a significant contribution to microgeneration and other forms of renewable energy.

Sir Robert Smith: Does my hon. Friend recognise that the loss of the renewable heat obligation will also damage the introduction of biomass heating, which could be used in rural areas where there is no gas main, and electricity is often used for heating? Renewable heat is an important way of reducing our carbon emissions.

Martin Horwood: Yes; biomass remains an area that needs to be explored more fully.

Some hon. Members are inclined to dismiss the potential of microgeneration for UK energy supply, which is enormous. Microgeneration can contribute 30 to 40 per cent. of a household's energy bill. If such percentages were applied to the whole UK energy bill on a national long-term basis, that would dwarf the current contribution made by, for example, nuclear power. Microgeneration is an incredibly important part of the overall UK energy supply.

This is about more than reducing carbon emissions. Promoting microgeneration will avoid dependence on dangerous and expensive alternatives, and thereby make an important contribution to UK energy supply resilience. We have only to compare microgeneration with nuclear power, which is now being discussed more often than it used to be, to see some of the advantages of microgeneration. Where nuclear power depends on a centralised energy supply system, microgeneration is more efficient and works on a decentralised system. The hon. Member for Ruislip-Northwood (Mr. Hurd) has referred to the equivalent of 73.5 million tonnes of oil being lost in the distribution and conversion of energy. Nuclear power would not tackle that issue, but microgeneration would.

Nuclear power is inherently risky not only in the short term, but the long term. Some cases involve waste hanging around for millenniums, whereas microgeneration is inherently safe and efficient. Microgeneration is inherently diverse, because it involves more than one form of energy production—heat pumps, combined heat and power, micro-hydro, solar-thermal, photovoltaics and wind power. If any one of those sources were to prove to be less valuable than we currently hope, there would be many other sources to take its place, which makes it an inherently more secure form of energy supply than one that relies on a few major, large-scale, centralised sources.

Ms Butler: Does clause 21 cover some of the areas to which the hon. Gentleman has referred? It states that the Secretary of State should consider the steps and report back to the House.

Martin Horwood: I am not sure whether it does. The hon. Lady has drawn attention to the very clause that originally contained the renewable heat obligations—a concrete measure that would have provided the market with a specific stimulus. Clause 21 is a limp alternative to that provision, but its inclusion is nevertheless welcome.

I was comparing the advantages of microgeneration with the disadvantages of nuclear power, and

re-examining the need to subsidise nuclear power. The new Finnish nuclear power station is not an example of clean green technology. It may require enormous guarantees from the Finnish Government on the funding of the power station's eventual decommissioning and long-term waste disposal. The Energy Policy Act was introduced in the USA last year. It provided some $14 billion of subsidies to the nuclear industry. A microgeneration-led approach would not require such subsidies.

One of the welcome aspects of the Bill is that it uses imaginative incentives and the easing of red tape to encourage renewable generation and microgeneration without large-scale public subsidy. That will encourage private sector enterprises such as Solar Smart in my constituency, which offers a pioneering integrated approach to solar-thermal power. The approach involves the integration of solar panels into the supply of not only hot water, but domestic heating, which is an innovation. That is an example of how the microgeneration industry will reveal more potential than we now realise, if it is stimulated, which will enable a safer and more efficient energy supply industry.

I recently engaged in a debate with the hon. Member for Bexhill and Battle (Gregory Barker) in which he suggested that energy supplies, green issues and tackling climate change were a gentle, quality of life issue. As other hon. Members have pointed out, we must remember that climate change is a real threat to not only our quality of life but to the existence of our economy and, in many cases, to our society as we know it. I have tried to find some sources to persuade even the sceptics on the Conservative Back Benches of the urgency of this matter.

Michael Gove (Surrey Heath) (Con): Sceptic!

Martin Horwood: Sceptic, on this occasion. I found a good commercial case from the Association of British Insurers, which reported in 2004 that weather risks are already increasing by 2 to 4 per cent. a year on household and property accounts due to changing weather. Claims for storm and flood damage in the UK doubled to more than £6 billion between 1998 and 2003 compared with the previous five years, with the prospect of a further tripling by 2015. Last year the ABI reported that in the UK climate change could increase the annual cost of flooding almost fifteenfold by the 2080s under the high emissions scenario, leading to potential total losses from river, coastal and urban flooding of more than £22 billion. There is clearly a serious commercial and economic risk to climate change.

Mr. Chope: Is the hon. Gentleman aware of the recently produced Intergovernmental Panel on Climate Change 2007 report, which says:

"Even if greenhouse gases level off now, warming will continue at about the current rate for several decades."?

Martin Horwood: I am not aware of that particular report. If it is dated 2007, that is interesting, because it appears to be a year in advance.

Mr. Chope: It is a draft.

Martin Horwood: Okay. Obviously, global warming will continue for several decades. The question is really what we do when we are standing on the edge of a cliff. It does not matter how we got there; the question is whether we step forward or backwards. We have to start resisting and trying to ameliorate the trend towards global warming; otherwise, catastrophe will result. The hon. Member for Bishop Auckland (Helen Goodman), who is no longer in her place, mentioned the possibility of rapid climate change resulting from changes in the thermohaline circulation. That might make the issue even more urgent.

If the ABI is not a sufficiently robust source for the hon. Member for Christchurch (Mr. Chope), perhaps consultants commissioned by the Pentagon might persuade him. They recently reported to the Pentagon the possible consequences of rapid climate change, including the changes in the thermohaline circulation. They speculated:

"As famine, disease, and weather-related disasters strike due to the abrupt climate change, many countries' needs will exceed their carrying capacity. This will create a sense of desperation, which is likely to lead to offensive aggression in order to reclaim balance...we can expect conflict over access to water for drinking, irrigation and transportation. The Danube touches twelve nations, the Nile runs through nine, and the Amazon runs through seven."

Climate change is a very serious issue, not a simple, fluffy, quality of life issue, and I am very pleased that it has become a mainstream political concern. The hon. Member for Bishop Auckland indulged in a little nostalgia about her early days. I nostalgically remember the manifesto on which I joined the then Liberal party in 1979, which talked about the very great importance of environmental protection. In those days, only the Liberal party among the mainstream parties was even talking about that issue, and we were regarded as bearded loonies for doing so. *[Interruption.]* I am not entirely sure that I would have been capable of growing a beard in 1979.

It is very welcome that this is now a mainstream political issue and that there is a growing and strong all-party consensus that has been demonstrated today in this House. For that reason, this Bill is very important and deserves all our support.

11.42 pm

Greg Clark (Tunbridge Wells) (Con): I start by adding my condolences to the hon. Member for Edinburgh, North and Leith (Mark Lazarowicz). I congratulate him on the success of the Bill so far. I also pay tribute to my hon. Friend the Member for Bexhill and Battle (Gregory Barker), who has been a vigorous contributor to the Bill. Its current state reflects the great deal of attention that he has paid to it during recent weeks and months.

I will keep my remarks short, because I am keen for us to get on to other business, which includes my own contribution to tackling climate change, or at least halting the deterioration of our environment—my Bill on protecting back gardens. I am sure that the Father of the House is keen to get on to his Bill, too.

This time last week, I visited the home in my constituency of Mr. Paul Norris of High Brooms, who

[Greg Clark]

has installed a series of solar panels of his house. He has already had remarkable success. In recent weeks, he has managed to produce more solar energy than he is consuming. In addition to the savings that he is making, which he estimates will be in the order of £300 a year, he is saving about 1,000 kg of CO_2 emissions. That stands as an example of how rapidly the technology is moving. It is already at the point of being economically viable. When we have beautiful days such as we had this morning in Tunbridge Wells before I left, Mr. Norris finds great satisfaction in the knowledge that the sunshine is contributing to energy that goes beyond his own requirements and is powering the houses of his neighbours.

Michael Gove: I am grateful to my hon. Friend for pointing out the contribution that the sun can make to helping us to deal with climate change. The example that he mentions shows the contribution that can also be made by technological developments. Does he agree that economic growth need not be the enemy of dealing successfully with climate change, and that when we welcome growth, we need to ensure that it comes with an environmental component? In particular, when it comes to dealing with the whole question of how we protect our garden space, is not his own Bill an admirable recognition that housing growth must go hand in hand with respect for the environment, particularly the gardens that play so much of a part in cooling the atmosphere in urban areas and fighting climate change?

Greg Clark: I am grateful to my hon. Friend the shadow housing Minister, and delighted to have his support. He is right that technology, far from being the enemy of progress on climate change, offers the potential to help. As anyone who cares to visit Mr. Norris's house in High Brooms will see, it is a living example of how technology can offer us hope and allows us to step back from the cliff edge that the hon. Member for Cheltenham (Martin Horwood) mentioned.

Andrew Selous: Is my hon. Friend aware of roughly how much Mr. Norris's solar panel installation cost, so that we can work out roughly over how many years there will be a payback for someone thinking of doing similar?

Greg Clark: My information is that it cost in the order of £15,000. However, one of the features of new technology is that once it goes into mass production, prices fall very rapidly. If it is that price today, I would expect that next year it will be much less, and so on. As my hon. Friend the Member for Surrey Heath (Michael Gove) said, technology, particularly innovation in technology, can make great strides very quickly.

Anne Milton: Does my hon. Friend agree that cost is absolutely crucial in getting widespread take-up of these technologies? Some years ago, I lived in a house with solar panels that provided hot water. They were fantastic, but when they broke and we looked into replacing them, the cost put us off. If we really want to get everybody on board in installing new technologies that will save energy, we have to ensure that the market is right.

Greg Clark: I am grateful to my hon. Friend. I completely agree that we should not be put off by the cost. If we had been put off by the cost of early computers and concluded that they would never make a contribution to business or to the consumer, we would never have engaged in the research and development that has resulted in their being so indispensable today. I am absolutely certain that the costs will fall. We should take a dynamic view of the state of technology. It is evolving very rapidly. The example that I cited uses solar power to generate electricity rather than to heat water, which is much more flexible, as my hon. Friend will appreciate, and allows it to be transferred, in effect, from the house in which it was generated to the national grid and to other houses in the vicinity.

It is particularly admirable that the constituent to whom I referred is the deputy head of a very good junior school, St. Paul's in Rusthall in my constituency. I know from my postbag, and I am sure that other hon. Members find, that young people are among the most interested in the technology of new sources of energy and the concerns about climate change that we all address in our correspondence with them, and it is particularly good to have a role model.

I now turn to some specific aspects of the Bill, which I welcome. It was watered down in Committee to a regrettable extent. Nevertheless, it represents progress. It takes a step forward in energy policy by recognising the contribution of microgeneration.

Microgeneration makes a contribution in several ways, which I commend to the House and which the Bill reinforces. First, it contributes to the heating of space and water, as we have seen in the case of the gentleman in my constituency whom I mentioned. That contribution is tangible, immediate and it is not years away from development. Given that the heating of space and water accounts for a considerable proportion of national annual energy consumption—higher, indeed, than the proportion accounted for by electricity consumption—that is important. Secondly, the model of microgeneration has the potential to overturn the centralised approach to electricity generation, which, as we know, involves enormous costs in the running of transmission and distribution systems. Microgeneration is taking us into a new paradigm, and it is good that the Bill recognises the progress that we are making here.

Thirdly, combined heat and power, although it has not had the full support that we hoped it would have, is recognised in the Bill. The great advantage of microCHP is that it is ready to go, it is non-intermittent, which is important, and it requires no planning permission or special infrastructure to be established. Solar panels are, of course, all very well and wind turbines can make a contribution, but they are intermittent. If we are to make a step change in renewable energy, we need to be able to generate a base load of dependable energy generation, on top of which we can add the intermittent sources. The great advantage of CHP and microCHP is that, because they are non-intermittent, they can provide the foundation

on which some of the solar and other renewable energy sources can build. Finally, it is important to recognise that microgeneration may have a vital role to play in the eventual emergence of a hydrogen economy. We know that there are problems with the electrolytic production of hydrogen and its distribution. That may mean that the best model for hydrogen power is local and decentralised. The microgeneration initiatives that the Bill supports open a new paradigm that may be instructive.

We all know that energy policy is subject to constant change, not least because of the rapidly developing technology. It is important that we keep pace with that. I hope that this will not be the last Bill that comes before the House and brings us up to date. I commend the Bill for taking the first steps in that direction. It signals perhaps the end, notwithstanding the current energy review, of what we may call the Jurassic age of energy policy, when massive decisions about massive generating plants and distribution mechanisms were taken by a small number of people, including the Minister for Energy and his predecessors. With the greatest respect to the Minister, I hope that it will not be possible for our energy policy to be determined by a single individual, but that it will be determined, in effect, by the individual decisions of millions of consumers of energy across the country.

11.53 am

Mr. Shailesh Vara (North-West Cambridgeshire) (Con): May I first congratulate the hon. Member for Edinburgh, North and Leith (Mark Lazarowicz) on introducing the Bill and express my condolences to him and to his family on their recent sad loss? I am pleased that, despite him not being with us, the Bill will, I hope, be able to progress.

The issue at hand is, of course, important and fundamental for the wellbeing of mankind. We have had a considerable amount of rhetoric on the subject but it is fair to say that action has been limited. I hope that, with this Bill, that will change and that action will progress. I echo the sentiments of my hon. Friend the Member for Croydon, South (Richard Ottaway), who is not at present in his place, when he agreed with the comments of the new Secretary of State for Environment, Food and Rural Affairs on the "Today" programme earlier today. The right hon. Gentleman said that he hoped to see greater co-operation between Departments, particularly with the new Secretary of State for Transport and the new Secretary of State for Communities and Local Government. That, of course, is in stark contrast with previous experience, when DEFRA has always taken second place in a debate with another Department.

I am keen to emphasise that I am not in the business of point scoring, particularly in this very important debate, but I think it important to recognise that there has been considerable opposition to the Government's approach to this issue, if only in recent weeks. The closure of the four centres of ecology and hydrology, which were engaged in research on the environment and climate change, is a case in point. They were closed, so it was said, in order to save money. Some £45 million was supposedly saved, a figure with which I disagree. But even if one accepts that there are savings to be made, we have to recognise that in the scheme of things—

Michael Gove: I admire my hon. Friend for making this very important point about centres of academic and scientific excellence. Did not the hon. Member for South Dorset (Jim Knight), who used to be the Minister with responsibility for biodiversity, himself write to the Prime Minister pointing out that the closure of one such centre in Dorset would be a strategic error? Notwithstanding the fact that the hon. Gentleman has been promoted, is it not ominous that he has been promoted out of DEFRA and away from his biodiversity commitments? So one guardian of biodiversity and the fight against climate change—

Mr. Deputy Speaker: Order. I counsel the hon. Gentleman not to be tempted too far away from the content of the Bill.

Mr. Vara: I am grateful to my hon. Friend, who makes a very valid point. Indeed, one such centre of excellence that was engaged in climate change research— Monks Wood, which I have visited—is in my own constituency. It is worth recognising the enormous opposition that these closures have generated. I hope that the Government will take that point on board, because those voices spoke out not only for preserving jobs and other such issues, but for the need to deal with climate change.

The Government must set an example and lead from the front. It is all very well accepting the minimum standards for building regulations and the like, but it is important that, where the opportunity allows, the Government go one step beyond. A perfect example is the recent procurement of the new Home Office building, in respect of which the minimum standards of environmental protection have doubtless been enforced. I am minded to say that the Government should have taken the lead and gone further. The general public criticise the Government and politicians for simply talking about making changes, and such criticism is merited. When the Government have the opportunity to make such changes, they confine themselves to only the minimum statutory ones.

Local authorities also have a major role to play; indeed, several Members have referred to the role played by their local authorities. I congratulate my own—Peterborough city council and Huntingdonshire district council—on their sterling work in ensuring that there are environmentally friendly projects throughout the constituency. Local authorities can also play an important role in encouraging developers and builders to go beyond the statutory minimum. As my hon. Friend the Member for Bexhill and Battle (Gregory Barker) said earlier, the provisions in clause 11 are not mandatory. It is important to recognise that writing something down is one thing: ensuring that developers and others abide by such legislation is another.

Schools have a vital role to play. My hon. Friend the Member for Guildford (Anne Milton) referred earlier to schoolchildren being told to switch off lights. I was recently heartened, on visiting one of my local schools, to be told that the children go home and tell their parents about recycling and other such beneficial measures. We must not underestimate the influence that schoolchildren can have on the older generation. If this generation are taught in school about looking after the climate, we will find that in due course half of the

[Mr. Vara]

battle has been won. But that is not to say that we should leave it for the children of today to do the work for us in the future, because we have an important duty to act to preserve the climate ourselves.

Aviation pollution has been mentioned, and it is an important issue that must be addressed. Motor cars can be modified to run on hydrogen or electricity, but it is not so easy to modify aeroplanes to use those fuels. We will have to wait very many years for that to be possible. I recognise that aviation companies are making sterling efforts to reduce pollution, but the industry is still a heavy polluter and, where possible, the Government must work with the companies, not against them, to ensure that we reach a satisfactory solution.

We must also learn from the experience of other countries, and of companies that operate in them. The Environment, Food and Rural Affairs Select Committee, of which I am a member, recently visited San Francisco. We are all aware that leadership on environmental projects is lacking at the top in the US, but in San Francisco we saw that many worthwhile initiatives are being undertaken locally, and we can learn from them. One example is the way in which utility companies are proactive and work with the San Francisco authorities to try to persuade local businesses and domestic householders to adopt energy-efficient technologies. If an individual householder is paying $200 a quarter for electricity, the utility company will go into the house and change the lighting and heating system, at its own cost, so that it becomes more energy-efficient. If the subsequent bill falls to $150 a quarter, the householder continues to pay $200 until the utility company's costs have been covered. Thereafter, the householder receives the benefit of the savings, having paid nothing at the outset. We should consider that or similar measures in this country.

The Committee has also considered the present concentration on onshore wind projects. I am mindful that the hon. Member for City of Durham (Dr. Blackman-Woods) also mentioned this point earlier. I agree with the Committee's findings, and we need to do more to ensure that alternative renewable technologies, such as wave, tidal and solar power, are examined and encouraged. I am encouraged by the work that is being done in countries such as Holland, which have a considerable number of offshore wind turbines, generating a significant amount of energy. In this country, whenever wind turbines are mentioned, they provoke opposition and obstacles. People claim to find them unsightly—in Holland, they are called visual pollution. I have to say that there are many things that I would put in that category before wind turbines. Perhaps if we went offshore, there would be fewer such problems. I accept that offshore wind turbines and the use of solar, wave and tidal energy will cost more, but we are talking about the well-being and the very future of mankind. In the greater scheme of things such investments are worth while, because in the mid to long term they will become cost-effective.

I am mindful that other Members want to speak so I shall conclude my comments. I very much welcome the cross-party consensus that we have found on the Bill and I hope that there will be no more obstacles to its passage into law.

12 pm

Chris Huhne (Eastleigh) (LD): I, too, extend my condolences to the hon. Member for Edinburgh, North and Leith (Mark Lazarowicz) and also my congratulations on the successful progress of the Bill so far. In fact, I am feeling so magnanimous that I shall even extend my sympathy to the right hon. Member for Bromley and Chislehurst (Mr. Forth), although not quite to the extent of wishing him such a speedy recovery that he emerges on the Conservative Benches before the end of the debate, given the precedents on Report.

Mr. Chope: Does not the hon. Gentleman understand that as my right hon. Friend the Member for Bromley and Chislehurst (Mr. Forth) has already contributed to this debate it would not be possible for him to make another speech?

Chris Huhne: I fully appreciate that point and am grateful to the hon. Gentleman for making it. However, I have noticed that the right hon. Member for Bromley and Chislehurst has a certain influence on other Members, to which the hon. Member for Christchurch may be particularly well able to attest.

Climate change is an urgent issue. I was especially pleased that the hon. Member for Bishop Auckland (Helen Goodman) mentioned the gulf stream or, as my hon. Friend the Member for Cheltenham (Martin Horwood) said, the thermohaline circulation. The UK faces not the advantageous outcome of gentle global warming in the south of England that allows us all to grow vines in our gardens but, were the gulf stream to switch off, a fall in average temperatures of between 4° and 6°, and perhaps as much as 10° in the winter. Recent research by Harry Bryden and his team at the National Oceanography Centre in Southampton, Europe's largest and pre-eminent marine research centre, found that there had been a substantial fall in the strength of the gulf stream since 1992. I very much hope that it is being affected by short-term considerations, but it certainly underlines the urgency of tackling climate change and the importance of addressing it politically.

The Bill contains useful measures. It sets targets and asks Ministers to report on them, and it enables Ministers to take action on a series of measures, including microgeneration and energy efficiency. Like my hon. Friend the Member for Cheltenham, I regret that some provisions have been dropped, especially those on renewable heat obligations. I hope that some of what remains, including some of the elements introduced by the Government with a degree of caution, will not be used; for example, I urge the Minister to tell us that he does not intend, in current circumstances, to use subsection (2) of clause 4. It provides that subsection (1), which allows the Secretary of State to set national microgeneration targets,

"does not apply unless on 1st November 2008 the Secretary of State considers that it would be appropriate to designate one or more targets under that subsection".

It is an all-purpose let-out and I hope that it has been included only for emergencies—genuine cases where the Government are not able to proceed, rather than something that they intend to trigger early on.

Generally, there are some useful measures in the Bill. I particularly hope that the Government will avail themselves of the powers that they would be given under clause 7, to enable the buy-back of surplus electricity from microgeneration schemes, because that would make an enormous difference to the incentives, about which we have heard from a number of hon. Members, for households to install such equipment. It would make a lot of sense for the Government to encourage energy efficiency. We know, and I hope that it will be properly reflected in the Minister's energy review, when it is published, that energy efficiency schemes are possibly among the most efficient ways to fill any gap in the supply of electricity.

I think that there is only one source of energy for the generation of electricity that is even more economical than the National Audit Office has found energy efficiency schemes to be: onshore wind power. I therefore hope that that is firmly in the mix, and the Bill would indeed allow that. For example, it would also allow the Government to designate, under the permitted development order powers, the installation of wind turbines automatically. Given the importance of this issue, it seem nonsense that we can install Sky television dishes, but not wind turbines under existing powers.

Clause 19 is also excellent, and I commend it to the House because it deals with community energy schemes. It would be particularly important in ensuring that local communities are in favour of onshore wind schemes and that they can participate sometimes in the benefits and certainly in the process of consultation before the construction of such schemes. An example of that is the Gigha scheme in Scotland, which has gone very smoothly. We have heard a lot from hon. Members on both sides of the House about the difficulties that occasionally arise about specific schemes, and those provisions could be one of the ways to resolve them.

A central theme of the Bill is the possibility of proceeding rapidly with decentralisation. We have also heard from hon. Members about the amount of waste that occurs in the generation of electricity from fossil fuels. Roughly a fifth of energy actually reaches the end-user and can be used usefully, once waste heat during the generating process, waste in transmission and waste in end-use are taken into account. The localisation and decentralisation of electricity generation makes an awful lot of sense. Of course the problem is that it is not the sort of solution that naturally appeals to civil servants sitting in Whitehall who like a big bang and who like to be able to wave a magic wand and say that they have the magic bullet and the magic solution. It is inevitably a solution that involves the activity of many millions of people, but given the technological progress that we have made, it is a very important solution, and I welcome the powers granted in the Bill that would help to achieve it. That brings me to my final point, as I am also aware that other hon. Members want to speak and that time marches on.

There is a growing recognition throughout the House, shown by the signatories to the cross-party agreement of five parties on climate change and evident among Government Members, that action is needed urgently. Certainly, the recent remarks of the Secretary of State for Environment, Food and Rural Affairs suggest that there is a growing realisation that we need to act urgently on this issue and that the Government and we as legislators must set a clear framework in which people can operate. This is a classic collective action problem. If someone stands up when watching a football match, the person behind has to stand up, and before we know it, everyone is standing up and no one has a better view. If we can reach a genuine assurance that everyone should continue to sit down, that everyone should save energy and that everyone should be prepared to charge their behaviour in most ways—not by disporting an excessive hair shirt—we can make real progress on climate change, albeit in a country that is responsible for only about 2 per cent. of carbon emissions globally.

Our standing in the international community and our ability to argue in the European Union and more widely for radical international measures depend on our ability to set a clear example. There is an enormous advantage both for consumers of energy and for people who are developing the new technologies of our being the first mover, recognising and adjusting to a new world where climate change is taken extremely seriously. With those thoughts, the Liberal Democrats very much support the measure. We congratulate the hon. Member for Edinburgh, North and Leith on its progress, and we very much hope that it will reach the statute book in short order.

12.15 pm

Andrew Selous (South-West Bedfordshire) (Con): I, too, pass on my condolences to the hon. Member for Edinburgh, North and Leith (Mark Lazarowicz) on the sad family bereavement that he recently experienced.

Like almost every hon. Member who has contributed to our debate, I very much welcome the Bill, particularly the fact that Members of Parliament can hold Governments of whatever party accountable for progress on carbon emissions. That is tremendously important: just as we will be held accountable by the electorate on the issue, the Bill gives us the power to hold the Government of the day to account. In time, that welcome power will lead to a much-needed reduction in carbon emissions. However, it has been pointed out that the major initiatives that will effect reductions in CO_2 emissions in this country are the energy review, which is currently on the Minister's desk, and the full implementation of emissions trading. Sadly, on current projections, the Government will miss the 2010 and 2050 targets. Although we all welcome the Bill with enthusiasm, we are right to temper that enthusiasm with a great deal of concern about the wider picture.

Just over a year ago, the general election took place. Contrary to advice, I made climate change a major feature of my election literature, but I was disappointed that it was little noticed by the constituents whom I met during the campaign. Afterwards, I asked a young man why that was the case. He said that many people of his generation did not fully understand climate change,

[Andrew Selous]

which had connotations of a warmer Mediterranean climate creeping on to British shores, thus preventing the need to hop on an easyJet plane from Luton for a summer holiday. That is a measure of the challenge that we face as parliamentarians—we must explain the issue in clear and simple language, and show why it is important. We should aim to do so in this debate. Weather patterns in this country will be disrupted, and we must consider the future of our planet. However, it is not just our children and our children's children who are affected, as climate change is killing people today. That point is not made often enough. According to the World Health Organisation, 150,000 people a year die as a result of climate change-related illnesses. It is important to stress that it is not just a future threat but an issue that is taking the lives of some of the most vulnerable people on the planet.

Martin Horwood: The hon. Gentleman has made an important point. Does he agree that climate change may well have contributed to the historic situation in the past 10 to 20 years in the horn of Africa? The heat wave in Europe only a couple of years ago, which may have killed 20,000 to 30,000 people, was probably a consequence of global warming.

Andrew Selous: I am grateful to the hon. Gentleman for mentioning the horn of Africa, because I was briefly going to give an example from that part of the world before returning to the substance of the Bill. He is absolutely right. As climate change affects less-developed nations, people are forced off their land—because there is no productive agricultural capacity—and that leads to war and conflict. Farmers in Ethiopia and elsewhere have found that they simply cannot grow what they grew 20 years ago. That is directly related to the climate change that the Bill rightly seeks to do something about.

Mr. Chope: My hon. Friend refers to climate change, but is he asserting that it is all the result of man-made climate change?

Andrew Selous: The vast mass of the scientific evidence is that carbon emissions produced from buildings and transport are the primary producers of the carbon that goes into the atmosphere. I find the overwhelming weight of the scientific evidence such that none of us can dispute it. One of the candidates who stood against me at the last general election denied the existence of climate change. By the time that I come to defend my seat if my local party should choose to pick me as its candidate at the next general election, I very much hope that none of the candidates will dispute the existence of climate change. We must move beyond asking ourselves whether the problem exists. We will not make progress unless we accept the overwhelming weight of scientific evidence from this country, the United States of America and elsewhere.

It has been pointed out several times that the UK produces only 2 per cent. of the world's carbon emissions. If we are to take the issue seriously—welcome as the Bill will be in holding the Government of the day to account—it is essential that we have an international framework with real teeth to consider the issue on a global basis. The United Nations is the only possible organisation that could take that role and provide a moral lead.

I return to points that are closer to home and more relevant to the Bill. Several hon. Members have quite properly mentioned the role of local authorities, of which I would like to mention three. We have heard about Braintree and its excellent scheme of giving council tax reductions to the local residents who have cavity wall insulation of a certain standard. That is practical and results in a meaningful financial gain to people and helps to reduce climate change emissions. Why are the Government and the Local Government Association not rolling that out across the country? If it works in Braintree and is sensible there, why is it not happening more widely? Perhaps the Minister could let us know if there are any moves to extend the measure to other local authorities.

I also wish to comment on the local authority in Woking. Coincidentally, and like Braintree, it happens to be Conservative run, and it has been highly innovative in producing the first commercially operating combined heat and power station of its kind in the country. I understand that it is up to 90 per cent. efficient and produces very few serious emissions. Fuel poverty has been mentioned in the debate and it is covered by the Bill, and I note that pensioners in social housing in Woking have made savings equivalent to 6 to 7 per cent. of their income. Owner-occupiers have made savings of between 7.5 and 10 per cent. It is a win-win situation. People who are often on low incomes and in need have money taken off their fuel bills and something is done about the carbon emissions produced in this country.

Many hon. Members may know that Ken Livingstone, having seen what happened in Woking, pinched Woking's borough engineer, Allan Jones, who now heads the London Climate Change Agency. Ken Livingstone has made the point that the great cities of the world produce about three quarters of carbon emissions globally. So there is a real opportunity for great cities, both in this country and around the world, to do something to make a difference as far as climate change is concerned.

That relates to the points that several hon. Members have made about the inefficiency of the national grid. I hope that we will move away from the concept of a national grid in time. We know that, on average, coal-fired power stations are only 36 per cent. efficient, gas 46 per cent., and even nuclear only 38 per cent. Some 70 per cent. of carbon emissions from London are wasted in the transmission of power from centralised power stations to buildings in London. We will all be watching with interest as Allan Jones rolls out what he has done in Woking in London. That is very welcome.

A great deal of new housing, across the country and particularly in the south-east, is planned by the Government. It is true that the Government have brought in new part L building regulations, which are compulsory, and which will, I believe, lead to a 40 per cent. increase in energy efficiency. That is good and welcome as far as it goes. However, I do not understand—perhaps the Minister can enlighten us today—why the Government have been so reticent in

not enforcing the Building Research Establishment standards, which are known as BREEAM—the Building Research Establishment environmental assessment method. For domestic housing, the term is EcoHomes. Those standards are voluntary and frankly there is not the will and they are ignored by developers at the moment. If the Government are really serious about the issue and about making progress, why are they not bringing those much higher standards into force?

In my county of Bedfordshire, there is a firm called Agrifibre Technologies. I have no financial link with it, but its managing director is one of my constituents. He tells me that he is able to produce £40,000 affordable houses to extremely high environmental standards—in fact, they are all made from renewable materials. However, he gets pushed from Government agency to Government agency and is unable to roll that scheme out to the extent that he would like.

I have seen recently from my constituency mailbag that the first wind turbine will be going up on a house in my constituency. I welcome that. However, as other hon. Members have said, the £265 planning fee for those domestic wind turbines seems excessive, as does the fact that one has to have planning permission at all. Sky dishes and antennae do not require planning permission, so that seems curious.

Luton airport is close to my constituency. We know that the current Government projections for aviation growth show the entire quota of CO_2 emissions being taken up, as far as this country's international targets are concerned. There is a large issue in relation to aviation growth that is not being remotely squared. We wait to find a proper answer.

Many hon. Members have referred to the issue of leaving electronic gadgets on stand-by. That seems to be yet another example of the House of Commons telling people to do as it says, but not as it does. I hope that moves can be made to ensure that more of the equipment in Members' offices, and particularly the television monitors, can be turned off when we are not here.

Ms Diana R. Johnson: I have managed to turn off the television in my office—there is actually an on-off button. I am surprised to hear that Opposition Members have not been able to do so.

Andrew Selous: I am not sure when the hon. Lady became a Member, and perhaps hon. Members have different generations of equipment. I am not sure that it is possible to do that with all the monitors, and certainly the advice from the Serjeant at Arms Department is to leave them on. The issue needs to be examined, but I am delighted that the hon. Lady is setting a personal example.

Biomass can make an important contribution to reducing carbon dioxide emissions. It is especially sensible for the UK to go down that route because biomass could provide us with our own safe supply of energy. We would thus not need long transport routes to bring energy to this country and, additionally, we could provide a lot of help to our beleaguered farming community.

12.31 pm

Michael Gove : Like many Conservative Members and, indeed, hon. Members on both sides of the House, I welcome the Bill. I join them in paying tribute to the hon. Member for Edinburgh, North and Leith (Mark Lazarowicz) and expressing my condolences for his inability to be here today. I am sure that we all send condolences and best wishes to his family, too.

There is widespread consensus across the House on the specific dangers that we face as a result of climate change. Indeed, as the hon. Member for Cheltenham (Martin Horwood) pointed out, that consensus now includes the Pentagon. It is a remarkably wide consensus that can embrace both Liberal Democrat Front-Bench spokesmen and the Pentagon, but I am glad that it has been reached.

While we all recognise that climate change is occurring, there are others, many of whom are mainly well-intentioned sceptics, who argue that the man-made contributions to the process of climate change have been exaggerated. Two things must be said to that. The balance of scientific opinion—from David King, the Government's chief scientific adviser, down, up, or across—is that man-made contributions play a significant role in accelerating the process of climate change. I would not like to put my judgment in balance against the huge weight of scientific evidence that suggests that man-made contributions play their part.

More than that, however, we should broadly apply a prudential principle when considering something as immense as climate change. While I absolutely believe that we need to balance risk and prudence in many areas of life, we are considering something as momentous as our planet's climate, its impact on the environment, its impact on biodiversity and, as my hon. Friend the Member for South-West Bedfordshire (Andrew Selous) pointed out, its impact on international development. When we weigh all those considerations in the balance, we need to step carefully—to ca'canny, as we say in my native Scotland. That means that by erring on the side of caution, we should give the Bill a fair wind.

The Bill will achieve much more than simply a step change in our national contribution to combating climate change because it will also lead to welcome developments in the energy field. By promoting microgeneration, it will play a part in helping us to achieve greater national energy security, and it will help us to embrace the principle of decentralisation and competition in the provision of energy supply.

As I am sure that we are all aware, there have been ominous developments abroad, not just in Russia but in the middle east, that put at risk our over-reliance on fossil fuels. Oil and gas, for a variety of reasons, are overwhelmingly located in countries in the middle east or the former Soviet Union that are either fundamentally politically unstable, or in the hands of regimes that, to put it mildly, do not have our best interests at heart. Anything that we can do to encourage domestic energy generation, especially microgeneration, is welcome.

Mr. Newmark: I reflect again on the speech made by the hon. Member for Blaydon (Mr. Anderson). We have a huge supply of coal in this country, so we should

[Mr. Newmark]

not throw fossil fuels right out of our thinking. We should think about harnessing new technologies. The hon. Gentleman talked about carbon capture and carbon sequestration, which mean that no CO_2 is released into the atmosphere. We must be creative in our thinking and ensure that the Government give the necessary economic stimulus to our fossil fuels, as long as those fuels do not chuck out loads of CO_2 into the air.

Michael Gove: My hon. Friend makes an important point. I know that he has a long-term commitment to the north-east and therefore has the interests of mining communities and former mining communities very much to heart. We on the Opposition Benches would stress the vital importance of pluralism in energy supply. I do not think that any of us would contemplate the disappearance of fossil fuels in playing a part in the generation of energy tomorrow. I think that we all recognise that the imaginative use of fossil fuels in future, particularly in harness with new technology, can play a significant role. I pay tribute to some successful energy companies, not least BP and Shell, that have been pioneering new ways to ensure that fossil fuels can play an appropriate part in a balanced energy strategy.

Mr. Newmark: As Members may or may not be aware, there is the threat by UK Coal to shut down 70 to 75 per cent. of the mines that it has remaining. There is urgency in stimulating and doing what we can to harness new technologies to save the coal industry, which is a strategic resource and part of our debate, in terms of providing sustainable energy for our country.

Michael Gove: My hon. Friend makes an important point. The Minister with responsibilities for energy is in his place and I am sure that he will take into account in his deliberations the future of energy policy and my hon. Friend's passionate commitment to coal mining communities.

Not only should microgeneration and diversity of supply play a part in securing our national interest in energy security in future, but encouraging microgeneration is a way of embracing the principle of pluralism, which has been alluded to, to create the right sort of energy market. My hon. Friend the Member for Tunbridge Wells (Greg Clark) referred to the Jurassic age of energy policy in the past, and we all know what he means. It is the man in Whitehall knowing best and taking decisions about the future of energy in a way that was Gosplan-ish at best. We need to ensure that we have genuine pluralism and that people are encouraged to play their part in providing energy to the grid rather than being passive consumers at the behest of decisions that are taken at a strategic level that provide insufficient diversity to ensure that we have the right energy structure in future.

In that respect, the Bill should be welcomed, and not only by those people who are natural environmentalists. It should be welcomed also by those people who take our national security seriously and by those who believe in competition, diversity and pluralism in markets.

There is another reason why the Bill should be commended, and that is new clause 28, which was introduced by my hon. Friend the Member for Bexhill and Battle (Gregory Barker). The clause enjoins local authorities to take account of climate change and microgeneration when they consider planning development. The clause is important because, as some hon. Members may know, housing is dear to my heart. I and my party accept that there is a pressing need for new housing development. Unfortunately, there is a need to expand supply to meet the growth in households. Over the past 10 or 15 years we had a mismatch between the growth in the number of households and the provision of new homes. Between 1991 and 2000, according to figures from the Office of the Deputy Prime Minister, about 500,000 new households were created for which no new homes were supplied. We need to provide new homes for those people for reasons of social justice. We must also do something about the runaway rate of house price inflation.

As we accept the need for new homes, we must recognise that there is resistance to new development. We need to analyse why that new development is resisted. The Secretary of State—

Madam Deputy Speaker (Sylvia Heal): Order. Will the hon. Gentleman now relate his remarks to the contents of the Bill?

Michael Gove: Thank you, Madam Deputy Speaker.

One reason for the resistance to new development is that people recognise that new housing development contributes to CO_2 emissions, and that new housing development can have a detrimental impact on our environment. New clause 28 directly addresses that well-founded fear, which exists among my constituents and throughout the south-east, as well as throughout the country.

We saw recent evidence of the concern that many communities have about the impact of development on the environment in the response of the new Secretary of State for Communities and Local Government to a series of developments literally in her own backyard. The right hon. Lady made an admirable plea for more housing when, recently, she was on the "Today" programme. The reality of the situation in her constituency is that she has been the ally of those resisting development. Why? The answer is that the system under this Government does not provide people with the necessary assurances that they need to welcome new development.

People need assurances that infrastructure will be funded, that their wishes will be heeded and that local government will play a vital role in shaping new development. People need to know also that the environment and environmental considerations will play a part in new development. My hon. Friend's clause will enshrine in law a requirement for local authorities to take that into consideration, and therefore play a part in building the new consensus that we need on genuinely sustainable development.

I alluded earlier to the consensus stretching from the Liberal Democrat Front Bench to the Pentagon on the need to tackle climate change. I would like a consensus

to emerge across the House on the need to understand why there has been resistance to housing development in the past. That consensus should include an appreciation of the vital importance of ensuring that new homes are eco-friendly and play their part in the battle against climate change. My hon. Friend the Member for South-West Bedfordshire has talked about practical examples of that trend, and my right hon. Friend the Member for Witney (Mr. Cameron) has put the matter at the heart of Conservative housing policy.

The Minister for Energy (Malcolm Wicks): I am following the hon. Gentleman's argument with great interest. He seems to be putting forward a hypothesis that nimbys are essentially eco-warriors demanding that new housing development should have higher standards. Has that heroic hypothesis been tested empirically in his own constituency?

Michael Gove: Yes, it has. During the general election campaign, and in the course of carrying out my duties as a constituency MP, I have found that one of people's prime concerns about new development is its impact on the environment. There is a direct relationship between them. The Minister uses the term "eco-warriors". Most of us remember that the most famous eco-warrior, Swampy, found himself operating arm in arm with tweedy Conservative ladies in Berkshire and elsewhere in the home counties in resisting development. He was resisting transport developments. Whether we use the dismissive term "eco-warriors" or the term that I prefer, "conscious environmentalists", we must acknowledge the direct link between concern for our environment and resistance to development. Unless we address that link and ensure that people realise that development can be environmentally conscious, we will continue to stoke resentment towards new development.

Martin Horwood: The hon. Gentleman seems to be questioning the commitment of some members of his party to transport development. Will he join me in condemning Conservative councils such as Gloucestershire county council, which has shifted money out of climate-friendly integrated transport and into road maintenance?

Michael Gove: The hon. Gentleman tempts me, literally, to go down a road that I have not travelled before. As I am unfamiliar with what the admirable and enlightened leaders of Gloucestershire county council have done, I shall not comment on that matter. I also notice that Madam Deputy Speaker is suggesting, with a flutter of her eyelashes, that this is perhaps slightly off topic.

I wish to see the Bill pass on to the statute book, not only because it tackles the issue of climate change but because it makes a contribution to energy security and to competition. I particularly want to see it pass on to the statute book because my hon. Friend the Member for Bexhill and Battle has made a direct contribution to building a durable, eco-friendly consensus in favour of matching new development with a sensitive concern for the environment.

12.42 pm

Mr. Christopher Chope (Christchurch) (Con): It is a pleasure to follow my hon. Friend the Member for Surrey Heath (Michael Gove), with whom I agree absolutely that there is a good bit in the Bill about energy security. There is also some important stuff about diversity of supply and the promotion of competition. I disagree with him, however, on whether there is a balance of scientific opinion to show that clause 1(1) makes the correct assumption on which to base the Bill. The clause states:

> "The principal purpose of this Act is to enhance the United Kingdom's contribution to combating climate change."

Having looked at quite a lot of evidence, it is my considered opinion that the case for that assumption has not been made. Indeed, I would say to my hon. Friends the Members for Surrey Heath and for South-West Bedfordshire (Andrew Selous), and to other hon. Friends who have spoken so ably in the debate, that they should look at the article by our noble Friend, Lord Lawson of Blaby, which was published in *The Spectator* in March this year.

Chris Huhne: I find the hon. Gentleman's remarks on the weight of scientific evidence slightly curious, given that the world community has set up the intergovernmental panel on climate change. Since the 1980s, the panel has generated a succession of documents drawing attention to the overwhelming evidence. There is no other example of such a structure or precedent for it in the scientific community. I wonder whether he should at least be reassured by that, and give a little more weight to the deliberations of the intergovernmental panel on climate change than to the no doubt excellent deliberations of Lord Lawson of Blaby.

Mr. Chope: Following that long intervention, I hope to have the chance to refer to issues such as those that the hon. Gentleman mentioned. I thought that a good starting point for colleagues in my party would be the assessment made by a former very distinguished Chancellor of the Exchequer and indeed Secretary of State for Energy.

I hope that my hon. Friends will look at the article, which covered three pages in the 11 March edition of *The Spectator* and was headed "Deep thought: Climate of superstition". The byline was:

> "Nigel Lawson says that the only way to deal with global warming is to reject the religious zeal of the green lobby".

I shall not refer to the article at great length, because hon. Members can read it.

Gregory Barker: Nigel Lawson was a great reforming and pioneering Chancellor of the Exchequer who did many great things for the British economy, but I am slightly mystified as to why he should be quoted as a great guru on climate change. Will my hon. Friend tell me what it is about the office of Chancellor of the Exchequer that prepares and trains Nigel Lawson to lecture the rest of the world on climate change and the specific science about it?

Mr. Chope: Our right hon. and noble Friend Lord Lawson has experience as not only Chancellor of the Exchequer but Secretary of State for Energy. He also has been serving on a Committee in the other place considering the economic effects of global warming and the best cost-effective measures that can be taken. As my hon. Friend will know, the conclusion from the Committee's report is that we should be investing in dealing with the consequences of climate change and global warming rather than trying to spend all our resources on fighting global warming on the doubtful premise that it is all man-made and that by changing our behaviour in this country we can change the planet. That is what our right hon. and noble Friend has been considering in depth in the other place. It is with reference to the report and to the evidence taken by that Committee that he writes his article, which I commend to the House and to my hon. Friend.

I hope that we will have a chance to reflect on what has happened since 24 March, when this debate began. We are now in a position in which neither my right hon. Friend the Member for Bromley and Chislehurst (Mr. Forth) nor the promoter of the Bill is present, and I join others in sending both of them our best wishes.

Other things have also happened since 24 March, however. My hon. Friend the Member for Bexhill and Battle (Gregory Barker) has been to see the Norwegian fjords, and I hope that he will find time in his speech to give me a line to take on a letter from Philip Stott, emeritus professor of biogeography at the university of London. He states:

"Norwegian glaciers are especially complex, some advancing and others retreating, depending on the balance between winter snow and summer melt. From 1930 to 1990, most retreated. However, from 1963 to 2000, maritime glaciers tended to grow significantly, like the Nigardsbreen, which has advanced 280 metres in two decades."

He concludes that

"the climate changes and...influences glaciers in complex ways".

Gregory Barker: I will deal specifically with my hon. Friend's point in my winding-up speech. My right hon. Friend the Member for Witney (Mr. Cameron) and I did not visit the Norwegian fiords, and we did not take a little cruise around the coastline. We were several hundred miles north of the Norwegian mainland at Spitzbergen in the high Artic. My hon. Friend's geography, rather like his science, is out.

Mr. Chope: Well—

Madam Deputy Speaker: Order. Having had that point clarified, perhaps the hon. Gentleman will look at the content of the Bill and address his remarks to it rather than whatever did or did not take place in Norway or wherever else.

Mr. Chope: Absolutely, Madam Deputy Speaker. I shall move on to that subject straight away, which means that I will not have to respond to the attack on my intellectual capabilities. When I refer to the balance of scientific opinion, it does not mean that I have conducted research—it means that I have looked at other people's research.

Chris Huhne: The hon. Gentleman is undoubtedly right that some glaciers have extended and some have retreated. However, he must recognise that the balance of evidence—for example, recent studies of west Antarctica—indicates that glaciers have been in retreat overall. There is firm evidence for the hypothesis, which the intergovernmental panel on climate change has resolutely supported, that we face a serious climate change problem that has been generated by man.

Mr. Chope: Again, the hon. Gentleman has made an assertion based on the work of the intergovernmental panel on climate change. Since he places such emphasis on that organisation's work, I hope that he therefore accepts the findings of its draft 2007 report, which is available on the internet, which states:

"Even if greenhouse gases level off now, warming will continue at about the current rate for several decades."

That is new information since we started this debate on 24 March. The consequence of that statement is that warming is inevitable and unavoidable for several decades, which surely makes the case stronger for investing in combating the consequences of warming rather than engaging in a futile attempt to prevent it in the first place.

A second change since 24 March was the publication of a letter from 41 distinguished international scientists in *The Sunday Telegraph* on 23 April, which is St. George's day—perhaps my hon. Friend the Member for Bexhill and Battle was celebrating St. George's day on 23 April and did not see it. The letter stated:

"Global climate changes all the time due to natural causes and the human impact still remains impossible to distinguish from this natural 'noise'".

The scientists also noted:

"observational evidence does not support today's computer climate models, so there is little reason to trust model predictions of the future."

Martin Horwood *rose—*

Mr. Chope: I shall give way to the hon. Member for Cheltenham (Martin Horwood), who has attacked my right hon. Friend the Member for Bromley and Chislehurst for taking up so much time in this House. I remind the hon. Gentleman that when this debate started on 24 March, my right hon. Friend was the only Member to rise in his place. If the hon. Gentleman had been present then, he would have been able to rise in his place and be called.

Martin Horwood: The hon. Gentleman seems to be very dismissive of some of the climate change models that attribute anthropogenic source to global warming, which presumably includes the model recommended by David King, the Government's chief scientific adviser. Last year, David King said that the 0.6 per cent. increase in atmospheric temperature was exactly as would have been predicted from the increase from an historic range of 200 to 220 parts per million of CO_2 to 379 parts per million. That model seems to suggest that the link between emissions and climate change is spot on.

Mr. Chope: The model is based on an heroic hypothesis, to quote a phrase used by the Minister.

Another change that has come about since our previous debate on 24 March is the publication on 1 May of an article by Ruth Lea, the director of the Centre for Policy Studies.

Dr. Whitehead: I suspect the hon. Gentleman's science, as well as his geography. He is also wrong about the date of the beginning of Third Reading, which was 17 March.

Mr. Chope: If I recollect correctly, Report started on 17 March and we did not move on to Third Reading until 24 March. However, that point is of little import, except that the hon. Gentleman uses it to attack my knowledge.

The hon. Gentleman is not going to prevent me from referring to the excellent article by Ruth Lea, which is headed, "The idea everyone agrees on climate change is a fallacy". Many hon. Members will be unaware that she is a trained statistician and therefore in a strong position to be able to comment on the statistics of the issue. She says that the 0.6° C increase in global average surface temperatures is within the limits of natural statistical error and that global average air temperatures have not changed over the past 20 or 30 years.

Michael Gove: My hon. Friend is making it admirably clear that he is sceptical about the scientific consensus on the arguments for an anthropogenic source of climate change. May I put it to him, however, that given that he agrees that the Bill serves admirable energy security and competition ends, it is worthy of his support notwithstanding that scepticism?

Mr. Chope: Certainly, I shall not be objecting to the Bill's Third Reading; nor will I seek to take up so much time that we do not have a chance to hear from my hon. Friend the Member for Bexhill and Battle and the Minister. That is very much in the spirit of the way in which the Bill has been debated. I accept that it is not wholly bad, but it is based on a false premise, and that is the purpose of my remarks. Nevertheless, I hope that there will be an amendment in the other place to get rid of parts of clause 13, which I do not like at all.

The Prime Minister has rightly said that

"there is no serious answer to climate change except at an international level."

He exemplified the importance of international agreement by pointing out that

"as a result of the growth being experienced by China, we estimate that even if we shut down all the emissions in this country, it would take the Chinese economy about 12 months to make up the difference."—[*Official Report*, 3 May 2006; Vol. 445, c. 966.]

He probably had in mind the fact that China is producing 562 large coal-fired power stations between now and 2012 and producing a new coal-fired power station every five days for seven years.

Even the most enthusiastic supporter of the Bill would not say that it is about shutting down all carbon emissions. At its most ambitious, it is about shutting down 4.5 per cent. of total UK carbon emissions by 2050—about 45 years hence. That figure is gleaned from the microgeneration strategy report that we asked about during the earlier parts of our proceedings, which was eventually produced by the Government just before the expiry of the 18-month deadline. That report refers to the study by the Energy Saving Trust commissioned by the Department of Trade and Industry which suggested that by 2050 widespread installation of microgeneration could be reducing household carbon emissions by approximately 15 per cent.

We already know that household carbon emissions make up about one third of total UK carbon emissions. Fifteen per cent. of 30 per cent. is a 4.5 per cent. reduction in carbon emissions in the UK over that 45-year period. To use the example quoted by the Prime Minister, in the time between Report in March and today the Chinese economy has already made up the difference. That is the scale of what we are debating. Just in the past six weeks, China has already increased its carbon emissions by more than the amount by which UK emissions would be reduced if all the microgeneration proposed in the Bill were to come about, which would only reduce UK emissions by 4.5 per cent. by 2050. UK emissions are at the moment *only 2 per cent. of global emissions.* Therefore the Bill, and clause 1 certainly, grossly exaggerates and oversells the ability of individual householders or Government in this country to deal with the "problem" of climate change and global warming.

David Howarth (Cambridge) (LD): Does the hon. Gentleman accept the moral principle that one should act in such a way that if everyone else acted in that way, the result would be acceptable? If everyone acted in the way that he suggests—all ignoring the fact of global warming because no one else can act efficiently or effectively enough to solve the problem—the result would be a disaster. Does he not accept that the moral imperative is to set an example to the rest of the world?

Mr. Chope: The hon. Gentleman obviously bases that moral imperative upon his reading of the science. I remind him that the UK has set, in his own terms, a very good example to Europe and to the world. Between 1990 and 2003, CO_2 emissions in the UK fell by some 6 per cent. The fact that they have risen since this Government came to office is not a debating point that I want to make now, because I think that the overall picture is that the UK has done well. However, in that same period Spain increased its emissions by 32.9 per cent.; Portugal, where so many of us enjoy holidays, increased its emissions by 92.2 per cent.; Ireland, whose economy is booming—no one seems to be suggesting that that is a bad thing—increased its emissions by 38.5 per cent.; and Finland increased its emissions by 65.3 per cent., although, as we know, it is trying to deal with that by introducing a new generation of nuclear-generated electricity, which I think is a sensible response.

I do not think anyone would suggest in their wildest moments that the UK has not been setting an example. The point is that that example is not being followed by even our friends in Europe, let alone further afield, so is it wise that we should be legislating to encourage the desecration of our townscapes, landscapes and "ruralscapes", with a lot of windmills as a gesture towards dealing with the problem of climate change?

[Mr. Chope]

Would we not be much better off ensuring that we preserved our environment—the built environment and the landscape environment—for future generations in a similar form?

My concern about the Bill, which I ventilated during the discussion of the microgeneration strategy, is that public opinion is being softened up to relax planning controls over windmills, in the name of the necessity of our contributing to reducing global warming. Unfortunately, the Chinese have other ideas. When the Government implement parts of this Bill—if it ever becomes law—I hope that they will put this policy in context, and will not try to dupe the general public into thinking that they have to put up with the desecration of our countryside in the name of addressing climate change.

The figures that I quoted earlier—I modestly say that they are unarguable—show in stark terms that the Bill is utterly irrelevant to global climate change, yet it threatens to cause a lot of damage to our treasured urban and rural landscape. I hope that we will have a chance later today to debate the Bill dealing with town gardens, which provides another way of addressing a problem that this Government are making substantially worse.

The Bill before us also threatens to impose a substantial economic burden on electricity producers by forcing them to buy back surplus microgenerated electricity at an uneconomic price. Electricity producers already provide a service in this regard, in that they allow householders to install microgeneration equipment, which they will buy back, but at a price that is economic to them. E.ON UK, for example, whose representatives I met not long ago, does just that. However, the Bill could result in the electricity industry being required to buy back microgenerated electricity at an uneconomic price, which, as economists, we all know will result in extra costs being imposed on all consumers, including, ironically, those in fuel poverty.

Malcolm Wicks: I do not want to spend a lot of time correcting the hon. Gentleman, but I should point out that the Bill does not set the price. That is another thing that he is wrong about.

Mr. Chope: Exactly—the Bill does not set the price, but it enables the Government to do so, which is my worry. The microgeneration industry's argument is that at the moment, the market is insufficiently active and needs a bit more subsidy—in other words, taxpayers' money to prop it up. If the Minister assures us in his closing remarks that no such subsidy, or cross-subsidy, will go into the microgeneration buy-back, I shall be delighted, but I shall also be extremely surprised. My understanding is that the Bill's whole purpose is to facilitate cross-subsidy of, and taxpayer subsidy of, the microgeneration industry. So the Bill could add to the cost burden on those who are least able to bear it. I hope that the Government can allay my concerns in this regard.

I turn to one or two specific issues arising from the Bill. Clause 10, which was clause 9 before Third Reading—I am glad that the Bill was reprinted following its amendment—deals with an issue that we debated at length on Report: permitted development rights. I am pleased to say that the Minister at the then Office of the Deputy Prime Minister, the hon. Member for Pontefract and Castleford (Yvette Cooper), wrote to me on 10 May, saying that concern had been expressed on 17 March that this clause might allow the installation of very large structures, such as 50 kW wind turbines, in people's back gardens.

The letter states, helpfully:

"The Bill requires the Secretary of State to form a view as to what provision should be made in secondary legislation to further facilitate the installation of microgeneration equipment by removing unnecessary planning controls. The aim will also be to ensure that planning authorities and householders have a clearer idea of the situations in which microgeneration equipment can be installed without the need for a planning application.

In conducting the review ODPM will consider carefully the impacts of possible changes. We want to ensure that sufficient control is retained over permitted development to protect the reasonable interests of neighbours, the environment and the wider community. We will, therefore, have regard to amenity considerations for the permitted development of microgeneration technology, including the impact on visual appearance, and the implications of any potential nuisance, such as noise, vibration and 'flicker'."

That is an important concession by the Government and I am glad to get it, even though it took the best part of two months to provide.

The letter continues:

"Consideration will also be paid to how permitted development limits should be varied for development in sensitive locations including National Parks, areas of outstanding natural beauty and conservation areas, works affecting listed buildings and their setting, and developments in Green Belts. A key part of the review will be a full public consultation on what might be permitted. Once responses...have been considered the Secretary of State will report to Parliament on the recommendations of the review and set out any proposals for change."

That will allay much of the concern that has been expressed about the possible implications of clause 10.

The other specific issue that I wished to raise is the time limit for prosecutions in clause 13. I mentioned earlier my hope that the other place would amend the Bill, and I had clause 13 specifically in mind. The clause would allow prosecutions for contravention of certain building regulations to be started within two years, beginning on the day on which the offence was committed. It would also allow the relevant date for assessing that to mean

"the date on which evidence sufficient to justify the proceedings comes to the knowledge of the person commencing the proceedings."

The sole judge of whether and when sufficient evidence is known will be the local authority, which will also be the very body charged with bringing the proceedings.

Clause 13(5) states that

"evidence is to be regarded for the purposes of subsection (4) above"—

which I have just quoted—

"as sufficient to justify the proceedings if in the opinion of the proper officer or an authorised officer it is sufficient to justify the proceedings".

That is a dangerous precedent, and when my right hon. Friend the Member for Bromley and Chislehurst (Mr. Forth) expressed his concerns to the shadow

Attorney-General, he said that he had not previously been aware of it, but he also thought that it was a matter for concern. I hope that that concern will be articulated in the other place and result in amendment of the Bill.

One of the advantages of the changes in procedure is that we will have the opportunity to consider Lords amendments to private Members' Bills in October, which should allow this Bill to be considered in depth in the other place. If the Minister wishes to try to justify the draconian powers in clause 13, let him. The Bill is based on a fallacy, or at least an unproven hypothesis. We cannot lightly dismiss the views of a host of international scientists who are not self-serving like the scientists of the intergovernmental panel on climate change, who consider only their own model, which is based on various hypotheses. It is rather as if we were to say that the Treasury economic model must be right because it was produced by the Treasury, when we know very well that on many occasions the Treasury model has turned out to be wrong.

Many other scientists, who are not involved with that self-serving organisation, have looked independently at the data and reached different conclusions about the impact of man-made contributions to climate change and about the consequences of global warming. It is disappointing that the Bill's main purpose is based on a fallacy.

As a result of the debate, I hope that many more people will make the sort of challenge that my hon. Friend the Member for South-West Bedfordshire (Andrew Selous) said that he had received during the general election campaign. They will wake up to what is happening and realise how certain pressure groups are trying to use climate change to delude the public and justify new regulations and burdens on our people, resulting in deprivation of liberty. Many people are involved in that sinister process, and many who should know better are being caught up by it.

I can best conclude my remarks by drawing the House's attention to the quotation from Schopenhauer at the beginning of Lord Lawson's article in *the Spectator*:

> "There is no opinion, however absurd, which men will not readily embrace as soon as they can be brought to the conviction that it is generally adopted."

I hope that many Members who have already spoken will reflect on the danger of falling into a cosy seductive consensus trap.

1.17 pm

Gregory Barker (Bexhill and Battle) (Con): I am sorry that the debate has finished on that rather disconsolate note. I could not disagree more with my hon. Friend the Member for Christchurch (Mr. Chope) on these issues, but he has every right to air them. It always does one good to hear one's views tested by argument, so perhaps he has performed a service in that regard.

The debate has been constructive and we have seen the House of Commons at its best, with some insightful speeches from both sides of the Chamber. If I had to pick out only one thing from them, it would be the welcome emerging cross-party consensus—not a love-in but a challenge to each other to go further, to drop our preconceptions and think outside our party boxes when tackling climate change. That has to be a good thing.

There is widespread concern across the House about the need to mainstream many of the new technologies that are still in their infancy but which clearly have much to offer us in tackling the effects of climate change and steering us away from a carbon economy. In particular, there is widespread support for microgeneration, which offers huge potential, but if we are to realise that decentralised vision of electricity generation, we will need to do much more than adopting the measures in the Bill. We shall need to look in more detail at the remit of Ofgem. We shall need to look at easing restrictions on private wire systems, such as happened in Woking, and at making the renewables obligation more sympathetic to smaller generators and consumers. All those things are very important and very much within the purview of the forthcoming energy review, which, I hope, will not just be a mono-focus exercise on the nuclear industry, but go much wider than that.

As I said, there have been many excellent contributions, which started with my hon. Friend the Member for Croydon, South (Richard Ottaway), who pointed out that the Government's language is very supportive of the Bill, but that they will be judged on their action and how they implement it if it passes on to the statute book, following its passage through the House of Lords. He also raised concerns about the energy sector, with the need for a clearer framework for attracting the long-term investment from the private sector that is crucial in combating climate change.

The hon. Member for Hove (Ms Barlow), who is not in her place now, and who is a distinguished member of the Environmental Audit Committee, also pointed out the huge benefits of microgeneration and CHP. The hon. Member for Edinburgh, West (John Barrett) spoke of the impact of climate change on natural habitats. The hon. Member for Blaydon (Mr. Anderson) made an impassioned plea for a new generation of clean coal, threw down a challenge to find effective clean-coal solutions and offered up the possibility of the greater use of carbon sequestration technology.

My hon. Friend the Member for Braintree (Mr. Newmark) rightly championed the pioneering scheme of Braintree district council, which offers council rebates for those householders who install cavity-wall insulation and other energy-saving measures. I very much hope that that initiative will be taken up not just by Conservative councils around the country, but by all councils, as it seems to be an excellent way in which just a small amount of money can trigger widespread changes in behaviour. Energy efficiency is practical and makes good economic sense.

Martin Horwood: The speech to which the hon. Gentleman has just referred also made a slightly erroneous reference in terms of Woking's excellent environmental record by describing it as a Conservative council. Is he aware that the largest party on Woking borough council is made up of Liberal Democrats, and that they are the most recent party to hold majority control?

Gregory Barker: I am aware that Woking has a long history of no overall control and that the leadership

[Gregory Barker]

has ebbed and flowed between the Conservatives and the Liberals, and I stand corrected.

The hon. Member for Glasgow, North (Ann McKechin) made a thoughtful and wide-ranging speech and drew attention not only to the colder climate in Scotland, which necessitates much more heating, but to the limited access to gas, particularly in rural areas, and many other factors that make homes in Scotland particularly hard to heat. She rightly drew our attention to the menace of electrical appliances left on stand-by.

My hon. Friend the Member for Basingstoke (Mrs. Miller), who made a particularly powerful, lengthy and compelling speech, reminded us that climate change is an issue that we must all address. I am grateful to her for supporting my amendment, which will empower local authorities to consider both energy efficiency and microgeneration when discharging their functions, particularly in relation to planning. She is absolutely right: we must be more ambitious in reducing demand for electricity in new-build houses.

The hon. Member for Bishop Auckland (Helen Goodman) played a thoughtful and positive part in the Standing Committee on the Bill and rightly pointed out that, on a per capita basis, we are a very significant emitter of global CO_2 and that we must therefore play a global leadership role.

The hon. Member for Angus (Mr. Weir), who spoke for the Scottish National party, made a passionate and hard-hitting defence of the cross-party consensus on climate change. He and his party are a very important part of that agreement and helped pioneer that consensus, which we need to strengthen and develop. I welcome his profoundly sensible comments. It is just a shame that, to date, we have yet to welcome the Labour party into that consensus, but I am ever hopeful.

The hon. Member for City of Durham (Dr. Blackman-Woods) made a fine speech, and I found myself nodding vigorously. She is absolutely right to say that we must promote microgeneration to the mass market, to bring down costs and to make those technologies mainstream. I am grateful for her support for the amendment that I succeeded in making to the Bill, which now provides parish councils with the power to promote community energy schemes.

My hon. Friend the Member for Ruislip-Northwood (Mr. Hurd), who is a distinguished member of the Select Committee on Environmental Audit, made an impressive and thoughtful speech about the measures in the Bill and in the energy review, and the need for transparency and rigour in auditing progress if the Bill is enacted. He pointed out the tremendous potential of microgeneration both to reduce fuel poverty and to promote renewables, energy efficiency and a culture of responsibility among consumers. The hon. Member for Llanelli (Nia Griffith), too, made a thoughtful speech in support of microgeneration and the need to do more to encourage the rapid expansion of the industry.

The hon. Member for Cheltenham (Martin Horwood) spoke at length about the potential of microgeneration, but he misconstrued my comments last week about quality-of-life issues. I was trying to make the point that we cannot just see climate change through the narrow prism of the Department for Environment, Food and Rural Affairs or a single Government Department. The policy review instigated by my right hon. Friend the Member for Witney (Mr. Cameron), which is being conducted with the able assistance of my hon. Friend the Member for Ruislip-Northwood, is considering quality-of-life issues and the different implications of climate change—it does not just focus on narrow departmental functions. The hon. Member for Cheltenham was right that the lead must come from the private sector, and that we must not rely just on small amounts of money dripping from the Chancellor.

My hon. Friend the Member for Tunbridge Wells (Greg Clark), in a forceful and articulate speech, reminded us all of the power of technology to fight CO_2 emissions, giving a practical example from High Brooms. I, too, have recently installed solar panels on my house, and I was fascinated to hear about his constituent's experience. My hon. Friend the Member for North-West Cambridgeshire (Mr. Vara) rightly raised the closure of the Centre for Ecology and Hydrology at Monks Wood in his constituency. He is not just a doughty champion of his constituents' interests but of the cause of excellence in research, particularly on the impact of climate change on UK ecosystems. The closure of that laboratory is a huge step backwards in our understanding of the impact of climate change on UK biodiversity.

My hon. Friend the Member for South-West Bedfordshire (Andrew Selous) reminded us of the impact of climate change not just on the UK but on Africa, and our responsibility to take global leadership, particularly through the United Nations. It is not surprising, given his championing of climate change issues, that at the general election there was a well deserved swing in his favour. He spoke, too, about the tremendous pioneering work at Woking. My hon. Friend the Member for Surrey Heath (Michael Gove) drew our attention to the need for consensus. He highlighted the fact that politics makes for strange bedfellows, as the grand coalition on climate change has drawn in both the hon. Member for Eastleigh (Chris Huhne) and Donald Rumsfeld—not a combination that one often sees. He weighed up the scientific evidence in a splendid prebuttal of the arguments that were to be made by my hon. Friend the Member for Christchurch, and made a compelling case for microgeneration, not just to fight climate change but to enhance the UK security of supply, which is a serious consideration in long-term energy issues.

It is sad that the hon. Member for Edinburgh, North and Leith (Mark Lazarowicz) is not here to participate in our debate. He showed enormous skill, patience and tenacity in the way in which he has piloted the Bill through the House. I have found him not just professional but a joy to work with during the rollercoaster ride that the Bill has sometimes enjoyed through the House of Commons. It is a great tribute to him that the Bill is now approaching the end of its Third Reading. I send him our condolences on the sad loss that his family have suffered.

About three weeks ago, with my right hon. Friend the Member for Witney, I journeyed to about 600 miles of the North pole to look at the real and direct impact of climate change on the environment. Nothing more

vividly illustrated the dramatic impact of climate change than the vast tracts of open sea that, until last year, were formerly ice. I probably speak for the whole House when I say to my hon. Friend the Member for Christchurch that I really wish he would go to the North pole.

In Svarlbard, I saw for myself the effects of global warming on the Scott-Turner glacier. At the Ny-Alesund Arctic research centre, I saw three more glaciers, all of them retreating at an accelerated rate. As has already been pointed out, the best overall measure for assessing changes in a glacier is its yearly mass balance. Two of the glaciers closest to Ny-Alesund have been measured for their mass balance for longer than any others in the high Arctic and their results have shown consistently negative mass balance almost every year since 1967—the year after I was born. The last five years have been the most negative and this pattern is being repeated on a far bigger scale all over the Arctic. Temperatures have risen by 2° C already in the past 30 years. Over that period, the average amount of summer sea ice has decreased by 1.3 million sq km. Both winter and summer sea ice are at their lowest levels since all records began.

My right hon. Friend the Member for Witney asked one of the scientists at Ny-Alesund what was to the north of where we were, and the answer came, "The sea and then the ice of the North pole—this year." My right hon. Friend asked, "Why do you say 'this year'?", and back came the answer, "Until now, it has only ever been ice."

Some have argued that a series of warmings that took place in the 1930s show that the warming we are experiencing is nothing exceptional. I think that that is the argument that my hon. Friend the Member for Christchurch advanced. It is true that some parts of the planet got warmer in that period, but not all. In fact, a number of Arctic research stations reported a drop in average temperatures in that time, whereas there has been a consistent rise in temperatures right across the Arctic in the current period of warming. The change in temperature predicted over the next 100 years is not 2° C or 3° C, but 4° C to 7° C.

The other thing that is lost in the arguments on climate change is that people focus just on the average temperature increase of a couple of degrees in coming years. However, there will be massive variations in different parts of the globe and, in some parts, the increase could be up to 14° C, and that would have quite cataclysmic effects. It is important that we do not get carried away and that we use measured scientific language but, by constantly focusing on the mean figure, we perhaps understate the scientific impact in the coming century.

Climate change does not just affect the Arctic. In the Antarctic peninsula in 2002, an area of ice shelf about the size of the English county of Cornwall or, to put it in an international context, the US state of Rhode Island, disintegrated in just 35 days. Glacial coverage in Peru has fallen by a quarter in the last 25 years, and the famous snows of Kilimanjaro are disappearing before our eyes. Measured right across the globe, the 10 hottest years since records began have all been since 1990.

Perhaps some of these facts, places and statistics seem a bit remote. However, I also refer to hurricane Katrina, water shortages in the UK leading to a hosepipe ban in April and the storm and flood losses in Britain that cost £6.2 billion between 1998 and 2003, double the amount of the previous five years. In London, the Thames barrier, which was designed just a couple of decades ago to be raised once every six years, is now being raised six times a year. The Government's chief scientific adviser has said that if a single flood broke through the Thames barrier, the damage could cost London £30 billion. That is 2 per cent. of our current GDP.

We are witnessing not just gradual warming, but more and more unusual and unpredictable weather events. According to the international insurance firm Munich Re, before 1987 there was just one weather event worldwide that caused an insured loss of more than £1 billion. Since 1987, there have been 46.

Those who say that all this has nothing to do with mankind should check the facts. There is a clear correlation between increases in global temperatures and levels of CO_2 in the atmosphere. For billions of years, the world benefited from a natural greenhouse effect, which kept global temperatures about 30° warmer than they would have otherwise been, but since the industrial revolution, atmospheric concentrations of carbon dioxide have risen from 280 parts per million to 380 parts per million and, in parallel, global temperatures have been rising fast.

Mr. Chope: Does my hon. Friend accept that the figures that he has just quoted, which originally emanated from the intergovernmental panel on climate change, were changed two years ago by the IPCC to 335 parts per million from 290 parts per million. Given that some 9,600 years ago, the figure was 348 parts per million, that means that there has not been the huge increase that is being claimed.

Gregory Barker: I am afraid that I have not seen those figures. Given the reliability of some of my hon. Friend's other statistics, I think that I would like to look at them in a little more detail before giving a considered response. The real issue is not the particular figure. We can debate statistics, but this is not an issue about statistics; it is about the rate of change. Of course, over the millions of years of its very long history, the planet has cooled and—

Madam Deputy Speaker: Order. The hon. Gentleman's comments are very interesting, but they are more relevant to a Second Reading debate and we are on Third Reading.

Gregory Barker: I take your point entirely, Madam Deputy Speaker. The issue is the time scale and the fact that the events are being concentrated into decades or a few hundred years. That is the real reason why we are so alarmed—and rightly so—and that is why the Bill is so welcome.

In Committee, when I was proposing greater powers for local authorities to take action, particularly in relation to planning, I visited a major new commercial development that was constructed by Gazeley Properties, one of Europe's largest commercial property developers, in Bedford. I saw how business

[Gregory Barker]

best practice is now way ahead of the Government in responding to the challenges of incorporating new technology and design into new builds in order to reduce CO_2 and increase energy efficiency. I was incredibly impressed with what I saw.

Many of the concerns and worries that we heard from the Government in Committee, in relation to why it was wrong to act, seemed totally misplaced. If one talks to progressive businesses, they want to see a higher standard and a more level playing field. John Duggan, the chief executive officer of Gazeley, was recently asked whether he felt that the Government, as a partner to UK business, were providing organisations such as Gazeley with the necessary regulatory and fiscal frameworks or the appropriate advice, support, direction and advocacy, or whether he felt that the corporate sector was being left to fill the leadership void itself. He responded—

Madam Deputy Speaker: Order. I remind the hon. Gentleman that, at this stage, we are discussing what is included in the Bill, not what is not included in it.

Gregory Barker: I stand corrected. John Duggan believed that the Government were not filling that void. I am glad to say that the Bill goes some way towards helping to address that balance, but there is a lot more that we need to do. We must not get carried away with the successes that we have today. The measure is very welcome, as is the direction of travel, but we have a lot further to go. It is also important that, in promoting and making the arguments for the Bill, we wrest back the arguments for carbon reduction in the face of climate change from the pessimists, and, in a spirit of hope and optimism, look for real changes that we can make that will benefit our economy. My hon. Friend the Member for Surrey Heath made exactly that point. If properly done, climate protection will reduce costs on business, not raise them. Using energy more efficiently offers a possible economic bonanza, not because of the benefits of stopping global warming, but because saving fossil fuel is a lot cheaper than buying it.

The world abounds with proven ways of using energy more productively. Over the past decade, for example, in contrast with the Government's record on their estate, DuPont has boosted production by 30 per cent., but cut energy use by 7 per cent. and reduced greenhouse gases by a staggering 72 per cent. Companies such as British Telecom, IBM, Alcan, NorskeCanada and Bayer have collectively saved at least $2 billion since the late 1990s by reducing carbon emissions by more than 60 per cent. British BP has cut its CO_2 emissions by 10 per cent. on its 1990 levels and saved $650 million in the process.

Although the Bill is not the whole answer, I must not negate the fact that there are many good measures in it. It focuses on national targets for microgeneration to be dealt with in two years. It allows for a review of permitted development with the purpose of making the installation of microgeneration easier. It makes access to renewable energy certificates for microgeneration easier, but we have a lot more to do on that if we are really to empower the consumer. The Bill gives a duty to promote community energy and renewable heat. It also gives the Government a duty to promote dynamic demand.

I particularly thank the Minister for agreeing to two new clauses for which I campaigned. The first gives all parish councils the power to set up new energy schemes, which has been mentioned during the debate. Localism is a key element of any successful promotion of microgeneration. The other new clause puts a duty on all local authorities to consider microgeneration and energy efficiency when discharging all their functions. I thank Sir Sandy Bruce-Lockhart—now Lord Bruce-Lockhart—for the important support that the Local Government Association gave to the new clause, which it achieved despite fierce opposition from the Office of the Deputy Prime Minister.

Talking of the ODPM's opposition, let me raise several of my disappointments. I tried to table a new clause that would have required all planning authorities—

Madam Deputy Speaker: Order. May I remind the hon. Gentleman that on Third Reading we are discussing the contents of the Bill, not what was unsuccessful?

Gregory Barker: I stand corrected, Madam Deputy Speaker, so I will not mention the trials and tribulations of Cambridge city council.

Although we were able to improve the Bill in Committee, all the way along we found it extremely difficult to deal with the Office of the Deputy Prime Minister—or the office of derisory planning measures. I have to say good riddance to the Department in that incarnation. In its new shape and form, I hope that it will be rather more progressive and enlightened about microgeneration and energy efficiency and that it will buy into the climate change agenda properly. However, let us be glad for this important first step and look forward to further measures to promote decentralised energy.

I thank everyone who has been involved with the Bill. The Minister was helpful and constructive in Committee. If I may, although I know that I might be told off by you, Madam Deputy Speaker, I would especially like to thank Rachel Crisp, one of the Minister's civil servants. I am told that she engaged with the non-governmental organisations in an unprecedentedly extensive and constructive way—I can see her blushing in the Box.

I also thank the Micropower Council, the team of which has advised me throughout the Bill's passage. I especially pay tribute to that doughty old campaigner, Ron Bailey, who has many fans and supporters throughout the House. The council has represented the interests of the new industry with determination and skill. If and when the industry really takes off, it will be, to a great extent, because of the efforts of its members. Anyone in the industry would be well served by joining the Micropower Council.

Let me return to the question of cross-party consensus. It is important that we agree whenever possible, but that must not mean that we have a cosy

love-in and fail to work with rigour or challenge new ideas. We must urge each other to go further if we are really to find answers to the great challenge of climate change.

1.45 pm

The Minister for Energy (Malcolm Wicks): To give other hon. Members a chance to participate in the debate, and in the interests of energy efficiency, I shall make a brief speech.

The hon. Member for Bexhill and Battle (Gregory Barker) has thanked many people in a courteous manner and has acknowledged the contributions that have been made by hon. Members on both sides of the Chamber. I thank him for that. He thanked so many people that I thought he had received the microgeneration Oscar, such was the fulsomeness of his tributes. I congratulate my hon. Friend the Member for Edinburgh, North and Leith (Mark Lazarowicz), and the House has offered him its sympathy at this difficult time. He was dedicated to getting the Bill to this stage in its consideration, and it has been a great pleasure working with him. My hon. Friend the Member for Southampton, Test (Dr Whitehead) has also played a major role.

I pay tribute to those who served in Committee and to the Opposition spokesmen for the constructive engagement that has characterised the debates. I believe that together we have turned a good and well-intentioned Bill into an important measure. We have had a good debate today. It stands in contrast to the slightly foolish filibustering that we experienced on two Fridays, which does the reputation of the House no favours.

Perhaps I mentioned this in Committee, but I should declare an interest. Currently I have a planning application for a micro wind turbine for my own home before my local council.

By supporting the Bill, the Government have shown our continuing commitment to tackling climate change. As my right hon. Friend the Prime Minister has said on many occasions, climate change is without doubt the major long-term threat facing our planet. We have heard about melting ice caps and violent weather extremes. These are no longer possible future events; they are happening now. Every week, authoritative scientific studies warn that without urgent action we may be having a taste for the future. In terms of rhetoric, it is difficult to exaggerate the issue.

The hon. Member for Cheltenham (Martin Horwood) asked, "What do you do when you are standing on the edge of a cliff?" I am glad that at that stage he resisted the temptation to urge our nation to take a giant step forward.

Combating climate change is one of the UK's top priorities. It has been so during our recent presidencies of both the G8 and the European Union. It is why we continue to work with the international community to take real action to reduce greenhouse gas emissions. Renewable energy has a key role to play in reducing emissions. Big renewables, large-scale wind developments and tidal wave power are growing parts of our energy mix. However, the Bill is about microgeneration, which as a group of technologies has the feeling of a sector that is on the verge of becoming part of the mainstream. All it needs is help.

We have supported these technologies through a variety of measures, not least the £53 million in capital grants since the year 2000, to be followed by a further £80 million over the next three years for a variety of projects, but with some emphasis on getting microgeneration into our schools. That is not only for the energy supply that it can bring to schools, but because of the educational value.

The publication of our microgeneration strategy at the end of March clearly demonstrates our view that these technologies have the potential to play a significant role in the energy future.

At times this has been a wide-ranging debate, encompassing nuclear energy and many other things. It has been so wide-ranging from time to time that the Bill itself was even mentioned. The debate was that wide in scope. We know that my right hon. Friend the Prime Minister launched the energy review at the end of last year, and ministerially he asked to lead it. Contrary to what many have read in the press, the outcome is not yet settled. I can assure the House that we have an open mind on many of the big issues. There is no one question facing our energy strategy. There is certainly no one answer or silver or uranium bullet.

Achieving our energy objectives requires action at all levels. We all have a responsibility for safeguarding our planet. The action that we take as individuals can make a real difference. That is why the Bill is important. Some important duties are given to Government in reporting terms. More significantly, the Bill opens doors for action at individual and community level. By enabling microgenerators to access more easily the rewards that they deserve for generating their electricity, by giving parish councils an important improvement to the Bill, by giving powers to promote microgeneration and energy efficiency, and by giving Government the duty to promote renewable heat and community energy schemes, we are setting out the sort of measures that can make a real difference.

At the end of a good and important debate, I commend the Bill to the House.

1.50 pm

Dr. Alan Whitehead (Southampton, Test) (Lab): May I join the many hon. Members who have spoken in the debate in expressing my condolences to my hon. Friend the Member for Edinburgh, North and Leith (Mark Lazarowicz) on his family loss? It is unfortunate that he is absent from the Chamber today as a result, and that he has not been present to see the Bill through to its Third Reading. I congratulate him on his tenacity in pushing it through to this point, and it now falls to me to speak to it in his place, which I do with great pleasure.

The Bill has probably been scrutinised more closely than any other private Member's Bill in recent years—

David Howarth: And many Government ones.

Dr. Whitehead: Indeed.

The number of provisions in the Bill has expanded, and I am grateful to my hon. Friend the Member for Edinburgh, North and Leith for accepting a number of clauses from my private Member's Bill, the Management of Energy in Buildings Bill, which

[Dr. Whitehead]

unfortunately did not reach this stage. We now have a Bill that is comprehensive, wide-ranging and far-sighted in its proposals for the development of microgeneration and for the role that microgeneration might play in our domestic and commercial energy supply, and in the vital task of combating climate change while ensuring that the lights stay on.

There is an alternative way of expressing the statistic in the Energy Saving Trust report, which the hon. Member for Christchurch (Mr. Chope) regrettably underplayed. The report says that 40 per cent. of the UK's energy supplies could be provided by microgeneration within 40 years, which is an enormous amount to contemplate. I hope that the Bill will pave the way to that kind of development, through targets, community developments, changes in planning regulations and a variety of other devices.

A large number of important contributions have been made to this Third Reading debate and, importantly, most right hon. and hon. Members across the Chamber have agreed on the direction and content of the Bill. The right hon. Member for Bromley and Chislehurst (Mr. Forth) is, unfortunately, also unable to be here today. In his brief contribution to the beginning of the debate on 17 March, he said, with what I might call an air of foreboding, that there was

"a cornucopia of important issues that we can and should explore on Third Reading".—[*Official Report*, 17 March 2006; Vol. 443, c. 1778.]

I am sure that hon. Members will agree that we have explored a cornucopia of important issues, and that we have done so in a way that has united our endeavours on the Bill rather than divided them.

It is fair to say that, just a few years ago, the subjects covered by the Bill would have been regarded as unfashionable, unfamiliar or outlandish. Terms such as "dynamic demand", "sustainable buildings", "community sustainable energy", "renewable heat" and "green certificates" have come into the public consciousness—and, indeed, legislative consciousness—only relatively recently. As my hon. Friend the Minister has said, however, they are now moving into the mainstream, and I hope that the passage of the Bill will aid the process still further. These technologies and processes can make a real difference both in keeping the lights on and in leading us to a new, sustainable low-carbon economy. They also change the way in which people see their energy use. Through such technologies and processes, people really take ownership of their energy use and generation.

In considering that climate change is a global challenge and an individual obligation, as the hon. Member for Basingstoke (Mrs. Miller) reminded us, perhaps hon. Members will consider the role of microgeneration in helping to deal with a challenge that I hope all of them will take up—that of reducing their own personal carbon dioxide emissions by 25 per cent. over five years. That can be achieved by, among other things, the domestic installation of microgeneration.

I commend the Bill to the House, and I hope that I am not too optimistic in expressing the view that it will receive unanimous support in the Chamber.

Question put and agreed to.

Bill accordingly read the Third time, and passed.

Emergency Workers (Obstruction) Bill

As amended in the Standing Committee, considered.

1.55 pm

Mr. Greg Knight (East Yorkshire) (Con): On a point of order, Madam Deputy Speaker. As you may be aware, the Bill was amended in Committee. One of the major amendments was the removal of the word "assault", so the Bill now deals with obstructing or hindering emergency workers. However, the titles of clauses 1 and 2 have not been amended to reflect that change. I appreciate that the titles are not part of the legislation, but I point out that the titles of clauses 1 and 2 still refer to "assaulting", whereas I would argue that they should refer to obstructing or hindering, because they are otherwise misleading. I wondered whether the promoter of the Bill, the right hon. Member for Swansea, West (Mr. Williams), the Father of the House, had given you any indication that he intends to change the headings.

Mr. Alan Williams (Swansea, West) (Lab): Further to that point of order, Madam Deputy Speaker. I believe that there was an omission on the part of the people who produced the new Bill, and an oversight in following through the change in title that is included on page 1. I gather that it is a relatively simple matter—I am not that good on procedure—to make the follow-up amendments automatically.

Madam Deputy Speaker (Sylvia Heal): In responding to the points raised, I accept what has been said, but I see no obstacle as to why we cannot continue with the new clauses and the Bill in its present form, although clearly the relevant changes will need to be made.

New Clause 1

DEFENCES

'It shall be a defence for any person accused of an offence under this Act to show that—

(a) the emergency circumstances took place in or on a property let, leased or owned by him,

(b) the emergency circumstances or risk of serious injury or harm related only to him or to property, plants or animals owned by him, or

(c) he was only a passive observer.'. —*[Mr. Greg Knight.]*

Brought up, and read the First time.

Mr. Greg Knight: I beg to move, That the clause be read a Second time.

Madam Deputy Speaker: With this it will be convenient to discuss the following amendments: No. 13, in page 1, line 3, clause 1, leave out 'without reasonable excuse'.

No. 7, in page 2, line 8, clause 1, after 'there', insert 'in a vehicle displaying a flashing blue light'.

No. 8, in page 2, line 9, clause 1, leave out 'or preparing to do so'.

No. 10, in page 2, line 41, clause 3, leave out 'or may be'.

Mr. Knight: The new clause stands in my name and that of my hon. Friend the Member for Christchurch (Mr. Chope).

I congratulate the Father of the House on getting this far. Private Members' Bills are indeed fragile vessels, and he has done well to get his Bill to this stage. I also congratulate the Minister on his recent promotion. I hope that he stays on the Labour Front Bench for a very long time, although I also hope that he will shortly be sitting on the Opposition side of the Chamber.

New clause 1 would introduce a statutory defence for anyone who faces a charge under the Bill. I accept that the Bill now contains the words "without reasonable excuse" with reference to someone who may have committed an offence. The new clause, however, seeks to remove any doubt about what is a reasonable excuse in facing a charge under the provisions. We have all encountered someone in uniform who behaves in an over-officious manner. When we are framing legislation, we need to ensure that prosecutions will not be brought in unreasonable circumstances. If the Bill is enacted without new clause 1, it may lead to the prosecution of people who were seeking only to defend their own property or, indeed, who were merely observing an emergency incident.

There was a recent case in which a person who was seeking to remove valuable property from his own house was restrained by the police. I do not know all the circumstances of the case, but I am concerned lest an aggressive and unreasonable fire officer dealing with an incident decides without cause to order the owner of a house to remove himself from the property, when the owner may only be seeking to retrieve what can be retrieved from an incident. If someone on their own property seeks to defend their chattels or their animals—they may face the trauma and loss of a building and of many of their belongings, which may not be insured—they should not thereafter find that they are facing court proceedings under this Bill for obstructing or hindering an emergency worker. I hope that the Father of the House will consider adding new clause 1 to the Bill or reassuring me that my concerns can be met in some other way.

I will not say anything about amendment No. 13, because I have not appended my name to it, although I do not agree with its thrust and think that the Father of the House is right to include the words in the Bill.

Clause 1(3) states:

"a person is responding to emergency circumstances if the person is going anywhere for the purpose of dealing with emergency circumstances there",

and amendment No. 7 would add the words

"in a vehicle displaying a flashing blue light"

to the end of that provision. The emergency services sometimes use vehicles that do not display the traditional flashing blue light, and my concern is that an innocent motorist will unwittingly hinder or obstruct such a vehicle and not be aware that he is doing so.

I was recently driving home in the middle lane of the M18, where I encountered a queue of traffic travelling at 60 mph, so I decided to exercise my right to travel at 70 mph and pulled into the offside lane. As I was overtaking the long queue of commercial vehicles

[Mr. Greg Knight]

travelling at 60 mph, I was approached from behind by a car which was travelling very fast—it was certainly travelling faster than me—and flashing its lights. I assumed that it was an emergency vehicle seeking to attend an emergency, so I pulled over. When the vehicle overtook me and accelerated to regain its speed, which was well in excess of the legal maximum, I was astonished to see that the driver was a yobbish-looking person with a shaved head and earrings—it was clearly not an emergency vehicle, and the driver was just impatient because I was in his path. That incident means that I will never again pull over for a vehicle which flashes its lights at me when I am driving in a proper manner, unless I can see a flashing blue light. If we do not add amendment No. 7, an injustice may occur in which an innocent motorist is prosecuted for unwittingly hindering the progress of an emergency vehicle.

Amendment No. 8 is essentially probing in nature, and I will welcome hearing what the Father of the House has to say about it. Under what circumstances would it be right and proper to charge someone with hindering or obstructing an emergency worker who is not actually attending an emergency or travelling to it, but preparing to do so? When does the right hon. Gentleman envisage that this provision would be used? If someone is putting on his coat to go and attend an event and some carol singers knock at his door and wave a collection tin for the local church, are they hindering him because he is preparing to go out? I hope that that is not what he has in mind.

Amendment No. 10 would delete the words, "or may be" from clause 3(2). Again, it seeks to narrow the circumstances whereby an offence might be committed. With those words in the Bill, a person could be prosecuted even when no emergency had been taking place, but the emergency worker thought that there might be. That provision seems too wide.

Mr. Alan Williams: I welcome the Minister and congratulate him on his new job. I also welcome the right hon. Member for East Yorkshire (Mr. Knight). They are both new to the proceedings on this Bill. I thank the right hon. Gentleman for the friendly and co-operative spirit in which he expressed his point of view.

New clause 1 and amendment No. 13 offer contradictory approaches to how we deal with defences. The original Bill included a series of listed defences that was not all-encompassing, so on Second Reading we made a conscious decision to go for a term that the Home Office lawyers assured us was a common term which would enable the court to take reasonableness into account instead of having to look for defences in the Bill. If we were to take the route of new clause 1, we would reinsert all the defences that were deleted in Committee, without any opposition, in order to go for the catch-all reasonableness excuse. The advantage of that is that it provides a legitimate defence for someone who obstructed a person without realising that they were an emergency worker.

The problem with amendment No. 7 is that many ambulances do not have flashing blue lights. That also applies to coastguards and lifeboat crews deploying to undertake rescue work. The amendment would preclude them from the protection of the Bill.

The right hon. Member for East Yorkshire said that amendment No. 8 is probing in nature. I am glad to reassure him that preparation to respond to an emergency covers only immediate preparations such as putting on protective gear, opening garage doors and so on. It does not mean training sessions, as I suspect that he fears. I hope that allays his worries.

On amendment No. 10, the offence would not apply where it was not an emergency. Again, we would prefer not to include such a provision because it would be an absolute defence. If it were an absolute defence, the nature or the extent of the offence that may have been committed would not be taken into account. We believe that it is better, therefore, to stay within the encompassing protection of reasonableness of excuse. I oppose the amendments.

Mr. Peter Atkinson (Hexham) (Con): I am grateful to the Father of the House, the right hon. Member for Swansea, West (Mr. Williams), for that explanation. I viewed new clause 1 as a useful probing measure. Like a lot of non-lawyers, when I see something in a Bill that says "without reasonable excuse" I begin to worry about the extent of "reasonable excuse" and how that could impact on various people. It is important.

This Bill, which I believe the Government wanted and which should have been introduced in Government time, not in private Members' time, is a re-run of the Bill that went through the Scottish Parliament by virtue of the Scotland Act 1998. The right hon. Gentleman said in Committee that, to speed up the drafting, he put a large amount of that Bill into this Bill. The problem is that the Scottish Parliament spent much longer dealing with the matter. In fact, during stage two, as I believe it is called in Scotland, 240 clauses were considered. A number of concerns and grey areas arise. That is why new clause 1 and perhaps the other amendments are important. We need to clarify where the barrier of reasonableness is.

The matter was raised with me by a farmer in my constituency who owns farms in an upland landscape of heather moor. He was concerned because, as the right hon. Gentleman knows, those moors are burned in patches in the course of the year to improve grazing or, if there are shooting interests, to assist with the rearing of grouse. That can cause disputes. Some people believe that heather burning is detrimental to wildlife management. Others think that it is essential and important, so there is a dispute.

The farmer whom I mentioned asked me what would happen if someone thought that there was a fire on the moor that was damaging the peat or vegetation and therefore the wildlife and called out the fire brigade. The firemen would arrive and the farmer or landowner would say, "I am doing a perfectly normal, reasonable activity. Why are you here?" They may say, "We insist on being here because we must put the fire out." The farmer may say, "You must stop because this has been official to my business" and a dispute could arise. Whether that would fall within the defence that the farmer had reasonable excuse for obstructing the fire engines I do not know. That is a worrying point. It could be a matter of opinion; there may be a lack of clarity.

My right hon. Friend the Member for East Yorkshire (Mr. Knight) mentioned the recent case where an elderly colonel was dragged from his house by the fire brigade and prevented physically from going in to rescue some of his family's heirlooms and possessions. The colonel took the view that it was safe to go in but the fire service, with its possibly right emphasis on saving life, not property, prevented him from doing so. He may have put up a struggle and determined to go in—I believe that it was his decision whether to take the risk to rescue his possessions. Again, if he landed up in the dock on the basis of obstructing the fire service, I and I think most people would consider that to be deeply unfair. Therefore, there is a considerable number of grey areas in the Bill.

I have talked about heather burning and a private house burning but one of the things that irritates people most is rubbish burning. We often see the illegal burning of tyres and other items on certain sites. That may be an environmental offence, but if the firemen arrived to deal with that and the people responsible for the fire obstructed them, would they be in breach of the provision, even though it was on their land and no criminal offence was involved in burning those tyres, although it may have been an environmental offence, which would result in an environmental prosecution? That is another grey area that we should clarify before the Bill proceeds.

2.15 pm

The Parliamentary Under-Secretary of State for the Home Department (Mr. Vernon Coaker): As Members will realise, I have time to give only a very brief explanation of the Government's view of the new clause and associated amendments. I begin by thanking Members for welcoming me to the Dispatch Box, and I thank the right hon. Member for East Yorkshire (Mr. Knight) for the thoughtful, considerate and careful way in which he spoke to the new clause.

The new clause would provide a defence for obstructing an emergency worker if the emergency circumstances took place on the defendant's property or affected only him or his property. In addition, it would provide that a defendant would have a defence if he were "only a passive observer", and is therefore probably intended to deal with unintentional passive obstruction. Amendment No. 13 would delete the phrase "without reasonable excuse".

The defence in new clause 1 would replace the current defence of "without reasonable excuse". The crucial point, which I hope will reassure Members, is that "without reasonable excuse" is a clear and simple formulation that enables all the circumstances of a given case to be taken into account by the courts, including those listed in new clause 1. On the proposed "passive observer" defence, the term "without reasonable excuse" already provides a defence for obstruction that is unintentional and for a good reason.

Amendment No. 7 would insert a requirement for an emergency worker travelling to the scene of the emergency to be in a vehicle with a flashing blue light, and would therefore reduce the protection offered by the offence. Not all ambulances use such lights—air ambulances, for example, do not—and nor do coastguards and lifeboat crews. Clearly, we want those services to be included within the legislation's scope.

If amendment No. 8 were accepted, the offence would not apply to acts by an emergency worker preparatory to dealing with emergency circumstances, which would weaken the Bill. My right hon. Friend the Member for Swansea, West (Mr. Williams) explained why we think it appropriate that the offence apply in that way.

If amendment No. 10 were accepted, the offence would not apply where an ambulance or fire appliance was responding to an emergency call and it later emerged that the situation was not an emergency. However, the offence needs to apply to obstructing a worker responding in good faith to what they believe is, or may be, an emergency.

In the light of those brief comments, I hope that the right hon. Member for East Yorkshire will see fit to withdraw the new clause.

Paul Holmes (Chesterfield) (LD): I can reassure the House that, given the very short time available for this debate, I am about to make the shortest speech that I have ever made in the five years for which I have had the honour to serve in the House.

The right hon. Member for Swansea, West (Mr. Williams) and the Minister have given ample justification for the withdrawal of new clause 1 and the associated amendments. If the new clause were accepted, it would effectively negate the Bill. The vast majority of incidents that the emergency services attend are on, or involve, private property, so the Bill would be unworkable if so amended. The right hon. Gentleman deserves great credit for getting the Bill through to this stage. Members in all parts of the House expressed support for it in Committee and on Second Reading, and I hope that we can make very rapid progress in the few minutes left.

Mr. Greg Knight: My hon. Friend the Member for Hexham (Mr. Atkinson) expressed concern about heather burning, but I cannot see that a farmer would fall foul of the Bill, unless the heather burning was regarded as an emergency. The farmer might experience other problems as a result of other legislation, but if he is keeping his heather burning under control, presumably the Bill would present him with no difficulty.

Mr. Atkinson: The scenario that I envisaged was someone phoning the emergency services to say that there was an out-of-control fire on the moor, and the emergency services turning out, with blue lights flashing, and arriving at the gateway to the moor. That surely would constitute an emergency.

Mr. Knight: Surely any fireman worth his salt, on seeing a patch of heather on fire and noticing that a farmer was attending to it and had it under control, would turn the fire engine round and go back. That would be the common-sense approach of anyone working in the fire service.

Having reflected on what the right hon. Member for Swansea, West (Mr. Williams) and the Minister had to say, I think that there is some force in the argument

[Mr. Greg Knight]

that if one lists certain defences in a Bill, the assumption will be made that the list is exhaustive. I have also reflected further during this short but very constructive debate on the fact that the Bill contains the phrase "without reasonable excuse". A good lawyer could bring most of the concerns that I have identified within the scope of those three words, and on that basis I beg to ask leave to withdraw the motion.

Motion and clause, by leave, withdrawn.

Clause 1

ASSAULTING OR IMPEDING CERTAIN EMERGENCY WORKERS RESPONDING TO EMERGENCY CIRCUMSTANCES

Mr. Chope: I beg to move amendment No. 3, in page 1, line 14, leave out

'by a relevant NHS body'.

Madam Deputy Speaker: With this it will be convenient to discuss the following amendments:

No. 4, in page 1, line 16, leave out from 'services' to end of line 17.

No. 5, in page 1, line 18, after 'blood,', insert 'or medical'.

No. 6, in page 1, line 19, leave out from 'equipment' to end of line 20.

No. 9, in page 2, line 20, leave out subsection 5.

No. 12, in page 3, line 4, leave out Clause 5.

Mr. Chope: I hope that the promoter of the Bill, the right hon. Member for Swansea, West (Mr. Williams), will be able to allay my concerns, but as the Bill stands, anybody who attends an emergency but is not employed by an NHS body will be discriminated against compared with someone who is so employed. Much as we all love the NHS, we recognise that the health service extends beyond it. Surely all those who are trying to assist during a medical emergency should be covered, irrespective of whether they are employed by a relevant NHS body. Amendment No. 3 would therefore leave out those words and would cover

"a person employed...in the provision of ambulance services (including air ambulance services), or of a person providing such services"—

without qualification. Amendment No. 4 would do the same later in clause 1(2)(c).

Amendment No. 5 attempts to clarify, and indeed slightly restrict, the definition of people who would be deemed to be emergency workers when transporting organs, blood or equipment by inserting the word "medical" before the word "equipment". I have no argument with the Bill covering people doing such work, but it should not cover just any equipment or personnel. Why should a van carrying people who work in the NHS to their residences or hostel be covered, and why should that provision be restricted to NHS employees? Perhaps the right hon. Gentleman had to put that provision in at the behest of the Government, but we should treat all health workers equally, irrespective of whether they are employed by the NHS. They are all doing a good job, in my book. Amendment No. 9 is a consequential amendment, which would remove the definition of a relevant NHS body. The amendments have the virtue of clarifying and simplifying the Bill.

Amendment No. 12 would remove clause 5, but in my opinion the promoter of the Bill has the chance to decide what it should contain. Why is there any need to modify it? Why does he not have the self-confidence to believe that the Bill is the last word on the subject for a considerable time? We know that the Bill would repeal certain legislation and replace it with similar legislation, but this Bill would also create new crimes. Surely Parliament should be averse to allowing the Secretary of State to add new crimes to our criminal code without our having the chance to consider them in detail. Removing clause 5 would improve the Bill significantly.

Mr. Atkinson: I share the concerns of my hon. Friend the Member for Christchurch (Mr. Chope) about the definition of emergency worker, whether the person works for the NHS or not. As an MP who represents a constituency that borders Scotland, I am aware that there are often differences between Scottish and English legislation. The Bill stipulates that employees should be persons

"employed by a fire and rescue authority in England and Wales",

but not Scotland. That could give rise to a difficult situation on the borders, as fire services from Scotland are often called to fight fires in England and vice versa. Something similar is true for ambulance services. Patients from my constituency go to English hospitals and also to the regional hospital on the other side of the border.

Scottish legislation protects emergency workers only in Scotland, but a Scottish fireman attending an English fire who was obstructed or attacked south of the border would have no protection under the Bill. They would fall between the legislation of the two countries. Will the Minister clarify that point if he can?

Mr. Alan Williams: In discussions about the Bill, I was assured that its provisions would cover private ambulances working on behalf of the NHS and air ambulances. I have no doubt that if necessary, my hon. Friend the Minister will be able to expand on that interpretation.

Amendment No. 5 would have the perverse—and, I am sure, unintended—effect of limiting the definition of emergency workers carrying equipment to those carrying medical equipment. However, other equipment—for example, rescue equipment—also needs to be carried. The equipment needed to deal with an emergency will vary according to the emergency, so that protection is needed.

Amendment No. 12 would remove the power to add or delete provisions by order. One of the problems with yobbo groups in our society is that we never know who their next victim will be. I have received representations from mountain rescue groups and other organisations that want to be included in the provisions. An order would enable us to achieve that quickly without a full statute. I hope that explanation satisfies the hon. Member for Christchurch (Mr. Chope).

Mr. Coaker: To remove any reference to the NHS, as the amendment would require, would mean that the offence would be too wide. There is no statutory definition of ambulance, so we need to explain in the Bill what is meant by an ambulance worker. Tying that provision to the one relating to the NHS provides that clarity.

If we accepted amendment No. 12, we would not have the ability to modify or review the legislation if it were necessary to deal with the problems that have been outlined.

Mr. Atkinson: Could the Minister deal with the points that were raised? He did not deal with my question about heather burning earlier, but can he explain the anomaly for Scottish firemen and ambulance workers operating in England, who do not appear to be protected by either Scottish or English legislation?

Mr. Coaker: I shall write to the hon. Gentleman on that point.

Mr. Chope: In view of the time, the best thing is probably to conclude consideration on Report and go into some of the issues in more detail on Third Reading—so if that is the wish of the House, I beg to ask leave to withdraw the amendment.

Amendment, by leave, withdrawn.

Order for Third Reading read.

Motion made, and Question proposed, That the Bill be now read the Third time.—*[Mr. Alan Williams.]*

2.29 pm

Mr. Atkinson: I echo what was said by my hon. Friend the Member for Christchurch (Mr. Chope): there are a number of issues still to be debated. Although we all wish the Bill a good passage, it does deserve a little more debate, and I therefore hope that, with pole position for the next opportunity, we can deal with them on Third Reading at that time.

It being half-past Two o'clock, the debate stood adjourned.

Debate to be resumed on Friday 16 June.

Remaining Private Members' Bills

PHARMACEUTICAL LABELLING (WARNING OF COGNITIVE FUNCTION IMPAIRMENT) BILL

Order for Second reading read.

Hon. Members: Object.

To be read a Second time on Friday 16 June.

PROTECTION OF RUNAWAY AND MISSING CHILDREN BILL

Order for Second reading read.

Hon. Members: Object.

To be read a Second time on Friday 14 July.

PROTECTION OF PRIVATE GARDENS (HOUSING DEVELOPMENT) BILL

Order for Second reading read.

Hon. Members: Object.

To be read a Second time on Friday 14 July.

CARE OF OLDER AND INCAPACITATED PEOPLE (HUMAN RIGHTS) BILL

Order for Second reading read.

Hon. Members: Object.

To be read a Second time on Friday 14 July.

FIREWORKS (AMENDMENT) BILL

Order for Second reading read.

Hon. Members: Object.

To be read a Second time on Friday 14 July.

ENERGY BILL

Order for Second reading read.

Hon. Members: Object.

To be read a Second time on Friday 16 June.

FOOD SUPPLEMENTS (EUROPEAN COMMUNITIES ACT 1972 DISAPPLICATION) BILL

Order for Second Reading read.

Hon. Members: Object.

To be read a Second time on Friday 16 June.

Michael Gove (Surrey Heath) (Con): On a point of order, Madam Deputy Speaker. As I am sure that you are aware, the Protection of Private Gardens (Housing Development) Bill, promoted by my hon. Friend the Member for Tunbridge Wells (Greg Clark), attracts support across the Chamber and massively across the

[Michael Gove]

country. Thousands of people have written in to demand that the Bill be debated. Is it in order for a Government Whip to strangle that Bill through the process that we have just heard, to ensure that we do not have a proper debate—particularly when the Minister for Housing and Planning, Department for Communities and Local Government wrote in *The Daily Telegraph* only this morning that adequate protection for gardens apparently exists. We should have an opportunity to debate that and to strengthen the protection of our green spaces, but the Government have clearly shown by their intervention that they are not interested in proper parliamentary scrutiny of the process, or a breathing space for our green spaces.

Mr. Chope: Further to that point of order, Madam Deputy Speaker. This is not the usual complaint, because the Prime Minister endorsed the Bill promoted by my hon. Friend the Member for Tunbridge Wells (Greg Clark) and thought that it should be debated.

Greg Clark (Tunbridge Wells) (Con): Further to that point of order, Madam Deputy Speaker. Indeed, the Prime Minister said in an answer at Prime Minister's questions that Ministers would give their response to the Bill. They have not done that, yet an objection has been made from the Government Benches. Is that in order?

Mr. Andrew Dismore (Hendon) (Lab): Further to that point of order, Madam Deputy Speaker. Of course, if Opposition Members had not spoken for so long on the first Bill, we might well have reached that Bill—and, indeed, a number of other Bills, including my own, which could have been debated relatively briefly on Second Reading and then proceeded to Committee stage. If Opposition Members had not spoken for so long, they might have got what they wanted.

Madam Deputy Speaker: Unfortunately, the time has been reached when the House must move to the Adjournment debate. The points raised are, of course, relevant and on the record, but it is also known that there is a named day to debate that Bill in the House on Second Reading.

Health Care (Hastings)

Motion made, and Question proposed, That this House do now adjourn.—*[Mr. Heppell.]*

2.35 pm

Michael Jabez Foster (Hastings and Rye) (Lab): I am grateful for the opportunity to celebrate the health service in Hastings and Rye, and the improvements that have taken place in the past eight years. Primary care services have been transformed, and in the main, general practitioners offer a more comprehensive service than ever before. The Marlborough health centre that was opened 18 months ago by my right hon. Friend the Member for Airdrie and Shotts (John Reid) is a fine example of the co-ordinated services that can be provided at local level. We look forward to three other such centres in the town.

The local Conquest hospital is performing well. As a result of the hard work and dedication of our magnificent staff, no one waits more than 13 weeks for out-patient treatment—the average wait is six weeks—and no one waits more than six months for surgery, with an average wait of eight weeks. In the past two years, an MRI scanner has been replaced and a new CT scanner has been installed. We have an ageing population, but a new cardiac care unit ensures that local people have access to life-saving treatment in their own locality. All of that is possible because of the Labour Government's reform and investment after years of under-investment. Our local primary care trusts—Hastings and St. Leonards and Bexhill and Rother—under the chairmanship of Marie Casey and John Barnes, with Toni Wilkinson as joint chief executive, have delivered precisely what the Government required.

The hon. Member for Bexhill and Battle (Gregory Barker) has remained in the Chamber, and I suspect that he will support what I am about to say. Hastings, which was the 34th poorest town in Britain, has received significant extra funding to take account of the more challenging health outcomes for people living in less affluent areas. Why would anyone want to change a system or programme of delivery that is working? Three distinct areas of concern arise from the strategic health authority's proposal, which has caused disquiet—indeed, outright opposition—among local practitioners and the public. I hope that the Minister of State, my hon. Friend the Member for Doncaster, Central (Ms Winterton), will assuage our fears about the restructuring of local PCTs, the funding regime and the targeting of resources, and the reorganisation of Conquest hospital services, including the accident and emergency department.

The future of our PCT is important to local delivery. The Government recognise the need to target resources on the most needy and to use local commissioning for that purpose, which is why they set up local PCTs, such as Hastings and St. Leonards and Bexhill and Rother, that can work to that end. Hastings and St. Leonards PCT has not only worked effectively over the past four or five years but is on budget. It has shared resources with Bexhill and Rother PCT, and has a joint senior management so that it can secure the benefits of local delivery on an appropriate scale. The outcomes, such as a fall in teenage pregnancies, have proved the effectiveness of that arrangement.

To fulfil the Government's ambition of commissioning a patient-led NHS, the SHA suggested that there was a need to create an all-county organisation to the incredulity of local representatives, including MPs and the local councils. We have made our objections known, and I thank Ministers in the Department for insisting that the SHA consultation should consider retaining a local PCT in East Sussex to cover Hastings and Rother. That gave us considerable hope.

Unfortunately, although almost every organisation supported the retention of an excellent local service, the SHA has now recommended its original proposal for an all-county arrangement. The proposal is patently wrong and conflicts with Government policy. How can we possibly target poor areas if they must share their allocated resources with rich areas? That is not targeting at all.

My right hon. Friend the Secretary of State for Health, in answer to a parliamentary oral question, acknowledged that poor areas in rich regions face a particular challenge. The fact is that rich regions consume services at a much greater rate than their poorer neighbours. That is why the south-east of England is in such trouble. It is in the nature of the health service, and has always been, that richer middle-class areas will always create demand beyond their need and will soak up resources from poorer areas if they are given that opportunity.

My right hon. Friend the Prime Minister agreed at Prime Minister's questions on 26 April to consider the proposal, and I hope that my hon. Friend the Minister has now had a chance to discuss it with him. I cannot overstate how seriously we view the issue. It would be a betrayal of Government policy to share out the resources that are intended to target the poor with the leafy glades of the west.

I know that, in other parts of the country, there are proposals for PCTs of a similar size as that proposed for Hastings and Rother but, in our area, the issue is even more important. The PCT in Hastings has managed to be in-budget and still deliver its objectives. Rumour has it that Sussex Downs and Weald—the PCT that would be joined—is £2 million overspent and that Eastbourne Downs PCT is about £8 million overspent. Why on earth should we pick up their debts?

My right hon. Friend the Secretary of State wrote to me on 30 January and I have her letter here. She told me that, for the years 2007-08 and subsequently, the funding for the Hastings PCT would be £1,552 per person compared with the national average of £1,388 to reflect the special needs for the provision of GP services in Hastings. It is self-evident that if we lose the ability to receive the money for Hastings through a local PCT, that promise cannot be sustained.

The second reason why such targeted resources may not arrive is the next point that I want to raise—the proposal to top-slice funding for our local PCTs by 3 per cent. for the next two years. I have already acknowledged the significant increased funding that the local health economy has received. The promise, as demonstrated by the Secretary of State's letter, was that in the case of Hastings PCT—the increases in Rother

[Michael Jabez Foster]

were similar—we would receive an extra 9.1 per cent. for this year and an extra 9.4 per cent. for the year after. That is more than £10 million extra for the next two years. Now the SHA tells us that, because of the need to balance the books in each of those years, 3 per cent. of the budget will be withheld.

I well understand why the Government need to balance their books, but why on earth should it be fair to take from the poor, such as Hastings PCT, who have managed their budgets and give to the rich who have not? I have already mentioned the massive overspend in Sussex Downs and Weald PCT and Eastbourne Downs PCT. Furthermore, the overspend nationally appears to be about 1 per cent., so why should we who happen simply by misfortune to be in the south-east suffer more from an effective reduction of 3 per cent. compared with the national reduction of about 1 per cent.? I know that the Ministers have said that this will simply be a loan that will be repaid, but how will it be repaid? As a lawyer, I tell my hon. Friend the Minister that a loan means that there is either a programme for repayment or that it is a loan at will, which means that one can get the money back when one asks for it. What is it to be? What is the basis of the loan?

Surely it is wrong to disadvantage by administrative action areas such as Hastings, which the Secretary of State specifically says she wishes to advantage. It is the more galling when I say that Hastings PCT does such excellent work and within budget. If there is no Hastings PCT, who is the loan to be repaid to?

I come to my third point, but assure my hon. Friend that I have no vendetta against the SHA, although it may sound that way. However, it appears that, yet again, it is the villain of the piece. Earlier this year, we were presented with an SHA paper headed "Creating an NHS fit for the Future". It claims to be a consultation on improving services in Surrey and Sussex. The paper is described as a consultation, but states that

"the provision of emergency and elective care needs to change".

I do not take the luddite view that nothing needs to change, but I believe that the SHA is starting from the wrong premise. In short, the proposals are that, in the future—from, I think, about 2009—acute services should be delivered at four possible venues: at super-specialist hospitals at one end and local health centres at the other. Quite right. There would then be two intermediate forms of general hospital: one sort dealing with major trauma and accident and emergency, and another sort having a subservient role, which in our case has been described by the local media as the cottage hospital option. The SHA proposes that, generally, populations of about 400,000 would be needed to support major acute accident and emergency centres.

In terms of the local delivery in my constituency, the East Sussex Hospitals NHS Trust is responsible for two general hospitals: the Conquest hospital in Hastings and Eastbourne district general hospital. Both have excellent accident and emergency provision, which local people wish to retain. Indeed, I would put it more strongly: that is not subject to negotiation. Of course, the SHA has not proposed the closure of major services at either hospital, but pre-emptive strikes are sometimes appropriate and prevention is always better than cure.

The problem is that the SHA suggests that major accident and emergency centres should operate across populations of about 400,000. That leads the residents of Hastings and Eastbourne, and their local newspapers, to read between the lines. They read that to mean that at least one of the hospitals will be downgraded. At present, both communities worry that it will be theirs. Both in Hastings and Eastbourne, local headlines refer to the downgrading to cottage hospital status. I took the view that that was nonsense. I asked the SHA to confirm that, whatever the changes, proposals for a cottage hospital were simply not on the cards. Imagine my surprise when I was told that open consultation meant that nothing could be discounted.

I want my hon. Friend to say unequivocally that the Conquest hospital—and perhaps Eastbourne district general hospital—will not become a cottage hospital and that, although new and expensive services may well be provided in more regional settings, the existing provision will be maintained. That must include accident and emergency provision and I will tell her why that is so important. Hastings and Eastbourne have ageing populations and the infrastructure in the south-east, including the A259 coast road, is extremely bad. My hon. Friends in the Department for Transport are seeking to do something about that, but that will be some time off. The idea of travelling in an emergency—be it a heart attack or a serious road traffic accident—distances of perhaps 30 miles on those blocked roads is a bizarre interpretation of the expression "improving services". That would be disastrous and could cost lives. It is a complete non-starter.

That worry has resulted in the "hands off the Conquest" campaign, which is being formed by the friends of the Conquest and led by John and Margaret Baker, who do so much work in the voluntary sector in supporting the hospital. That is very much supported by the local community and the *Hastings and St. Leonards Observer* is also currently running a campaign.

In conclusion, I suggest to my hon. Friend that the sorts of proposals that I have highlighted are, in terms of Government action, schizophrenic. On the one hand, the Government—through the then Minister of Communities and Local Government, my right hon. Friend the Member for South Shields (David Miliband)—quite rightly say that local is good and that we must make more decisions locally. On the other, they—or the SHA, at least—suggest removing local services and centralising health care organisation and delivery.

Gregory Barker (Bexhill and Battle) (Con): I congratulate the hon. Gentleman on securing the debate and assure the Minister that he speaks for the whole community in his analysis of the problems in Hastings and the Rother area. The arguments that he has deployed against the SHA are shared on a cross-party basis and I endorse his plea for the two-county PCT solution.

Michael Jabez Foster: I am grateful to the hon. Gentleman for his support, which endorses what I have

been telling my hon. Friend the Minister: nobody that I can find in Hastings and Rye supports the SHA proposals and I suspect that that is the case in Bexhill and Rother, as well. I look to her for assurances that that absurdity will not be pursued. Will she at the very least say no to a cottage hospital? I could not persuade her officials to say that, but perhaps she will say it today. I want to make it clear that a clean slate, as it has been put, of this nature creates unnecessary alarm and despondency. I suspect that it was not the only reason why we lost Hastings borough council to the Tories last Thursday, but it did not help.

2.49 pm

The Minister of State, Department of Health (Ms Rosie Winterton): I congratulate my hon. Friend the Member for Hastings and Rye (Michael Jabez Foster) on securing the debate. He expressed eloquently the strong local feelings in his area. Obviously, I noted the cross-party support for his comments.

I join my hon. Friend in the warm tribute that he paid to all the NHS and social care staff working in his local health community. Their commitment to the continual improvement of the local NHS and social care services is certainly to be commended. I know about that from personal experience because I visited the Conquest hospital at his invitation in November 2004. I witnessed at first hand what can be achieved by adopting a multidisciplinary approach to improving services and was very impressed with what I saw.

The current NHS structure is under review as part of the "Commissioning a patient-led NHS" programme. The aim of the programme is to make long-lasting improvements to the NHS and to build on the improvements that have already been made through extra investment in new and existing services. As part of the programme, the number of primary care trusts and strategic health authorities will be reduced. My hon. Friend will know that plans have recently been announced to merge Surrey and Sussex SHA and Kent and Medway SHA into one organisation: the south-east coast SHA.

The approach that we are adopting will lead to stronger commissioning powers for PCTs, which will ensure that patients have access to the right care more conveniently and quickly than before. We also know that the mergers will lead to savings of some £250 million, which we will be able to plough back into front-line services.

My hon. Friend is obviously concerned about the PCTs in his area. The proposals for the reconfiguration have been subject to a 14-week local consultation, which ended on 22 March. As he knows, decisions about the reconfiguration of PCTs will be announced as soon as possible, once the results of the consultations have been considered and any recommendations reviewed.

It is too early to say what decisions will be made, but I can assure my hon. Friend that the recommendations will be assessed against the criteria set out in "Commissioning a patient-led NHS". One of those criteria is the need to strengthen relationships between health care organisations and local authorities by bringing their boundaries closer together. At present, about 44 per cent. of PCTs are coterminous with local government boundaries. We hope that that number will increase significantly due to the reconfiguration of PCTs. The rationale is that a better framework will be provided to enable organisations to work together more closely to tackle priorities, such as reducing health inequalities and improving care for those with long-term conditions.

I am aware of the concerns that my hon. Friend has expressed very forcefully about the future of his PCT. I know that he has expressed those concerns in communication with my noble Friend Lord Warner, the Minister with responsibility for reform. I hope that I can assure my hon. Friend that we are aware not only of his concerns, but of those expressed by people in other parts of the country. We are trying to work as closely as possible with SHAs and Members of Parliament to ensure that those concerns are reflected. We are doing what we can to address them.

Michael Jabez Foster: What respective weight does my hon. Friend give to the SHA proposals and elected Members' proposals? Many hon. Members feel and are worried, perhaps wrongly, that the SHA is taken more account of, even though it is not an elected body.

Ms Winterton: We are examining a number of considerations. We examine the results of the consultation. We take into account the views of Members as part of that consultation process. It is important as well that we consider the criteria that we have set out to ensure that where we are looking for improvements through reconfigurations, they are met.

My hon. Friend has rightly drawn attention to the increase in spending on the NHS under this Government. That has been reflected at local level, not only through increased investment but through improvements in patient care. There have been reduced waiting times and improved patient outcomes. As he said, that is thanks to the extra investment and the dedication and commitment of his local staff. There has been extra investment, but I am aware also that despite that, the health economy in East Sussex is facing some financial difficulties.

My hon. Friend knows that strategic health authorities within this context are responsible for delivering overall financial balance for their local health communities. We want to see them working in partnership with local health providers to determine how best to use the funds allocated.

I understand that in helping the SHA to do that, 3 per cent. of all PCT budgets in Surrey and Sussex are to be top-sliced for 2006-07 and 2007-08 to help create a reserve so that the SHA can record financial balance across the region. I am informed that the Surrey and Sussex SHA is working to define a process and timetable for repayment of this funding where this is considered appropriate. The criteria for this repayment will be based on whether each PCT is already receiving its fair share of funding under the capitation formula and whether the individual health community has received a net benefit from the funding.

In the meantime, I am informed that the SHA will be considering how it can assist areas such as Hastings

[Ms Rosie Winterton]

and Bexhill with capital resources to develop the local health infrastructure and to recognise the initial sacrifice being made in terms of revenue allocation.

My hon. Friend asked for further information on this issue. I understand that Candy Morris, the chief executive of Surrey and Sussex SHA, will be writing to him with further details of the SHA's overall financial plan and the process in relation to this issue.

I now respond to my hon. Friend's comments on the future of the Eastbourne district general and Conquest hospitals. As he is aware, the Surrey and Sussex SHA is currently working with local people, local government and other stakeholders to produce plans for modern health care services that are clinically and financially sustainable. This work began in 2005. The SHA is looking to ensure that local people and stakeholders have opportunities to get involved in developing the plan at the outset and on a continuing basis. These plans have been discussed with partners, patients and the public. I understand that they will be supported by a discussion document that is due to be published by the SHA towards the end of May.

In the meantime, I understand that work on the options for settings of care will continue, and this work will include an analysis of clinical and economic viability, of access and travel issues, of deliverability and of how the options fit with national policy. I understand that the SHA expects to begin full public consultation on the developed options in the autumn.

I cannot give my hon. Friend the specific assurances that he has asked for, but I will ensure that the strategic health authority is made aware of the comments that he has made today. I hope that I have been able to give him some reassurance, however. I know that he has been in touch with Lord Warner about the reconfiguration. The SHA will write to him with further details of the financial aspects of the matter, and I will ensure that it is made aware of all the comments that have been made today about the proposed local changes.

Question put and agreed to.

Adjourned accordingly at Three o'clock.

House of Commons

Monday 15 May 2006

The House met at half-past Two o'clock

PRAYERS

[MR. SPEAKER *in the Chair*]

Oral Answers to Questions

HOME DEPARTMENT

The Secretary of State was asked—

Project IRIS

1. **Mr. Ben Wallace** (Lancaster and Wyre) (Con): When he will publish the results and his assessment of Project IRIS. [70203]

The Parliamentary Under-Secretary of State for the Home Department (Joan Ryan): The iris recognition immigration system—IRIS—provides fast, secure clearance through UK immigration controls for pre-assessed passengers, reducing the possibility of identity fraud. The project will be evaluated once the roll-out of all 10 IRIS barriers is complete in December 2006. The results will be published following the evaluation.

Mr. Wallace: The answer that the Home Office gave me in September 2005 was that evaluation would be complete in October 2005. As the Minister and her colleagues know, I have constantly asked for publication of the results of the pilot scheme and the Home Office has constantly denied me those results. Will the Minister take this opportunity to explain why, eight months after the evaluation of the pilot project, the Government have not published the results? Will she confirm that it has met—

Mr. Speaker: Order. One supplementary is fine.

Joan Ryan: I thank the hon. Gentleman for his question. I know of his interest in the matter and he is right: delivery of the project has been subject to some delay, albeit for some very good reasons. The pilot phase was extended after the terrorist attacks on 7 July 2005. Enrolment stations were closed and staff were deployed elsewhere to give the project supplier, Sagem, more time to demonstrate system stability. As the hon. Gentleman knows, the response to his question to the Minister for Immigration, Citizenship and Nationality, my hon. Friend the Member for Harrow, East (Mr. McNulty), was that evaluation of the pilot roll-out was scheduled for completion by the end of summer 2006 and key findings would be reported within that time scale. I am pleased to tell him that the pilot roll-out is complete and I shall report my key findings within the time scale he was given. The project is important, so we think it is better to get it right rather than to rush it.

Dr. Brian Iddon (Bolton, South-East) (Lab): Has my hon. Friend commissioned any research to bottom the controversy that appears to be raging about changes to iris patterns, especially in pregnancy? The matter was denied by the man who developed the iris recognition project when he appeared before the Select Committee on Science and Technology a few days ago, but we should at least carry out research to prove, or otherwise, the claims that are being made.

Joan Ryan: My hon. Friend makes an important point about Project IRIS. There is ongoing research and review at all stages. I shall ensure that the information about changing iris patterns is taken on board and I will keep in contact with my hon. Friend to keep him up to date as we take note of research findings.

Antisocial Behaviour

2. **Ann Coffey** (Stockport) (Lab): What recent assessment he has made of the effectiveness of individual support orders attached to antisocial behaviour orders in preventing escalation of antisocial behaviour. [70205]

The Minister for Policing, Security and Community Safety (Mr. Liam Byrne): Although there are only a small number of individual support orders to look at in detail, a positive picture is already emerging about how young people's behaviour is changing, which is why we are keen to see ISOs used more widely as an effective tool in the future.

Ann Coffey: As my hon. Friend is aware, most antisocial behaviour orders are applied for and issued on criminal conviction, when often a pattern of criminal behaviour has been established. Does he agree that the earlier agencies intervene the more chance there is of preventing young people from developing criminal behaviour? It is disappointing, therefore, that so few applications have been made for stand-alone civil antisocial behaviour orders with individual support orders attached? As he knows, they are designed to tackle the underlying causes of a young person's antisocial behaviour before they begin to offend. Will he review the use being made of individual—

Mr. Speaker: Order. That will be fine.

Mr. Byrne: My hon. Friend has a long and proud record in helping to tackle antisocial behaviour in her constituency, which is, I am sure, why she has so much to say about the matter. As she knows, ISOs allow positive conditions to be attached to ASBOs for up to six months. We are keen to see them expanded, which is why we gave youth offending teams £500,000 to support their take-up, and I am glad to be able to tell my hon. Friend that take-up is rising very rapidly indeed.

Mr. Humfrey Malins (Woking) (Con): I find increasingly that ASBOs, especially when sought by local authorities, are cumbersome in terms of paper work and very expensive—sometimes more than £10,000 a time. Does the Minister share my anxieties on that front, and will he look at ways of streamlining the procedure and making it a little cheaper?

Mr. Byrne: A number of my right hon. and hon. Friends have told the House that we are very committed to considering how antisocial behaviour and local injunctions and other measures can be used and streamlined to ensure that they are more effective. They are, of course, part of a package of measures, such as warning letters, acceptable behaviour contracts, parenting contracts, parenting orders, injunctions and fixed penalty notices for disorder. A wide array of instruments are available to local authorities and to the police now, thanks to the antisocial behaviour legislation that the Government have driven through.

Mr. John Denham (Southampton, Itchen) (Lab): My hon. Friend will have a long reading list, as he reads himself into his welcome new appointment, but will he include last year's report of the Home Affairs Committee on antisocial behaviour, particularly our conclusion that significant funds in urban redevelopment, regeneration, social services and education could be brought to bear much more effectively on the support of individuals and dysfunctional families by using individual support orders and other means? Will he apply his mind to ways of ensuring that that money is well spent on those difficult and disruptive families?

Mr. Byrne: I am glad to tell my right hon. Friend that the Home Affairs Committee's report was on my reading list over the weekend, and I greatly enjoyed it. He will know that the reforms that we have proposed for the months to come include reform of youth provision, £52 million for extended parenting support and £28 million for intensive family support projects throughout the country. Yes, we intend to toughen the sanctions for those who commit antisocial behaviour and cause hell for their neighbours and communities, but effective support for those families must be part of the deal.

Mr. Nicholas Soames (Mid-Sussex) (Con): Given the point made by my hon. Friend the Member for Woking (Mr. Malins) about the cost of ASBOs, is the Minister convinced that, in all cases, the police thoroughly follow up ASBOs, because there seems little point in issuing them if they are not properly enforced?

Mr. Byrne: The hon. Gentleman is right to make that point. It is important that breaches of ASBOs are followed up and that offenders are given a clear message that, where there are breaches, there will be sanctions. Between 2000 and 2003, nearly 800 breaches of ASBOs were reported to us, 437 of which resulted in a custodial sentence being imposed, so it is absolutely right to say that a clear message must be sent when ASBOs are breached.

John Hemming (Birmingham, Yardley) (LD): Does the Minister believe that drug-related antisocial behaviour is an emergency that requires a 999 number to be dialled or a non-emergency that requires a 101 number to be dialled?

Mr. Byrne: The hon. Gentleman and I have in common a part of Birmingham where antisocial behaviour has been a problem for some years, and he will know that the response that is required depends on the circumstances in which the breach of an ASBO occurs: professionals working on the front line should make that judgment, not a Minister standing at the Dispatch Box.

Probation Service

3. **Mr. Michael Jack** (Fylde) (Con): What plans he has to increase the resources of the probation service to take account of his proposed measures on overseas prisoner removals. [70206]

The Secretary of State for the Home Department (John Reid): Before answering the question, I should like to take the opportunity to offer my own heartfelt condolences to the family of Nisha Patel-Nasri, whose tragic death in the early hours of Friday morning touched us all. The role of the special constable is often a forgotten one, but I believe that I speak for the whole House in thanking that group of public servants, whose endeavours provide a invaluable link between a local community and its police service.

My first priority is to protect the public by addressing urgently the need to identify, control, consider for deportation and, where appropriate, deport those foreign nationals released from prison where no such process was applied. Additional resources are being allocated to that task. In slightly slower time, I will formulate proposals based on recent experience and my analysis of underlying problems. That process of investigation was started by my predecessor, and as it proceeds it is uncovering systemic problems that need to be addressed, and I will address them.

Mr. Michael Jack (Fylde) (Con): May I and my right hon. and hon. Friends associate ourselves with the Home Secretary's comments about Special Constable Nisha Patel-Nasri?

The Home Secretary will be aware of the role played by the probation service in supervising some overseas prisoners already released into the community, but he will be aware that, with things such as custody plus and the new special orders that will come into place, the probation service's resources are under very great pressure indeed. If it is to be effective, will he, in his new role, review the resources available to that service, to ensure that it can continue to do its very professional job?

John Reid: I thank the right hon. Gentleman for his comments about the hard work being done by the probation service. From his previous experience as a Minister covering probation between 1992 and 1993, I know that he will understand the work that is done and

the great challenges that are faced. On his substantial point, there has already been an increase in probation service resources and in personnel—I think from some 14,000 people to 20,000. We have certainly had 5,000 extra since 2001. In addition, we are revising and reforming the probation service under the National Offender Management Service. However, neither of those two things leads me to believe that we have anything like perfection. As I study the urgent requirements—following up in the case of the deportees, which has engaged the House—I believe that we are uncovering some very serious and systemic underlying problems in the relationship between prisons, probation, deportations and so on. I hope, in the not too distant future, to come to the House not with solutions, but with a statement about what I think the problems are and how I think we should proceed in solving them. Resources may be one of those aspects.

Patrick Hall (Bedford) (Lab): In his second recent statement to the House on overseas prisoner removals, my right hon. Friend's predecessor referred to prisoners being deported straight from prison. May I remind my right hon. Friend of the fire that was deliberately started at the Yarl's Wood removal centre in 2002? One of the features of that incident was the presence of prisoners en route to deportation who had been convicted of violent crimes, mixed with ordinary failed asylum seekers and looked after by staff untrained in dealing with formerly violent prisoners. Will he review the current practice and try to ensure that potentially violent prisoners are removed straight from prison and not via the detention estate?

John Reid: I shall look at that, among many other aspects. As I said, I hope to come to the House with a statement in the not too distant future. There are three things that I ought to attend to. The first is the urgent nature of the discovery and consideration for deportation of those 1,023—now accurately defined as 1,019—people who were released without due consideration. The second is continuing the process started by my predecessor of examining the underlying problems—one of which may be what my hon. Friend mentioned. Thirdly, there is setting the shape for the future. In that, I have no doubt personally that it is the feeling of the people of this country—and ought to be the position of the Government—that any foreign nationals who are convicted and serve a significant custodial sentence in this country should face deportation when that is finished.

Sir Peter Tapsell (Louth and Horncastle) (Con): May I congratulate the right hon. Gentleman on his eighth promotion, which I am told brings him perilously close to the dispute between Nos. 10 and 11 Downing street? Has he noted how fitting it is that one of his first tasks as Home Secretary is to deal with the problem of the Afghan highjackers? May I suggest that he would get off to a flying start if he sent them home and brought the British troops back, as I advised him in his previous appointment?

John Reid: As I move effortlessly from position to position—[Hon. Members: "Higher, higher."] Such support will no doubt endear me to the Labour party conference. As I shift endlessly from position to position, I find that the hon. Gentleman, with great ease, shadows me to the point of stalking. On this occasion, I have had quite enough difficulty coping with the dangerous terrain of Afghanistan under his supervision, without entering the even more dangerous territory of Downing street.

Ian Lucas (Wrexham) (Lab): Is not the most fundamental issue relating to overseas prisoners the identification of those prisoners in the first place? At present, neither the police nor the Prison Service have any way of verifying the information that is given to them by the individuals who present themselves. Is that not the best argument yet for having an identity register?

John Reid: My hon. Friend is absolutely correct. One of the many problems that we face is that at no stage of the whole process—through investigation, arrest, inquiry, interview, trial, sentencing, consideration, custodial sentence and release—as far as I have been able to determine in the limited time that has been available to me, is there any legal requirement on anyone to be responsible for discovering a nationality, or indeed, on anyone else, to volunteer their nationality. That is a not inconsiderable problem when it comes to dealing with foreign nationals. As my hon. Friend says, this is one of the areas in which identity cards would be a huge boon.

Mr. William Cash (Stone) (Con): Will the Home Secretary accept that one of the underlying problems to which he refers in the context of the probation service's costs and resources is the cost of being involved in questions of deportation, extradition, control orders and the like, all of which fall within the framework of the Human Rights Act 1998 in one form or another? Will he thus look to reducing that cost by repealing or amending the Act so that we can guarantee that the public's safety in this country comes before so-called human rights?

John Reid: Just as the hon. Member for Louth and Horncastle (Sir Peter Tapsell) has a route map on which all roads appear to lead to Afghanistan, in the case of the hon. Member for Stone (Mr. Cash), all roads appear to lead to Europe. Let me address the question of the Human Rights Act. People in this country want a system of law and order and justice that is intrinsically fair as enshrined in law, and by "fair" I mean getting a balance between the rights of one individual and the rights and safety of millions of other individuals. Secondly, they want the interpretation of the law to be fair and, thirdly, they want the administration of the law to be competent and fair. Those three areas are at the forefront of my mind as I approach my new position, and I assure the hon. Gentleman that I will attempt to achieve those aims. If legislation is needed, we will consider it, but if the matter is merely one of interpretation and competence, we will deal with it in such a way. We will end up with laws that are interpreted and applied in a system that the people of this country believe to be fair to the vast majority of decent, law-abiding citizens, as well as other individuals.

Mr. David Winnick (Walsall, North) (Lab): Is any responsibility being taken by the most senior civil servants who were then in the Home Office and the Prison Service for the failure to deport those overseas prisoners who certainly should have been deported? Although the political head obviously takes responsibility, as the Home Secretary's predecessor did, should not the people to whom I refer recognise their responsibility for the failure that undoubtedly occurred?

John Reid: I ought to pay tribute to my predecessor in this post because I believe that he was a big man in every way. He took responsibility for a series of serious matters and mistakes, which, ultimately, he probably discovered only relatively lately. He took responsibility for beginning to remedy the problems, and we should accept that he dealt with the situation in a very honourable fashion. As elected politicians, it is in the nature of our position that we are quite rightly often expected to bear the burden of responsibility for our Departments and not to lay the blame on civil servants, and he was careful not to do that. In fairness to some of the leading members of the Department—I include in that group the permanent secretary and several other directors—they have relatively recently arrived in post. I assure my hon. Friend the Member for Walsall, North (Mr. Winnick) that they will be engaged fully in answering to me to make sure that some of the underlying and long-standing problems of the Department are rectified.

David Davis (Haltemprice and Howden) (Con): I associate myself with the condolences offered by the Home Secretary to the friends, relatives and colleagues of Nisha Nasri. I also add my admiration for the courage of that remarkable young lady.

When does the Home Secretary believe that he will fulfil the Prime Minister's undertaking of 3 May automatically to deport every foreign national who has served a prison sentence?

John Reid: It is my aim, as I made plain today, to ensure that foreign nationals who serve significant custodial sentences—[Hon. Members: "Significant."]—in this country face deportation automatically. Five days into my position, I cannot give the right hon. Gentleman a date by which that will be achieved, but I can assure him that that is my strategic objective. I hope to come, in the not too distant future, to the House with a statement outlining honestly what I see as some of the underlying problems, and thereafter to make proposals on how they may be rectified. I cannot at this stage tell him in what time scale the proposals will be put forward, because I want to ensure that we all, as openly as possible, address underlying problems, which I believe in some cases have been in existence for decades, not just weeks, months or years.

David Davis: I thank the Home Secretary for that answer. When I put the question to him, I was careful to use the Prime Minister's exact words. I note that the Home Secretary did not use the same words, and I understand why—because we have to deal with realities at the Dispatch Box, not overblown rhetoric. In terms of reality, may we have some facts on the 1,023 foreign prisoners released without consideration, who were referred to earlier? As of today, how many have been deported; how many have been detained; how many have committed further crimes; and how many does he expect to deport, and by when?

John Reid: On the last question, as the right hon. Gentleman does not himself engage in overblown rhetoric, he would not expect me to give him an expectation at this stage by which time all of this will be completed. What I can do is give him what information I have; I can do no better than that.

Of the most serious offenders, which the right hon. Gentleman will recall include rape, murder, manslaughter and sexual abuse against children, the current figure, having updated the categories by two methods—one is by redefinition, to include some serious offences that I thought ought to have been included in the first place within the more serious category; the second is to have scrutinised, or rather the police to have scrutinised, each case out of 800 on their way to 1,023, with a view to previous offences and reoffenders—is 35, of whom 26 are already under control. All of them have been considered, and the initial consideration has resulted in deportation decisions in 29 of them. Two only have been not considered for deportation, and I am asking for details of why not, and one has been deported. Of the more serious categories, we now include in that 144, of whom 55 are under control—the House should remember that some 70-odd of these were recategorised only a few days ago as being more serious—129 considered, 115 decisions to deport, 15 not and six actually deported. I shall not go through the rest of the details, but I will supply them to the right hon. Gentleman in writing.

Police Community Support Officers

4. **Tony Baldry** (Banbury) (Con): What assessment he has made of the effectiveness of police community support officers. [70207]

The Parliamentary Under-Secretary of State for the Home Department (Mr. Vernon Coaker): A national evaluation of police community support officers was published on 26 January this year. The report found that PCSOs have been well received by the public and that they are valued for their visibility and accessibility. They are helping to restore respect in local communities by providing reassurance and tackling antisocial behaviour and low-level crime.

Tony Baldry: Thames Valley police estimate that over the next 18 months they will need to recruit between 26 and 32 community support officers in my constituency to provide proper coverage. So far, they have recruited just six. There appear to be two problems: vetting, which seems to be very cumbersome, and funding. The Government fund only 75 per cent. of the posts, so Thames Valley police have to find the 25 per cent. from other Government programmes, which does not seem particularly joined up. Indeed, at the moment, Horton hospital is funding two of the community support officers. I must tell the Minister that between the spin and the reality lies frustration.

Mr. Coaker: Vetting is extremely important to ensure that the right calibre of people become police community support officers. We are providing significant funding for neighbourhood policing, including for PCSOs, over the next two years, and we have made it clear that our investment will be maintained after 2008. However, community safety is an outcome shared by a number of agencies, and it is appropriate that other partners contribute and that money is used from the safer and stronger communities fund and the neighbourhood renewal fund. If all those agencies work together, we shall see PCSOs not only in the hon. Gentleman's constituency but across the country.

Jane Kennedy (Liverpool, Wavertree) (Lab) *rose—*

Hon. Members: Hear, hear.

Jane Kennedy: Thank you, Mr. Speaker, and I thank the House. May I warmly welcome my hon. Friend to his new portfolio on the Front Bench? I look forward to holding him to account in the friendliest way possible in the weeks and months to come.

In Liverpool, 69 community support officers are ably supporting the police and are well deployed and appreciated. However, Liverpool city council also employs 39 street crime wardens and, to the dismay of the chief constable, they wear an almost identical uniform to that of police officers. Will my hon. Friend keep an eye on such otherwise laudable anti-crime initiatives, which have the potential to create confusion and undermine confidence in excellent community support officers?

Mr. Coaker: I thank my right hon. Friend for her welcome. I hope to ensure that I work in such a way that the accountability of which she talks will be a matter of pride for both of us.

The matter of uniforms issued to PCSOs is an operational one for chief officers. However, I believe that the common standard uniform set out by the Association of Chief Police Officers distinguishes PCSOs from police officers, while clearly identifying them as members of the police family. I congratulate Liverpool city council on its street wardens and on the work that PCSOs are doing in my right hon. Friend's area and others to reduce crime.

Mr. James Paice (South-East Cambridgeshire) (Con): May I add my congratulations to the Minister? My recollection is that as a Back Bencher serving on Standing Committees considering police and criminal legislation he was extremely robust in encouraging Ministers to take tougher action. I hope that that zeal has not been lost now that he finds himself in their position.

The Minister will recall that a major issue of dispute between the Government and the Opposition was giving community support officers the power to detain people for up to 30 minutes, and it was decided to trial it in a few forces. In how many forces do CSOs now have the power of detention, and on how many occasions, as we suspected, was 30 minutes not adequate to enable a real police officer to turn up to turn detention into arrest?

Mr. Coaker: I say to the hon. Gentleman, with whom I served on the Committee considering the Anti-social Behaviour Act in 2003, that I shall certainly maintain a robust attitude to antisocial behaviour and to crime in general. I do not have the figures on the number of areas where the power to detain has been given to PCSOs, but he will no doubt be pleased, as I am, that the Police and Justice Bill, which is before Parliament, contains a measure to standardise the powers for police community support officers across the country, one of which will be the power to detain for 30 minutes.

Immigration and Nationality Directorate

5. **Keith Vaz** (Leicester, East) (Lab): What steps he is taking to clear the backlog of cases at the immigration and nationality directorate. [70209]

The Minister for Immigration, Citizenship and Nationality (Mr. Tony McNulty): We have published our five-year comprehensive strategy for immigration and asylum. The issue of backlogs cannot be viewed in isolation from that overall strategy. We have developed plans to deal with immigration applications including the points-based system and the new asylum model, so that we do not simply get into the position of recreating a problem of backlogs in future. We think that we have got on top of the challenge of intake, and that has given us an opportunity to turn our attention to backlogs, which increasingly will be our focus. That has been possible only because of our redesigning of the managed migration processes and our reducing asylum intake.

Keith Vaz: May I congratulate my hon. Friend on retaining his position in the Home Office despite the fact that so much has changed around him? In the 19 years I have been a Member of Parliament, hon. Members on both sides of the House, including me, have criticised the chronic malfunctioning of the immigration and nationality directorate. Indeed, before my right hon. Friend the Member for Norwich, South (Mr. Clarke) resigned as Home Secretary, he referred to its systemic failures. Will the Minister confirm that there is no question of any bonuses being paid to IND senior officials until the entire backlog of cases has been cleared, and all outstanding matters have been resolved?

Mr. McNulty: May I start by thanking my hon. Friend for the welcome which, I think, he extended to me? I thank him, too, for commenting on the recent improvements in performance, but I afraid that it is not for me to discuss in detail at the Dispatch Box human resources, or pay and conditions for any civil servant, for reasons that he will understand. Staying on top of the backlogs at the IND and dealing with them is a matter to which we are devoting serious concentration and effort.

Miss Julie Kirkbride (Bromsgrove) (Con): Does the Minister expect the IND's work load to increase when foreign prisoners facing deportation claim asylum at the end of their sentence?

Mr. McNulty: That is always a consideration that we must bear in mind, not simply in the light of the existing difficulties with foreign national prisoners but as a general point and a matter of law. The hon. Lady makes an entirely fair point.

Kate Hoey (Vauxhall) (Lab): Is there anything special about the IND, because it seems to lose a large number of files? In approximately one in 20 cases with which I deal, I receive an answer saying that the file has been mislaid or lost. Something has gone wrong, as that increases the backlog and people's frustration. My constituents may be prepared to wait if they know that their case is being considered, but it is dreadful for their file to be lost or mislaid, so something must be done.

Mr. McNulty: Any loss of files is dreadful, I concede. It is frustrating not just for Members of Parliament but for the applicants, so we must address it. My hon. Friend will know that, together with UKvisas, we have arranged a range of activities, seminars and so on for Back Bench MPs on the range of IND business. Such matters are dealt with competently and fairly when they are brought to our attention, and hopefully we can deal far more swiftly with complaints from Members and their constituents.

Damian Green (Ashford) (Con): The Minister will be aware that one big reason for those delays and backlogs is the fact that immigration officers are trying to meet Government targets instead of doing their proper job. Last night, "Panorama" revealed that the Prime Minister's target of removing more failed asylum seekers than there are new applications took precedence over everything. One immigration officer said:

"We're going to focus purely on failed asylum seekers. Everything else must go out of the window."

Will the Minister admit that chasing a narrow target means that backlogs build up and dangerous criminals are let out on the streets, and that meeting the Prime Minister's target has become more important than running an efficient, firm and fair immigration system?

Mr. McNulty: I do not believe that that is the case. I freely accept that there has been a concentration on the tipping point target, not least as a result of pressure from the Opposition, the public and others, but it is absolutely not the case that that is to the exclusion of everything else that IND does. I do not dispute the fact that its work is sensitive, or that it is undertaken by dedicated members of staff. It is not advisable to traduce them, and I caution him against what might be termed fatuous casual empiricism.

Mr. Jim McGovern (Dundee, West) (Lab): My hon. Friend will be aware of the case of Osama Obade Sattar—a nine-year-old Dundee boy stranded in Pakistan because he was refused permission to return to the UK on his mother's Pakistani passport. This morning, my office received a call from UKvisas advising that young Osama could apply for a Pakistani visa to allow him to return. Given that he was born in Dundee, he has lived there since his birth, and both his parents are British citizens, can we not find a better solution? What reassurances can my hon. Friend offer the understandably distressed Sattar family?

Mr. McNulty: Again, I cannot discuss a particular case at the Dispatch Box, but I am more than happy to meet my hon. Friend afterwards to look into the matter further.

Probation Service

6. **Stephen Hammond** (Wimbledon) (Con): What steps he is taking to improve the monitoring of offenders by the probation service when released from prison on licence. [70210]

The Parliamentary Under-Secretary of State for Trade and Industry (Mr. Gerry Sutcliffe): In a statement to the House on 20 April this year, my right hon. Friend the Member for Norwich, South (Mr. Clarke) outlined a number of key proposals to improve the management of offenders on licence. Taken together, if the lesson is learned from recent reports, those proposals will result in greater protection for the public, particularly with regard to the supervision of the most dangerous offenders.

Stephen Hammond: I thank the Minister for that answer, but he must accept that Home Office funding cuts have meant that only 10 per cent. of potentially dangerous offenders are interviewed by the Parole Board. Surely the Home Office must accept some responsibility for that. Can he tell the House what he and his new colleagues will do to rectify that situation?

Mr. Sutcliffe: I can only reiterate the remarks of my right hon. Friend the Secretary of State about what we want to achieve—to get fairness into the system, but to make sure that public protection is paramount. My predecessor, my hon. Friend the Member for Slough (Fiona Mactaggart), put in place a number of measures. We will also consider the inspector's report on the probation service and report to the House when we are in a position to do so.

Mr. Nick Clegg (Sheffield, Hallam) (LD): May I first associate myself and my hon. Friends with the earlier remarks and the condolences expressed on the tragic death of Special Constable Nisha Patel-Nasri? Will the Minister confirm that the report of Her Majesty's inspectorate of probation on the murder of Naomi Bryant by Anthony Rice identified flaws in the interpretation of the Human Rights Act 1998, rather than in the Act itself? Does he therefore agree that, rather than denigrating the Act as a whole, it would be wiser for the Prime Minister to agree with the Attorney-General, who said last week that the Act

"has been one of the great achievements of recent years and indeed of this Labour Government"?

Mr. Sutcliffe: The Naomi Bryant case was outrageous, and our condolences go to the family members. I refer to what my right hon. Friend the Secretary of State said about the Human Rights Act and its interpretation and application. We will consider all those issues when we respond in due course.

Mr. Edward Garnier (Harborough) (Con): I join others in welcoming the Minister and his new colleagues to the Home Office, and wish them greater success than their predecessors. The Minister will know that Home Office documents have revealed that an average of 7,846 criminals are arrested, cautioned or convicted while on probation every month, and that they are responsible for a total of 10,206 offences. He spoke a moment ago about public protection. Will he offer the House the assurance that we expect—namely, that he is interested in public protection, and that he will provide the necessary political leadership and engineer the proper strategic management? Without all those things, the rest is but words.

Mr. Sutcliffe: I thank the hon. and learned Gentleman for his welcome to me and to my right hon. and hon. Friends in the new team. Clearly, the problem has been going on for some time. That is why we introduced the National Offender Management Service and why we are looking into what needs to be done. I take very seriously the inspector's reports on recent cases. We will make sure that we are able to protect the public, which is our paramount priority. The status quo cannot continue and things must change. We are putting change in place.

Police Force Mergers

8. **Bob Russell** (Colchester) (LD): How many representations he has received (a) opposing and (b) supporting the merger of the Essex police force with the Hertfordshire and Bedfordshire police forces. [70212]

The Secretary of State for the Home Department (John Reid): It is not possible to provide the statistics in the way that the hon. Gentleman has requested. However, we have received a range of submissions, many of them proposing a solution that differs from our original proposal. They will all form part of our continuous consideration.

Bob Russell: I am grateful to the Secretary of State for that answer, but does he accept that there is very little support in Essex for merging Essex police with Bedfordshire and Hertfordshire police forces, two counties with which Essex has very little in common? What is more important—holding the line on a wrong decision made by his predecessor, or getting it right? Here is an opportunity to be a hero, rather than a villain.

John Reid: Hope springs eternal, Mr. Speaker.

This is not a decision that offers the choice of getting it right or pursuing the strategic objectives of my predecessor, which were based on considered evaluation by Her Majesty's inspectorate of constabulary. It is clear that the present strategic structure of our police services is not fit for purpose in many ways. Therefore, the status quo is not an option. The strategic goals outlined by HMIC, and the work that was done by my predecessor, point us in the right direction. I have not had time, to be honest, to consider these matters in the considerable detail that would be wished in the hon. Gentleman's area and in many other areas, because of other events over the past week. I will be turning my mind to how we achieve this strategic objective in the not too distant future. I hope to be able to return to the hon. Gentleman with fuller detail.

Margaret Moran (Luton, South) (Lab): Will my right hon. Friend accept that many of us in the area of the Bedfordshire police are concerned that whatever the reconfiguration between the counties, resources should be released into front-line policing? I welcome the extra 24 police officers that we have in Luton. Will my right hon. Friend ensure, as part of the reconfiguration, that Luton has parity with other similar police forces? That would mean that we would have an additional 60 to 70 police officers. Can my right hon. Friend assure us that reconfiguration will give us the extra resource that we need on our front line?

John Reid: I know that my hon. Friend is a doughty fighter for the interests of her own area. She will know that there are a considerable number of police officers on the beat and in the forces who were not there when the new Labour Government took office in 1997. There are about 13,000 more police officers. In addition, far more of them are on the beat than previously. Neighbourhood policing teams, as well as the back-ups from antisocial behaviour personnel and community wardens, and so on, mean that the capability of the police in combating crime and restoring order is far greater.

It is true that any restructuring will be aimed at further enhancing that capability. That is the intention. This will be costly, but we have already made it plain that although restructuring will be expensive we have undertaken to meet the net reasonable costs that arise as a direct result. At this early stage, I cannot speak with great authority about the position on the street in Luton. I undertake to educate myself on that in the not too distant future, and to write to my hon. Friend.

Mr. Brooks Newmark (Braintree) (Con): I beg to differ with the response that the Home Secretary made to the hon. Member for Colchester (Bob Russell). Essex is the size of a small European country and—

Mr. Speaker: Order. I ask the hon. Gentleman to resume his seat. It is not the function of Question Time to allow hon. Members to differ with Ministers. The purpose of Question Time is to put questions to Ministers. If the hon. Gentleman puts a question to the Minister, I can help him out.

Mr. Newmark: Thank you, Mr. Speaker.

I would like to know from the Home Secretary whether he will do what his predecessor agreed to do, which was to listen to the people of Essex, who voted unanimously for a no in keeping an Essex police force independent.

John Reid: Of course I will listen to the people of Essex, and to people throughout the country, along with their various representatives. That is what I have undertaken to do, as my predecessor did. He asked for people's views on these matters, and we shall consider them carefully. I have already said that we must take into account the individual parts of the whole and how the whole of our police service in England operates in its efficacy and capability. That may not always concur with the expressed wish of each of the individual components. However, we try to get the best overall capability that is possible. I think that the strategic direction that has already been set out is probably the right one in which to move and will lead to the right conclusions at which to arrive. I have already undertaken to listen, to read, to try to learn and to consider how we get there. When I have done that, I will return to the House and the hon. Gentleman will be able to question me.

Kelvin Hopkins (Luton, North) (Lab): With a little more time in his new office my right hon. Friend will become aware that many in Bedfordshire, including me, have made strong representations in favour of a north-south merger with Hertfordshire, Bedfordshire and Cambridgeshire. Will my right hon. Friend reconsider that possibility, given that all the transport links and the natural geographical coherence means that Bedfordshire, Hertfordshire and Cambridgeshire work as a unit, as with the coastal counties, but possibly in two groups?

John Reid: Without claiming any particular credit, I can tell my hon. Friend that in the limited time that I have been in post, I have already become aware of that submission. As I said earlier, it is not possible to provide the statistics that the hon. Member for Colchester (Bob Russell) requested—perhaps fortunately—but I am aware that a lot of differing views have been expressed on this issue. Many of those views disagree with our proposals and most of them disagree with each other, so the wisdom of Solomon, elevated to an even greater extent, may be required. The HMIC report examined the current system and said that it was not fit for purpose; it is not serving the public as it should by giving the maximum protection. That said, I want to examine exactly how we reach our end goals.

Nick Herbert (Arundel and South Downs) (Con): Just today, the Prime Minister said:

"The Criminal Justice System is still the public service most distant from what...people want".

But the merger of police forces such as Bedford, Essex and Hertfordshire, which will cover an area of 2,500 sq m and a population of 3 million, will inevitably make chief constables more distant from the communities whom they are meant to serve. Will the Home Secretary look again at the federal option advanced by the Association of Police Authorities, which would achieve the objective of strengthening protective services without the loss of local accountability? Local people do not want to lose such accountability.

John Reid: On the suggested federal option, my understanding is that it has been tried before in several areas and has not worked particularly well.

Nick Herbert *indicated dissent.*

John Reid: That is my understanding, which is why HMIC did not adopt it as the preferred solution. So although I am prepared to consider every option, as a new Home Secretary, I would obviously not like to allow the hon. Gentleman to believe that I do not consider the strategic direction pointed out by HMIC to be the one that we should pursue. That said, I shall look in detail at how the matter might be dealt with. Secondly and incidentally, I do not believe that the strategic vision outlined in the HMIC recommendations is incompatible with more local accountability; the two elements could be combined. Thirdly, at the end of the day what people want is a more capable police service that reduces crime, fear and feelings of insecurity. They want a service that is seen better to protect, and to be fair to, the vast majority of people—who are decent, hard-working and responsible citizens—rather than a service that is unfairly balanced against their interests.

Police Force Mergers

9. **Mr. Gordon Prentice** (Pendle) (Lab): What steps are being taken to ensure that chief constables whose posts disappear with restructuring are given appropriate posts in new merged police forces. [70214]

The Parliamentary Under-Secretary of State for the Home Department (Joan Ryan): There will be open competition for all chief constable and deputy chief constable posts. We are considering including in the amalgamation orders a provision enabling any chief constable not securing a post to transfer to the successor force for three months on their existing pay and conditions. A chief constable not securing a substantive post will be given a severance package.

Mr. Prentice: That is a disappointing reply. Why only a three-month period, and why are we saying to chief constables who were not successful in getting an appointment that people who are presumably at the height of their powers are going to be pensioned off? Will not this reorganisation, like every other one, cost an absolute arm and a leg, and might it fail to deliver the benefits that we are told to expect?

Joan Ryan: I thank my hon. Friend for making those points. I know that his own Lancashire and Cumbria force is very keen to see the merger go ahead. He will know that, in line with restructuring, the senior appointments processes are being developed through a joint police advisory board and police negotiating board working group, on which the Home Office's chief police officers staff association and the Association of Police Authorities sit. So it would be a little premature to outline to my hon. Friend the exact nature of the terms and conditions, but he can rest assured that they are being looked at in some detail with the very people who will be affected and their representative organisations. As my right hon. Friend the Home Secretary pointed out, this can be an expensive process; however, it is about creating police forces that can provide for our communities the protection that they both want and deserve.

Sir Patrick Cormack (South Staffordshire) (Con): I welcome the Minister and the Home Secretary to their new posts.

This set of mergers has been brought forward with intemperate haste, without proper consultation, in constituencies up and down the country. There is real danger to morale in the police force and, furthermore, to morale among the public, who will consider that they will have a much more remote police force and will not continue to have a local chief constable. Will the Minister please take more time over this?

Joan Ryan: I thank the hon. Gentleman for his good wishes. I repeat to him what my right hon. Friend the Home Secretary said in response to a similar point—that he will consider all these matters. Our first priority must be to take account of the report by Her Majesty's inspectorate of constabulary, "Closing the gap", which said, as my right hon. Friend pointed out, that the 43-force structure is not fit for purpose in protecting the public. Creating police forces that are fit for purpose must be our first priority.

HMP Chelmsford

10. **Mr. Simon Burns** (West Chelmsford) (Con): What the total maximum capacity is for prisoners at HMP Chelmsford; and how many prisoners are held there. [70215]

The Minister for Immigration, Citizenship and Nationality (Mr. Tony McNulty): As at 12 May 2006, the useable operational capacity—the total number of prisoners that an establishment can hold, taking into account control, security and the proper operation of the planned regime—of HMP Chelmsford was 575. The total population of HMP Chelmsford was 575.

Mr. Burns: Those figures are extremely encouraging, because they suggest that some of the gross overcrowding of the past has been stabilised and reduced. However, can the Minister tell me whether the work on the expansion of the prison has recommenced after its interruption? When does he expect that work to be completed? That will give the prison an extra 120 spaces, which will help to prevent overcrowding and help it to re-establish itself in future.

Mr. McNulty: The hon. Gentleman will know that building costs increased above the original estimates and that, as he intimates, the project was temporarily suspended. It was determined to be value for money and is back online. The conversion of the old health care centre into offices is complete, and work on the new house block and visitor centre is well under way. That will provide the 120 extra spaces to which the hon. Gentleman alluded. The work is expected to be completed by late 2006.

Islamist Terrorism

11. **Michael Gove** (Surrey Heath) (Con): What steps he is taking to tackle Islamist terrorism; and if he will make a statement. [70216]

The Secretary of State for the Home Department (John Reid): While effective security measures, intelligence and policing are necessary, ultimately international terrorism will be best countered by democratic values, discussion, persuasion and social solidarity. The key is to engage in genuine and sensitive dialogue with the Muslim communities and not to shy away from difficult issues. That process has already begun. I am aware that the hon. Gentleman has a longstanding interest in the matter, and I would be happy to discuss the issues with him personally should he so wish.

Michael Gove: I thank the Secretary of State for his robust and balanced response and for his invitation, which I look forward to taking up. Last Thursday, my hon. Friend the Member for Lancaster and Wyre (Mr. Wallace) asked him whether the suicide bomber, Mohammad Siddique Khan, had been under sustained surveillance before 7 July. The Secretary of State replied that at the time, his understanding was that there was not a sustained programme of surveillance. This weekend, *The Sunday Times* reported that MI5 had extensive transcripts of Mohammad Siddique Khan planning jihadist activities. It appears that the Secretary of State may have been misled by the security services. Can we have a guarantee that, in the absence of a full independent inquiry, every transcript and detail of the surveillance of all the suspects is passed to the Intelligence and Security Committee of this House?

John Reid: May I, through the hon. Gentleman's question, correct some of the misleading statements and misrepresentations in the weekend press? First, when I engaged with the hon. Member for Lancaster and Wyre (Mr. Wallace) after the discussion in the Chamber, it was reported that I said that the hon. Member for Lancaster and Wyre was right and that I was wrong. In fact, I said the opposite, and there were at least five witnesses to the conversation. I said that I had been right in the Chamber when I said that there was no sustained surveillance of the two gentlemen in question, Khan and Tanweer, that they had been peripheral to another investigation, that the decision had been made because they were peripheral, and that it would be a wrong judgment to use resources and assets to pursue them rather than the main characters in the main conspiracy that was being pursued. That is the first point, and I stand by that.

My second point is that the Security Service gave the Intelligence and Security Committee full co-operation in its investigation of 7 July. Indeed, since the weekend, the Security Service has reviewed the evidence that it gave to the ISC in the light of recent press allegations. It remains confident that nothing that the service knew has been withheld from the Committee. I do not intend to go into specific details, for obvious reasons, but I am glad that the hon. Member for Surrey Heath (Michael Gove) has given me the opportunity to set the record right and to correct the misleading impressions that formed the basis not only of the right hon. Gentleman's comments but of the front page story, which was in several areas very misleading.

Mr. Shahid Malik (Dewsbury) (Lab): I commend the Government for their overall approach to dealing with terrorism. They are taking a twin-pronged approach, and the first prong involves robust anti-terror legislation, of which I have been a strong and vocal supporter. Mohammad Siddique Khan was one of my constituents.

The other prong involves dealing with causal factors. Over the weekend, research reports were published by the universities of Oxford, Warwick, Birmingham and Derby showing that there was disproportionate unemployment, underachievement and overcrowding in Muslim communities. Can the Home Secretary reassure me that the Government are not going to take their eye off the second prong of their approach to dealing with terrorism?

John Reid: I can absolutely guarantee that to my hon. Friend, and I commend him for the work that he has done in this area. I want to restate the view that I put forward at the beginning of this question, which is one that I have carried over from my other positions in the Government: we will not defeat terrorism by security forces, intelligence services and the armoury of weaponry that comprise the conventional forms of defence alone. They are a necessary but insufficient condition. Unless we address the underlying socio-economic problems, both domestically and internationally, we will not be successful. I therefore commit the Government to continuing in that direction. We have made a good start, but I believe that we have a long, long way to go. I look forward to working with my hon. Friend on this matter.

Points of Order

3.32 pm

David Taylor (North-West Leicestershire) (Lab/Co-op): On a point of order, Mr. Speaker. One of the two British soldiers killed in a roadside bomb attack near Basra on Saturday was 19-year-old Adam Morris, a private in the 2nd Battalion the Royal Anglian Regiment and a resident of Coalville in North-West Leicestershire. The thoughts of the House and of everyone in the local community will be with his family at this dreadful time. Mr. Speaker, have you had any intimation that the Secretary of State for Defence will make a statement on this matter, either today or tomorrow, to allow us to ask questions about it? The alternative means of obtaining that information—written questions and debates—represent a more protracted and less satisfactory process.

Mr. Speaker: The whole House appreciates what the hon. Gentleman has just said, and our hearts go out to the families of those soldiers. We appreciate the hard work that is done by every serviceman and woman in foreign lands. This is not a matter for me; it is a matter for the Minister concerned. However, the hon. Gentleman has put the matter on the record, and I thank him for that.

Mr. Ben Wallace (Lancaster and Wyre) (Con): On a point of order, Mr. Speaker. In the Home Secretary's answer to my hon. Friend the Member for Surrey Heath (Michael Gove), he stated that, following a question that I posed to him on his statement last week about whether one of the London bombers had been under surveillance for months or years, I had misled the newspapers over the weekend. He said that he had confirmed to me afterwards, outside the Chamber, that the man was not under surveillance. My recollection of that meeting, outside the Chamber and in front of the Home Secretary's officials, was that—

Mr. Speaker: Order. I must interrupt the hon. Gentleman. I let Question Time run over for two minutes, and I will not let it run any further. He seems to be trying to extend it.

Legislative and Regulatory Reform Bill (Programme) (No. 2)

3.35 pm

The Parliamentary Secretary, Cabinet Office (Mr. Pat McFadden): I beg to move,

That the Order of 9th February 2006 (Legislative and Regulatory Reform Bill Programme)) be varied as follows:

1. Paragraphs 4 and 5 of the Order shall be omitted.

2. Proceedings on consideration and Third Reading shall be concluded in two days.

3. On consideration, proceedings on Government new clauses shall be taken on the first day and shall, so far as not previously concluded, be brought to a conclusion at the moment of interruption on that day.

4. All other proceedings on consideration shall be taken on the second day and shall, so far as not previously concluded, be brought to a conclusion one hour before the moment of interruption on that day.

5. Proceedings on Third Reading shall (so far as not previously concluded) be brought to a conclusion at the moment of interruption on the second day.

This programme motion amends the previous programme motion, which was agreed on 9 February following the Bill's Second Reading. At the request of the Opposition, the Government have extended the time available for Report and Third Reading from one to two days. We are happy to agree to that, given the importance of the Bill and the amendments that have been tabled. As I and my hon. Friend the Member for Doncaster, North (Edward Miliband) begin our second week as Ministers, we look forward to a vigorous debate over the next two days.

3.36 pm

Mr. David Heath (Somerton and Frome) (LD): I welcome the Parliamentary Secretary to his new responsibilities. He said that he looked forward to a vigorous debate. I suspect that he might have found exactly the right opportunity for one in this Bill.

I do not want to delay the House on the programme motion. We welcome the fact that we have two days, especially as the Government are in full retreat on this matter and have tabled a great number of new clauses and amendments.

In procedural terms, however, let me point out the disadvantage of paragraph 3 of the programme motion, which requires that all Government new clauses shall be considered and dealt with on the first day before the point of interruption. When so many Government new clauses and amendments have been tabled, that distorts debate on the Bill. In future, will business managers consider whether that might be an unnecessary requirement? If we have two days for debate, we should order business in the most appropriate way to ensure a full debate on all the matters before the House.

Question put and agreed to.

Orders of the Day

Legislative and Regulatory Reform Bill

[Relevant documents: First Special Report from the Regulatory Reform Committee, Session 2005-06, Legislative and Regulatory Reform Bill, HC 878. Second Special Report from the Regulatory Reform Committee, Session 2005-06, Government's Response to the First Special Report on the Legislative and Regulatory Reform Bill, HC 1004. First Report from the Procedure Committee, Session 2005-06, Legislative and Regulatory Reform Bill, HC 894. Seventeenth Report from the Joint Committee on Human Rights, Session 2005-06, Legislative Scrutiny: Eighth Progress Report, HC 1062. Third Report from the Public Administration Select Committee, Session 2005-06, Legislative and Regulatory Reform Bill, HC 1033.]

As amended in the Standing Committee, considered.

New Clause 19

POWER TO REMOVE OR REDUCE BURDENS

'(1) A Minister of the Crown may by order under this section make any provision which he considers would serve the purpose in subsection (2).

(2) That purpose is removing or reducing any burden, or the overall burdens, resulting directly or indirectly for any person from any legislation.

(3) In this section "burden" means any of the following—

(a) a financial cost;

(b) an administrative inconvenience;

(c) an obstacle to efficiency, productivity or profitability; or

(d) a sanction, criminal or otherwise, for doing or not doing anything in the course of any activity.

(4) Provision may not be made under subsection (1) in relation to any burden which affects only a Minister of the Crown or government department, unless it affects the Minister or department in the exercise of a regulatory function.

(5) For the purposes of subsection (2), a financial cost or administrative inconvenience may result from the form of any legislation (for example, where the legislation is hard to understand).

(6) In this section "legislation" means any of the following or a provision of any of the following—

(a) a public general Act or local Act (whether passed before or after the commencement of this section), or

(b) any Order in Council, order, rules, regulations, scheme, warrant, byelaw or other subordinate instrument made at any time under an Act referred to in paragraph (a),

but does not include any instrument which is, or is made under, Northern Ireland legislation.

(7) Subject to this Part, the provision that may be made under subsection (1) includes—

(a) provision conferring functions on any person (including functions of legislating or functions relating to the charging of fees),

(b) provision modifying the functions conferred on any person by any enactment,

(c) provision transferring, or providing for the transfer or delegation of, the functions conferred on any person by any enactment,

(d) provision abolishing a body or office established by or under an enactment,

and provision made by amending or repealing any enactment.

(8) An order under this section may contain such consequential, supplementary, incidental or transitional provision (including provision made by amending or repealing any enactment or other provision) as the Minister making it considers appropriate.

(9) An order under this section may bind the Crown.

(10) An order under this section must be made in accordance with this Part.'.

Brought up, and read the First time.

3.37 pm

The Parliamentary Secretary, Cabinet Office (Mr. Pat McFadden): I beg to move, That the clause be read a Second time.

Mr. Speaker: With this it will be convenient to discuss the following:

Amendment (a) to new clause 19, in line 2, after 'he', insert 'reasonably'.

Amendment (b) to new clause 19, in line 3, leave out second 'or' and insert 'and'.

Amendment (c) to new clause 19, in line 17, leave out from 'means' to end of line 23 and insert 'a public general Act'.

Amendment (d) to new clause 19, in line 28, leave out 'functions of legislating or'.

Amendment (e) to new clause 19, in line 36, at end insert—

'(7A) Provision made under subsection (7)(a) may only confer functions relating to the function of legislating to the extent permitted by section [Sub-delegated legislative functions].'.

Government new clause 22—*Northern Ireland.*

New clause 1—*Restriction on powers under Part 1*—

'A Minister may not make any provision by Order under Part 1 unless that provision would have the effect of—

(a) simplifying or modernising legislation,

(b) making the overall effect of legislation less onerous, or

(c) removing inconsistencies or anomalies in legislation.'.

New clause 4—*Part 1 (limitation on burdens and costs)*—

'(1) Save insofar as the Order relates to a person exercising a regulatory function, a Minister may not by order under Part 1 make provision which—

(a) makes more onerous any duty which may be owed by any person, or any obligation under which any person may be;

(b) imposes any duty or obligation on any person which is greater than any duty or obligation from which it relieves that person;

(c) results in increases in cost for any person; or

(d) creates any disbenefit for any person which is greater than any benefit to that person.'.

New clause 8—*Section 12 (Limitation on Burdens and costs)*—

'Each draft Order laid in accordance with section 12 shall contain a certificate made by the Minister to the effect that it does not make provision which—

(a) makes more onerous any duty which may be owed by any person, or any obligation under which any person may be;

(b) imposes any duty or obligation on any person which is greater than any duty or obligation from which it relieves that person;

(c) results in increases in cost for any person; or

(d) creates any disbenefit for any person which is greater than any benefit to that person.'.

New clause 9—*Part 1 (impact on small business)*—

'(1) An order under Part 1 must, where its application extends to small businesses, be for the purpose of—

(a) removing or reducing any burden,

(b) re-enacting provision having the effect of imposing any burden in cases where the burden is proportionate to the benefit expected to result,

(c) the removal of inconsistencies and anomalies.

(2) In this section, the meaning of "small business" is the same as in section 249 of the Companies Act 1985.

(3) In this Act "burden" includes—

(a) a restriction, requirement or condition, (including one requiring the payment of fees or preventing the incurring of expenditure) or any sanction (where criminal or otherwise) for failure to observe a restriction or to comply with a requirement or condition,

(b) any limit on the statutory powers of any person (including a limit preventing the charging of fees or the incurring of expenditure), and

(c) any matter which, in the opinion of a Minister of the Crown causes inconvenience or imposes cost.'.

New clause 17—*Disapplication of European Communities Act 1972 (No. 2)*—

'(1) An order made under Part 1 containing provision relating to Community treaties, Community instruments or Community obligations shall, notwithstanding the European Communities Act 1972, be binding in any legal proceedings in the United Kingdom.

(2) In section 1 and this section—

"Community instruments" and "Community obligations" have the same meaning as in Part 2 of Schedule 1 to the European Communities Act 1972 (c. 68);

"Community treaties" has the same meaning as in section 1(2) of the European Communities Act 1972.'.

Government amendment No. 10

Amendment No. 2, in page 1, line 11 [Clause 1], leave out from "'legislation"' to end of line 3 on page 2 and insert—

'(a) means a provision of—

(i) any public general Act or local Act, or

(ii) any Order in Council, order, rules, regulations, scheme, warrant, byelaw or other subordinate instrument made under a public general Act or local Act,

(b) in relation to and notwithstanding the European Communities Act 1972 (c. 68), includes provision made before the passing of this Act under Community treaties, Community instruments and Community obligations,'.

Amendment No. 4, in page 2, line 5 [Clause 1], at end insert—

'(3A) In this Part, "reforming" shall mean repealing, simplifying or clarifying or making different administrative arrangements for achieving its purposes.'.

Government amendments Nos. 11 and 12

Amendment No. 74, in page 2, line 36 [Clause 3], after 'he', insert 'reasonably'.

Government amendments Nos. 13 to 22, Nos. 24 to 26, Nos. 28 to 32 and Nos. 35 to 37.

Amendment No. 75, in page 6, line 24 [Clause 12], at end insert—

'(ba) explain why the Minister considers that the provision cannot be made by primary legislation;'.

Government amendments Nos. 38 and 39, Nos. 56 to 58 and Nos. 60 to 63

Amendment No. 78, in page 19, line 3 [Clause 34], leave out

'extending outside England and Wales, Scotland and Northern Ireland'.

Government amendments Nos. 64 and 65

Mr. McFadden: I thank the hon. Member for Somerton and Frome (Mr. Heath) for his good wishes.

Let me begin by thanking my friend and predecessor, my hon. Friend the Member for East Renfrewshire (Mr. Murphy), for his hard work in taking this Bill through its Second Reading and Committee stages. I know that it has been a great wrench for him to have to leave this Bill to take up his new post in the Department for Work and Pensions. *[Laughter.]*

Today, we are debating a series of important amendments to the Bill, which are in large part the Government's response to some of the criticisms raised and fears expressed about the Bill. As my hon. Friend the Member for East Renfrewshire made clear at earlier stages, the Government did not approach those issues with a closed mind. We said that we would listen, but we were also anxious to have a better regulation system, which could root out and change unnecessary or outdated burdens on business, the public sector, charities and the voluntary sector. We should not forget that this is the third time in 12 years that Parliament has legislated on these issues.

The amendments will rightly take us into some detail, but the wider need for the Bill could not be clearer. We operate in a more global and competitive world economic environment than has ever been the case in our history.

Mr. John Redwood (Wokingham) (Con): I welcome the Minister to his interesting job. What measures will he want to bring forward for repeal or amendment under these clauses: His predecessor seemed to find it difficult to give us a list of examples? He can rest assured that Conservative Members are waiting for those and will support them.

Mr. McFadden: That, of course, will be a matter for the Departments once the powers are in place.

Huge changes have brought hundreds of millions, potentially billions, of people into world markets and the world trading system for the first time—for instance, the tearing down of the Berlin wall and the communications and technology revolution over the past 10 to 15 years.

Sir Patrick Cormack (South Staffordshire) (Con): I, too, welcome my near neighbour to his post and wish him well. He gave a perfectly reasonable answer to my right hon. Friend the Member for Wokingham (Mr. Redwood), but could he not circulate a questionnaire to the Departments and return tomorrow with a shopping list from each one?

Mr. McFadden: I am not sure whether the Departments will have provided such lists by tomorrow, but I shall be giving examples of what we might do under the orders.

Mr. Oliver Heald (North-East Hertfordshire) (Con): I join others in welcoming the Minister to his new position. He will know that each year the Department of Trade and Industry puts on its website a list of all the new amendments that it will make on two dates during that year. The latest item on the website shows that over the next year we shall see 40 pages of new regulations. Why will the Minister not commit himself to producing a list of the 40 pages that are to be scrapped?

Mr. McFadden: That is exactly what the Bill is about. As the hon. Gentleman knows, there is a tendency for regulation to grow under Governments of both colours, which is precisely why we need a robust mechanism that can root out and remove unnecessary regulation.

Mr. Andrew Turner (Isle of Wight) (Con): Will the Minister give way?

Mr. McFadden: I should like to make a little progress, but I will give way once more.

Mr. Turner: Along with the rest of the House, I congratulate the Minister. Can he tell us, though, whether an item of regulation on which the DTI is consulting at this moment—the deregulation, as the Department calls it, of Sunday trading at the behest of the big companies—would be eligible to proceed under the Bill?

Mr. McFadden: I do not think that it would, because of safeguards and other procedures in the Bill which we shall discuss in due course.

Opposition Members and I could, and perhaps will, exchange results of surveys showing how Britain is placed in various international economic leagues, but Labour Members, certainly, believe that it is well placed to succeed in the globalised economy. Employment is at record levels, reflecting the success of policies intended to secure employment opportunities for all. We have one of the highest rates of employment in the G7. We are a hard-working, enterprising and creative country. Our openness and flexibility are great strengths. The way forward is not to hide from the changes that are taking place in the world, or to wish them away; it is to ensure that we are best placed to succeed in this world by making certain that Britain remains a great country in which creativity, enterprise and hard work are allowed to flourish and to be rewarded.

It is sometimes said that this is a race to the bottom—a competition to level down standards and conditions of work. We reject that notion. We believe that people should be treated decently, that there should be a clean environment, and that there should be a labour market that ensures fairness. As I said earlier, however, we also know that under Governments of both parties regulations have tended to grow. We must have a process in Government to root out unnecessary regulation, and a remedy to hand that allows Government and Parliament to act when unnecessary burdens on businesses, charities and the voluntary sector have been identified.

It is precisely because the need for competitiveness is so important in the new and more open world in which we live that the Bill is necessary, and those outside the House look to us to keep our eye firmly on that bigger picture as we debate the legislation over the next two days.

Mr. David Winnick (Walsall, North) (Lab): I congratulate my hon. Friend. As one who expressed concern about the measure because of its potential effects, may I say how pleased I am that his predecessor, and the Government generally, listened to and recognised the concerns expressed not just by Labour and Opposition Members, but by the Trades Union Congress and other bodies? While the Government did not intend to do any of the things that it was suggested they might do, other Governments could have, and I am very pleased that, as far as I can see, the Bill now contains the necessary safeguards.

Mr. McFadden: I thank my hon. Friend and parliamentary neighbour for those comments. I very much agree that the amendments that we are outlining today will show that the Bill is firmly focused on the better regulation purposes for which it is intended.

3.45 pm

Mark Fisher (Stoke-on-Trent, Central) (Lab): Following the remarks of my hon. Friend the Member for Walsall, North (Mr. Winnick), will the Minister direct us to where in the amended Bill it is made clear that those powers apply only to regulation and not in any way to general legislation? If that is not the case, there is a danger that the burden that will be removed is the burden on Government to put legislation to the scrutiny of the House.

Mr. McFadden: New clause 19 will outline the focus of the Bill on better regulation purposes.

Our subject matter is sensitive, because it is not just about what the Government of the day might want; it also takes us into the realm of the relationship between Government and Parliament, and Parliament's proper role in the scrutiny and approval of Government proposals in this sphere. In that respect, I thank the Chairs of the relevant Select Committees that produced reports on the Bill; they have contributed positively and constructively to the amendments.

The heart of what we are discussing is new clause 19 and the amendments related to it. Fears were raised that whatever my hon. Friend the Member for East Renfrewshire said, the Bill might be used not for the purposes of better regulation but to change fundamental rights and freedoms through secondary legislation.

David Howarth (Cambridge) (LD): I am glad that the Minister has reached the subject of new clause 19 at last. Does he agree that subsection (3) would still allow the Government to remove by secondary legislation the right to jury trial? Jury trial might be considered to impose "a financial cost" on employers or to be "an administrative inconvenience" to a number of different bodies.

Mr. McFadden: I do not believe that the Bill in any of its guises would allow the removal of the right to trial by jury, nor could it be used, if amended today, in the way that the hon. Gentleman suggests.

John Bercow (Buckingham) (Con): I warmly congratulate the hon. Gentleman on his well-deserved promotion, together with the Parliamentary Secretary, Cabinet Office, the hon. Member for Doncaster, North (Edward Miliband) and the Minister for the Cabinet Office, the right hon. Member for North-West Durham (Hilary Armstrong) whom I wish well in her responsibilities.

Although this new clause allowing for the unscrambling of eggs that were wrongly scrambled might be an improvement, it does not remove the onus of responsibility on the Government in this field to consider moving towards sunset regulation, which would change the whole culture and ensure that bad regulation would have to come back to the House if it were to be renewed.

Mr. McFadden: We shall come to an amendment dealing with sunset clauses later in the debate. Perhaps it would be better to deal with the hon. Gentleman's point then, so at this stage I will say only that it would seem odd to legislate for a new regime of deregulatory powers to give people certainty and then to say that they were only temporary. We owe those who operate the orders a degree of certainty.

Mr. David Heath (Somerton and Frome) (LD): I am most grateful to the hon. Gentleman. This is very early in the debate and in his ministerial career, but I urge him not to fall into the trap that his predecessor fell into when discussing the Bill, which is simply to assert that something will not happen or that he could not conceive of it happening or that it is not the Government's intention for it to happen, rather than actually expressing in statutory form that it cannot happen. That is exactly the difficulty that the hon. Member for Stoke-on-Trent, Central (Mark Fisher) pointed out; although the Minister may be absolutely convinced that he has no intention of using the Bill for an inappropriate cause, a future Government may, and that is why so many Members are concerned about it.

Mr. McFadden: I thank the hon. Gentleman for that intervention, but it is precisely because those fears were raised and those concerns were expressed that we have tabled the amendments.

Mr. Edward Garnier (Harborough) (Con): Will the hon. Gentleman give way?

Mr. McFadden: I should like to make a little progress.

New clause 19 makes it clear beyond doubt what the purpose of the Bill is and what the regulatory reform orders will be used for and, importantly, how they will affect Departments. Together with new clauses 20 and 21, those provisions make up the new order-making powers of part 1. New clause 19 provides a power to remove or reduce burdens that result from legislation, and it defines what is meant by burden.

Mr. Garnier: New clause 19(2) states what the purpose of the new clause is, and subsection (5) states:

"For the purposes of subsection (2), a financial cost or administrative inconvenience may result from the form of any legislation (for example, where the legislation is hard to understand)."

Which Acts of Parliament passed since 1997 would come into that category?

Mr. McFadden: The hon. and learned Gentleman's intervention was worth waiting for. What is meant by that is that there are processes whereby legislation is consolidated into an understandable form or a more accessible form, as I think he is aware.

John Bercow: Whatever the merits of the new clause, it does not appear to be comprehensive. May I therefore ask the hon. Gentleman a simple question? Will the provision of the new clause be subject to the negative procedure or to its affirmative counterpart?

Mr. McFadden: Orders issued under the new clause are dealt with later in the Bill, but the Minister would make a recommendation to the relevant Select Committee, which would be free to question whether the negative, affirmative or super-affirmative procedure should be used.

Mr. Richard Shepherd (Aldridge-Brownhills) (Con): Will the Minister return to the question that was asked of him about whether new clause 19(3) includes the abolition of juries, for instance? One could argue that they present "a financial cost", "an administrative inconvenience" and "an obstacle to efficiency". What protects us from that?

Mr. McFadden: Clause 3 contains preconditions that stop the making of an order that would remove necessary protections or prevents anyone from continuing to exercise any right or freedom. That would be the response to the suggestion to do something as radical as removing trial by jury, which has been mentioned.

David Howarth: I thank the Minister for giving way again; he has been very generous with his time. The problem all along with clause 3 is that it is drafted in subjective form—what matters is what the Minister considers to be necessary, and the Minister might consider the abolition of jury trial to be necessary to achieve a ministerial objective. Will he give way on amendment No. 74, which would insert the word "reasonably" into clause 3, and therefore might go some way towards solving the problem?

Mr. McFadden: We will come to that amendment, but the Minister's initial judgment is not the beginning and end of the process. There are a series of safeguards, including the verdicts of Select Committees, the consultation that must take place and the other safeguards in the Bill, so no order will be based purely on the Minister's opinion, reasonable or otherwise.

Mr. Kenneth Clarke (Rushcliffe) (Con): Will the Minister give way?

Mr. McFadden: I should like to make some progress; I have been generous in giving way.

Government new clause 22, Government amendments Nos. 10 to 12, 13 to 22, 24 to 26, 28, 29 to 32, 35 to 37, 38, 39, 56 to 58, 60 to 63, 64 and 65 are consequential on the new order-making power under new clause 19.

Mr. Clarke: If, as I gather, the Minister is moving on from new clause 19, which is the hub of the whole thing, I am very grateful to him for giving way. I have listened to him give way repeatedly. Although the new clause is well-intended, its terms are still amazingly broad. Am I right in believing, looking at subsection (3), that these powers could be used to abolish a tax, to relieve an interest group or trade from a burden of taxation, or to abolish a crime, to make something lawful that was previously unlawful under the criminal law? Those may be very desirable things, but they are subject to more safeguards than consultation and Select Committees. They should be subject to parliamentary debate before any such step is contemplated.

Mr. McFadden: The right hon. and learned Gentleman raised a number of issues. On tax, the Bill makes it clear that orders affecting taxation could not be raised in that way.

Mr. Jim Devine (Livingston) (Lab): I offer my congratulations to my hon. Friend; it has been quite a season. I wonder whether he is aware that the right hon. and learned Member for Rushcliffe (Mr. Clarke) said on deregulation, in *The Daily Telegraph* in July 1999 that we kept trying, but we never succeeded.

Mr. McFadden: I was not aware of that, but I will let the statement speak for itself.

I will deal with new clauses 20 and 21 in more detail in due course, but let us explore new clause 19 further, because it provides a power to make provision in an order for the purpose of removing or reducing burdens—direct or indirect—that result from legislation. The definition of "burden" in new clause 19 would allow a Minister, by order, to remove or reduce burdens that take the form of a financial cost; an administrative inconvenience; an obstacle to efficiency, productivity or profitability; or a sanction, including criminal sanctions, for doing something or failing to do something in the course of an activity. That means that a Minister may propose by order to decriminalise offences or reduce or remove sanctions if they are no longer considered appropriate.

That definition of "burden" is deliberately broader than that in the Regulatory Reform Act 2001. That is because the definition of "burden" in the 2001 Act has proved too narrow in that it allows the removal of only a requirement, condition or restriction. As a result, the concept of "burden" in the 2001 Act is complex and difficult to apply. It puts a heavy and sometimes disproportionate burden of legal analysis on Departments. For instance, the regulatory reform orders under the 2001 Act cannot clarify or simplify legislation unless in so doing a narrowly defined legal burden is removed, reduced, re-enacted or imposed.

Mark Fisher (Stoke-on-Trent, Central) (Lab): Does the Minister accept that a burden on one group in society may well be a freedom for another group? I do not understand how the interpretation of subsection (3) of the new clause would relate to, for instance, employment rights. From the point of view of the employer, which may be the state or a private company, employment rights are undoubtedly a burden on efficiency and productivity. According to my reading of the new clause, it would appear that employment rights could be removed by order of a Minister.

Mr. McFadden: There is, of course, the protection of necessary rights and freedoms, which is set out in the Bill. That would protect against the situation that my hon. Friend outlines. The new definition of "burden" will also allow us to target more effectively the order-making power on removing or reducing the burdens that businesses, charities and voluntary organisations wish to see removed.

Mr. Garnier: I listened carefully to the answer that the Minister gave to my right hon. and learned Friend the Member for Rushcliffe (Mr. Clarke) on taxation. Clauses 5 and 6 offer us some comfort. However, it is quite clear that, under clause 6, the Minister is not prevented from adding to the criminal statute book offences that attract a penalty of up to two years. There are plenty of offences that the criminal courts deal with now that carry a maximum penalty of up to two years. Is he telling us that the word "burden" does not encompass new criminal offences that a Minister might dream up that do not attract a penalty of more than two years?

Mr. McFadden: If the Select Committees thought that a Minister was proposing something that unnecessarily dealt with imprisonment of up two years, they could use their power of veto as protection against that.

Mr. Garnier: The great thing about Report is that one can have these to-ing and fro-ing debates. That is important and I am grateful to the Minister for entering into the debate in that spirit. This point is most important. We are dealing with primary legislation that gives a Minister huge powers to make legislation. If the Minister is telling me that I, as a representative of my constituents, will have to rely on some as yet unformed Select Committee to exercise its judgment in a way that would be helpful to me and my constituents, that is extremely worrying. He must surely be able to understand that the making of criminal law should be dealt with here, right the way through every stage.

Mr. McFadden: There are penalties in the 2001 Act, which, in some ways, reflect those in the proposals before us. Under the 20-odd regulatory reform orders that have been produced under that Act, I do not think that the kind of problems that the hon. and learned Gentleman is setting out have transpired.

Mr. Redwood: Will the Minister give way?

4 pm

Mr. McFadden: Not at the moment.

The types of better regulation initiatives that the order-making power will allow us to deliver include reducing the administrative burdens of regulation, consolidating and simplifying legislation to make it easier to understand and work with, and deregulation. It will also allow us to reduce administrative burdens, such as by simplifying administrative requirements for business when setting up a business or hiring staff, by ensuring that inspection is risk-based to reduce the burden on those who comply with regulation, thus concentrating inspection on those who do not, by simplifying and making more transparent and less onerous the way in which people and businesses need to apply for consent from public authorities, and by allowing, in certain key instances, the complete exemption of small businesses, charities and others from burdensome regulation to allow them to concentrate their effort where it is most needed.

Mr. William Cash (Stone) (Con): The Minister probably knows what I have in mind already. The omission from, or black hole in, the Bill—and, indeed, his speech—is the lack of any attempt whatsoever to deal with the problem of the burdens on business that come from European legislation.

Mr. McFadden: The hon. Gentleman knows that the Bill deals with us having a much clearer and more simple process of translating into British law some of our obligations from the EU. It does not somehow change our relationship with the EU on a policy basis so that we do not have such obligations, although I suspect that he wishes that it did. I am afraid that whatever I can offer the House today, I cannot offer the hon. Gentleman satisfaction on that point.

Mrs. Gwyneth Dunwoody (Crewe and Nantwich) (Lab): Of course, I do not have the advantage of being a lawyer, but I am rather worried about what the Minister has just said. Is he suggesting that if the Government of the day decide, those who run small businesses may be exempted from safety legislation that is available to those who work in larger companies?

Mr. McFadden: No, I am not suggesting that at all. If a measure that would do away with a necessary right or freedom was proposed, it would not be in line with clause 3 of the Bill, so I do not believe that such a thing could happen.

If I can move on to deal with the four definitions, it may help the House. On financial cost, an order may change legislation if its effect would be to remove or reduce a financial cost on an individual, business, voluntary organisation or charity. A Minister may thus propose an order that reduces or removes any unnecessary costs that result from legislation. That definition includes both direct and indirect costs, so an order may reduce both the costs incurred by a regulated business, charity or voluntary organisation and the costs that they pass on to their customers. For instance, the power could be used to deliver exemptions for small businesses from some disproportionately stringent audit requirements, which could have a marked effect on reducing their costs. It could also be used to deliver a proposal in the Charity Commission's simplification plan that would exempt small charities from certain audit and registration requirements altogether so that they could focus their resources on providing help to those whom they were set up to support.

Mr. Kenneth Clarke: Let me return to my previous point. The hon. Gentleman is giving a narrow illustration of what lifting a financial cost means, but I still cannot understand why the Bill would not allow a Minister to seek to repeal a tax by using the process. Let me be helpful to him. If, for example, a future Government wished to repeal the climate change levy, it seems to me that that could be done by statutory instrument so long as the Government ensured that they had a majority on the relevant Select Committees. I would hope that no Government would want to do that, but we do not want to legislate to enable a Government to do so. It is no good for the Minister to say that such a thing will not happen because that is what his predecessor kept saying. Will he point out the provisions in the Bill that would rule out any abolition of a tax by use of statutory instrument?

Mr. McFadden: Clause 5 states:

"Provision under section 2(1) may not impose or increase taxation."

[Interruption.] Bear with me. It is not possible to use the powers to create a new tax, but it will be possible to reduce a tax if it meets the procedures and safeguards. In practice, however, tax reform would be dealt with in either a Finance Bill or a tax law rewrite project, as the right hon. and learned Gentleman knows.

I wonder whether I can move on to administrative inconvenience.

John Bercow: No. I am terribly sorry to interrupt the hon. Gentleman again, but his answer to my right hon. and learned Friend will not do. The hon. Gentleman has just offered a normative statement; that this is the way it ought to be done, courtesy of a Finance Bill. I ask him again; what guarantee can he offer that that would not happen in the future and that the clause would never be used for the purpose to which my right hon. and learned Friend referred?

Mr. McFadden: If any Minister proposed to abolish taxes in the order-making power, he would have to consult the relevant stakeholders, and the Select Committees would have a say and a veto if necessary.

Mr. Redwood: The hon. Gentleman illustrates why the Conservatives propose a deregulation Bill, which would put on the face of a Bill all the things that we wish to amend or deregulate, so that the House has the benefit of a proper debate. Those of us who want to deregulate also have worries of a constitutional nature. Why does not the Minister put on the face of this Bill all the things that we want to deregulate so that it is done properly?

Mr. McFadden: Precisely because we wish to allow Departments and Ministers the flexibility to propose deregulatory measures in a wide-ranging way. We have responded to some of the fears and criticisms by making what the Bill is to be focused on clearer. The right hon. Gentleman's suggestion would be too inflexible.

Rob Marris (Wolverhampton, South-West) (Lab): I welcome my hon. Friend to his post. He has made a considerable impact in Wolverhampton, and I am sure that he will do the same as a Minister.

I apologise because I have to leave the Chamber shortly to go to a meeting, but I suggest that my hon. Friend outline to the Opposition the background, which they do not seem to understand, to new clause 19 in terms of the safeguards that are built into the Bill. It is not a matter of a Minister simply putting some forward. My understanding is that if the Government amendments are successful, any proposal will have to go through two Select Committees. There may be a Government majority on those, but there is a Government majority in the House. That is the way in which the House works. Having voiced considerable concerns on Second Reading, I am now worried that there are so many safeguards that the Government have gone too far the other way. I urge him to keep an open mind and explain the safeguards.

Mr. McFadden: My hon. Friend and constituency neighbour makes a typically sensible point. I have referred several times to the safeguards in terms of a Minister making a proposal, his explanatory note for the proposal, the consultation required and, crucially, as he said, the consultation with the Select Committees and their power to reject a proposal.

Mark Fisher: Will my hon. Friend give way?

Mr. McFadden: I want to make some progress, if my hon. Friend will allow me.

The definition of burden relating to administrative inconvenience will allow the Government to deliver reductions in administrative burdens on business that are being identified through the comprehensive administrative burden reduction project taking place in government. The final results and Government targets to reduce administrative burdens will be published in departmental simplification plans in due course. Where appropriate, the order-making power will allow the Government to deliver real savings in time and money for businesses, charities and voluntary organisations by, for instance, reducing form-filling requirements and making it easier to comply with regulations. Those reductions in administrative burden will free up time and money so that businesses can improve productivity and promote innovation.

The definition of burden as "administrative inconvenience" will also allow the Government to amend rules that are now considered unnecessary but, because they are enshrined in statute, can still bind companies and impose an administrative inconvenience. For instance, the Department for Environment, Food and Rural Affairs has committed to taking forward a proposal, submitted via the better regulation portal on the internet, to amend the rules on selling game. I am sure that many Conservative Members will take an interest in that.

Under the Game Act 1831, anyone wishing to sell game from a shop must apply for a licence from the council and affix to the front of the shop a board stating so. Repealing those requirements will save businesses hundreds of thousands of pounds and relieve the administrative burden on them. That is a small measure, but it is the kind of thing that could relieve those affected of a substantial burden. As the rules are enshrined in primary legislation, only a Bill could repeal them. The order-making power in new clause 19 will provide a more proportionate measure for repeal.

I emphasise again that we also want to reduce administrative inconvenience for our public services and voluntary organisations. Reducing administrative inconvenience will, for example, allow teachers, who often raise this with all of us as MPs, to spend more time with pupils, and allow the NHS to concentrate more of its time on caring for patients.

As I said earlier, independent surveys have often found that the UK ranks highly in international comparisons of competitiveness, but in the face of global change no country can afford to be complacent. As Mr. John Cridland, the deputy director-general of the CBI stated in *The Times* in March, the Government must be able to deliver more and swifter deregulatory measures to ensure that the UK remains competitive.

Andrew Miller (Ellesmere Port and Neston) (Lab): Although my constituents will no doubt be interested in my hon. Friend's example about game, may I take him a little closer to the real world in my constituency and ask him to confirm that administrative inconvenience cannot in any way be interpreted as something that would cover necessary protections? For example, record keeping under the Health and Safety at Work Act, etc. 1974 is unambiguously a necessary protection. Will he confirm that nobody could use the clause to interpret it as a burden?

Mr. McFadden: My hon. Friend, the Chairman of the Select Committee on Regulatory Reform, makes a very strong point and he is right to say that clause 3 talks of the provision not removing "any necessary protection" or

"any right or freedom which that person might reasonably expect to continue to exercise."

Mark Fisher: While my hon. Friend is on the issue of barriers to productivity, will he return to the point made by the right hon. and learned Member for Rushcliffe (Mr. Clarke) about taxation and the climate change levy? Many companies see that levy as a barrier to productivity. In answering the right hon. and learned Gentleman, my hon. Friend referred to clause 5, which is about precluding taxation, but it precludes only the ability to impose or increase taxes. Why does it not include the ability to reduce or delete taxes? If it did so, it would meet the right hon. and learned Gentleman's point and ensure that such provisions could not be abused.

Mr. McFadden: My hon. Friend will have his opinion of whether that would count as a deregulatory measure, but we have an annual Budget and Finance Bill which set out the taxation proposals, and that is how we deal with such matters in this House.

Mr. Heald: Surely the Minister could just pray in aid the Labour record; it never abolishes taxes.

Mr. McFadden: I shall move on, as it would be churlish to mention VAT on fuel and the other taxes introduced by the hon. Gentleman's party.

An example of a measure to boost productivity is one that allows companies to patent a new technology that would encourage greater innovation in the economy. That is something in which the Department of Trade and Industry takes a great interest. We could remove obstacles to productivity by making it easier for someone to set up a company and by reducing bureaucracy and the number of forms that need to be filled in. The fourth limb of the definition of a burden involves a sanction, whether criminal or otherwise, and we wish to allow Ministers to propose by order to decriminalise offences or reduce or remove sanctions for regulatory offences. That has been carried over, as I said earlier, from the legal definition of "burden" in the Regulatory Reform Act 2001. The Government believe that it should be possible to decriminalise or reduce sanctions on people who have not complied with regulatory obligations in cases in which targeted sanctions are no longer considered appropriate.

4.15 pm

Mr. Christopher Chope (Christchurch) (Con): The hon. Gentleman is talking about burdens, but does he accept that the new clause would increase the overall burden? It might reduce the burden on 1,000 people while increasing the burden on 1 million.

Mr. McFadden: I do not believe that that is the case. Subsection (2) of the new clause states that the

"purpose is removing or reducing any burden, or the overall burdens, resulting directly or indirectly for any person from any legislation."

The provision could not be used to increase the burden. However, the burden may increase for someone in the system, even if it is reduced overall.

Mr. Chope: In that case, will the Minister accept my amendment (b), which replaces "or" with "and", thus ensuring that the new clause cannot be used to increase the overall burden?

Mr. McFadden: I hope that the hon. Gentleman will have an opportunity to speak to his amendment. However, new clause 19 emphasises the reduction in the overall burden and takes care of the issue.

Sir Robert Smith (West Aberdeenshire and Kincardine) (LD) *rose—*

Mr. McFadden: I should like to make some progress.

The definition of "burden" in new clause 19 provides the flexibility to supply the wide-ranging better regulation initiatives necessary to deliver the reform that businesses, the public sector and voluntary and charitable organisations want. The new clause focuses the order-making power in a different way from the 2001 Act, as it is output-focused and concentrates not on the way in which legislation should be reformed, but on the reasons for that reform. The order-making power in the 2001 Act concentrated more on the way in which legislation could be reformed. It removed legislative restrictions and so on but, after five years, that has proved limiting, and it has not provided the breadth of better regulation initiatives necessary to deliver the Government's better regulation agenda. It has not provided the scope of deregulation to which the main Opposition are committed, so useful regulatory reform orders could not be delivered. The change in emphasis will make it easier and quicker for Government Departments to introduce proposals to make a genuine difference to the regulatory and inspection burden.

James Brokenshire (Hornchurch) (Con): It is interesting to consider to whom the burden applies. There is a protection built into new clause 19, as the provision cannot apply only to a Government Minister or a Department. However, the caveat is limited by proposed subsection (4), which exempts Ministers and Departments that "exercise...a regulatory function". Can the Minister tell me where "regulatory function" is defined, or can he provide me with an assurance that that provision will not be misused?

Mr. McFadden: The hon. Gentleman anticipates the next part of my contribution. If he bears with me, I hope to provide him with reassurance.

New clause 19 has been drafted to prevent the inappropriate removal of orders that fall only on Ministers or Government Departments. In earlier proceedings, the fear was expressed that the order-making power could be used by Ministers suddenly to stop providing public services. The new clause provides that burdens falling only on Ministers or Government Departments can be removed, but only in so far as they are burdens that affect the Minister or Department in the exercise of a regulatory function. We believe this answers the fears expressed on those core public service points, although we did not believe that those fears would ever be realised through the operation of the Act. The new clause ensures that it will not be possible to make an order that stops the provision of public services because they may be considered a burden on Government.

Mr. Garnier: To some extent, what the Minister has just said is reassuring. However, public services are increasingly being farmed out to the private sector or the quasi-private sector. They are being off-loaded by Ministers so that they need not have responsibility for them. Would the Minister's comments bite on those extra-governmental organisations which provide a public service?

Mr. McFadden: The Department remains responsible for the regulatory function. I am interested to hear that the hon. and learned Gentleman seemed to imply some criticism of flexibility in the provision of public services, to which his party is also committed. The new safeguard is substantial and ensures that an order can remove a burden falling on Government only where the Government themselves act as regulator.

David Howarth: On the point raised by the hon. and learned Member for Harborough (Mr. Garnier), the central question is what is meant by Government Department. How far does that go? Does it include quangos, private sector providers and anyone who might count, for the purposes of the Human Rights Act, as a public body, which would include bodies such

[David Howarth]

as universities? The Minister should take the opportunity to explain to the House what is meant by the phrase.

Mr. McFadden: If the hon. Gentleman will allow me to continue, perhaps I shall do that.

The Government have a number of regulatory functions—for example, the company law regulatory functions within the Department of Trade and Industry, and the pesticides directorate, which has regulatory functions in the Department for Environment, Food and Rural Affairs. The Government believe that these regulators, too, should conduct their business in a manner that is risk-based. For that reason, it should be possible to use an order, if necessary, for better regulation purposes to change an aspect of these Government regulatory functions, so that all regulators conduct their business in a way that is risk-based. Orders should be able, for instance, to move these Government functions into those of an independent regulator if it were more efficient to do so.

Two consequential amendments should be mentioned in this context. Of the many amendments before us, I draw the attention of the House to amendments Nos. 38 and 39, which ensure that any Minister laying an order to be made under new clause 19 must include in the explanatory document laid before Parliament, as appropriate, an assessment of the extent to which it would remove or reduce burdens as defined in new clause 19. So we have on the one hand the more focused order-making power, and on the other hand an explanatory memorandum from Ministers relating precisely to that power.

Two further consequential amendments on which I shall touch briefly are amendments Nos. 60 and 62, which relate to the definition of regulatory functions. Amendment No. 62 inserts the definition of regulatory functions, which was previously part of clause 24, in clause 32 instead. That is because it is now relevant to both part 1 and part 2, because of new clauses 19 and 20.

New clause 19 provides that an order may not remove or reduce burdens which affect only a Minister or Government Department unless, as I said, that is in the exercise of a regulatory function. New clause 20 provides that a Minister may, by order, make provision which he considers would secure that regulatory functions are exercised so as to comply with the five better regulation principles. We shall discuss that new clause in more detail later in our proceedings.

The focusing of the power in new clause 19 on the removal or reduction of burdens and the additional safeguard that has been added mean that we are confident that the clause creates the output-focused rationale for a legislative vehicle to deliver regulatory reform effectively.

Sir Robert Smith: The Minister accepted amendment (b) in defining the scope of new clause 19. Without amendment (b), all overall burdens are not necessarily removed. Provisions can be restrictive in allowing just the removal of any burden. In the process of that door being opened by removal of any burden, that could overall provide more burdens on people.

Mr. McFadden: I can assure the hon. Gentleman that I have not accepted amendment (b). We may discuss that further.

John Bercow: I am grateful to the Minister for giving way. He has been incredibly generous and solicitous towards the House.

I am still concerned about the potential application of the new clause to the proper responsibilities of public services. Let me offer the Minister a scenario. The hon. Gentleman will be aware that there are responsibilities on, for example, national health service trusts under the terms of the Health and Social Care Act 2001, where they are considering changes in the provision of services to involve local people in and consult them on the proposed changes. Can the Minister assure me that nothing in the clause would ever allow such public agencies to argue for a removal or reduction of their public consultation responsibilities? On the face of it, the danger exists, at least under a less benign and progressive Minister than the hon. Gentleman, for precisely such an eventuality to occur.

Mr. McFadden: It is clear—it has been made clear in new clause 19—that only Ministers and Departments will be affected in terms of their exercise of a regulatory function. In these scenarios, which have been rehearsed throughout the passage of the Bill, it may always be possible to predict this and to predict that. If we go down that road, we will end up with a Bill that will be a beautiful parliamentary instrument in that it closes up every possible avenue to which the hon. Gentleman and others may draw attention. At the same time, it would not be an effective weapon in reducing deregulation.

That scenario has not been dreamed up by me. It is what has happened on two occasions when the House has tried to legislate on these matters. I ask hon. Members who raise these matters, which they have every right to do, to bear it in mind that business is watching our proceedings. Businesses, charities and the voluntary sector want an outcome at the end of this proposed legislation that will work. We must beware of continuing to amend, close off and hamper legislation so that it becomes, as I have said, a beautiful parliamentary instrument but not a useful deregulatory instrument.

I shall draw my remarks to a close by saying that new clause 19—

Mr. Greg Knight (East Yorkshire) (Con): Will the Minister give way?

Mr. McFadden: I will give way one more time, and that is to the Chairman of the Procedure Committee.

Mr. Knight: Will the Minister confirm that he has said nothing to alter the fact that new clause 19, even with the restrictions in proposed subsection (3), would prevent a future Government from perhaps looking at the burdens on those involved in pest control and deciding to use that vehicle to remove, for example, the ban on fox hunting?

Mr. McFadden: I do not know how many hours, weeks and months the House spent discussing fox hunting. If the right hon. Gentleman thinks that any Minister could propose a deregulation order that would sail through a Select Committee, he predicts a future House that I do not think will be in place. However, there is another point that has been raised in relation to the Bill, which relates to the extreme Government point, as we might wish to term it. What if these powers could be used by an extreme Government to destroy our freedoms? If we ever had an extreme Government in the United Kingdom, I do not think that at the top of our list of worries about what they might do would be regulatory reform orders.

They would be able to use primary legislation to pursue their ends—a point that I ask the House to bear in mind.

Pete Wishart (Perth and North Perthshire) (SNP): Will the Minister give way?

Mr. McFadden: No; I really do want to make progress.

New clause 19 and its associated amendments are a response to some of the fears and concerns that have been raised about the Bill. I hope that, in discussing them today, we have been able to assuage some of those fears. Those amendments give us a deregulatory power that is firmly focused on the better regulation aims that we want, and which the official Opposition say that they want, to achieve. They focus the Bill in such a way as to answer those fears and concerns, but they have not crossed the boundary that my hon. Friend the Member for Wolverhampton, South-West (Rob Marris) rightly warned us about crossing. I commend them to the House.

4.30 pm

Mr. Heald: We are grateful to the Minister for setting out the effect of these significant new clauses and amendments. We particularly welcome new clause 19, which is a major climbdown; combined with the other new clauses and amendments, it is definitely a step in the right direction. But as will become clear during our debate—you would expect this of any good Oliver, Mr. Speaker—we want more. *[Interruption.]* The Minister scoffs, but I thought it worth making the point.

The House will be aware that these new clauses and amendments would not have been necessary had the Government been prepared at the outset to listen to the widespread concern about, and criticisms of, their original proposal. I pay tribute to the Select Committees and their Chairmen, which have played an important role in the campaign, but also to those outside Parliament such as the TUC, the Institute of Directors, the press and other media, and various blogsites. This is an important victory for Parliament and parliamentary scrutiny.

Time and again in recent years, we have had to deal with badly drafted and ill-thought through legislation, or legislation that simply does not have the effect that the Government intend or claim. That was certainly the case with this Bill, which in its original form was dubbed by some of its fiercest critics an attack on parliamentary scrutiny, and even the "abolition of Parliament" Bill. It is good that a major concession has been made at this stage, rather than having to rely on their lordships in the other place to make all the running.

Of course, the Bill should have been about deregulation and reducing the burdens on British business, which have escalated under this Government. Perversely, it has turned out to be almost entirely constitutional in its impact. Deregulation was not mentioned at all, despite the fact that, as I pointed out on Second Reading, the British Chambers of Commerce estimates that the increase in regulatory burden has cost some £50 billion since 1997, that we are passing 15 regulations a day—50 per cent. up on the figure under the previous Government—and that during the same period, we have fallen from fourth to 13th in the league of the world's most competitive countries, according to the World Economic Forum. According to the International Institute for Management Development's "World Competitiveness Yearbook", we have fallen from ninth to 22nd, but whatever measure one looks at, it is clear that, after nine years of Labour, Britain is less competitive and moving in the wrong direction. The burden of regulation is one of the most consistent complaints that Members in all parts of the House hear when talking to business men and women, whether at national or local level.

Like all the business organisations that responded to the Government's consultation before the Bill was introduced, we were in favour of legislation that would make deregulation easier. I thank the BCC, the CBI, the IOD, the Forum of Private Business and the Federation of Small Businesses for all their help and support. They wanted proper safeguards to be included in the Bill, just like everyone else.

Mr. McFadden: I predicted that we would be trading surveys. Does the hon. Gentleman accept that the World Bank survey of September '05 said that the United Kingdom was second in the European Union and ninth in the world as regards the country with the best business conditions?

Mr. Heald: The Minister says that he wants to trade surveys, but the problem is that our position is getting worse. All the surveys show that the trend is adverse—it is against Britain and against competitiveness, and that is what needs changing.

This really was a dreadful Bill, and we said from the outset that a range of changes needed to be made if it was to have any chance of making it on to the statute book. It needed to focus on deregulation, and it needed to have what I described as a veto. Luckily, Ministers are now prepared to consider that, although their proposals are still too restrictive. The Bill also needed to specify what kinds of laws cannot be dealt with using the order-making power. When first introduced, it said that a Minister could change any law in any way for any purpose. That was clearly unacceptable. Ministers are now moving to try to concentrate on deregulation and provide the veto. That is welcome. However, there remain some areas of concern that we will want to debate, not least the Law Commission proposals, where there seems to be very little to constrain what happens, and the veto, which seems to have been very tightly drawn.

[Mr. Heald]

When the concessions started to be made, I was quite amused by the way in which Ministers described what they were doing. The hon. Member for East Renfrewshire (Mr. Murphy), who struggled through this long campaign and must be relieved to have moved on, said:

"The time has come for those who claim to want to tackle bureaucracy to stand up and be counted, and let the Government of the day get on with the crucial task of cutting unnecessary red tape."

The Minister, who is not in her place, said:

"I...stress the need now to get on with the task of removing barriers to productivity that will benefit hundreds of thousands of businesses, charities and public sector workers".

One begins to ask oneself where they have been for the past nine years as the Government have piled on the bureaucracy and the red tape, and which party has consistently argued for proper deregulatory measures during that time.

Mr. Redwood: Does my hon. Friend agree that our proposal before the last election of having an annual deregulatory Bill to implement the necessary regulatory budgets Department by Department would be a much better way forward, because we would not only be able to debate all these matters in Parliament, but genuinely cut the burden?

Mr. Heald: Of course, my right hon. Friend has a proud record in this area. Let us not forget that it was the Conservatives who invented deregulation.

The Department for Trade and Industry has on its website a list of all the measures that are going to be taken on the two dates when regulations are laid. It amounts to about 40 pages of new regulations that are coming through. The Government spend a lot of time talking about the principle of one in, one out—for every new regulation, one will be scrapped—but does it ever happen? Does it heck. We see no list of regulations that are to be scrapped, just vague promises. It is time to change the culture in Whitehall to one that is about light regulation, deregulation and trying to take the burdens off the back of business.

New clause 19 may not be perfect, but it is a major step forward, and we certainly welcome that.

New clauses 1, 4 and 8 represent my attempt to focus the fast-track procedure solely on deregulation. The Government have gone far enough for me not to wish to press the new clauses. However, new clause 4 touches on a point made in amendment (b), tabled by my hon. Friend the Member for Christchurch (Mr. Chope). He was very active in Committee and was one of the original members of the deregulation taskforce, so he has strong credentials on deregulation. If he moves that amendment, I am likely to support him. My hon. Friend is seeking to establish that the net effect of an order made under new clause 19 should always be deregulatory. We believe that that is a sound principle, and that proposal is to be supported.

Amendment (a) to new clause 19 and amendment No. 74, tabled in the names of the hon. Members for Somerton and Frome (Mr. Heath) and for Cambridge (David Howarth), would require Ministers to be reasonable in their considerations under new clause 19 and clause 3 respectively. I look forward to hearing the arguments for those amendments, which I suspect are implied in their wording. I certainly would not rule out supporting that approach. There is always a possibility of judicial review if a Minister acts in a totally unreasonable way, but the amendments could add a lesser sanction to the provisions that would provide a useful way of concentrating minds.

Mr. Winnick: I was quite critical of the Government's original proposals, and I am very pleased that these changes—the hon. Gentleman calls them concessions—have now been made, as I said to my hon. Friend the Minister earlier. I have been listening carefully to the hon. Gentleman since he started speaking at the Dispatch Box. Is it the case that he does not agree—I will put it no more strongly than that—with his hon. Friends, whose various interventions on the Minister gave the impression that the Government would continue to have the powers that we do not want them to have, even theoretically? May I assume from what the hon. Gentleman is saying that he disagrees with his hon. Friends?

Mr. Heald: I would go so far as to say that the amendments tabled by the hon. Member for Cambridge and my hon. Friend the Member for Christchurch would improve the drafting of new clause 19, and I am therefore supportive of their efforts. However, I cannot argue with the fact that new clause 19 represents a major climbdown and a step in the right direction. I personally feel that it has saved parliamentary accountability in an important area. I am still unhappy with certain other areas of the Bill, however. For example, it confers far too wide a power in saying that the Law Commission may make a recommendation on any matter—even a highly controversial and important one—without any guarantee that it will be debated on the Floor of the House. I do not accept that. Similarly, the terms of the veto that have been offered are inadequate. However, new clause 19 is a step in the right direction. I hope that that explains my view to the hon. Gentleman.

I also welcome amendments Nos. 23 and 26, which will tighten the way in which the Law Commission's recommendations are to be dealt with. I am still not satisfied with the overall arrangements for the Law Commission's recommendations, but I welcome that tightening. We would certainly be prepared to look at the whole Law Commission issue with the Government. Previously, the House has always dealt with Law Commission recommendations using the Standing Orders of the House. Standing Orders Nos. 58 and 59 apply a fast track to consolidation measures, for example. I am not sure that that is not a better way of tackling Law Commission measures than what is proposed in the Bill. Unless we can find a way of allowing non-controversial Law Commission recommendations to pass, while ensuing that controversial ones are properly debated, I shall be unhappy with new clause 21. That is just a warning, however, because we have not reached that new clause yet.

New clause 9 is an important proposal, and I look forward to hearing the Government's views on it when the Minister winds up the debate. We believe that it is necessary to consider the needs of small businesses separately when measures of deregulation are proposed.

There is already a plethora of examples of that happening, including exemptions in different categories involving businesses with fewer than five, 10 or 15 employees, and so on. Some exemptions apply when a business's rateable value is below a certain point, or when its turnover is lower than a certain amount. There is also a range of regulations providing different kinds of exemptions for small businesses.

When considering the regulatory regime for business, there is a strong case for requiring the appropriate Minister to consider whether the proposed regulation will be appropriate for small businesses. There is wide support for that requirement in the business community, even among large businesses. For example, the Institute of Directors believes that, on balance, there is a case for applying small firm exemptions. In its report on the subject, it said:

"The burden of regulations often has a disproportionate impact on SMEs because they lack both the resources and the staff to deal with them...Exemptions...should be determined on a case by case basis. Small businesses have flourished in the USA partly as a consequence of this approach."

What we are talking about is allowing Government the choice to impose a regulatory burden on big business, which might be appropriate, and to decide that it would not be appropriate for small business.

4.45 pm

Andrew Miller: The hon. Gentleman is making a series of interesting points. On this point, however, will he give the House a few examples of precisely what he means?

Mr. Heald: I would be happy to do that. As the hon. Gentleman knows, the Better Regulation Commission considered whether providing exemptions created disincentives to growth, but did not find much evidence of that. Its report, "Helping Small Firms Cope with Regulation", on exemptions and other approaches, made it clear that small firm exemptions were a useful tool to ensure that there was not an over-burdensome regime for those companies. I mentioned the various categories and thresholds that apply, and there are small business exemptions in 50 or 60 areas. At the moment, however, there is not a legal requirement that there comes a time when the small business impact is considered, although the Cabinet Office talks about that. I believe that there would be no harm in a specific provision that deals with small business, and I suggested such a provision in Committee. Interestingly, the Institute of Chartered Accountants has said that it believes that the relative proportion of the burden of regulation on small business is too large, and that it hopes that Ministers will consider such an approach.

Andrew Miller: I want to clarify this point, as the Regulatory Reform Committee, of which I am Chairman, must look to the future when there might be a less benign Government. Is the hon. Gentleman saying, on behalf of the official Opposition, that he would not include in those remarks measures such as the minimum wage and the Health and Safety at Work, etc. Act 1974?

Mr. Heald: All that I am saying is that, at a time when regulations are being made or removed, the role of the small company needs to be considered. I am going no further than that. As the hon. Gentleman will know, our policy is to accept the minimum wage. *[Interruption.]* Well, we accept the minimum wage, so he has not made a superb point.

New clause 17, tabled by my hon. Friend the Member for Stone (Mr. Cash), seeks to ensure that where a fast-track deregulation order is made in connection with a provision concerning our EU obligations, it would be legally binding and effective. It is hard to disagree that that should be the position, and I believe that it probably is the position, but I would be interested to hear the Minister's views. The manner in which member states make their law is a matter for member states, and if Parliament decides to make law by order, that is for our Parliament rather than the EU.

The Government climbdown in new clause 19 is to be welcomed. There is a case for some amendment of it, about which we will hear in a moment, and we are open to considering that. I would like to hear the Minister's response to new clause 9, which is designed to help small business. At this stage, we are minded to support my hon. Friend the Member for Stone on new clause 17, which clarifies the law as regards the EU.

Andrew Miller: I agree with the hon. Gentleman that new clause 19 represents progress—indeed, substantial progress. To send a note of caution to my hon. Friends in the Cabinet Office, let me say that I was mightily pleased to receive a letter dated 11 May promoting me to the Privy Council, which I thought was a real step in the right direction, and then I saw that my name was spelt wrong.

The Parliamentary Secretary, Cabinet Office (Edward Miliband): Long overdue!

Andrew Miller: I thank my hon. Friend.

My worry about the Bill is that there have been two steps forward and one step back. The new clause represents real progress, but this debate would have been unnecessary had the Government listened to my Committee's advice in the first place. The Committee said that the matter should have been dealt with by means of pre-legislative scrutiny, and a number of Ministers have told me privately that they agree with that. The House produced a device for the purpose of looking to the future, and we could have used it sensibly. After all, the underlying principles of the Bill do not divide the House; what we are arguing about are the detailed mechanisms involved.

I consider new clause 19 to be a substantial step in the right direction, and I urge the House to accept the principles that it embodies, but a number of points should be considered carefully. The Minister will deal with most of my concerns when he explains where the line will be drawn in the limitation of orders, but we shall not be able to get to grips with some other aspects until we examine the Standing Orders and determine how the RROs should properly be dealt with. We need to establish whether they will be dealt with through the existing Legislative and Regulatory Reform Committee, through a hybrid of some kind, or through a vehicle yet to be devised. We need to keep an eye on the ball. We

[Andrew Miller]

also need to think ahead about how we will expect the House to empower the Committee or Committees involved to do the necessary work.

I agree with the thrust of the Minister's remarks, but what he should glean from the debate and his extensive and interesting weekend reading is the fact that, while the Regulatory Reform Act 2001 has not proved as effective as it might have, the blame lies not with the House but with Government Departments. I do not blame Ministers. There is an inertia in the system, with which any Member who has been in the House any length of time will have had to deal. Certainly two or three Conservative Members who have been Ministers in important Departments will take the point. It is extremely difficult to achieve momentum, however determined a Government may be.

On page 13 of my Committee's report, the First Special Report of Session 2005-06, we have published a chart. It is in microdot form, but there is a good deal of data that are worth examining. The worst example given is that of the Sugar Beet Research and Education Order 2003, which was dealt with by the predecessor Committee. I do not suppose that any Member present recalls what the order did—that does not constitute a challenge—but it spent 1,800 days floating around the Department for Environment, Food and Rural Affairs. That is extraordinary. I do not know the reason for that because no one ever explained it to the House, but therein lies the core problem that makes the Minister's job that much more difficult.

We worked hard—I say "we", because the Government generously consulted all four relevant Select Committees closely, and there has been dialogue with the Liaison Committee through the Father of the House, as well—to find a way through the difficult area of definition, and I hope that the methodology adopted proves to be right way. It is better than the alternatives that some of us floated, which included having omnibus lists of exclusions—I look at the hon. Member for Cambridge (David Howarth), who had the biggest omnibus of the lot. I think that the mechanism adopted is the better one, but we need to be extremely precise and to make sure that it is clearly understood that we are discussing not burdens on Ministers, but burdens on people outside this place—burdens that the Minister has the power to do something about, for it is he, the Minister, who will bring an order before our Committee.

Under existing legislation, we spent a tortuous afternoon dealing with the most recent Forestry Commission order. We had to debate what the Forestry Commission was, in constitutional terms. Before that debate, I was not aware that the commission is a non-ministerial Government Department. That raised the interesting technical question: if it is a non-ministerial Department, which Minister introduced the order? However, just as the House accepts the Paymaster General introducing orders on behalf of Her Majesty's Revenue and Customs, we accept the structure that relates DEFRA Ministers to the Forestry Commission.

Mr. Redwood: The hon. Gentleman is clear in stating the areas in which he does not want the power to be used, but are there any in which he would like it to be used? Does he have a list of measures that he would like to be removed?

Andrew Miller: Yes—I could list a number of items. I would like the House to consider giving my Committee or a successor body investigatory powers and the power to recommend to the Government areas in which they should act. The right hon. Gentleman has done private work in that respect on behalf of his Front Bench. Serious consideration should be given to whether, in future, my Committee or its successor should have investigatory powers, which it lacks under its current Standing Orders. In our everyday work, we all come across examples of regulation that cause us to ask why they are still on the statute book, or why they were put on to the statute book, whether by a Conservative or a Labour Administration. That matter should be examined in the context of the debate on the Standing Orders.

I congratulate the Parliamentary Secretary, Cabinet Office, my hon. Friend the Member for Wolverhampton, South-East (Mr. McFadden), and his predecessor, my hon. Friend the Member for East Renfrewshire (Mr. Murphy), on the sterling job they have done of getting us away from the rather odd debate in which the House found itself as a result of the Bill that emerged from Committee. Substantial progress has been made, although a few obstacles remain in the way of getting the legislation smoothly on to the statute book. I hope that during our proceedings today and tomorrow, Ministers will listen carefully to the serious points that are made, in particular by members of the four Select Committees, with a view to ensuring that the Government's replies do not preclude further amendments, should they be necessary. However, I congratulate my hon. Friend the Parliamentary Secretary on adopting the imaginative approach that new clause 19 and the associated amendments reflect. I hope that the new clause will have the support of the House.

5 pm

Mr. Heath: The hon. Member for Ellesmere Port and Neston (Andrew Miller) said that the Bill that left Committee engendered an odd debate. I do not think the debate was remotely odd; it was entirely proper and necessary, because the loose wording that had been adopted drove a coach and horses through our proper parliamentary scrutiny, which is why so many of us were extremely concerned.

I again welcome the Minister to his new responsibilities. I am sorry that his first parliamentary outing is on one of the most controversial Bills of the year, although at least he has the advantage of introducing amendments that improve it rather than make it worse. He tried manfully to put as good a gloss on the process as possible, although he was not aided by the Minister for the Cabinet Office who left after 12 minutes, which I found surprising given the context of the Bill—but there we are.

The Minister said that the Government had listened to what had been said by the Committees that have considered the Bill. The Government may have been listening but they certainly did not give the impression that they were prepared to budge an inch in the

Standing Committee, where the then Under-Secretary at the Cabinet Office simply replied with assertion after assertion after assertion that it was not his intention, and that if it was not his intention it could not possibly be anyone else's intention, to abuse the terms of the legislation, so it was all right.

The only thing that made the Government think again was the message from the Government Chief Whip in another place, who told them that the Bill was as good as dead unless it was substantially amended before it went there. That is why the Government have tabled the amendments that we are discussing today—rightly so, because the Bill is important. We all wanted to support it and to develop a consensus that enabled us to do so, but we can do that only if the Government remove the wholly unsatisfactory parts of the measure. However, I can tell the Minister that I wholeheartedly agree, without demur, with one of his amendments: No. 10, which leaves out clause 1. That is an extremely good amendment.

New clause 19 makes the situation better, but it is by no means the final article. It moves some way towards providing a limiting definition, but that definition is still open to misinterpretation and abuse. The problem with the original scope of the Bill was the huge width of interpretation that it allowed Ministers, and indeed a future House. In Committee, we argued that that could be dealt with in three ways: prescription, proscription or protections. All three are valid and more than one of them will be necessary to achieve a workable Bill.

In this case, the Government have adopted prescription. They have set out the matters that are the province of the Bill. They have said, by definition, what the Bill is intended for and thus, by implication, that there are other matters for which it is not intended and that are outside its scope.

Some hon. Members would argue strongly—my hon. Friend the Member for Cambridge (David Howarth) may well be one—that it would be better to have a proscriptive list of those statutes or aspects of statute that should fall outside the Bill's scope. Nevertheless, I welcome new clause 19 as at least a move in the right direction, but as the Minister knows, we and others have tabled amendments to new clause 19, and I ask him, rather than simply rejecting them out of hand, to look carefully at what they would do, because they would not work against the principles that he espouses. Indeed, they would support his view. Amendment (a) would introduce a single but very important word—"reasonably"—into new clause 19. That test of reasonableness would provide an objective, rather than subjective test of whether a Minister was doing what the Minister says would always be a Minister's intention in those circumstances.

Mr. Redwood: Is there anything that the Liberal Democrats would like to deregulate under the Bill? I always think of them as being very regulatory and bossy, rather than otherwise.

Mr. Heath: I cannot deal with the right hon. Gentleman's misconceptions about my party, but when he intervened earlier on the hon. Member for Ellesmere Port and Neston (Andrew Miller), I thought that the reply was valuable. The Regulatory Reform Committee ought to have a wider brief than simply responding to what Ministers put to it. The hon. Gentleman suggested an investigatory role, but it could have a collating role. I should like that Committee to perform a genuinely deregulatory function in inviting suggestions for deregulation that ought to be put before the House in the form of an order.

I do not understand why such things must come from a Minister. The hon. Gentleman said that he excused Ministers from responsibility over what happens in their Department. I do not excuse them for a moment. They have the responsibility of making decisions in their Departments and, if they do not do that well enough, another Minister should be found. It is helpful to listen to the business world and the outside world generally about what deregulatory measures could properly be introduced.

I also think—this is partly an answer to the right hon. Gentleman—that the need for sunset clauses in legislation made by order is a prerequisite for good regulation. We should not have regulations that simply carry on, year after year, long after the original need has been removed but remain on the statute book, applying burdens to people in business that they could well do without. As one of the few Members who has run a small business, I know of what I speak, and I feel that that is a necessary protection for businesses.

Amendment (a) would apply the test of reasonableness to the decision that the Minister takes when determining whether he is acting in an appropriately deregulatory way. It is no good for Ministers to say, "We don't need the term 'reasonably'", because they use it in another part of the Bill—not, of course, applying to Ministers, but to members of the public who may wish to make a complaint about the way in which Ministers behave. Let us not argue about whether the word "reasonably" is otiose but simply consider whether it adds to Ministers' responsibilities, and I say that it does. I do not want to make a Minister's decision justiciable in that sense, because I do not want decisions of parliamentary procedure to become a matter for the courts, but I want Ministers to behave appropriately in making that decision, and the insertion of the word "reasonably" would have that effect.

The hon. Member for Christchurch (Mr. Chope) will speak to his amendment (b), but, as the hon. Member for North-East Hertfordshire (Mr. Heald) said, it is self-evidently a necessary protection. I hope that the Minister will seriously consider it. He seemed to dismiss it earlier, but if he thinks about it further, he will realise that it is a sensible change that would not reduce the Bill's effectiveness but simply define it more accurately.

I do not propose to talk about amendments (d) and (e) today, for the simple reason that they also relate to new clause 15, which leads a group of amendments tomorrow, and I can explain the purpose for which they were tabled at that point. We have a slightly confused process. Nor do I need to dwell on amendment No. 4, which relates to the definition of reforming. The reformulation of the Bill means that we will have to return to that in another place. At the time when we tabled the amendment, it was crucial, but it is less crucial in the context of the Minister's new clauses.

[Mr. Heath]

Amendment No. 74 also inserts the word "reasonably", but this time in clause 3, which covers the preconditions that a Minister must apply. Again, I hope that a Minister would behave reasonably. He would be required to do so under administrative law because otherwise he would be subject to judicial review, but I do not want to be in the business of encouraging the judicial review of Ministers' decisions in terms of how they present matters before the House. That is not the right way of doing business. We should make it absolutely clear that we are not talking about an assertion—to use a term that I used earlier—by a Minister or a subjective view. A Minister should have to test objectively whether he is behaving reasonably when applying those preconditions and accepting whether they have been met. That seems sensible.

The last amendment that I wish to mention is amendment No. 78, which deals with something that has not been mentioned yet. It is a probing amendment on clause 34, which comes right at the end of the Bill and relates to its extent. When I asked the Minister's predecessor in Committee, he did not appear to have a clue why the clause was written in the way that it was. I do not want to cast aspersions on the previous Minister, but I can see why he had to be promoted, because he clearly did not understand this aspect of the Bill or many others. I want to know why the Bill asserts extraterritorial jurisdiction for itself. I am struggling to find the areas in which the orders that might be amended, repealed or replaced might apply outside England and Wales, Scotland and Northern Ireland. Under what circumstances would that apply and under what circumstances would it be appropriate for the House to fast-track an amendment to legislation, which, for one reason or another, applied presumably to a Crown dependency? There are very rare occasions on which we have extraterritorial jurisdiction, for instance in relation to some sexual offences. I simply want the Minister to explain why he thinks that that has to be in the Bill. I did not get an explanation in Committee, so I hope that I will now.

I feel strongly about amendment (a), because it is the litmus test of whether Ministers are serious about rewriting the Bill. I hope to have the opportunity to test that in the House, given that the Bill has been completely rewritten. We are virtually back to the Committee stage with this part of the Bill, so I hope that we will have the opportunity to test the will of the House on that. I also hope that, unless the hon. Member for Christchurch gets a satisfactory answer, he will feel able to press amendment (b). If he does, we will support it.

I know that the hon. Member for Stone (Mr. Cash) will wish to speak on new clause 17. It is axiomatic that, if a matter is dealt with through this procedure in order for a deregulatory measure to go forward, it should not be overridden by the European Communities Act 1972 and provision elsewhere. If the principles of subsidiarity are to mean anything, they must mean that. I hope that the Minister will be able to reply that that is already the case, but I fear that he may not. If he does not, and the hon. Gentleman intends to press new clause 17, I will advise my right hon. and hon. Friends to support him.

Mark Fisher: The Government have got into a terrible mess with the Bill, so it is good to know that the new Minister in charge of it is doing his best to dig them out of it. When the Minister's predecessor presented the Bill, he did so as if it had a different title and was called simply the "Regulatory Reform Bill". I do not think that he mentioned the word "legislation" in his Second Reading speech. As hon. Members on both sides of the House have been frustrated by and tangled in the mess of regulation that has accumulated due to legislation over the years, the Bill was waved through on Second Reading—the House did not even divide. The Bill was totally misrepresented and thought of as uncontentious.

5.15 pm

Mr. Redwood: If the hon. Gentleman checks the speeches, he will find that the Conservative Front-Bench spokesmen and I made it clear that the Bill was a constitutional outrage, but that we would not divide on it until Third Reading in the hope that the Government would see the error of their ways.

Mark Fisher: The criticism was muted. My perception of the Bill's history is that it was not until a few days after Second Reading, when the hon. Member for Cambridge (David Howarth) wrote a staunch article in *The Guardian*—[Hon. Members: "*The Times*."] I am so sorry. It was only when the hon. Gentleman dubbed the Bill the "Abolition of Parliament Bill" in his article that people started to recognise that it had many dangers and, indeed, the purpose suggested by its title: the Legislative and Regulatory Reform Bill. It was seen that the Bill was extremely dangerous, so I am glad that many, although by no means all, the dangers associated with the legislative aspect of the Bill are being put right by new clause 19.

Mr. Jonathan Djanogly (Huntingdon) (Con): The hon. Gentleman really must read the *Hansard* report of the Second Reading debate. Both my hon. Friend the Member for North-East Hertfordshire (Mr. Heald) and I made it clear that we would under no circumstances accept the Bill in the form in which it was presented to the House.

Mark Fisher: The hon. Gentleman is entitled to his interpretation of his speech, but my interpretation of the debate was that the House took its eye off the legislative ball and waved through a Bill that was not in the interests of Parliament.

Andrew Miller: Unfortunately, I was not present on Second Reading because I was attending a funeral, as is recorded in *Hansard*. Does my hon. Friend recognise that the criticisms that he and the hon. Member for Somerton and Frome (Mr. Heath) have made about the Bill are set out in my Committee's report, which was published before the Second Reading debate?

Mark Fisher: I certainly do not want to fall out with my hon. Friend. However, the attention of the House was not focused on the acute dangers of the Bill. If the Bill had gone through in the form in which it was considered on Second Reading, it could, as the hon.

Member for Cambridge said, have taken away all the powers of Parliament, but the outrage that the House should have felt about that was not expressed. Hon. Members might say, with a certain amount of casuistry, "Oh, but I spotted it and gave warnings," but those warnings were muffled. In its original form, the Bill was a parliamentary disgrace, so it is good that the Minister has recognised that and is rowing us back from that disastrous position. Sadly, his predecessor did not fully appreciate how serious the situation was.

Mr. Heald *rose—*

Mark Fisher: I feel that the hon. Gentleman will be yet another person who will say, "Oh, but I understood the Bill only too well," but I will give way to him.

Mr. Heald: The hon. Gentleman should have been here on Second Reading, because many people, especially Conservative and Liberal Democrat Members, spoke out strongly against the Bill. They made it clear that we were considering an issue of constitutional importance and that changes would have to be made to the Bill. However, we did want a Bill on deregulation, and we are still fighting for that because, my goodness, this country needs one.

Mark Fisher: There is the problem. Everyone wanted a Bill on deregulation. What they were given was a Bill that went very much wider than that, and did so in dangerous ways. Everyone is now alert to those problems. I have to confess that I did not attend the debate on Second Reading.

Andrew Miller: Guilty as charged.

Mark Fisher: Absolutely. I am ashamed of myself. As someone who believes in, and who has based most of my career in the House on, the principle of defending Parliament against the Executive and defending the scrutiny of Parliament, I am thoroughly ashamed that I did not spot the dangers. Other hon. Members seem less keen to admit that they slipped up too. One of the few people who comes out of this at all well is the hon. Member for Cambridge, but others may wish to protect their reputations.

That is not the burden of my speech. Instead, it is the extent to which the Government are rowing back from that disastrous position with new clause 19. It is a good and serious attempt, but it is not quite right. It needs to be buttoned down in a solid way. The dangers inherent in the original Bill were enormous and complacency still exists, with hon. Members in some interventions saying, "I spotted it all." The original Bill gave powers to Ministers to subvert the process and bypass the whole of Parliament. The "abolition of Parliament" was not a loose phrase. We could have packed up and gone home with the removal of almost all our functions, yet neither the press nor the House was up in arms in the way that they should have been. I am delighted that the Government are rowing back with new clause 19, but it is not quite enough.

Pete Wishart: Does the hon. Gentleman have a view on why the Government introduced the Bill in the way that they did? Was it just a mistake by civil servants or something more sinister?

Mark Fisher: It is not for me to speculate on why and I am not sure that it is interesting now. Hon. Members, and there are plenty on both sides of the Chamber today, have been concerned about how the shift of power in politics has moved from Parliament to the Executive over recent years. Indeed, the former right hon. Member for Bexley and Old Sidcup, in his last speech on the Conservative Benches, said that it had been moving inexorably during the 50 years that he had been a Member of the House. Those of us in the group Parliament First, who are interested in such matters, recognise that the balance of power has shifted enormously. The Bill seemed to be the most dramatic and horrific example of that. Had it gone through unamended, it would have totally changed the balance and nature of our parliamentary system. Indeed, it would have neutered large parts of it.

New clause 19 is important because it is the one hand against that trend. I congratulate the Minister on introducing it and ensuring that the Bill has some constraint. In the light of the generous number of interventions that he took, I hope that he will go back and think about some of them, and see that there are still weaknesses. I do not feel that he responded fully to the point that the right hon. and learned Member for Rushcliffe (Mr. Clarke) made on the climate change levy. He deflected it by saying, "Ah, but legislation is covered by clause 5." However, it is only covered in one direction—to "impose or increase taxation." The right hon. and learned Gentleman suggested the possibility that orders could reduce or delete taxation. The Bill, with the current wording, does nothing to stop an order being made. It would have to go to a Select Committee, but a Select Committee of a different House, with a different Chair and a different balance could well wave it through. It could be persuaded that a climate change levy was a thoroughly malign thing. That would not be good for Parliament. It would be extremely bad for the way in which we conduct our business.

I suspect that the same is true of a future Government deleting the top rate of tax. That could happen and it could bypass the scrutiny of a Finance Bill. It is certainly true of the rather less important and frivolous example of fox hunting. I deplore the fact that the House has wasted 700 hours debating fox hunting. Anything more pointless and more to the shame of this House could hardly be imagined. Under this Bill, an order to delete all that legislation—if the order got through a Select Committee—would not need to go before the House; it could be a ministerial order. As a member of the middle way group who voted against the legislation, I would be happy and relaxed about that, but that is not the intention behind the Bill or the way in which we should conduct parliamentary business. I do not see anything in new clause 19(3), which defines the burdens, to prevent such things from happening. I know that the Minister intends that subsection (3) will preclude all those things, but that is not apparent from the wording. It would be very much simpler if the Bill were confined solely to regulation. Does the Minister want to intervene?

Mr. McFadden *indicated dissent.*

Mark Fisher: There was an air of expectancy that my hon. Friend was about to rise to his feet.

We still have a way to go to pin down and limit the effect of the Bill simply to tidying up and cleaning up the mess of regulation in our legislative system. We must by all means, either in this House or in another place, ensure that the Bill can in no way touch primary legislation, because that way lies perdition.

Mr. Kenneth Clarke: May I begin as everybody else will begin by praising the policy intention behind the Bill? I very much doubt whether there is any right hon. or hon. Member, either present or elected to this House, who does not support the principle of deregulation. We all acknowledge the tremendous pressure that we are under to reverse the inexorable growth of regulation in recent years and the constant reminder we are given by British business about its damaging effects on our competitiveness, so this ought to be a non-controversial Bill. It is a minor miracle that the Government have succeeded in turning it into an extremely controversial piece of legislation. I agree with the hon. Member for Stoke-on-Trent, Central (Mark Fisher) that there is no point in going back now, but I cannot understand why the Government thought that they could carry general support for deregulation into support for a Bill of the kind that they first drafted.

New clause 19 is indeed extremely welcome. It is the first time that the Government have moved substantially from where they started. The original Bill was drafted in an extraordinary fashion; parliamentary procedure would have been bypassed on every kind of occasion if a Government were minded to do so. New clause 19 has sought to narrow that, but it still has not gone far enough. The Government are still not inclined to restrict their scope sufficiently to reassure me that there is not the danger, perhaps a few years hence, that the provision will be misused and in a way that would further erode the power of this Parliament to check the activities of the Executive. In the light of recent history, that is something of which we in this House should always be conscious.

The best point made by the new Minister, whom I welcome to his post and who did his best to get back to common sense on deregulation, was that there is a danger that we will all be so sensitive about parliamentary procedure that we will become extremely pedantic and Governments will again find that their deregulatory legislation is quite inadequate for anything except making such minor changes as to be of no consequence to anyone. I tell myself—and I hope that everybody else will in this debate—that one must guard against that before looking at new clause 19 and saying that it is not adequate. However, I have done that and I still think that whoever produced the new clause has been too cautious.

Proposed subsection (3) leaves open the possibility of the repeal of any kind of taxation in response to demands from pressure groups and commercial lobbies. Procedures made illegal by the criminal law could be legalised, and debate prevented by the fast-track procedure. I cited the example of the repeal of the climate change levy, because I thought that the proposal might attract the Minister's interest. Conservative Members support that repeal—presumably, he is not in favour of that—and there is nothing in the Bill to prevent the Government from introducing it. The Bill could be used to provide an exemption to value added tax on goods or services in response to a well publicised and financed commercial lobby. VAT has become nonsense because so many exemptions have been allowed over the years for political purposes. Plenty of people would argue that their goods or services are so desirable that an exemption is the obvious thing to provide. It would be easier to give way to them, if any Government are so minded, by using the legislation. Airport passenger tax, insurance duty and all kinds of unpopular measures could be repealed under the legislation, subject only to the consultation and the veto of the Select Committee on which the Minister relies as protections.

5.30 pm

Mr. Cash: I am not sure that I intend to make an offer to my right hon. and learned Friend, but the very fact that VAT and other measures that he cited derive from European legislation means that they cannot be touched by the Bill. I may be able to elaborate more when I speak to new clause 17.

Mr. Clarke: Our debate has touched on new clause 17, but I cannot begin to understand it. Having heard reference to it, I look forward to my hon. Friend's explanation of what it is supposed to do. If it merely restates the existing or original law, I shall not be upset, but I do not think that it intends to do so. I believe that my hon. Friend is trying to insert a subtle provision to allow all our treaty obligations to be ignored, provided that procedures under the Bill are followed. That would encourage any Government of whom he wholly approved to make frequent use of the measure if they ever assumed office. However, let us wait for his explanation.

Turning to the criminal law, I have suggested that the procedure could be used to end the illegality of fox hunting. Most of the great liberal reforms abolishing criminal penalties have been introduced by the House, but some people advocate the introduction of things that they regard as liberal reforms. I do not approve of euthanasia or assisted suicide, but the criminal penalty on that act could be lifted under the Bill, subject only to the safeguards on which the Minister relies. He disappoints me by repeating the arguments deployed by his predecessor in response to such examples. He accepts that the Bill as drafted would allow anyone to repeal such penalties, but he says that the Government do not envisage doing so. He says that it is not realistic to expect anyone to do so in future.

Mr. McFadden *rose—*

Mr. Clarke: I shall give way to the Minister, as I do not think that that can be accepted as an adequate argument on the plain legal effects of a piece of the legislation that the Government have passed and which would give future Governments explicit powers.

Mr. McFadden: I am not asking the right hon. and learned Gentleman or any other Member to rely purely on my personal assurance in the case of the emotive examples that he has just cited. May I direct him to clause 3, which deals with the protections, rights and freedoms that would clearly be infringed by those examples? It is not my personal assurance that provides a guarantee against such measures being taken by a future Government—it is the Bill.

Mr. Clarke: I do not see—perhaps in the reply an attempt will be made to persuade me to see—that clause 3 answers my arguments on taxation or the criminal law in the slightest. Of course they could be put forward, and they would have the effect of lifting the criminal penalty from a particular category of people, or lifting the financial burden from another category of people, but it would be difficult to say that that automatically restricted the freedoms of others. It might deeply offend the sensibilities or the interests of others, but not their freedoms, so clause 3 is not an answer.

If the Minister wants to give a specific answer, let him deal with my example of taxation. I have not heard him yet explain why clause 5, which could deal with the point, could not be amended to include any reduction in taxation. If my point about changing taxation is so preposterous, why does the wording of the Bill leave it open to allow the change in the burden of taxation? Why does clause 5 not include reductions in taxation, so that lobbies cannot try and persuade a Government to use the power?

That goes back to a point that I made not on the Floor of the House, but in a private debate with the Minister's predecessor in the precincts of the Palace organised by the Hansard Society. There would never have been any difficulty with the Bill if all the things that Ministers have been prepared to say as assertions, promises and beliefs in principle had been incorporated into the text. If Governments are accepting various scenarios, why do they not bring them fully into the text?

I move on to the safeguards to which the Minister keeps coming back: all these things require consultation, and all would fail if the two Select Committees, or the relevant Select Committee, were prepared to exercise a veto. That is not good enough. That could be used to take away the powers of Parliament on practically every subject. If we could all be reassured by that, why on earth are we spending our time debating anything on the Floor of the House?

There are occasions when debate on the Floor of the House is needed, not always because the majority is opposed to some prospect, but to protect the rights of minorities as well. I have taken part in protracted debates on the Floor of the House where I have been in the large majority in the House. We have known that we would get our legislation and I have known that I would be voting on the winning side, but that does not mean that I thought it was an irritating waste of time to allow a powerful section of public opinion to voice its objections, to test the detail and to go through the arguments. That is the whole point of Parliament. It must never be regarded as just a nuisance that stands in the way of the parliamentary majority for the time being getting its way.

What about the protections about which we are told? I regret to say that I do not think that the veto by a Select Committee is good enough. The two Select Committees that have studied the Bill have done a very good job. Select Committees do a very good job in the House, but I would not rely upon them as the last defenders of parliamentary privilege and parliamentary process in every case. It is a fact that the Government determine the majority of every Select Committee. A Government determined to get their way, who are irritated by what they see as time-wasting and filibustering opposition, will ensure that Select Committees do not veto their legislation and get it back on to the Floor of the House.

Mr. Heald: Does my right hon. and learned Friend agree that to strengthen the Select Committees, an absolute veto is required, so that they can say, "We don't like the look of this order for this process"? A veto such as the one suggested, which we shall debate later and which is so hedged round with restrictions, does not give much confidence in the process.

Mr. Clarke: I agree entirely. I am glad to know that when we return to the matter, my hon. Friend will press those points strongly, because he is right.

In expressing my reservations still, in spite of the need for as flexible a deregulatory measure as possible, let me make it clear to the Minister that I do not fear that we will suddenly go to extreme government. I realise that some of the examples that have been cited by opponents, including the hon. Member for Cambridge (David Howarth) in his article, were fairly preposterous in the context of today's politicians. Those examples would never happen. We no longer need to argue whether the right to jury trial would be taken away. There are those in the Government who would like to take it away in a wide range of cases, but in the modern state that is today's Britain, they would never have dared to suggest that that should be done without any proper parliamentary process.

As I have said, I do not think that we are going straight away to extreme government. However, over 50 years we have seen a steady nibbling at the edges of the parliamentary process. Those of us who have been in this place for any length of time have seen a considerable nibble, almost always for the best of intentions in the mind of the Government of the time. I fear that for this Government, and perhaps for future Administrations for all I know, the pressure on the parliamentary timetable leads them to look for short cuts. I am not reassured by the Minister for the Cabinet Office—recently the Government Chief Whip—who is now in charge of the Bill. To get vast amounts of legislation through the House, the time made available for debate on any particular measure has been confined as never before.

We can hear the arguments already when the first of the proposed changes in legislation or in the criminal law comes up. We shall hear: "We have a mandate. We have just fought the election. The opinion polls are wholly in favour of what we propose. The people who are obstructing the process are unrepresentative. They are an irritating minority." Already, time and again, the Government keep making proposals, at present about the procedures of the upper House. Those proposals

[Mr. Kenneth Clarke]

are designed to stop the time-wasting, the day-by-day discussion, which irritates the Government because it delays their ability to get their way. Secondly, it reduces the amount of legislation that they can introduce, and holds up other measures on Report.

Mr. Shepherd: Will my right hon. and learned Friend give way?

Mr. Clarke: I was about to resume my place. I shall give way briefly.

Mr. Shepherd: I am extremely grateful.

I think that my right hon. and learned Friend is being a little too sanguine about the nature of the House. We have experienced landslide Governments in recent years. The optimism and enthusiasm of an incoming Government with a large majority does not weigh with the proposition that my right hon. and learned Friend is raising. They are enthusiastic and determined.

Mr. Clarke: I agree.

The newly elected Member of the victorious party cannot understand why the entire process has to be gone through to deliver the brave new world that he or she has just been elected upon. It requires a few years in Opposition to have a civilising effect on any Member of this place.

John Bercow: I am grateful to my right hon. and learned Friend for giving way, and my hon. Friend the Member for Aldridge-Brownhills (Mr. Shepherd) is absolutely right. I hope that my right hon. and learned Friend will accept that the Government are not justified in seeking to argue for new clause 19, at least in part, on the basis of what he describes as the pressures of the parliamentary timetable, as though they were some independent variable with which Ministers have to reckon. Does he accept that the pressures of the parliamentary timetable are substantially the result of the insatiable legislative appetite of the Government of the day?

Mr. Clarke: Yes. This place has turned into a legislative sausage machine, and the quality of legislation has declined as a result. That is partly because there is no proper time for parliamentary discussion.

Sir Robert Smith: Is there not an important lesson in a debate about deregulation and a debate about the effect of legislation on business? A failure to scrutinise legislation effectively in this place and an ability to rush legislation through are why business is facing such a burden of regulation.

Mr. Clarke: Yes. I agree entirely. That is plainly the case.

Mr. Heath: Will the right hon. and learned Gentleman give way?

Mr. Clarke: I will give way for one last time.

Mr. Heath: The right hon. and learned Gentleman is being very generous. I, too, must accuse him of being a little too sanguine. He said that the Government would never use a procedure for nibbling away at jury trials. They have used Order in Council procedure to do just that in the context of the Criminal Justice Act 2003. They have used Orders in Council to remove the requirement for prima facie evidence for extradition to the United States. That is precisely the way in which the Government work. That is usually on the pretext of fighting terrorism or rebalancing, whatever that might mean.

Mr. Clarke: I accept the rebuke. I was going to end by saying that although I do not think that we are going for extreme government—I do not think that we are likely rapidly to see unlikely things happen—we have seen some unlikely things happen. During the past three or four years I have seen processes on the Floor of the House that I would not have believed could take place had I been challenged 10 years ago to say that such things might happen. The Minister dealing with the Bill on anti-terrorist measures calmly announced on Report that he was abandoning its previous wording—that he was going to alter it all in the House of Lords. We spent the timetabled three hours—the entire Report stage—discussing the text of a letter that had accidentally been leaked, and which had given the House some inkling of what that Bill was eventually going to be like. That was, so far, the occasion on which the Government have most clearly demonstrated their extreme contempt for the processes of this House when political pressures are upon them.

Although such dangers might not be imminent on all fronts, they are very real. That is why, although what has been achieved so far is very welcome, it is most definitely not enough. I hope that the Government will accept some of the amendments being pressed on them today, and that this House and the other place will continue in their efforts to ensure that the wording eventually reflects the intention behind the Bill, and that it ties this Government down to that intention only.

5.45 pm

Mr. Redwood: It is a great pity that so far in this debate on this important new clause, we have had from Government Members and the Liberal Democrats not a single example of a deregulatory measure that could be deployed under this power, with the single exception of game licences. Although I am very happy to welcome that one, it is not going to change the world a great deal. One would have expected the Government, when constructing this legislation over many months, to have in mind many examples of how they wished to use this power—to be limited a bit under new clause 19—and why it was reasonable in the light of what they wish to do.

I want the Government to succeed at deregulation. It is a bit like suggesting that a tiger should become a vegetarian, but one lives in hope that the Government believe that deregulation is necessary and wish to do it. However, it would have been so much easier to have

done it in the way that we proposed in a debate before the last election in this very House. We gave the Government 63 items for deregulation, including some very big ones, which were also given in writing to the Minister's predecessor. The Government said that a parliamentary debate somehow did not count as a way of expressing our views on this matter, so I followed it up with a letter to the Department, thereby enabling officials to see that list of items for themselves. We said that that list should form the content of a deregulation Bill.

The fact that we are yet again having a longish debate about the constitutional implications of this Bill, just as we did on Second Reading and in Committee, shows that it is not a very good way of achieving the desired objective. Given that the leading Opposition party is more in favour of deregulation than are the Government, if they had introduced a proper deregulation Bill full of good ideas, it would probably have gone through much more quickly than the constitutional outrage before us on Second Reading, or the rather more limited constitutional outrage before us today.

The hon. Member for Stoke-on-Trent, Central (Mark Fisher) is a Member whom I normally respect and praise. He is very good at defending the virtues of this House and its liberties, but he should have taken the precaution of attending Second Reading or reading the *Hansard* report of it. Had he done so, he would have realised that I and my hon. Friends the Members for Huntingdon (Mr. Djanogly) and for South-West Hertfordshire (Mr. Gauke) made it very clear that the substantial and wide-ranging powers taken in the first draft of the Bill presented to this House were unacceptable. They allowed Ministers to regulate and legislate without going through the normal parliamentary processes. They enabled a major bypass of constitutional practice by effectively allowing primary legislation to be made by Ministers with very little reference to the House of Commons, in a regulatory, as well as deregulatory, direction.

We are now told that new clause 19 will limit these wide-ranging powers to legislating in a deregulatory direction. As someone who desperately wants more deregulation, I say one cheer for that. But as someone who strongly believes that Parliament has a right to debate all such matters properly, I share the concern of my right hon. and learned Friend the Member for Rushcliffe (Mr. Clarke) and others that there are still too many powers inherent in new clause 19. It would still give Ministers wide-ranging powers to do things that would be better done in the open.

When I advised a former Government with a very large majority and a strong sense of political direction on privatisation, we had a choice. We could have said, "Let's take one piece of legislation to the House of Commons to give us an overall power to privatise anything we wish", and then do it by order-making, industry by industry; or we could have done it by primary legislation, industry by industry. I advised—I think that the Cabinet was of the same view anyway—that it should be done industry by industry with separate pieces of legislation in each case. That meant far more effort and difficulty for the Ministers concerned, but it was the right and democratic thing to do. As those major nationalisations had been put in place by separate pieces of legislation, industry by industry, we thought that they should be undone industry by industry, with much more lengthy and bruising debates in the House of Commons. It is extraordinary that the Government can still think it right, despite the change of heart represented by new clause 19, to propose deregulatory measures that take the form of removing pieces of primary legislation that have been passed by this House without going through the reverse process that would be expected.

Why should not we have not only an annual Finance Bill but an annual deregulation Bill? Indeed, the House might discuss and vote on the proposition that there should be a combined finance and deregulation Bill every year. It would be wonderful if the Treasury learned the habit of deregulation and legislated for its tax revenues in a deregulatory way instead of the very regulatory way that it does under this Government year after year, with hundreds of pages of new and complex provisions for old taxes as well as new ones. We could then have deregulatory budgets, Department by Department, so that each year a Department would know that there was a piece of legislation that it could use to fulfil the requirement to cut the regulatory burden it was imposing.

Alternatively, the Government could achieve their deregulatory aims by ensuring that each major departmental piece of legislation had an additional deregulatory section. We hoped that that was what the Prime Minister had in mind when he told us, in respect of regulations, that it would be a case of one in, one out. We hoped that each piece of regulating legislation would therefore contain a complementary deregulatory section so that we could be assured that the overall burden was not going up. But the Government never do that. They do not take advantage of the many legislative vehicles trundling through this House of Commons year after year, usually covering each of the main Departments in turn, by including them in their deregulatory ambitions. Today, we are again left with a truncated and guillotined debate on big changes in constitutional practice.

Like my hon. Friend the Member for North-East Hertfordshire (Mr. Heald), I welcome new clause 19 compared with the original measure. I will not be churlish enough to vote against it, because it is moving in the right direction and I welcome it in preference to having nothing in its place. However, I urge the Government to think again about how serious they are about deregulation and whether there is a better way of achieving it than using the very considerable powers that the Bill will grant the Government if it goes through without further major amendment.

It is disturbing that we can have many long debates on deregulation without anything of a deregulatory nature being mentioned, apart from game licences, welcome though that is. Ministers still do not seem to understand that many colleagues on both sides of the House are very worried by this power for different reasons—not only those who fear that the Government may deregulate something that they think is good regulation, but those of us who are strongly in favour of far more deregulation than the Government have in mind but would like it to be done properly by the front door instead of improperly by the back door.

[Mr. Redwood]

My hon. Friend the Member for North-East Hertfordshire and I find ourselves placed in a dilemma that is not of our choosing. We will not vote against new clause 19, but nor do we welcome this legislation. We welcome its intent, but we do not believe that the Government are really serious about it. If they were, they would by now have had their long lists of items that they were going to deregulate. We are left with the paradox that we may have a Bill that does not deregulate very much, but leaves on the statute book some worrying powers for future Ministers.

Andrew Miller: I shall not be so churlish as to ask the right hon. Gentleman why he did not do this as a Minister. Recommendation 2 of the report by my Committee, the Regulatory Reform Committee, states:

"We reaffirm the recommendation of our predecessor Committee that Departments should be assessed on their progress in removing unnecessary regulations and controls and not simply on their progress in simplifying matters."

Does he agree with that?

Mr. Redwood: I seem to remember that in the '80s the Government undertook a lot of deregulation and liberalisation that greatly benefited whole sectors of industry such as telecoms, in which I was privileged to be involved as Minister.

Yes, I do agree with the recommendation by the hon. Gentleman's Committee. I praise him for him for its work and for being one of the many voices that drew attention to the problems involved in the Bill.

Mr. Heald: I imagine that my right hon. Friend is aware that amendments that we tabled in Committee, and now new clause 2, would require a regular report on progress.

Mr. Redwood: I agree. Of course, it was a Conservative recommendation from before the last election that every Department should have a regulatory budget. Under Conservative control, those budgets would be reduced year after year across all Departments as a whole, and if one Department needed or wished to increase its regulatory burden, it would have to find other Departments that would take a proportionate cut so that the overall burden did not go up. One would need an annual deregulatory Bill to go through to implement that.

Mr. Shepherd: My right hon. Friend says that he will vote for new clause 19. Would it not be more cautious to say that that is dependent upon acceptance of the qualifying amendments (a), (b), (c) and (d), so that the vote is conditional? That is what I would urge on him and on my party.

Mr. Redwood: I, too, would like those amendments to be carried. However, I think that I said that it would be churlish to vote against new clause 19 and left open the position on how far we would get in amending it and whether we wanted to increase the Government's possible majority.

Finally, I turn to the amendments on the European issue tabled by my hon. Friend the Member for Stone (Mr. Cash). Nowadays, so much of our regulation comes from Brussels that we cannot exempt that from scrutiny and from our deregulatory urge. New clause 17 makes a good attempt to draw the House's attention to that and to make Ministers understand that they cannot have a deregulation policy worth anything, unless they are prepared to tackle quite a number of the regulatory burdens coming from Brussels. That would preferably be through renegotiation of those individual items, but it would be good to have a legislative back-up to make it crystal clear that if this House wishes to deregulate something, that should be law made here in the United Kingdom.

Mr. Cash: I am glad to follow my right hon. Friend the Member for Wokingham (Mr. Redwood) in his remarks. I, too, have reservations about the principal objective of this Bill, which is to have a fast-track procedure for dealing with matters that is very far-reaching even with the changes proposed in new clause 19, as my right hon. and learned Friend the Member for Rushcliffe (Mr. Clarke) and other hon. Members have said. The fact is that this is a very invasive Bill. No doubt we shall wait to see what happens on Third Reading, when all our other debates have been concluded.

In an earlier intervention, I said that there was a vast omission—indeed, a black hole—in the proposal before us, which has been dressed up and presented as a deregulatory measure to reduce the burdens on business. That raises some practical questions. I am delighted to say that some six weeks ago, 50 of my right hon. and hon. Friends put their names to my amendments, which would ensure that we got the clarification in our own law that would enable us, where necessary and after appropriate negotiations—it would be done in a responsible and prudential fashion—to insist that we should deregulate on our own terms at Westminster and make it law in this country, binding on the judiciary and overriding the requirements of section 2 of the European Communities Act 1972 in that regard. Having spoken to senior advisers in the House, I understand that this is the first time that an amendment of this significance has been selected for debate since 1972. There was an attempt, during the passage of the 1972 Act, to table an amendment that proposed that nothing in the Act should derogate from the sovereignty of the United Kingdom Parliament.

Some of us will recall the Single European Act that was passed in 1986. I tabled a similar amendment to that legislation. It was on the Order Paper, and my name remained in splendid isolation until I walked into the Lobby on the afternoon of the debate, where a certain very distinguished parliamentarian came up to me and said, in his inimitable fashion, "I think you will be interested to see that I have put my name to your amendment." Of course, it was none other than the right hon. Enoch Powell. He perfectly understood the object of the exercise.

6 pm

Despite the best efforts of the European Scrutiny Committee and the European Standing Committees, the present volume of European legislation, and the

fast-track procedures that are used to introduce that legislation into the House, are such that the accusations made by my right hon. and learned Friend the Member for Rushcliffe about the reduction—and, some would say, the redaction—of our legislation within the procedures set out in our Standing Orders could easily be explained in terms of the European legislation that we have to accept under section 2 of the European Communities Act. That legislation receives scrutiny, but if anyone ever attempts to do anything about it by voting against a particular provision in a European Standing Committee, the House immediately reverses the decision. Many people, including me, regard those procedures as a waste of parliamentary opportunity.

David Howarth: Does the hon. Gentleman think it wise that this country should breach the principle of the supremacy of Community law, which is what his amendment would appear to seek to achieve, by means of a statutory instrument and not of a Bill?

Mr. Cash: That would be a valid point, were it not for the fact that the only way in which it is possible to assert the legislative supremacy of this House is under, and by virtue of, primary legislation. The hon. Gentleman is a distinguished lawyer, and he probably anticipated my saying that. In my legal opinion, it would be impossible to seek to override section 2 of the European Communities Act merely by order. However, I can assure the hon. Gentleman that the mechanism that I have employed in my new clause has been before parliamentary counsel and cleared for this purpose. It says

"notwithstanding the European Communities Act 1972",

and refers to any order repealing, amending or replacing other legislation that has been introduced under section 2 and is therefore binding on this Parliament only by virtue of the 1972 Act. We could not change that by order, but if the authority were given by primary legislation, using the words

"notwithstanding the European Communities Act 1972",

that would attract the legislative supremacy of the primary legislation that the Bill before us would then provide. At that point, the provision would have effect with regard to the fast-track procedure, notwithstanding my concerns about the fast-track procedure in principle, which will no doubt be resolved on Third Reading.

David Howarth: The hon. Gentleman has made my point for me. The only procedure available under the Bill is the statutory instrument, which does not receive sufficient parliamentary scrutiny. That is why many of us have objected to the Bill over the past few months. The hon. Gentleman is seeking to use a regulatory reform order, which would not receive sufficient scrutiny, to violate the principle of Community law supremacy. That would be an extraordinary thing to do, diplomatically.

Mr. Cash: I am glad that the hon. Gentleman added the word "diplomatically" Ultimately, this is a matter not only of grave constitutional importance but of political significance. I would say it was more political than diplomatic, but it is a matter of great importance, for all the reasons that I shall outline.

Mr. Redwood: The ill-judged intervention by the hon. Member for Cambridge (David Howarth), who clearly does not understand the important point that my hon. Friend is making, shows that the Lib Dems are craven and slavish on European matters. They want our regulations to come from Brussels, and they do not want this House to be able to influence or change them.

Mr. Cash: I do not want to antagonise the Liberal Democrats too much. I am not in the business of laying traps for people, but the hon. Member for Somerton and Frome (Mr. Heath) said that he was minded to support my new clause, and I hope that he will stand good on that when we go into the Lobby.

Important questions arise that are not merely of an abstract nature. The House has a long history in this regard. Those who have studied constitutional law will remember Henry VIII and the Statute of Proclamations, the great Edward Coke, the achievement of the legislative supremacy of Parliament in 1688, following the final denouement of the Stuarts' attempts to insist on the divine right of kings at the expense of the people of this country, and the assertion in the Bill of Rights in that year that decisions would be made by Parliament and not by the monarchy. Those issues are not dissimilar to the questions that arise in the context of the European Communities Act 1972.

Mr. Kenneth Clarke *rose—*

Mr. Cash: I thought that that might get a rise out of my right hon. and learned Friend.

Mr. Clarke: I am sure that my hon. Friend would not suggest that any of those great measures should be set aside by statutory instrument, subject to the veto of two Select Committees. He is helping the arguments of those who think that the Government have not gone far enough. The Government say that no politician would conceive of abolishing a tax or a criminal offence by statutory instrument, yet my hon. Friend is advocating the repudiation of our treaty obligations—and, effectively, our leaving the European Union—by a parliamentary process that would allow those of us who are pro-European merely the opportunity to object to a statutory instrument, or to get a Select Committee to block it.

Mr. Cash: I am delighted that my right hon. and learned Friend has now entered into the debate with gusto. I had hoped that I might be called to speak before him, so that he could have engaged in a series of interventions on me. I am afraid that the issues that he raises do not add up.

Since 1972, we have been subjected to a constant stream of legislation that has been brought in by prerogative. Let us take the Maastricht treaty as an example, or the treaties of Nice or Amsterdam. I do not need to weary the House with the vast amount of legislation of that kind that has gone through this

[Mr. Cash]

House, actively encouraged by my right hon. and learned Friend. Much of it has been resisted by popular sentiment, even though not everyone has understood every jot and tittle of it. My right hon. and learned Friend himself said that he found it difficult, to use the words of new clause 19,

"for example, where the legislation is hard to understand".

With regard to the population at large, the same applies to much of the European legislation, which is regularly visited on them by virtue of the extremely truncated, undemocratic and unaccountable methods employed through the European treaties and the mechanisms of the House. Ultimately, those lead to legislation going through effectively because we are told that the European Communities Act is inviolable, cannot be touched and is in concrete, that there is an acquis communautaire, that we should forget about any changes, and that the constant stream of European integration must therefore continue. Well, I have news for my right hon. and learned Friend—this is a moment when we say no.

Mr. Andrew Turner: Is not my hon. Friend being a little incautious in his advocacy of this altogether welcome new clause? The manner in which he is proposing it and dealing with interventions not only from my right hon. and learned Friend the Member for Rushcliffe (Mr. Clarke) but from the hon. Member for Cambridge (David Howarth) is widening the gulf between those who are in favour of the new clause and those who are against it, rather than bringing together those who have some concerns with those who are in favour of the new clause. When the hon. Member for Cambridge says that the supposed supremacy of European law is being set aside by a mere order, it is not an order that is doing that but this new clause. My hon. Friend was wrong to agree with the hon. Member for Cambridge on that.

Mr. Cash: With respect, my hon. Friend might consider that matter again. The mechanism to enable the constitutional procedure to have the effect that I desire is contained in the new clause. I think that the hon. Member for Cambridge (David Howarth) understood that. We need the backing of primary legislation, using the magic words,

"notwithstanding the European Communities Act 1972",

and then referring to the fact that it shall be binding in legal proceedings in the United Kingdom. That provides the mechanism whereby the judiciary are under a duty to give effect to that latest Act of Parliament.

Before I move on to the question whether legislative supremacy is a principle to which we still adhere, I want to deal first with why, from a practical point of view, I regard it as extremely important that we understand how invasive the burdens have been in relation to the business community, industry, competitiveness and enterprise. Leaving aside the system that I have employed to achieve my results, that is my main point. For example, a short time ago, the British Chambers of Commerce produced figures showing the accumulated cost of burdens that arose in respect of a number of regulations. It did not, however, demonstrate that the top six—the most burdensome and most costly ones—were all of European origin, of which I could give several examples. The total cost, from the moment that the burdens were introduced to the moment that the figures were published, came to £25 billion. The regulations concerned included the working time regulations, the Data Protection Act 1998, the Employment Act 2002 and so on.

In addition, Sir David Arculus, the Government-appointed chairman of the Better Regulation Task Force, estimated the cost to business of over-burdensome regulations—I stand to be corrected, as the figure seems extraordinarily high, but it is the one that he gave, as far as I can recollect—as £100 billion. No wonder the Government are looking for a way to deal with the problem. We can break down the European element of that, but we should also consider the percentage of legislation passed through the truncated, unaccountable, unattractive and undemocratic procedures in the House, which impose those expensive regulations on British business. Those regulations are then in concrete, and we can do nothing about them, whatever their merits. Once such regulations have been passed by a qualified majority vote, the legislation is imposed on us, and other member states might have a vested interest in not making changes that may be required.

I take seriously the point made by my hon. Friend the Member for Isle of Wight (Mr. Turner). However, I do not want or intend to over-egg the pudding on this point. For me, this is essentially a practical question about the burdens on business and deregulation. It is not a foray into the abstractions of sovereignty; it is about the way in which the system works. It is a time check on reality. Are we going to allow this legislation to continue to invade our business community? The House should remember that I have always said that I am in favour of trade and political co-operation, and I voted for the Single European Act, notwithstanding my attempt to preserve the sovereignty of the United Kingdom, for that reason. I wrote an article in *The Times* for that purpose at the time. I foresaw that we might find ourselves saturated in unnecessary burdens and that we would need to relieve them in the interests of competition. It was therefore essential to have the mechanism to enable us to do that. Unfortunately, under the rules of the supremacy of Community law—the other law, in the parallel universe that exists in legislation—we are not allowed to have that mechanism, under the terms of the case law of the European Union. The hon. Member for Cambridge and I could go through all the case law, and I would agree with him that the position is clear under Community law.

However, all that case law, every one of those burdens and every aspect of that European legislation depend on one thing only—the legislative supremacy of this House in passing the European Communities Act. As a consequence, it is open to our judiciary—as in the different context of the Human Rights Act 1998—to interpret and apply that law. That is solely, exclusively and entirely because of the European Communities Act passed by this House. If this House decides that it wishes to make changes, by whatever procedure, it is incumbent on the judiciary to give effect to that subsequent inconsistent law, provided it is express and unambiguous. That case law is laid down unequivocally

by Lord Denning in the case of McCarthy's v. Smith, by Lord Justice Laws in the case of the metric martyrs and by Lord Steyn himself in a lecture in 1996.

There are so many misunderstandings about the role of the judiciary in these matters. So much confusion is created by invoking the principles of Community law when we are dealing with, and must continue to insist on, the principles of United Kingdom constitutional law. From the earliest days of the 17th century, in a constant movement towards the establishment of the democratic Parliament that we have today, that has been dependent on the fact that we legislate and the judges obey. I do not mean that in a derogatory sense; it is what the judges say of their own function.

I mentioned Lord Steyn. He is well known as a distinguished lawyer, with—I would say—some influence, and with strong views about the European Community. We understand that he is enthusiastic about it. In a lecture that he gave in 1996, however, he made his opinion abundantly clear. He said

"in countless decisions the courts have declared the unqualified supremacy of Parliament. There are no exceptions."

Mr. Heath: It is always worth listening carefully to the hon. Gentleman. I agree entirely with his point about legislative supremacy in the context of the European Communities Act 1972, and, as he knows, I agree largely with what he says about the proper application of subsidiarity and excessive regulation. However, he has posed a conundrum to both the Liberal Democrats and his own Front Benchers, who in Committee supported new clause 7, which excluded the European Communities Act from consideration of the procedural device that the Government propose. We agreed that it was not a matter that should undergo the fast-track procedure. Now the hon. Gentleman is inviting us to place it squarely and centrally in the fast-track procedure. As I think he will recognise, that poses a great difficulty both to us and to the hon. Member for North-East Hertfordshire (Mr. Heald).

Mr. Cash: I hear what the hon. Gentleman says, but what I am trying to do is to invoke T.S. Eliot's famous observation that humankind finds it very difficult to deal with reality.

Mr. Heald: I think my hon. Friend will agree that using the order-making power to amend the European Communities Act 1972 might be a bit strong, even for him. Is not his point that, if a procedure allows us to change the law in this country and if there is a principle of sovereignty, it is open to our Parliament to use that procedure to change laws that affect our European Union treaty obligations? Of course, whether that is a good idea is a different question, and it is possible that my right hon. and learned Friend the Member for Rushcliffe (Mr. Clarke) and I would not make the same judgment as my hon. Friend. In terms of the sovereignty of Parliament, though, it must be right for us to be able to change laws that break EU treaty obligations. It is just that it is probably not a very good idea.

Mr. Cash: My hon. Friend has put the case well from his point of view. Looking at the complexion of this Government, I should not have thought that there was a cat in hell's chance of their using the fast-track procedure in any way to affect the European legislation, but the case that I have made in respect of the burden on business is unanswerable, as is my observation that it is not included in the package. I do not expect the Government to take it up, but my hon. Friend is right to point out that if we are to be correct and accurate in regard to our constitutional position in UK law, and in the context of the legislative supremacy of Parliament, it is incumbent on us to recognise the issues and to recognise that, through a process of absorption, osmosis and camouflage, they have been overtaken. People have come to believe that everything is set in concrete. It is not, and that is part of the point of my new clause.

Mr. Shepherd: My hon. Friend is right, especially in one respect. The new clause demonstrates clearly to those who are persuaded by the reasons given for membership of the European Communities that they can be changed and irrevocably broken by a statutory instrument. That is what is wrong with the Bill.

Mr. Cash: Indeed. It is undesirable that fast-track procedures should be regarded as the best way to go about things—we have been through the argument already, and we may well vote against that proposal on Third Reading—but it is important to establish and reassert a principle. We have not had many opportunities to do that in the context of a substantive Government Bill to which amendments can be tabled for purposes of clarity.

Let me say this to my right hon. and learned Friend the Member for Rushcliffe, a distinguished chairman of the Conservative party's democracy commission. It would not be good enough to assert—if he were to do so—that what I propose is not possible through the legislative supremacy of the House of Commons. He cannot avoid the fact that what I am saying is good constitutional law of the United Kingdom.

Mr. Kenneth Clarke: My hon. Friend is a long-standing opponent of section 2, in particular, of the European Communities Act. Surely it is open to any Government to introduce legislation to repeal that section, if they so wish. My hon. Friend and I would disagree on the desirability of such a measure, but a proper way of dealing with the issue would be to present primary legislation—which, I would hope, would be debated at the same length as the original legislation—on the Floor of the House of Commons. My hon. Friend is a great parliamentarian, and I cannot understand why he of all people should suggest that no more than the Bill and a statutory instrument should be employed to enact a drastic measure on which he and I will not reach speedy agreement.

Mr. Cash: My right hon. and learned Friend has made a political point. I have listened to what he has said, as I have on many other occasions.

Mr. David Heathcoat-Amory (Wells) (Con): For the avoidance of doubt, will my hon. Friend confirm that new clause 17 could not be used to amend or repeal the 1972 Act, but could be used to make explicit that Parliament can change statutes notwithstanding the provisions of the Act? That is a rather unexceptional

[Mr. David Heathcoat-Amory]

constitutional convention under which we all live. My hon. Friend's new clause is thus a modest measure that will certainly not lead to the vast constitutional revolution posited by my right hon. and learned Friend the Member for Rushcliffe (Mr. Clarke).

Mr. Cash: My right hon. Friend has put it very well. The principle embodied in new clause 17 is the vital principle of preserving and reasserting, and the Bill has given me the opportunity to do that. Notwithstanding the concerns of my right hon. and learned Friend the Member for Rushcliffe, which are primarily political, and those of the hon. Member for Cambridge, which appear to be primarily diplomatic, I insist on my point.

David Howarth *rose—*

Mr. Cash: I see that the hon. Gentleman wishes to intrude again.

David Howarth: I merely wish to ask the hon. Gentleman what aspect of new clause 19 would prevent the repeal of the 1972 Act.

Mr. Cash: The answer is simple. Without primary legislation, which new clause 17 would constitute—

David Howarth: I was talking about new clause 19.

Mr. Cash: I am referring to new clause 17. If it were incorporated in the Bill, it would confer authority—on the basis of principles that I need not repeat—enabling the legislation to have the effect that I want: that is, where necessary to override the 1972 Act to reduce the burdens on business. I think that that point is well catered for.

Edward Miliband: I hesitate to intervene in this debate among what one might call the European trainspotters, but if I understand the hon. Gentleman correctly, if the new clause were to be inserted, we would be able to override the principles of the 1972 Act. What does he think would follow in terms of our relationship with the European Union?

6.30 pm

Mr. Cash: Predictably, there would be enforcement proceedings, infraction proceedings and various other actions. Until very recently, my party had precisely such a policy in respect of the common fisheries policy, except that we had not spelled out the legal mechanism for doing that. We are perfectly happy to accept that, where matters of vital national interest are concerned, Europe does not necessarily get it right. In fact, the low growth and high unemployment, the riots in France, the problems implementing economic reforms that Angela Merkel is experiencing, the difficulties that Mr. de Villepin experienced, and so on—the list is endless—are all indications of the fact that the Lisbon agenda does not work—

Mr. Deputy Speaker (Sir Michael Lord): Order. This is a wide-ranging debate, but the hon. Gentleman is starting to range rather too wide.

Mr. Cash: I am grateful to you, Mr. Deputy Speaker. I give way to the hon. Member for Edmonton (Mr. Love).

Mr. Andrew Love (Edmonton) (Lab/Co-op): I am forced to intervene in the hon. Gentleman's long oration. Has he discussed new clause 17 with his Front Benchers, and are they minded to support it should it be pressed to a Division?

Mr. Cash: Obviously, the hon. Gentleman is a late entrant to the debate. My hon. Friend the Member for North-East Hertfordshire said that hey will support new clause 17. I hope that that helps the hon. Gentleman.

The basis of legislative supremacy is that the courts obey Acts of Parliament. You are right, Mr. Deputy Speaker, to bring me back to that point, because that is the essential point that must be understood.

"The rule of judicial obedience is in one sense a rule of common law...it is the ultimate political fact upon which the whole system of legislation hangs."

Those are the words of Sir William Wade, one of the great constitutional authorities. I mentioned the judgments of Mr. Justice Edward Coke, which, relying on the sovereignty of Parliament, stated that the courts could void Acts of Parliament. We now have democracy, votes and general elections but, unfortunately, in the context of the Human Rights Act 1998, which I shall not dwell on, and the European Communities Act 1972, the judiciary have been trying to push the boundaries beyond the established legislative supremacy of Parliament, by drawing down a greater degree of supranationalism. They have even been saying that treaties have a special status. Neither treaties nor convention can stand in the way of legislation—of Acts of Parliament. All the judicial decisions given in the past several centuries have reasserted that main proposition. Ultimately, the judiciary derive their judicial authority from Parliament and, I should say, from the source of their payments, salaries and allowances.

I mentioned the comments of Lord Steyn, who is by no means a person with whom one would easily disagree. In the case of Manuel *v.* Attorney-General, Sir Robert Megarry stated unequivocally that

"the duty of the court is to obey and apply every Act of Parliament"

What is required to deal with the problem facing us of burdens of business is a clear and unambiguous statement in the Bill, for which the appropriate form of words is:

"notwithstanding the European Communities Act 1972"

Even the case of Factortame, which dealt with the Merchant Shipping Act 1988, ultimately depended on the passing of the European Communities Act 1972. In the words of Lord Bridge, Parliament's surrender of sovereignty in the 1972 Act was voluntary. What has been given can be taken away; that is the principle. It does not necessarily follow from my new clause that there would be a political decision and a vote in the House of Commons to do that, although I believe that we have gone far too far in European integration and

that we need a substantial and radical retrenchment. Even the judgment of Lord Hope in the recent case of Jackson and others v. Attorney-General ultimately depends on the 1972 Act. Mr. Justice Laws referred to "constitutional statutes", which were purported to be given an additional status over and above ordinary Acts of Parliament. In the context of the European legislation, they themselves would depend on the fact that Parliament had passed the necessary legislation.

The Parliamentary Secretary, Cabinet Office, the hon. Member for Wolverhampton, South-East (Mr. McFadden), has it in mind that some gold-plating can be removed. However, where that gold-plating ultimately depends on the fundamental and intrinsic nature of the European directive or regulation on which it is based, merely removing it and all the Cabinet Office mechanisms that are employed, including regulatory impact assessments, transposition notes, and so on—complicated stuff that nobody in the small business community really knows exists—will be of no value at all if the fundamental issue is not tackled. In the democracy in which we live, the United Kingdom Parliament acquires its authority from the voters at general elections, which decide the Government. The hon. Member for Stoke-on-Trent, Central (Mark Fisher) is correct: Parliament is first. The bottom line is that we have the right to be able to decide what legislation is to be passed.

There are those, such as my right hon. and learned Friend the Member for Rushcliffe, who—uncritically, I think—are willing to accept pretty well everything that comes from the European Union and do not want it to be amended or repealed. He would argue strongly, as he has today, that the mechanism that I propose is not to his liking. The reality is that we must stipulate that this House is the sovereign place where the democratic wishes of the people of this country are implemented. If it is necessary to override supranational legislation, whether the Human Rights Act or the European Communities Act, it is our right and our duty to do so.

The legislative supremacy of this House is what the Bill is all about and it is the reason I tabled new clause 17. I believe that, in the context of the burdens of business and deregulation, this debate has been necessary. I am extremely glad that my hon. Friends will go into the Lobby to support the new clause.

David Howarth: In one of the more arcane Committee debates, it was discovered that the words "local Act" included Acts of Parliament relating to universities, so as new clause 19 still includes those words I declare my interest as a fellow of a Cambridge college and a university reader.

The hon. Member for Stone (Mr. Cash) is right: in the end, it comes down to a political, diplomatic choice. It is perfectly open to the House to repeal section 2 of the European Communities Act 1972 either in whole or in part, and to do whatever it wants with our relationship with Europe. I would not deny any part of his speech when he was making those remarks, but the question is whether those actions would be wise and on that matter he and I might disagree.

I agree with my hon. Friend the Member for Somerton and Frome (Mr. Heath) that the best amendment in the group is Government amendment No. 10, which removes clause 1—a very good thing to remove. It is an extraordinary provision that allowed the Government to change any primary legislation at will. The theory that the Government appear to be following, and which they appeared to be following last Wednesday night when we were discussing House of Lords reform, is that by their mere existence as the Government they are entitled to whatever legislation they want. But that is not the constitutional theory on which this country is based. Parliament legislates, not the Government.

Another point that we tried to make in Committee, and a mistake into which the Minister appeared to be slipping today, is that it is not the motives of Ministers, or those of the Government that matter, but what the Bill actually says. In that regard, new clause 19 is still defective in two ways. The first is that there is still no control over the subject matter to which the Bill applies. As the hon. Member for Stoke-on-Trent, Central (Mark Fisher) said, under proposed subsection (6) the provision applies, in principle, to all legislation. In principle, the abolition of jury trial, for example, can be achieved under the Bill by statutory instrument. If new clause 26, which prevents the use of the Bill for amendments to the measure itself and to the Human Rights Act 1998, were passed, even that would not protect jury trial because the Human Rights Act does not in terms, or by implication, protect jury trial. That aspect of our legal tradition is not protected by the European convention on human rights or by our incorporation of it into our law.

The right hon. and learned Member for Rushcliffe (Mr. Clarke) said that outlandish possibilities were being discussed, but the erosion of the right to trial by jury by the Labour Government is far from an outlandish possibility. Indeed, every time the Prime Minister talks about changing the balance in the criminal justice system he means measures of that sort.

A second reason why control over subject matter is important is that it would still be possible under new clause 19 to institute major constitutional change by statutory instrument as long as a Minister considered that it would relieve or reduce burdens. That might include abrogation of section 2 of the European Communities Act and would certainly include matters such as the radical reform of local government, which should, in my view, be achieved only by primary legislation. Although the new clause is welcome, it needs to go much further in a number of ways. In a later group, we shall discuss new clause 16, which deals directly with subject matter, but there are other problems with the measure.

6.45 pm

The second major problem is the subjective test. The new clause, like the original provision, leaves the decision about whether use of the Bill is appropriate in the hands of the Minister—if the Minister considers that the conditions for its use are fulfilled. The Minister might consider that jury trial—to take that example again—constitutes an administrative or financial burden. It is right that the new clause excludes from the scope of the Bill burdens on Ministers and Departments, but a Minister could easily consider that jury trial imposed burdens on employers, by removing employees from their workplace for the duration of a trial.

It is important to recognise the weakness of the subjective test under the new clause. Our amendment (a) would strengthen that test by inserting the word "reasonably", the effect of which would be to heighten the bar over which the Minister must leap to entitle him to use the Bill. In the longer term, the provision would give the courts clearer guidance when considering new orders under judicial review.

Mr. Heald: Does the hon. Gentleman agree that the provision would add an element of objectivity to the test? It would be necessary for a Minister, if pressed, or in judicial review proceedings, to show that there were reasonable grounds on which the reasonableness could be based. There would need to be substantial evidence to support it.

David Howarth: That is an important point. If there were a challenge to ministerial action, it is possible that there would be an attempt at judicial review, but what would be the test applied by the court? Without the word "reasonably", the only test that the court could apply would simply be whether it was true that the Minister indeed considered that the measure was lifting a burden. It would be difficult for a court to get behind a ministerial statement to that effect unless there was clear evidence that what the Minister was saying was not true, or was unbelievable. It is all too believable that a Minister might believe that trial by jury imposed an administrative or financial burden and should be abolished.

The same point applies to the insertion of the word "reasonably" in clause 3. Throughout the debates on the Bill, Ministers have pointed to the protections in clause 3 as a way of deflecting criticism about the removal of necessary rights and freedoms. There has been a debate, or perhaps a lack of understanding, between opposite sides of the House about what those rights are and which of them are necessary. Labour Members were concerned lest Ministers remove rights such as those relating to the minimum wage under the Bill, but Ministers have told them that under clause 3 those rights are "necessary protection". The problem with that is: who says that they are necessary protection? The answer: the Minister—subjectively. Were the right hon. Member for Wokingham (Mr. Redwood) the Minister, he might have a different view and consider the matter differently from the present Minister.

Conservative Members were keen to emphasise that a different sort of right was necessary and the Minister tried to reassure them in the opposite direction. The Minister's defence of the Bill has run the risk of contradiction on a number of occasions.

Mr. Greg Knight: The hon. Gentleman is on to a very good point. Could not a Government of one complexion use clause 3, for example, to remove administrative burdens and financial penalties from company directors, whereas a Government of a different persuasion could use the same provision to remove administrative burdens and financial penalties from trade unions? He is therefore absolutely right to say that there is not adequate protection in clause 3.

David Howarth: Yes, I believe that to be the case. In fact, Ministers from different parties could make opposite decisions on the same matter but still be within the terms of the Bill, because all that it requires is that Ministers consider that certain things are the case.

The Minister has followed his predecessor in asserting that none of this matters because tomorrow we will pass the Committee veto and all our concerns should fall in at that point. All I say in response is that the Committee veto is not a veto, because the Government retain the right to overturn it in the House as a whole. If it were a Committee veto and there were no appeal against what the Committee decided, the situation might be more interesting, but even then there is the problem to which a number of hon. Members have referred that the Government's in-built majority on all Committees—indeed, their ability to change the membership of Committees in advance, as the Chancellor of the Duchy of Lancaster no doubt knows from her previous job—is enough at least to throw into doubt whether that aspect of the so-called Committee veto is an adequate protection.

I find another aspect of new clause 19 particularly disturbing, but I will not refer to it at great length tonight because the best time for that discussion will be tomorrow in a debate on a new clause. However, two amendments in this group deal with the point, and I should explain to the House what they are about. New clause 19, like the old clause 2, contains a provision that allows, by order, legislative power to be transferred to any person. It strikes me as an extraordinary power to grant the Government, and the extent to which the person to whom that power is transferred will be subject to the restrictions in the Bill is not clear. It is that matter to which we will return tomorrow, but it is a major weakness of the Bill that the purpose for which that provision was proposed—it has been proposed again tonight—has never been made properly clear. New clause 19 is an advance on the old clause 1, but it is still deeply defective in many ways. Unless further amendments and further concessions are made, I fear that the Bill is still unacceptable.

Mr. Heathcoat-Amory: I rise in support of new clause 17, and I wish to speak to it quite briefly, but by way of preface I should say that I have an interest to declare in that I have a number of business interests that might conceivably might be beneficiaries of the Bill if it passes into law. From that perspective, I can confirm to the House that over-regulation is the modern scourge. As a population, we are dividing into those who do things and those who stop people doing things. That is having very severe consequences for business activity and, indeed, international competitiveness.

My other credential for speaking in the debate is that I am a member of the European Scrutiny Committee and therefore am able to see that the regulatory itch has not abated in the European Union. Every now and then, the European Commission declares war on over-regulation—it did so again last year—but, again, I can report from my perspective on that Committee that, so far, over-regulation is winning that war. It has shifted into new policies, but the overall volume of legislation has not decreased. That is where new clause 17 becomes relevant.

I wish to remind the House of an example of over-regulation that could become the subject of the

Bill. There have been many calls in the debate for hon. Members to give specific examples of regulatory overreach that could engage the House's attention if the Bill is passed. I wish to remind the House that, earlier this year, we passed regulations implementing the artist's resale right, or to give it its French title, the droite de suite regulations, which give living artists, and will eventually give to dead artists as well, a right to a percentage of revenue when their works are resold. The British Government opposed that EU directive, but it was imposed on this country and the House by majority voting. The implementing regulations were debated earlier this year.

Unfortunately, those regulations got into the hands of the Department of Trade and Industry and, specifically, a weak Minister in another place who spectacularly over-regulated. Instead of implementing that directive to the letter and sticking to what was strictly required by the artist's resale right directive, he ensured that the threshold was not €3,000, but €1,000 for a work of art, thus drawing into the net huge numbers of extra businesses and items and completely contradicting the Prime Minister's and the Government's earlier campaign in Brussels to try to get the directive rejected.

The Government understood that the directive would be intensely bureaucratic. Very small sums would be collected and possibly redistributed to artists if they could be found. If a work of art was valuable, it would simply not be sold in London; the business would go to New York. That was demonstrated beyond doubt. All those arguments were forgotten by the DTI. I hope that those regulations will be reconsidered in the course of experience, because they will undoubtedly damage London's position as a leading art market, as well as not in any real way enriching poorer artists.

In a year or two, the Government might wish to amend those regulations, and I hope that they will do so. Given that they are both EU regulations and domestically gold-plated, new clause 17 will be relevant. The House may decide simply to take the regulations back to what is strictly required by the directive; or the House may wish to go further and trespass on the terms of the directive in recognition of the campaign fought, as I have explained, right across the party divide against the directive in the first place. Therefore, it is important that Parliament is aware that those regulations could be amended even though certain requirements are entrenched in a directive. The political judgment at the time might well argue against that, and we might decide not to contradict any provision in the artist's resale right directive, but we do not know. That is a judgment, and it is important that Parliament understands and has it written into the Bill that it has powers to legislate notwithstanding the provisions of the European Communities Act 1972.

New clause 17 is entirely unexceptional; it would not direct the House in any way to touch the 1972 Act. Indeed, it does not mention the 1972 Act as an Act of Parliament; it simply makes it clear that, in future, Parliament could legislate notwithstanding the provisions of that Act. We are not repealing the 1972 Act; we are simply reminding the House and putting into primary legislation the doctrine of parliamentary sovereignty under which we all operate and have done ever since parliamentary powers were first discussed.

7 pm

It is sometimes argued that the 1972 Act is entrenched in some way. Other countries in Europe and around the world have written constitutions that make it impossible for Parliament to legislate in conflict with an entrenched constitution. We do not have that doctrine in this country and if any hon. Member believes that we do, they need to say so now, because otherwise we are proceeding on a false assumption. As long as that doctrine of parliamentary sovereignty endures, I do not find it objectionable to amend the Bill to make it clear that if Parliament explicitly and expressly legislates accordingly, it could override directives that are in pursuance of the 1972 Act.

That is not a constitutional revolution—rather the opposite. The measure is very modest. I hope that the Government—the Minister has given some fairly unconvincing answers to interventions so far—will address the issue of parliamentary powers. We are not saying that a future House will wish to contradict treaty provisions, although the Government are contemplating doing so at the moment. The Human Rights Act 1998 is now under question. Following a suggestion from the leader of my party, the Government are apparently looking seriously at repealing, amending or replacing certain international provisions of the European convention on human rights. That is a specific example of where we may wish to legislate in contradiction to treaty obligations.

Mr. Cash: My right hon. Friend may care to know that one of the most important tomes on constitutional law unequivocally states:

> "The legislative supremacy of Parliament is not limited by international law. The courts may not hold an Act void on the ground that it contravenes general principles of international law."

Mr. Heathcoat-Amory: My hon. Friend knows his constitutional law. It is established beyond doubt in all parts of the House that the Dicey doctrine, as I have heard it expressed, endures and that no Parliament can bind a successor. Although the Parliament at the time passed the 1972 Act, that is not entrenched and cannot bind a future Parliament. Also, treaty law is not ipso facto binding in domestic law. Some countries, such as France, have a unitary system. When they sign international treaties, by that act, the treaties are binding in French law. We do not have that system.

In conclusion, new clause 17 is unexceptional. It clarifies the legal powers of the House and makes explicit the possibility of overriding international treaties and EU provisions. I therefore urge the House to accept it and I hope that we divide on the issue.

Pete Wishart (Perth and North Perthshire) (SNP): We come to the House today to watch a rare and wondrous thing: the Government eating a large and probably unpalatable portion of humble pie. The disappointment for all of us involved in the debate is that the hon. Member for East Renfrewshire (Mr. Murphy) is not here to share in that, because he would have got a healthy portion of that humble pie. For months, he suggested that the amendments were not necessary, but today we are considering about 50 Government amendments and new clauses. After telling us that we

[Pete Wishart]

were simply misunderstanding him and that he had no intention of using the powers, the Government are now spelling out how the changes should be taken forward.

Andrew Miller: It is not fair to criticise someone who is not in the Chamber. My hon. Friend the Member for East Renfrewshire (Mr. Murphy) came to my Committee and spoke to all four relevant Chairs and has done a darn good job in providing the House with an opportunity to discuss an amended version of the Bill that I hope we can all accept.

Pete Wishart: I think that I am grateful for the hon. Gentleman's intervention. I will come to his Committee's report—I hope that he will be patient for that. The hon. Member for East Renfrewshire was almost responsible for galvanising the sheer opposition to the measures that were being suggested. The way in which he continued to say that there was no problem or issue was totally disingenuous and we now see the Government scurrying to the Chamber to suggest these amendments and new clauses.

Mr. John Gummer (Suffolk, Coastal) (Con): The hon. Gentleman should not allow the Government to get away with the fact that this is not the first time that this has happened. Bill after Bill, we have been told that the particular proposals are innocuous and do not mean what they seem to mean and that we are getting worried about things unnecessarily; Bill after Bill, the Government have to come to the House and taken the stuff out again.

Pete Wishart: I am grateful to the right hon. Gentleman, who has great experience in these matters. His words will be listened to carefully by the Government. He is entirely right that, when we start to scrutinise Bills—I credit the Select Committee chaired by the hon. Member for Ellesmere Port and Neston (Andrew Miller) for providing that function—we see some of the sinister applications of some of that legislation. That is exactly the case here, with what we first presumed was an innocuous Bill. The Government proposed to give themselves almost unprecedented powers to change almost any law by order, rather than having it debated on the Floor of the House. While the Bill was in Committee, the then Minister in charge told us to trust him and that he would never consider highly controversial legislation, without even telling us what "controversial" was. When we asked him to include that in the Bill, he refused. Not having that in the Bill means that the statement is not worth the paper that it is not written on.

The Public Administration Committee weighed in with its concern. I applaud it for saying that the Bill

"gives the Government powers which are entirely disproportionate to its stated aims."

The Committee also wanted to place things beyond the Bill's reach and warned diplomatically that the Government's undertakings that they would limit the use of the powers were meaningless unless they were written in the law. I congratulate the Committee on those remarks.

A week ago, there was an announcement that there would be further amendments. That was the same night that the Government faced a humiliating gubbing at the hands of the local English electorate. The amendments mean that it is almost like we are considering the Second Reading of the Bill. The debate does not feel like the remaining stages; it feels like a Second Reading.

Mr. Heath: It is a Second Reading of this new first clause; the most important operative clause. That is why it is so important that we have the opportunity to press amendments to it.

Pete Wishart: The hon. Gentleman is entirely right. The fact that it feels so much like a Second Reading means that the Bill is almost calling out for further scrutiny. We have seen a number of the amendments for the first time in the course of the past week. They need further debate and consideration and it is unfortunate that this House will not consider the important new changes; it will be the other place. We will not have an opportunity to influence that debate, because we do not have seats in the other place. I hope that when the Bill returns to this House, we will get a further opportunity to look at some of the measures. I hope that, when it returns to us, it will be a better Bill for us to consider.

We have a whole new raft of amendments and new clauses to address. In the main, I concede that most of the concerns have been addressed, but there are still issues and outstanding points that have to be looked at. That is why today's debate has been so important. There is no doubt whatsoever that new clause 19 is an improvement on the former clause 1, but there are still concerns and ambiguities. There are still lots of questions for the Minister to answer.

For instance, in the case of new clause 19, what constitutes a reduction in burdens remains totally ambiguous. I know that the Government give a list in subsection (3), but when we start to unravel it, as we have done today, we can see that there are issues and problems. We have to address what we should call the Rushcliffe question—after the question that the right hon. and learned Member for Rushcliffe (Mr. Clarke) put to the Minister today. We could be talking about something that applies to the climate change levy. We have had no satisfactory response from the Government about controversial legislation being addressed through orders under the Bill. The Rushcliffe question deserves an adequate response from the Minister.

David Howarth: Does the hon. Gentleman agree that the problem of vagueness and ambiguity in the Bill would be at least partly resolved if amendment (a) to new clause 19 were agreed to? If the word "reasonably" was inserted into new clause 19, the question of judicial review would be opened up in a way that would not be possible as the measure stands.

Pete Wishart: I am grateful to the hon. Gentleman for drawing my attention to amendment (a). He is entirely right. Amendments (a) to (e) would improve new clause 19, so I assure him that we will support them. I hope that amendment (a) is pressed to a Division.

There has been no debate whatsoever about some of the outstanding definitions in the Bill.

Alison Seabeck (Plymouth, Devonport) (Lab): If the hon. Gentleman had volunteered to serve on the Committee, he would have been aware that we have had such debates. Perhaps he could have been here on Second Reading, too.

Pete Wishart: We in the minority parties have great difficulty securing places on Committees, so I look forward to the support of the hon. Lady when we try to do so.

Andrew Miller: When the hon. Gentleman is making a bid for membership of the Regulatory Reform Committee, he can tell the usual channels that the Tories never turn up.

Pete Wishart: I am grateful to the hon. Gentleman, but I think that I had best move on.

We have not heard about the definition of "legislation". There is an attempt to define it in subsection (6) of new clause 19, which states that it includes

"a public general Act or local Act (whether passed before or after the commencement of this section)".

That would include many Acts of Parliament of constitutional import, including the Scotland Act 1998. Will the Minister tell me whether the Scotland Act would be covered by that definition?

Hywel Williams (Caernarfon) (PC): And the Government of Wales Act 1998.

Pete Wishart: Could changes be made to the provisions of the Scotland Act and, as my hon. Friend says, the Government of Wales Act without recourse to debate on the Floor of the House?

We must also consider subsection 7(c) of new clause 19 because although the measure includes an attempt to define "legislation", there is no definition of "enactment". Under the subsection, a ministerial order may provide for the transfer or delegation of

"functions conferred on any person by any enactment".

The broad-ranging power would enable Ministers to reconstruct completely many statutory bodies, executive agencies and non-departmental parties simply through subordinate legislation. Furthermore, subsection 7(d) gives Ministers the power to abolish any

"body or office established by or under an enactment."

It is noteworthy that subsection (7) uses the word "enactment", although the rest of new clause 19 uses the word "legislation". However, unlike the word "legislation", the word "enactment" does not seem to be defined.

Several further matters need to be addressed, so it is unfortunate that we have lost parliamentary time for debating a measure that is, in fact, a new Bill. I hope that the Bill will be improved in the other place. I do not want the Minister to choke on his humble pie because he has moved some way to improve the Bill, but I hope that we will have the opportunity to improve it further. I hope that we will have the opportunity to vote on the Liberal Democrat amendments to new clause 19 because they would improve the measure significantly.

Kelvin Hopkins (Luton, North) (Lab): I apologise to the Minister that I was not in the Chamber at the beginning of the debate to hear his speech. I welcome him to his new post and hope that I can co-operate with him to make the Bill better than it is at the moment and better even from how it will stand after it has been amended as the Government propose.

I was one of the Labour Members who were deeply concerned about the original Bill. When I read clause 1, I found it difficult to believe that the Government were seriously proposing a Bill that would allow them to legislate by order on almost any sphere of government and to amend any Act, including, apparently, the Bill itself. However, improvements have been made, so I am grateful to the Minister's predecessor, who wrote to me about the Bill and discussed it with me at length. My concerns were shared by several Labour Members, and one had to be worried about such a general measure.

7.15 pm

Even in its amended form, the Bill will be too all-inclusive. I would prefer to have a Bill that specified positively what was included, instead of setting out exemptions. Such a Bill would thus specify the areas to which it related, rather than including a general provision to open the way to changing any legislation. Such a change of approach would be a major step towards a Bill that everyone could support.

I am worried about the question of burdens on business. I am one of those who think that business ought to have some burdens on it. Good regulations exist, but there is an implication that burdens of any kind are bad on business and that business should be as free as possible to do whatever it likes. I do not accept that. Let us consider simple measures, such as building regulations. Some 20 years ago, a builder did some work on my house. I thought that it was not right, so I called in the building inspector and the builder had to do the work again. There was a burden on that builder, but it meant that my house was safe to live in after the work had been done, so it was absolutely right.

Alison Seabeck: We have heard a lot of concerns about regulation from Opposition Members, but people in the City and financial institutions say that the regulations that exist in the City attract financial institutions there from other parts of the world because they know that it will be a safe place to do business.

Kelvin Hopkins: My hon. Friend makes a strong point. Regulations can be good or bad; beneficial or disadvantageous. I hope that we will continue to use building regulations.

Other aspects of regulation can be dealt with annually through the general Bills that come before the House. An obvious example is taxation, which is addressed in clause 5. Any change to taxation can be achieved through each year's Finance Bill. Clause 5 states:

"Provision under section 2(1) may not impose or increase taxation."

I know that the wording will be amended, but the Government will still be able to use delegated legislation to change taxation outside a Finance Bill. There is no reason whatsoever for such a provision. Indeed, I would prefer the provision to include the

[Kelvin Hopkins]

word "change" rather than the phrase "impose or increase" because it implies that imposing or increasing taxation is bad, but that is not necessarily the truth. There are areas of life in which I would like taxes to be increased and, perhaps, less tax in other areas. I would like clause 5 to be taken out of the Bill.

Mr. Shepherd: The hon. Gentleman is being disingenuous. Finance Bills provide every mechanism for increasing taxation and are subject to proper scrutiny. I hope that he is not suggesting for one moment that we should enter a realm of taxation by the means of an instrument?

Kelvin Hopkins: Precisely. Provisions on taxation are misplaced in the Bill. Taxation should be covered by Finance Bills, and as we have a Finance Bill each year, there is no problem with delay. It is not as if we can legislate on taxation only every five or 10 years.

A Bill on business is going through the other place. Such a generalised Bill would be a mechanism to make changes that would no doubt help business to run more smoothly. All sorts of general Bills come through the House regularly, so they could be used to make such changes.

It was suggested that the Government need such an approach on changing legislation because of the frustrations of the legislative process, but I understand that the problems have a lot to do with delays in Departments of State. The difficulties that civil servants have when bringing forward changes is much more of a delaying factor for Government legislation than the House. Short and punchy Bills that make small changes can go through the House quickly with little debate. Such simple Bills would be the appropriate way of dealing with problems that concern the House.

There are other ways to approach the problems. A number of detailed changes could be made. I much appreciated the speech by the hon. Member for Cambridge (David Howarth). It was thoughtful and well made. I have a great deal of sympathy with what the hon. Member for Stone (Mr. Cash) said. I was surprised to hear that he voted for the Single European Act, which I would not have done at the time. Had he not voted for it, and had his party not voted for it, a lot of grief would have been saved. We would have had a much more loose-limbed European Union, causing much less difficulty for us all in all sorts of ways.

As I came into the debate late, I do not intend to speak for long. I hope that the Government amendments and what the other place does to the Bill will make it something that we can all support.

Mr. Shepherd: The hon. Member for Stoke-on-Trent, Central (Mark Fisher) laid bare his soul by suggesting that he had been defective in not appreciating the burden of what the Bill was about. I join him in that state of sin inasmuch as the titles of Bills often deceive us as to their purpose or intent. For example, who could possibly have objected to the Civil Contingencies Bill? It was an important measure. Yet part 2 contained the right of Ministers, down to Whips, by statutory instrument or Order in Council, to change or suspend all the laws of this land with the exception, and only under pressure, of the European convention on human rights and therefore the Human Rights Act 1998. The title of a Bill does not necessarily indicate what it is about. We owe a debt of thanks to the hon. Member for Cambridge (David Howarth), as we do to the Select Committee Chairman, the hon. Member for Ellesmere Port and Neston (Andrew Miller), for drawing our attention to what the Bill is and was.

On new clause 19, I accept that, following the furore in the press and the wider reaches of our nation, the Government agreed that the form they had adopted was inappropriate. I still think that the new clause as it stands, as a measure of unwinding parliamentary procedure and the authority of the House, is not satisfactory. It could be satisfactory to some extent if amendment (a) were agreed to. That is crucial. The point was well made that "reasonably" constrains and better defines what it is that the Minister must do, so that he can be challenged in court if he acts unreasonably. It is a critical amendment.

My right hon. and learned Friend the Member for Rushcliffe (Mr. Clarke) well made the point about whether we can decrease taxation by order. It is unthinkable that one should do that. I will vote against—confidently—new clause 19 on the basis that, on such a delicate, essential assertion of what is the proper process by which we discuss and consider law, it does not meet the test.

The only other amendment that I intend to speak to is new clause 17, which I tabled. There is an extraordinarily important principle behind it, and it goes both ways. I made a simple intervention on my right hon. and learned Friend. Is the Bill the way to alter something that has been so important to the life of our nation? I wholly disagree with our membership of the European Community; do not doubt that. I did not stand by and vote for the Single European Act, unlike my more craven hon. Friend the Member for Stone (Mr. Cash). I voted against a guillotine, and it was guillotined, as is this debate. There are sections of the Bill that we cannot, or are unlikely to, discuss because of the figure of the great guillotine motion. I have spoken against those things all my political life in the House, and it bites us in the end.

On the disapplication of the European Communities Act 1972, new clause 17 addresses the elephant in our house. The Modernisation Committee went to Finland about two years ago. The Finnish committee that judges and scrutinises European legislation accepted that 80 per cent. of its legislation came from Europe. In the case of the German Bundestag—Mrs. Merkel made reference to it—70 per cent. of its legislation comes from the European Community. Last week—my hon. Friend the Member for Stone was in attendance—Vaclav Klaus gave a lecture in London to American business men, saying that 75 to 80 per cent. of the legislation of the Czech Republic emanates from Europe.

Our Cabinet Office two years ago suggested that, more modestly in Britain, only 40 per cent. of our legislation emanates from the European Community. How can we have a deregulation Bill without acknowledging that the greater part of our legislation, including the statutory instruments that follow it and the regulation that is attendant on it, now emanates from the European Community? In some instances, it

has direct application in our law without even troubling the House. We have a process, through statutory instruments, by which those laws are nodded through.

What is the purpose of the new clause? First, can we ignore the fact that that quantum of legislation is not regarded for the purposes of the Bill? The new clause says no. My second concern, which is more important, relates to the constitutional affirmation accepted by, I think, the hon. Member for Cambridge and articulated by my right hon. and learned Friend the Member for Rushcliffe. I am a more simple Member of the House. The long march to our democracy is summed up by Churchill's exclamation as to who is sovereign: the people are sovereign. The new clause is an expression of that sovereignty. The bypassing of that sovereignty by other means is not appropriate.

Mr. Heald: If my hon. Friend wants new clause 19 to be amended, it has to be passed. Then we would have the opportunity of considering amendment (a). Does he agree that not to pass the new clause would mean that we end up with what was in the Bill originally, which was appalling—namely, that a Minister, by order, could pass any law for any purpose in any way? I hope that he is prepared to accept the logic that the new clause is a bit better, because then amendment (a) might be possible.

Mr. Shepherd: No. The effort of the House should go into making a piece of legislation appropriate and correct as we see it. We cannot have a vote on amendment (a) until we have had a vote on new clause 19. My vote—let me set out this condition—is wholly dependent on the Government saying that they accept "reasonable". That is how I would do it. If they say, "No, we will not accept it", then I will not vote for the new clause and will look to the other place to rewrite the Bill. I have no doubt that it will include the reasonable element.

Mr. Chope: Will my hon. Friend extend his comments to amendment (b)? Does he accept that we will not know until we have voted on new clause 19 whether amendments (a) and (b) will be called for a vote?

Mr. Shepherd: I absolutely accept the point. Again, that reinforces why I will not vote for the new clause until the Minister has conceded, or accepted, the burden of the argument and will accept those amendments. That is a matter of principle. The House, having regard to its own dignity, should not just say that because the previous draft of the Bill was so dreadful and has, properly and rightly, been improved to some extent—I give credit to the Government for that—it does not seek the things that qualify the powers of a Minister. That is the heart of the matter, and why the argument is about ourselves and the sovereignty of this place, which my hon. Friend is trying to promote. This issue is incredibly important for the House, because it is about ourselves, our country and our authority—the authority that this Bill and a raft of other legislation confers, each reducing the power of the House for the benefit of the Executive. That is the struggle.

7.30 pm

Why are we having to amend or to do away with so much legislation? It is because the volume of legislation and the sheer weight of statutory instruments are such that we cannot accord to them the traditional form of repealing an Act of Parliament by another Act of Parliament. It is a short cut. In the modern age we do not give the proper amount of time to deliberation on and consideration of matters before the House. That is what I am arguing for. I hope that the Government will accept amendments (a) and (b), and I hope that the House will acknowledge the importance of the constitutional principle that underlines my hon. Friend's proposal.

Mr. Gummer: Does my hon. Friend agree that a Government who refuse to include the word "reasonable" are suggesting that in some circumstances they wish to act unreasonably and that the word "reasonable" is so reasonable that it would look very unreasonable if they did not accept it?

Mr. Shepherd: My right hon. Friend has made a brilliant point. He and I have made that point about Governments of other complexions who have resisted the concept of reasonableness because the Executive, advised by draftsmen or by their own self-importance, have felt that it is an unreasonable constraint to be reasonably constrained.

Rob Marris: I apologise to the Opposition Front Benchers for not being here earlier, although I was present for the opening speech of my hon. Friend the Minister. I declare an interest as a member of the Law Society of England and Wales, which is a regulated body and therefore might be affected by the Bill.

I heard earlier, and have heard since returning to the Chamber following meetings, a lot of wounded outrage from Opposition Members, particularly Conservatives. Having sat through most of the Second Reading debate, my recollection is that at its conclusion there was no Division. *[Interruption.]* Somebody says that there was a one-line Whip, but I took the trouble to be present and other hon. Members could have done so. There have been howls of outrage from the Opposition because they feel that they missed a trick on Second Reading by not calling a Division.

Mr. Heath: Will the hon. Gentleman give way?

Rob Marris: I shall make my point and then give way to the hon. Gentleman, who was present on Second Reading.

On Second Reading, my hon. Friend the Member for East Renfrewshire (Mr. Murphy), the then Minister, who is present tonight, said that he did not wish the Bill to be used for controversial measures. Understandably, he was asked what would be considered a controversial measure, and quite reasonably he said that that was a difficult definition which he had been discussing with parliamentary draftsmen and that he would table amendments at a later stage—and he has done so.

Mr. Heath: I make no attempt to justify after the event the position that I took on Second Reading, but I hope that the hon. Gentleman will recollect that I said clearly that there was a need for a deregulatory Bill but

[Mr. Heath]

that part 1 was wholly unsatisfactory and that if it remained in the Bill I would be advising my hon. Friends to vote against Third Reading. Part 1 will not do.

Rob Marris: I recall the hon. Gentleman saying that, but the amendments before us substantially rewrite part 1, and he must make up his mind whether to vote for them.

Sir Robert Smith: The hon. Gentleman says that the former Minister came to the House on Second Reading having been unable to work out how to include in the Bill the safeguards, and on Report they are finally appearing. Is that not a classic example of why we have so much bad legislation? It comes to the House too soon, before it is ready. The Minister should have brought the legislation before the House once he had worked out how to include the safeguards that he wanted, so that under our procedures we could have considered them more efficiently, rather than leaving the issue to be discussed in a shorter debate on Report.

Rob Marris: I understand the hon. Gentleman's argument. As often happens in this House, we like to have it both ways. The idea to my mind and for many hon. Members was to have a public debate on this important Bill. We have had that debate in the intervening period. The then Minister put forward proposals and serious reservations were expressed by Opposition Members and by Labour Members, including me, and the Minister said that he would consider them. He has done so, and his successor has come forward with quite wide-ranging amendments, on which I shall remark later.

Pete Wishart: Is not the truth that the Government were told by the Chief Whip in the Lords that they would never have got the Bill through in its original condition?

Rob Marris: I cannot remember whether the hon. Gentleman was present on Second Reading—I do not think that he was—but the then Minister made it clear that the Bill was not in the final form that he envisaged would go to the other place. He was entirely honest and open with the House. He said that we needed more safeguards and that he was open to suggestions. He has listened to those suggestions, yet his successor is being slagged off for that.

Mr. Greg Knight: Has not the hon. Gentleman just shot his own fox? It is because the Minister made it clear that he was willing to listen to arguments that many of us did not vote against Second Reading.

Rob Marris: The Government have listened to the arguments. They might not have accepted them all, but they have listened—hence the fairly fundamental amendments before us. If amendments that we shall consider today and tomorrow are accepted—it is up to the House whether they are—fairly fundamental safeguards will be in the Bill. There are the five locks of constitutional safeguards. As I said in my intervention on my hon. Friend the Minister, my parliamentary neighbour, I have concerns that we will end up with the same kind of Bill this year that we did five years ago—completely unworkable in the way that most Members would wish because of those safeguards. He referred to the Game Act 1831, which is why the wonderful Bridgewater's butcher that is about 100 m from where I live has a sign outside it. I am sure that Bob will be happy to dispense with that sign.

I suspect that most hon. Members would be happy if such regulation were got rid of. On the other hand, dealing with major tax increases—or tax cuts, which might still be allowed under clause 5—would not be appropriate under the Bill. There are five locks and among other things they involve two Select Committees—one in this House and one in the other place. Select Committees, certainly in this House, have traditionally had a majority who are members of the Government party. That is the way in which this House has operated since Select Committees were formed—in 1971 or whenever. Anyone who thinks that a Select Committee Chairman or his or her members are patsies have not served on one as I have. I refer not just to my hon. Friend the Member for Ellesmere Port and Neston (Andrew Miller) or whoever his successor might be. I have never come across a Select Committee member who is a patsy. Select Committees will put a block and a lock on a proposal if it is controversial, as I think amendment No. 56 says.

Alison Seabeck: Talking about locks, what seems to be missing in this debate is what the public think. The public's expression of concern over the Bill has had quite a significant impact on the drafting of amendments. We forget that.

Rob Marris: Indeed concern was expressed outside the House. I suspect that much of it was somewhat uninformed in the sense that many of those who expressed concern were not aware of the promises and undertakings given by the then Minister on Second Reading that there would be more safeguards—and there will be if the amendments are passed.

I speak in favour of the amendments, but I caution my hon. Friend, the present Minister, to be careful that the pendulum does not swing too far the other way so that, if I am fortunate enough still to be a Member in five years' time, I will have to take part in a debate in which people say that the 2006 Act had got rid of only 21 regulations in contradistinction to 19 or whatever it was under the 2001 legislation. Frankly, that will have wasted a whole bunch of the House's time.

Mr. Chope: I had the privilege of speaking on Second Reading, when I said:

"The Bill is the ultimate guillotine for debate and discussion."—[*Official Report*, 9 February 2006; Vol. 442, c. 1079.]

My concerns were not understated, as I cited the Chairman of the Constitution Committee of the House of Lords, who said that the measure was the most constitutionally significant Bill for a generation. The new clause is an incredible improvement, but that does not mean that we should accept it willy-nilly. Unfortunately, the Government

are adept at manipulating the procedures of the House, so we are in danger of being outmanoeuvred again by the Executive, as we do not have the power to press amendments to the new clause until the new clause has been accepted.

Mr. Gummer: For the sake of people outside the House, will my hon. Friend clarify something? Does he agree that the Government introduced a Bill that they knew would not complete its passage through the House with the aim of introducing provisions that ought to have been included in the Bill in the first place and thus are extremely difficult to correct? We should not accept that constitutional extravagance.

Mr. Chope: My right hon. Friend is right. Previous deregulation Bills were subject to pre-legislative scrutiny. The Bill goes much further and wider, but it was not subject to such scrutiny. We can only assume that the Government's motive was to present us with a fait accompli. They tried to seduce us into accepting the provision on the ground that it was not as unreasonable as the original proposal. I very much agree with my hon. Friend the Member for Aldridge-Brownhills (Mr. Shepherd): in the absence of ministerial assurances on amendments (a) and (b), I am not minded to vote in support of new clause 19 and, indeed, shall register my opposition. If, however, it is accepted and the amendments are put to the vote, we have the chance to make it less odious. At least we will have had the chance to put our concern on the record in the event that the amendments are not tested.

My amendment (b) is an important and necessary measure. I appreciate the support that it has received from Members on both sides of the House, including my hon. Friend the Member for Huntingdon (Mr. Djanogly), Liberal Democrat Members and, by implication, the hon. Member for Stoke-on-Trent, Central (Mark Fisher). The Minister appeared to suggest that it was a good amendment, but went on to say that he would not support it. Indeed, he said that he would seek to oppose it. Unfortunately, we could not establish what he thought was wrong with it.

Sir Robert Smith: The Minister said that we would return to amendment (b), but his words definitely suggested that the new clause should be constrained by the amendment.

Mr. Chope: If that is what the Minister thought, he was right. New clause 19(2) describes the purpose that the Minister would have to establish as one of

"removing or reducing any burden, or the overall burdens, resulting directly or indirectly for any person from any legislation".

By my reading, provided that the Minister can establish that the purpose is to remove a burden from one person, even though that would increase the overall burden for 1 million others, there is no reason why he should not use the truncated procedures in the Bill with the limited safeguards that we have debated.

The title of the new clause—"Power to remove or reduce burdens"—is disingenuous, and we should add the words, "or increase overall burdens". The Government say that they wish to reduce the overall burden, but if that is the case and they do not have a sinister purpose in the Bill, they should accept my amendment (b).

7.45 pm

Mr. Greg Knight: Can my hon. Friend make his position clear on the amendment? Does he hope that the Chair will allow the House to divide on it, or is he merely alluding to it?

Mr. Chope: I hope that the House will have the chance to divide on it, but I cannot guarantee that, so I am obliged to vote against new clause 19 unless the Minister gives an undertaking at the Dispatch Box to accept amendments (a) and (b). That is the only way in which we can proceed because, following the initiative that the Government have taken, humble Back Benchers cannot vote on the amendments before we vote on the new clause. As Chairman of the Procedure Committee, my right hon. Friend deserves a great deal of credit for the fact that we have two days of debate. Originally, the Government intended that we should have only one day of debate, as they knew that they wanted to make substantial amendments to the Bill. That would have squeezed even more the opportunity for Back Benchers to comment.

This is an important Bill. I had the privilege of speaking against it on Second Reading, and I served on the Standing Committee. As a result of our efforts in Committee, the Government have begun to see sense, but they still have a long way to go. I look forward to the Minister accepting amendments (a) and (b). As for amendment (c), which proposes that the new clause apply only to public general Acts, it is regrettable that he still insists that it should apply much more widely to local acts, Orders in Council, orders, rules, regulations and so on, as set out in subsection (6). The Bill would be better if the provision were confined to public general Acts. The only local Act that the Government have been able to cite is the Covent Garden Market Act 1961. If they used a truncated provision to change the legislation governing the Covent Garden Market Authority, it could have a severe impact on people who use the authority, businesses that rely on it, landowners and so on. Why should such local legislation not be subject to the full rigour of scrutiny and debate? People may believe that local Acts are less significant, but they are often supremely significant to people who live in the locality that is affected. Under procedures in this Parliament, they may not receive notice of proposed changes until it is too late and the measure has been considered by the Regulatory Reform Committee. The Bill should extend only to public general Acts, not to local Acts.

Mr. Gummer: Has my right hon. Friend noticed that there is nothing in the Bill to stop the Government changing Acts of Parliament passed by the House but prepared by the General Synod of the Church of England? Under the new clause, they could change without question something decided by that forum, which underlines the fact that the provision is nonsense.

Mr. Chope: My right hon. Friend makes an excellent point that I hope will be reflected in amendments tabled in another place. It is a pity that we have not had a chance to consider amendments along those lines on Report.

The Government have a secret agenda in relation to the Bill. It has been exposed to an extent and they have had to pull back from the high watermark of what they

[Mr. Chope]

were trying to achieve by way of suppressing parliamentary debate and scrutiny. They have fallen back to an intermediate line, which is still too high in terms of what we are giving up as scrutineers of legislation in Parliament. I hope that the Minister will give us assurances that he will go further and provide more safeguards than new clause 19 contains.

Mr. Djanogly: I declare my interests as they appear in the Register of Members' Interests.

This has been a complicated debate, not helped by the Government's ineptitude over recent months in taking the Bill through the House. The Government new clauses, including new clause 19, were tabled very late, which has not been satisfactory or productive. Here we are, on Report, debating the main clause, which was tabled only a few days ago.

The process of the Bill has been bizarre. I have never seen anything like it. On Second Reading, the Government were saying that the Bill was purely a tool for delivering their better regulation agenda. My hon. Friend the Member for North-East Hertfordshire (Mr. Heald) and I rebutted that on Second Reading. We said that it was a gross understatement of the purpose of what became the "abolition of Parliament Bill". We argued that, as a constitutional Bill, it should have had its Committee stage on the Floor of the House. The Government chose not to listen to us, but in retrospect they probably wish they had.

The hon. Member for Perth and North Perthshire (Pete Wishart) rightly mentioned the lack of preparation. By the time of the Procedure Committee on 7 February, the then Minister said that he would be able to respond to the Regulatory Reform Committee's recommendations in good time, in advance of the Standing Committee, but when the Standing Committee started on 28 February, the Government had given their response to Committee members only the day before and no Government amendments had been tabled, as my hon. Friend the Member for Christchurch (Mr. Chope) correctly pointed out in Committee.

The timing of the proceedings has been unsatisfactory throughout. My right hon. Friend the Member for Suffolk, Coastal (Mr. Gummer) mentioned that in his intervention and noted that that is becoming increasingly common on the Government's part, although it is particularly the case in relation to the Bill. Not least for these reasons, my noble Friends in another place may well want to review carefully the implications of the clause, which has been impossible for us, because of the lack of time and the fact that the Government ripped out the main clauses of the Bill. Even now, they are tabling amendments to change the title of the Bill.

Government new clause 19, which was tabled only a few days ago, has, along with new clauses 20 and 21, the effect of replacing clauses 1 and 2. These changes, or perhaps I should say climbdowns, will refocus orders that are to be introduced under the Bill towards deregulation, as advocated by the Conservative party since Second Reading. Since the Bill's publication in January, we have consistently expressed grave concerns that the powers granted to the Government were too widely drawn and would result in a severe weakening of parliamentary power, the sidelining of legislative scrutiny and the possibility of a move towards ministerial authoritarian rule.

As my hon. Friend the Member for North-East Hertfordshire noted, we were happy with the Government's announcement on 12 April that they had effectively agreed with the framework arguments advanced over the past few months from the Conservative Benches. We therefore welcome the new clause, which aims to focus the Bill on genuine deregulatory matters, although it would have been helpful to see the new clauses sooner, not least because of the widespread interest in the subject and our belief that other, later amendments should go further than the Government are prepared to accept.

The Conservative party has always supported measures that would result in the provision of a swift tool for delivering regulatory reform. However, we wanted to ensure that such a tool would not pose a serious challenge to the concept of parliamentary supremacy, which is a central element of the United Kingdom's unwritten constitution. Our policy is aimed at reducing the harm caused to the country by over-regulation introduced by the Government since 1997. The cost of regulation during that period is estimated to have surpassed £50 billion a year, despite the Labour party's manifestos for the 1997, 2001 and 2005 general elections promising to regulate only where necessary and to deregulate where desirable.

The over-regulation of business is a massive drain on the economy, leads to an inefficient bureaucracy, strangles small businesses and wastes the valuable time of thousands of police officers, nurses, teachers and people in the private sector on filling in forms.

Rob Marris: The hon. Gentleman mentioned the sum of £50 billion. Quite a large part of that calculation, which I think was made by the British Chambers of Commerce, refers to the national minimum wage. Is he saying that he opposes the national minimum wage as a regulatory burden?

Mr. Djanogly: The figure does not refer to the national minimum wage. My hon. Friend the Member for North-East Hertfordshire dealt with that point earlier.

Over-regulation is severely damaging Britain's international economic competitiveness. As my hon. Friend reminded us, according to the World Economic Forum, between 1997 and 2005, the UK slipped from fourth to 13th in the list of the most competitive countries. The London School of Economics has cited over-regulation as one of the main causes of that decline. Small companies have been disproportionately hit, which is why in new clause 9 we propose that any Minister making an order under part 1 powers must ensure that it is deregulatory as it relates to small business.

That is also why, in new clause 17, my hon. Friend the Member for Stone (Mr. Cash) seeks to ensure that, where a fast-track deregulation order is made in connection with a provision concerning our EU obligations, it should be legally binding and effective. The Minister responded that that was an attempt to change policy, but my hon. Friend's amendment deserves a more considered approach. I look forward to hearing the Minister's views.

Mr. Cash: In the context of legislative supremacy and the role of the judiciary, and in the context of the Constitutional Reform Act 2005, will my hon. Friend confirm that, irrespective of the rule of law, which insists that they should be independent, it is the duty of judges to give effect to Acts of Parliament, as has been historically, legally and constitutionally the case for generations?

Mr. Djanogly: That sounds like good law to me. The Minister will, of course, tell me if he thinks otherwise.

My hon. Friend the Member for Buckingham (John Bercow) and the hon. Members for Stoke-on-Trent, Central (Mark Fisher) and for Cambridge (David Howarth) expressed concern that the Bill could be used for a wider purpose than striking out business regulations. An example given was the abolition of jury trials. The Minister, fairly, showed the lack of clarity in the 2001 Act and how clauses 5 and 6 answered the important points made, but he did not go far enough. There is more to come out in that respect, probably in the other place. Following an intervention from my right hon. and learned Friend the Member for Rushcliffe (Mr. Clarke), it turned out that the restrictions relating to tax relate only to increases in tax.

The right hon. Member for Ellesmere Port and Neston (Andrew Miller)—I congratulate him on being appointed a Privy Councillor—

Andrew Miller: No. That was a joke.

Mr. Djanogly: I apologise to the hon. Gentleman. We have not had many jokes during the debate.

The hon. Gentleman properly noted that Standing Orders of the House will need to be reviewed in the context of the Bill. I enjoyed hearing his views on the sugar beet order, or rather, the problems in getting rid of it.

The hon. Members for Somerton and Frome (Mr. Heath) and for Cambridge made many valuable points in the debate, not least identifying the posing threat of the laws forcing the Government to review the scope of the Bill in the first place, and also in reducing the scope of the Executive to interpret the provisions of the Bill. Their explanation of why amendment (a) should introduce the word "reasonably" to create objectivity rather than ministerial subjectivity was persuasive.

8 pm

I agreed with many of the sentiments about the growth of the power of the Executive and the serious consequences that could follow from that, not least in relation to the Bill, expressed by the hon. Member for Stoke-on-Trent, Central, but he should have a quick read of the debate on Second Reading, including my remarks.

My right hon. and learned Friend the Member for Rushcliffe noticed the irony in what he called the minor miracle that turned what should have been a positive desire to reduce regulation into the messy Bill that is before us. He stated his position that new clause 19 is still too lax in its wording. I am sure that his arguments on the new clause will be carefully reviewed by colleagues, not least in another place. Many of his comments, not only in relation to veto rights, will be addressed later in our proceedings. We benefited from his experience in his summary of how Government have been nibbling away, as he called it, at parliamentary freedoms over the past 50 years. His comments were strongly supported by the remarks of my hon. Friend the Member for Aldridge-Brownhills (Mr. Shepherd), who also spoke up for amendment (a) and new clause 17, and gave a general call—

Andrew Miller: Does the hon. Gentleman agree that the right hon. and learned Member for Rushcliffe (Mr. Clarke), who is not prone to over-exaggeration, slightly got things wrong? The hon. Gentleman will recall that the legislation enacted by his right hon. and learned Friend, in section 2(2) of the Value Added Tax Act 1994, means that a statutory instrument to change VAT could have effect only for a short period. That is notwithstanding all the restraints of the sixth directive. I think that the hon. Gentleman is slightly exaggerating the case.

Mr. Djanogly: The hon. Gentleman has made his point in his own way.

My hon. Friend the Member for Aldridge-Brownhills made a general call for proper time to be given to the important changes that are proposed. I think that he was making a general point about legislation being rushed through the House. My right hon. Friend the Member for Wokingham (Mr. Redwood) loaned us the significant benefit of his large experience of deregulation. He questioned whether the provisions in the Bill were the best way to achieve the initial objective. He thought not, and I shall return to that key issue. I like the idea of having an annual deregulation Bill and the implied requirement to tutor civil servants in the merits of deregulation, that being key to the cultural change.

My right hon. Friend the Member for Wells (Mr. Heathcoat-Amory) gave a good example of the dreadful droit de suite law as a showpiece of gold-plating of EU regulations and demonstrated the importance of keeping the 1972 legislation in the context of parliamentary sovereignty.

The hon. Member for Luton, North (Kelvin Hopkins) made a thoughtful speech. I liked his idea of short Bills. My hon. Friend the Member for Christchurch has closely followed consideration of the Bill, and was active in Committee. He put a good case for amendment (b). He argued that the reduction of the burden for one should not be justified by increasing burdens for others. On that, my hon. Friend has our support.

Will the Government amendments work? Will deregulation be improved as a result of the new formula that is proposed? The expectations of businesses are high. The Government have talked the talk. In May of last year, the *Financial Times* reported that the Bill would be an attempt to slash the estimated £100 billion of the cost of regulation on business. In January, the Minister then responsible was quoted as saying that the Bill is the

"cornerstone in achieving essential and long-promised reductions in unnecessary red tape."

It is part of a plan to achieve one of the most radical regulatory reform agendas in the world. The then Minister's press release in January spoke of savings through reducing bureaucracy of £10 billion, equivalent to 1 per cent. of gross domestic product.

[Mr. Djanogly]

The fact remains that regulations on business have continued to soar. We know that, since 2001, only about 20 regulatory reform orders have been made, although the target was 60 by 2005. On average, with 3,887 new regulations a year, let us say that the Government get really ambitious and raise the target of scrapping regulations from 60 every four years to 60 a year, or even 100 a year. Is that not like putting in a barrier the size of a road hump to stop a tidal wave? Are 60 fewer regulations worth the destruction of parliamentary sovereignty? That is what we were considering in the early stages of the Bill. We came to the conclusion that the answer was no.

We appreciate that the Government have gone some way towards understanding the issues and addressing the concerns of the House, not least with the amendments. However, in the new atmosphere of realism, will the Minister please care in his remarks to reassess the impact that he thinks that the Bill will have on regulation?

Mr. McFadden: I feel that in some senses the ghost of St. Augustine has been with us in this debate. There have been many speeches from all quarters of the House about how much people want to see regulation cut, but not in the way that is proposed, and perhaps not yet. I think, as my hon. Friend the Member for Wolverhampton, South-West (Rob Marris) said, that that is perhaps a danger for us as we come to debate the amendments. However, I welcome the comments that have been made about new clause 19, especially by the Opposition Front-Bench spokespersons. I do not pretend that they embraced the clause with open arms but they at least recognised that the Government had attempted to respond to some of the fears and concerns that have been expressed about the Bill. The Government did not accept that those fears and concerns would necessarily have been realised.

I shall try to stay out of some of the private battles that we heard this afternoon between my hon. Friend the Member for Stoke-on-Trent, Central (Mark Fisher) and some Opposition Members. There were battles also between some Opposition Members about our membership of the European Union.

I turn to amendment (b) to the new clause, which concerns burdens and whether they can be reduced overall. New clause 19 permits the "removing or reducing" of a "burden". "Removing or reducing" a burden from one person may possibly increase burdens on another, even if the overall effect is downward in terms of deregulation. The example has been used of perhaps increasing the burden on a million but reducing the burden on one. That is not likely. However we could increase the burden on one and reduce the burden on a million. That is what we mean by saying that the overall effect should be downward. It is the same as the 2001 legislation that would allow the introduction of more targeted or more proportionate burdens in the context of an overall downward trend. New clause 19 also permits the removal or reduction of overall burdens. It could permit the introduction of new burdens if it is done in the context of reducing the burdens overall. For that reason, we may not be able to say yes to the hon. Member for Christchurch (Mr. Chope).

Mr. Chope: Why does the Minister believe that the new clause, as drafted, does not give permission for an overall increase in burdens?

Mr. McFadden: The Bill provides that under part 2 the purpose is to remove or reduce any burden—including the overall burdens—that result either directly or indirectly for any person under the legislation.

Sir Robert Smith: The clause includes the word "or". The amendment seeks to replace that with "and". With the "or" still in place we can remove any burden but we do not have to remove overall burdens. The overall burden can increase. As I have said, there is an "or". The Minister can say that he is removing a burden even though there is an increase in overall burdens. There is still compliance as things stand.

Mr. McFadden: No, the overall burden would be reduced. We cannot accept amendment (b) because if we did, in the context of reducing the overall burden, a burden could be increased on one person.

I anticipate that there will be future examples where legislation covering an entire area could be rationalised to benefit those regulated. However, amendment (b) would narrow the order-making power so much that many of the reforms that were possible under the Regulatory Reform Act 2001 would no longer be possible.

I turn to the reasonableness test in amendment (a). The Minister is already under a public duty to reach a reasonable view. We discussed who could object to a reasonableness test, and although the views expressed are on one level true, the amendment would add nothing to the duty that the Minister is already under to act reasonably. Case law has established that if a Minister's decision is not reasonable, it can be struck down by the courts, so the existing subjective test is a real one.

David Howarth: The Minister seems to be confused. The point is that under the subjective test in the Bill as it stands, all that the judicial review will study is whether the Minister considered a particular thing to be the case. If the word "reasonably" is included, deciding whether the Minister acted reasonably in that context becomes a more objective test. The Minister has a dilemma: either the word "reasonably" makes no difference, in which case, he should accept it; or it makes a very big difference and on a ground that he does not want to accept, in which case, he should resist it on that ground.

Mr. McFadden: We are of the view that the amendment would not make a difference. We will reflect on it, but we cannot accept it tonight.

A number of safeguards will ensure that orders that are beyond the scope of the Bill will not be delivered. Before an order is laid, the Minister will be required to consult widely with the relevant stakeholders. In addition, the Government have undertaken not to use the order-making powers in the Bill to create highly controversial measures, or to force through orders in opposition to the Committees. We will of course hear more about that issue tomorrow.

Mr. Heath: The Minister said that he would reflect on amendment (a), and I find it difficult to understand what he will be reflecting on. But—this is the big

"but"—this is the only opportunity that this House has to express an opinion on it. He can reflect as long as he likes, but this House will not have the opportunity to express its opinion unless it does so tonight. So can he reflect a little more quickly, and perhaps accept it?

Mr. McFadden: That is a good try but, as I have said, I cannot say on the Government's behalf that we will accept the amendment tonight.

Mr. Heathcoat-Amory: Will the Minister give way?

Mr. McFadden: I want to make some progress, if I may.

My hon. Friend the Member for Ellesmere Port and Neston (Andrew Miller) said that the inertia in the process since 2001 was not necessarily the fault of the Select Committees or of the degree of parliamentary scrutiny. He has a strong point; we have to look at the system in the round. There is an argument that Departments will be more reluctant to come forward with regulatory reform orders if they think that the process is so cumbersome that it will be difficult to use. So there is an argument about incentives and how the process works as a whole. But the Chairman of the Procedure Committee, who has been a voice of common sense throughout this process, and who has come up with positive and constructive proposals, made a strong point about there being not just a duty on this House to agree the proper scrutiny procedure, but a duty on Departments to pursue this agenda with vigour and enthusiasm.

8.15 pm

Mr. Chope: Does the Minister therefore accept, on his own interpretation of new clause 19, that it may well result in this procedure being used in circumstances where overall burdens will be increased, rather than decreased?

Mr. McFadden: No, I do not accept that, but it is possible for the burden on some to go up as a new deregulatory process comes into being.

We had a lengthy debate on new clause 17, mostly between Opposition Members. I tried to follow it, and I hope that I have understood the intention of the hon. Member for Stone (Mr. Cash) accurately. If I am right, the purpose of his new clause is that orders made under this procedure would not be binding on our Community obligations. He said, I think, to my hon. Friend the Member for Doncaster, North (Edward Miliband) that if his new clause were accepted, infraction procedures would occur and various consequences would follow.

Mr. Cash: I did not predicate my argument on the basis that there would be infraction proceedings; rather, I said that they could be a consequence. The stability and growth pact is an example of the rule of law in Europe being destroyed by the attitudes of individual member states. What I am saying is that, where there is an Act of Parliament that is express and unambiguous, even if it is inconsistent with the European Communities Act 1972, and where the words "notwithstanding the 1972 Act" are included in such legislation, the legislative supremacy of this House requires the judiciary to give effect to that legislation. That is the simple point that I am making, and it is unchallengeable.

Mr. McFadden: It is unchallengeable in the hon. Gentleman's subjective judgment. The interesting point about new clause 17 is that it is supported by his Front-Bench colleagues, with all the inferences that will be drawn from that. The Conservative party has been re-packaged in recent months, but the point, which might be noticed beyond this debate, is that they are backing this new clause in the knowledge of what the consequences might be.

Mr. Heald: I made it clear that I should be very interested to hear the Minister's views on the new clause. Is he saying that it would change the law, or that it would simply clarify existing law? Is it not just a statement of existing law?

Mr. McFadden: It seeks to go further than our proposals on the European aspects of the Bill, which deal with gold-plating rather than trying to challenge our obligations as members of the European Union, which are a matter of fact.

Mr. Cash: As with the arguments—on which at last the Prime Minister has given way—on the Human Rights Act 1998 in the context of the sovereignty of Parliament and the role of the judiciary, so, in different circumstances but on the same principle, the legislative supremacy of Parliament applies in the context of the European Community. Does the Minister agree with that or not?

Mr. McFadden: The hon. Gentleman proves my point.

I should like to turn to some of the other comments made towards the end of our debate. The hon. Member for Perth and North Perthshire (Pete Wishart) mentioned the Scotland Act 1998. The Bill would have the same relationship to that Act as to the Regulatory Reform Act 2001, in the sense that consequential provisions could be made, as set out in clause 8.

The right hon. and learned Member for Rushcliffe (Mr. Clarke) asked about tax. The answer is that orders could be used to reduce tax if that met the purpose of removing burdens and other provisions in the Bill. In reality, however, there is a Budget and a Finance Bill every year, and that is how we deal with tax measures in this House. I hope that that makes the matter clear.

Kelvin Hopkins: As I said, all taxation issues can be dealt with in the Finance Bill every year, and there is no real necessity to include them in this Bill.

Mr. McFadden: Here we come to the question of what regulatory reform orders are likely to be used for. My hon. Friend is right—there is a Budget and a Finance Bill every year precisely for the purposes of making changes to taxation.

Several hon. Members asked for examples of what the Bill will allow us to do. One example is that of the

[Mr. McFadden]

Charity Commission deregulation, which was undertaken to review the financial thresholds at which certain registration requirements are asked for. Others may include simplifying some transactions with Government, consolidating areas of overlapping legislation, Hampton mergers of regulatory bodies, and streamlining overlapping consent regimes. For instance, the Department of Health wishes to remove a consent regime introduced in the Health Act 1999 because it has proved ineffective, and the Office of the Deputy Prime Minister undertook to consider proposals for reviewing, repealing and modifying numerous consent regimes with a view to removing burdens on the NHS, local authorities and others.

Mr. Heathcoat-Amory: Since this regulatory reform Bill has itself undergone considerable regulatory reform so far, will it, if it becomes an Act, be a candidate for regulatory reform under its own provisions, so that it is another example of a future Act that needs to be reformed?

Mr. McFadden: The hon. Gentleman anticipates amendments that we will reach later in the debate. I shall resist outlining those provisions now, as we have that joy to come.

In the end, we have to make a judgment as to whether we want a deregulatory system that can do the job. New clause 19, with its associated amendments, was our response to fears that the Government were introducing too wide a power. Equally, there is a warning on the other side of the debate. If we legislate on the basis of every scenario in our wildest imaginings about what this legislation may be used for, we will end up with a repeat of the process that we have had twice before, which has achieved a consensus in Parliament but not the purpose that we wished.

I shall end by reflecting on what my hon. Friend the Member for Ellesmere Port and Neston, the Chairman of the Regulatory Reform Committee said. It has been suggested in the debate that the Bill is about relieving the burdens on Ministers. That is not the intention of the legislation. Those who feel the burdens are the people and bodies outside the House, including charities, businesses, and voluntary and public sector organisations. They have to deal with the regulation and legislation that we introduce. It is they who feel the effects, and it is to them that we have a duty to regulate in such a way that the power can be used effectively.

Mr. Heald: On a point of order, Mr. Deputy Speaker. During the debate, several hon. Members on both sides of the House have said that their view of new clause 19, on which we are about to vote, could be affected by knowing whether a Division was likely to be available on either amendment (a) or amendment (b). Are you in a position to give the House any guidance on whether such a Division might be possible?

Mr. Deputy Speaker (Sir Alan Haselhurst): I have listened carefully to the debate, and I understand the point that the hon. Gentleman is making. If amendment (a) were pressed to a vote, I would accede to a Division on it.

Question put, That the clause be read a Second time:—

The House divided: Ayes 438, Noes 4.

Division No. 231] **[8.25 pm**

AYES

Abbott, Ms Diane
Afriyie, Adam
Ainger, Nick
Ainsworth, rh Mr. Bob
Ainsworth, Mr. Peter
Alexander, Danny
Alexander, rh Mr. Douglas
Allen, Mr. Graham
Amess, Mr. David
Anderson, Mr. David
Anderson, Janet
Armstrong, rh Hilary
Atkins, Charlotte
Atkinson, Mr. Peter
Austin, Mr. Ian
Bailey, Mr. Adrian
Baird, Vera
Baker, Norman
Baldry, Tony
Balls, Ed
Banks, Gordon
Barker, Gregory
Baron, Mr. John
Barrett, John
Barron, rh Mr. Kevin
Begg, Miss Anne
Beith, rh Mr. Alan
Bell, Sir Stuart
Bellingham, Mr. Henry
Benton, Mr. Joe
Benyon, Mr. Richard
Beresford, Sir Paul
Berry, Roger
Betts, Mr. Clive
Binley, Mr. Brian
Blears, rh Hazel
Blizzard, Mr. Bob
Blunkett, rh Mr. David
Blunt, Mr. Crispin
Bone, Mr. Peter
Boswell, Mr. Tim
Bradshaw, Mr. Ben
Brady, Mr. Graham
Brake, Tom
Brazier, Mr. Julian
Brokenshire, James
Brown, rh Mr. Gordon
Brown, Lyn
Brown, rh Mr. Nicholas
Brown, Mr. Russell
Browne, rh Des
Browne, Mr. Jeremy
Browning, Angela
Buck, Ms Karen
Burgon, Colin
Burnham, Andy
Burns, Mr. Simon
Burrowes, Mr. David
Burstow, Mr. Paul
Burt, Alistair
Burt, Lorely
Butler, Ms Dawn
Byers, rh Mr. Stephen
Cable, Dr. Vincent
Caborn, rh Mr. Richard
Campbell, Mr. Alan
Campbell, rh Sir Menzies
Campbell, Mr. Ronnie
Chapman, Ben
Clapham, Mr. Michael
Clark, Ms Katy
Clark, Paul
Clarke, rh Mr. Kenneth
Clarke, rh Mr. Tom
Clegg, Mr. Nick
Clifton-Brown, Mr. Geoffrey
Clwyd, rh Ann
Coaker, Mr. Vernon
Coffey, Ann
Cohen, Harry
Connarty, Michael
Cooper, Rosie
Cooper, Yvette
Cormack, Sir Patrick
Crabb, Mr. Stephen
Creagh, Mary
Cruddas, Jon
Cummings, John
Cunningham, Mr. Jim
Cunningham, Tony
Curtis-Thomas, Mrs. Claire
Darling, rh Mr. Alistair
Davey, Mr. Edward
Davidson, Mr. Ian
Davies, David T.C. *(Monmouth)*
Davies, Philip
Davis, rh David *(Haltemprice and Howden)*
Dean, Mrs. Janet
Denham, rh Mr. John
Devine, Mr. Jim
Dhanda, Mr. Parmjit
Dismore, Mr. Andrew
Djanogly, Mr. Jonathan
Dobbin, Jim
Dobson, rh Frank
Donohoe, Mr. Brian H.
Doran, Mr. Frank
Dowd, Jim
Duncan, Mr. Alan
Dunne, Mr. Philip
Eagle, Angela
Efford, Clive
Elman, Mrs. Louise
Ellwood, Mr. Tobias
Engel, Natascha
Ennis, Jeff
Evennett, Mr. David
Fabricant, Michael
Fallon, Mr. Michael
Farrelly, Paul
Farron, Tim
Featherstone, Lynne
Fisher, Mark
Fitzpatrick, Jim
Flello, Mr. Robert
Flint, Caroline
Flynn, Paul

Foster, Mr. Michael *(Worcester)*
Foster, Michael Jabez *(Hastings and Rye)*
Francis, Dr. Hywel
Francois, Mr. Mark
Fraser, Mr. Christopher
Gale, Mr. Roger
Gardiner, Barry
Garnier, Mr. Edward
Gauke, Mr. David
George, Andrew
George, rh Mr. Bruce
Gerrard, Mr. Neil
Gibb, Mr. Nick
Gibson, Dr. Ian
Gidley, Sandra
Gillan, Mrs. Cheryl
Godsiff, Mr. Roger
Goldsworthy, Julia
Goodman, Helen
Goodman, Mr. Paul
Goodwill, Mr. Robert
Gove, Michael
Green, Damian
Greening, Justine
Grieve, Mr. Dominic
Griffith, Nia
Griffiths, Nigel
Grogan, Mr. John
Hall, Mr. Mike
Hall, Patrick
Hammond, Stephen
Hands, Mr. Greg
Harman, rh Ms Harriet
Harper, Mr. Mark
Harris, Dr. Evan
Harris, Mr. Tom
Harvey, Nick
Heald, Mr. Oliver
Healey, John
Heath, Mr. David
Hemming, John
Henderson, Mr. Doug
Hendrick, Mr. Mark
Hepburn, Mr. Stephen
Heppell, Mr. John
Hesford, Stephen
Heyes, David
Hill, rh Keith
Hillier, Meg
Hoban, Mr. Mark
Hodgson, Mrs. Sharon
Hoey, Kate
Hollobone, Mr. Philip
Holmes, Paul
Hope, Phil
Hopkins, Kelvin
Horwood, Martin
Howarth, David
Howarth, rh Mr. George
Hoyle, Mr. Lindsay
Hughes, rh Beverley
Hughes, Simon
Huhne, Chris
Humble, Mrs. Joan
Hunt, Mr. Jeremy
Hunter, Mark
Hutton, rh Mr. John
Iddon, Dr. Brian
Illsley, Mr. Eric
Ingram, rh Mr. Adam
Irranca-Davies, Huw
Jack, rh Mr. Michael
Jackson, Glenda
Jackson, Mr. Stewart
James, Mrs. Siân C.
Jenkin, Mr. Bernard
Johnson, rh Alan
Johnson, Ms Diana R.
Jones, Mr. David
Jones, Helen
Jones, Lynne
Jones, Mr. Martyn
Jowell, rh Tessa
Joyce, Mr. Eric
Kaufman, rh Sir Gerald
Kawczynski, Daniel
Keeble, Ms Sally
Keeley, Barbara
Keen, Alan
Keen, Ann
Kelly, rh Ruth
Kemp, Mr. Fraser
Kennedy, rh Mr. Charles
Kennedy, rh Jane
Khabra, Mr. Piara S.
Khan, Mr. Sadiq
Kidney, Mr. David
Kirkbride, Miss Julie
Knight, rh Mr. Greg
Knight, Jim
Kramer, Susan
Kumar, Dr. Ashok
Ladyman, Dr. Stephen
Lait, Mrs. Jacqui
Lamb, Norman
Lammy, Mr. David
Lansley, Mr. Andrew
Laws, Mr. David
Lazarowicz, Mark
Leech, Mr. John
Lepper, David
Letwin, rh Mr. Oliver
Levitt, Tom
Lewis, Mr. Ivan
Lewis, Dr. Julian
Linton, Martin
Lloyd, Tony
Loughton, Tim
Love, Mr. Andrew
Lucas, Ian
Luff, Peter
MacDougall, Mr. John
Mackay, rh Mr. Andrew
Maclean, rh David
MacShane, rh Mr. Denis
Mactaggart, Fiona
Mahmood, Mr. Khalid
Malik, Mr. Shahid
Malins, Mr. Humfrey
Mallaber, Judy
Mann, John
Maples, Mr. John
Marris, Rob
Marsden, Mr. Gordon
May, rh Mrs. Theresa
McAvoy, rh Mr. Thomas
McCarthy, Kerry
McCartney, rh Mr. Ian
McDonagh, Siobhain
McDonnell, John
McFadden, Mr. Pat
McGovern, Mr. Jim
McGuire, Mrs. Anne
McIsaac, Shona
McKechin, Ann
McKenna, Rosemary
McLoughlin, rh Mr. Patrick
McNulty, Mr. Tony
Merron, Gillian
Michael, rh Alun
Miliband, rh David
Miliband, Edward
Miller, Andrew
Miller, Mrs. Maria
Milton, Anne
Moffat, Anne
Moffatt, Laura
Mole, Chris
Moon, Mrs. Madeleine
Moore, Mr. Michael
Moran, Margaret
Morden, Jessica
Morley, Mr. Elliot
Moss, Mr. Malcolm
Mountford, Kali
Mudie, Mr. George
Mulholland, Greg
Mullin, Mr. Chris
Mundell, David
Munn, Meg
Murphy, Mr. Denis
Murphy, Mr. Jim
Murphy, rh Mr. Paul
Murrison, Dr. Andrew
Naysmith, Dr. Doug
Newmark, Mr. Brooks
Norris, Dan
O'Brien, Mr. Mike
O'Brien, Mr. Stephen
Oaten, Mr. Mark
Öpik, Lembit
Owen, Albert
Palmer, Dr. Nick
Paterson, Mr. Owen
Pearson, Ian
Pelling, Mr. Andrew
Penning, Mike
Penrose, John
Pickles, Mr. Eric
Plaskitt, Mr. James
Pound, Stephen
Prentice, Bridget
Prentice, Mr. Gordon
Prescott, rh Mr. John
Price, Adam
Prisk, Mr. Mark
Prosser, Gwyn
Pugh, John
Purchase, Mr. Ken
Purnell, James
Randall, Mr. John
Raynsford, rh Mr. Nick
Redwood, rh Mr. John
Reed, Mr. Andy
Reed, Mr. Jamie
Reid, Mr. Alan
Reid, rh John
Rennie, Willie
Rifkind, rh Sir Malcolm
Riordan, Mrs. Linda
Robathan, Mr. Andrew
Robertson, Hugh
Robertson, John
Robinson, Mr. Geoffrey
Rogerson, Mr. Dan
Rooney, Mr. Terry
Rowen, Paul
Roy, Mr. Frank
Ruddock, Joan
Ruffley, Mr. David
Russell, Bob
Russell, Christine
Ryan, Joan
Sanders, Mr. Adrian
Sarwar, Mr. Mohammad
Scott, Mr. Lee
Seabeck, Alison
Selous, Andrew
Shapps, Grant
Shaw, Jonathan
Sheridan, Jim
Simon, Mr. Siôn
Simpson, Alan
Skinner, Mr. Dennis
Slaughter, Mr. Andrew
Smith, rh Mr. Andrew
Smith, Ms Angela C. *(Sheffield, Hillsborough)*
Smith, Angela E. *(Basildon)*
Smith, rh Jacqui
Smith, Sir Robert
Snelgrove, Anne
Soulsby, Sir Peter
Southworth, Helen
Spelman, Mrs. Caroline
Spicer, Sir Michael
Spink, Bob
Spring, Mr. Richard
Starkey, Dr. Phyllis
Steen, Mr. Anthony
Stewart, Ian
Stoate, Dr. Howard
Strang, rh Dr. Gavin
Straw, rh Mr. Jack
Stringer, Graham
Stunell, Andrew
Sutcliffe, Mr. Gerry
Swayne, Mr. Desmond
Swinson, Jo
Swire, Mr. Hugo
Syms, Mr. Robert
Taylor, Ms Dari
Taylor, David
Taylor, Mr. Ian
Taylor, Matthew
Taylor, Dr. Richard
Teather, Sarah
Thornberry, Emily
Timms, Mr. Stephen
Tipping, Paddy
Touhig, Mr. Don
Tredinnick, David
Trickett, Jon
Truswell, Mr. Paul
Turner, Mr. Andrew
Twigg, Derek
Tyrie, Mr. Andrew
Vara, Mr. Shailesh
Vaz, Keith
Viggers, Peter
Wallace, Mr. Ben
Walter, Mr. Robert
Waltho, Lynda
Ward, Claire
Wareing, Mr. Robert N.
Watkinson, Angela

Watson, Mr. Tom
Watts, Mr. Dave
Webb, Steve
Weir, Mr. Mike
Whitehead, Dr. Alan
Whittingdale, Mr. John
Wicks, Malcolm
Widdecombe, rh Miss Ann
Wiggin, Bill
Williams, rh Mr. Alan
Williams, Hywel
Williams, Mark
Williams, Mr. Roger
Williams, Stephen
Wilson, Mr. Rob
Winnick, Mr. David
Winterton, Ms Rosie
Wishart, Pete
Wood, Mike
Woodward, Mr. Shaun
Woolas, Mr. Phil
Wright, Mr. Anthony
Wright, David
Wright, Mr. Iain
Wright, Jeremy
Young, rh Sir George

Tellers for the Ayes:
Liz Blackman and Steve McCabe

NOES

Cash, Mr. William
Heathcoat-Amory, rh Mr. David
Shepherd, Mr. Richard
Wilshire, Mr. David

Tellers for the Noes:
Mr. Christopher Chope and Ann Winterton

Question accordingly agreed to.

Amendment proposed to the proposed new clause: (a), in line 2, after 'he', insert 'reasonably'.—*[Mr. Heath.]*

Question put, That the amendment be made:—

The House divided: Ayes 194, Noes 255.

Division No. 232] **[8.41 pm**

AYES

Afriyie, Adam
Ainsworth, Mr. Peter
Alexander, Danny
Amess, Mr. David
Atkinson, Mr. Peter
Baker, Norman
Baldry, Tony
Barker, Gregory
Baron, Mr. John
Barrett, John
Beith, rh Mr. Alan
Bellingham, Mr. Henry
Benyon, Mr. Richard
Bercow, John
Beresford, Sir Paul
Binley, Mr. Brian
Blunt, Mr. Crispin
Bone, Mr. Peter
Boswell, Mr. Tim
Brady, Mr. Graham
Brake, Tom
Brazier, Mr. Julian
Brokenshire, James
Browne, Mr. Jeremy
Browning, Angela
Burns, Mr. Simon
Burrowes, Mr. David
Burstow, Mr. Paul
Burt, Alistair
Burt, Lorely
Cable, Dr. Vincent
Campbell, rh Sir Menzies
Carswell, Mr. Douglas
Cash, Mr. William
Chope, Mr. Christopher
Clarke, rh Mr. Kenneth
Clegg, Mr. Nick
Clifton-Brown, Mr. Geoffrey
Corbyn, Jeremy
Cormack, Sir Patrick
Crabb, Mr. Stephen
Davey, Mr. Edward
Davies, David T.C. *(Monmouth)*
Davies, Philip
Davis, rh David *(Haltemprice and Howden)*
Djanogly, Mr. Jonathan
Duncan, Mr. Alan
Duncan Smith, rh Mr. Iain
Dunne, Mr. Philip
Ellwood, Mr. Tobias
Evennett, Mr. David
Fabricant, Michael
Fallon, Mr. Michael
Farron, Tim
Featherstone, Lynne
Fisher, Mark
Francois, Mr. Mark
Fraser, Mr. Christopher
Gale, Mr. Roger
Garnier, Mr. Edward
Gauke, Mr. David
George, Andrew
Gibb, Mr. Nick
Gidley, Sandra
Gillan, Mrs. Cheryl
Goldsworthy, Julia
Goodman, Mr. Paul
Goodwill, Mr. Robert
Gove, Michael
Green, Damian
Greening, Justine
Grieve, Mr. Dominic
Hammond, Stephen
Hands, Mr. Greg
Harper, Mr. Mark
Harris, Dr. Evan
Harvey, Nick
Heald, Mr. Oliver
Heath, Mr. David
Heathcoat-Amory, rh Mr. David
Hemming, John
Hoban, Mr. Mark
Hoey, Kate
Hollobone, Mr. Philip
Holmes, Paul
Hopkins, Kelvin
Horwood, Martin
Howarth, David
Howarth, Mr. Gerald
Hughes, Simon
Huhne, Chris
Hunt, Mr. Jeremy
Hunter, Mark
Jack, rh Mr. Michael
Jackson, Mr. Stewart
Jenkin, Mr. Bernard
Jones, Mr. David
Jones, Lynne
Kawczynski, Daniel
Kennedy, rh Mr. Charles
Kirkbride, Miss Julie
Knight, rh Mr. Greg
Kramer, Susan
Lait, Mrs. Jacqui
Lamb, Norman
Lansley, Mr. Andrew
Laws, Mr. David
Leech, Mr. John
Letwin, rh Mr. Oliver
Lewis, Dr. Julian
Loughton, Tim
Lull, Peter
Mackay, rh Mr. Andrew
Maclean, rh David
MacNeil, Mr. Angus
Malins, Mr. Humfrey
Maples, Mr. John
May, rh Mrs. Theresa
McDonnell, John
McLoughlin, rh Mr. Patrick
Miller, Mrs. Maria
Milton, Anne
Moore, Mr. Michael
Moss, Mr. Malcolm
Mulholland, Greg
Mundell, David
Murrison, Dr. Andrew
Newmark, Mr. Brooks
O'Brien, Mr. Stephen
Oaten, Mr. Mark
Öpik, Lembit
Paterson, Mr. Owen
Pelling, Mr. Andrew
Penning, Mike
Penrose, John
Pickles, Mr. Eric
Price, Adam
Prisk, Mr. Mark
Pugh, John
Randall, Mr. John
Redwood, rh Mr. John
Reid, Mr. Alan
Rennie, Willie
Rifkind, rh Sir Malcolm
Robathan, Mr. Andrew
Robertson, Hugh
Rogerson, Mr. Dan
Rowen, Paul
Ruffley, Mr. David
Sanders, Mr. Adrian
Scott, Mr. Lee
Selous, Andrew
Shapps, Grant
Shepherd, Mr. Richard
Simpson, Alan
Smith, Sir Robert
Spelman, Mrs. Caroline
Spicer, Sir Michael
Spink, Bob
Spring, Mr. Richard
Steen, Mr. Anthony
Stunell, Andrew
Swayne, Mr. Desmond
Swinson, Jo
Swire, Mr. Hugo
Syms, Mr. Robert
Taylor, Mr. Ian
Taylor, Matthew
Taylor, Dr. Richard
Teather, Sarah
Thurso, John
Tredinnick, David
Turner, Mr. Andrew
Tyrie, Mr. Andrew
Vara, Mr. Shailesh
Viggers, Peter
Walker, Mr. Charles
Wallace, Mr. Ben
Walter, Mr. Robert
Watkinson, Angela
Webb, Steve
Weir, Mr. Mike
Whittingdale, Mr. John
Wiggin, Bill
Williams, Hywel
Williams, Mark
Williams, Stephen
Willott, Jenny
Wilshire, Mr. David
Wilson, Mr. Rob
Winterton, Ann
Wishart, Pete
Wright, Jeremy
Young, rh Sir George

Tellers for the Ayes:
Bob Russell and Mr. Roger Williams

NOES

Abbott, Ms Diane
Ainger, Nick
Ainsworth, rh Mr. Bob
Alexander, rh Mr. Douglas
Allen, Mr. Graham
Anderson, Mr. David
Anderson, Janet
Armstrong, rh Hilary
Atkins, Charlotte
Austin, Mr. Ian
Bailey, Mr. Adrian
Baird, Vera
Balls, Ed
Banks, Gordon
Barron, rh Mr. Kevin
Begg, Miss Anne

Bell, Sir Stuart
Benton, Mr. Joe
Berry, Roger
Betts, Mr. Clive
Blears, rh Hazel
Blizzard, Mr. Bob
Blunkett, rh Mr. David
Bradshaw, Mr. Ben
Brown, rh Mr. Gordon
Brown, Lyn
Brown, rh Mr. Nicholas
Brown, Mr. Russell
Browne, rh Des
Buck, Ms Karen
Burgon, Colin
Burnham, Andy
Butler, Ms Dawn
Byers, rh Mr. Stephen
Caborn, rh Mr. Richard
Campbell, Mr. Alan
Campbell, Mr. Ronnie
Chapman, Ben
Clapham, Mr. Michael
Clark, Ms Katy
Clark, Paul
Clarke, rh Mr. Tom
Clelland, Mr. David
Clwyd, rh Ann
Coaker, Mr. Vernon
Coffey, Ann
Cohen, Harry
Connarty, Michael
Cooper, Rosie
Cooper, Yvette
Creagh, Mary
Cruddas, Jon
Cummings, John
Cunningham, Mr. Jim
Cunningham, Tony
Curtis-Thomas, Mrs. Claire
Darling, rh Mr. Alistair
Davidson, Mr. Ian
Dean, Mrs. Janet
Denham, rh Mr. John
Devine, Mr. Jim
Dhanda, Mr. Parmjit
Dismore, Mr. Andrew
Dobbin, Jim
Donohoe, Mr. Brian H.
Doran, Mr. Frank
Dowd, Jim
Eagle, Angela
Efford, Clive
Ellman, Mrs. Louise
Engel, Natascha
Ennis, Jeff
Farrelly, Paul
Fitzpatrick, Jim
Flello, Mr. Robert
Flint, Caroline
Flynn, Paul
Foster, Mr. Michael *(Worcester)*
Foster, Michael Jabez *(Hastings and Rye)*
Francis, Dr. Hywel
Gardiner, Barry
George, rh Mr. Bruce
Gerrard, Mr. Neil
Gibson, Dr. Ian
Godsiff, Mr. Roger
Goodman, Helen
Griffith, Nia
Griffiths, Nigel
Grogan, Mr. John
Hall, Mr. Mike
Hall, Patrick
Harman, rh Ms Harriet
Harris, Mr. Tom
Healey, John
Henderson, Mr. Doug
Hendrick, Mr. Mark
Hepburn, Mr. Stephen
Heppell, Mr. John
Hesford, Stephen
Heyes, David
Hill, rh Keith
Hillier, Meg
Hodgson, Mrs. Sharon
Hope, Phil
Howarth, rh Mr. George
Hughes, rh Beverley
Humble, Mrs. Joan
Hutton, rh Mr. John
Iddon, Dr. Brian
Illsley, Mr. Eric
Ingram, rh Mr. Adam
Irranca-Davies, Huw
Jackson, Glenda
James, Mrs. Siân C.
Johnson, rh Alan
Johnson, Ms Diana R.
Jones, Helen
Jones, Mr. Martyn
Jowell, rh Tessa
Joyce, Mr. Eric
Kaufman, rh Sir Gerald
Keeble, Ms Sally
Keeley, Barbara
Keen, Alan
Keen, Ann
Kelly, rh Ruth
Kemp, Mr. Fraser
Kennedy, rh Jane
Khabra, Mr. Piara S.
Khan, Mr. Sadiq
Kidney, Mr. David
Knight, Jim
Kumar, Dr. Ashok
Ladyman, Dr. Stephen
Lammy, Mr. David
Lazarowicz, Mark
Lepper, David
Levitt, Tom
Lewis, Mr. Ivan
Linton, Martin
Lloyd, Tony
Love, Mr. Andrew
Lucas, Ian
MacDougall, Mr. John
MacShane, rh Mr. Denis
Mactaggart, Fiona
Mahmood, Mr. Khalid
Malik, Mr. Shahid
Mallaber, Judy
Mann, John
Marris, Rob
Marsden, Mr. Gordon
McAvoy, rh Mr. Thomas
McCarthy, Kerry
McCartney, rh Mr. Ian
McDonagh, Siobhain
McFadden, Mr. Pat
McGovern, Mr. Jim
McGuire, Mrs. Anne
McIsaac, Shona
McKechin, Ann
McKenna, Rosemary
McNulty, Mr. Tony
Merron, Gillian
Michael, rh Alun
Miliband, rh David
Miliband, Edward
Miller, Andrew
Moffat, Anne
Moffatt, Laura
Mole, Chris
Moon, Mrs. Madeleine
Moran, Margaret
Morden, Jessica
Morley, Mr. Elliot
Mountford, Kali
Mudie, Mr. George
Mullin, Mr. Chris
Munn, Meg
Murphy, Mr. Denis
Murphy, Mr. Jim
Murphy, rh Mr. Paul
Naysmith, Dr. Doug
Norris, Dan
O'Brien, Mr. Mike
Owen, Albert
Palmer, Dr. Nick
Pearson, Ian
Plaskitt, Mr. James
Pound, Stephen
Prentice, Bridget
Prentice, Mr. Gordon
Prescott, rh Mr. John
Prosser, Gwyn
Purchase, Mr. Ken
Purnell, James
Raynsford, rh Mr. Nick
Reed, Mr. Andy
Reed, Mr. Jamie
Reid, rh John
Riordan, Mrs. Linda
Robertson, John
Robinson, Mr. Geoffrey
Rooney, Mr. Terry
Roy, Mr. Frank
Ruddock, Joan
Russell, Christine
Ryan, Joan
Sarwar, Mr. Mohammad
Seabeck, Alison
Shaw, Jonathan
Sheridan, Jim
Simon, Mr. Siôn
Skinner, Mr. Dennis
Slaughter, Mr. Andrew
Smith, rh Mr. Andrew
Smith, Ms Angela C. *(Sheffield, Hillsborough)*
Smith, Angela E. *(Basildon)*
Smith, rh Jacqui
Snelgrove, Anne
Soulsby, Sir Peter
Southworth, Helen
Starkey, Dr. Phyllis
Stewart, Ian
Stoate, Dr. Howard
Strang, rh Dr. Gavin
Straw, rh Mr. Jack
Stringer, Graham
Sutcliffe, Mr. Gerry
Taylor, Ms Dari
Taylor, David
Thornberry, Emily
Timms, Mr. Stephen
Tipping, Paddy
Touhig, Mr. Don
Trickett, Jon
Truswell, Mr. Paul
Twigg, Derek
Vaz, Keith
Waltho, Lynda
Ward, Claire
Wareing, Mr. Robert N.
Watson, Mr. Tom
Watts, Mr. Dave
Whitehead, Dr. Alan
Wicks, Malcolm
Williams, rh Mr. Alan
Winnick, Mr. David
Winterton, Ms Rosie
Wood, Mike
Woodward, Mr. Shaun
Woolas, Mr. Phil
Wright, Mr. Anthony
Wright, David
Wright, Mr. Iain

Tellers for the Noes:
Liz Blackman and Steve McCabe

Question accordingly negatived.
Clause added to the Bill.

New Clause 20

POWER TO PROMOTE REGULATORY PRINCIPLES

'(1) A Minister of the Crown may by order under this section make any provision which he considers would serve the purpose in subsection (2).

(2) That purpose is securing that regulatory functions are exercised so as to comply with the principles in subsection (3).

(3) Those principles are that—

(a) regulatory activities should be carried out in a way which is transparent, accountable, proportionate and consistent;

(b) regulatory activities should be targeted only at cases in which action is needed.

(4) Subject to this Part, the provision that may be made under subsection (1) for the purpose in subsection (2) includes—

(a) provision modifying the way in which a regulatory function is exercised by any person,

(b) provision amending the constitution of a body exercising regulatory functions which is established by or under an enactment,

(c) provision transferring, or providing for the transfer or delegation of, the regulatory functions conferred on any person,

(d) provision creating a new body to which, or a new office to the holder of which, functions are transferred under paragraph (c),

(e) provision abolishing a body or office established by or under an enactment,

and provision made by amending or repealing any enactment.

(5) An order under this section may contain such consequential, supplementary, incidental or transitional provision (including provision made by amending or repealing any enactment or other provision) as the Minister making it considers appropriate.

(6) An order under this section may bind the Crown.

(7) An order under this section must be made in accordance with this Part.'. —*[Mr. McFadden.]*

Brought up, and read the First time.

Mr. McFadden: I beg to move, That the clause be read a Second time.

New clause 20, together with new clause 19, will amend the order-making power in part 1 to focus on better regulation objectives. New clause 20 will provide a power for a Minister, by order, to make provision that he considers will ensure that regulatory functions are exercised so as to comply with the Better Regulation Task Force's five principles of good regulation, which state that regulatory activities must be carried on in a way that is transparent, accountable, proportionate, consistent and should be targeted only at cases in which action is needed.

Mr. Heald: The Minister may find it helpful if I indicate that we are supportive of new clause 20, and do not feel that he need outline such a sensible measure at huge length.

Mr. McFadden: Having sat through what we have sat through this afternoon, I quite appreciate what the hon. Gentleman is saying.

Making regulatory functions more consistent with those principles is in line with the recommendations in Philip Hampton's 2005 report that regulators should conduct their business in ways that are risk-based. The Hampton report proposed that the principle of risk assessment should be entrenched in regulators so that the burden of enforcement falls on the highest risk businesses and least on those with the best record of compliance.

Although the Hampton report found that there is much good practice in UK regulation, the proposed order-making power in new clause 20 could be used to effect real further improvement. For example, the report found that fewer than half of the regulators in the Hampton review used risk assessment to reduce enforcement activity on high performing businesses. By being able to make provision modifying the way in which regulatory functions are exercised, the Government could begin to propose improvements that would ensure that more inspection is proportionate to risk and consistent. That would have a real effect on those regulated, because the burden of inspection would be reduced on the vast majority of the regulated and would be focused on the cases in which there was a real problem. New clause 20 would allow a Minister by order to modify the way in which a regulatory function is exercised, to secure that regulatory functions are carried out in accordance with the five principles.

Rob Marris: Would new clause 20 enable a Minister of the Crown, with the safeguards that we hope will be in the Bill, to get rid of some of the many quangos?

Mr. McFadden: Certainly the merger of regulators is an element of the Bill and is possible under the Bill.

One example may be that a regulator could have regard to the views of a body that represented consumers in that area—such as the Gas and Electricity Consumer Council—so that the regulator's activities are carried out in a way that is more accountable to consumers.

New clause 20 would also allow a Minister by order to amend the constitution of a body exercising regulatory functions under an enactment if doing so would make it more transparent and accountable. An example could be amending the statute governing a regulator to provide that it has a board structure, with perhaps a proportion of the board being comprised of non-executive directors, to improve accountability and transparency. It would also be possible by order to transfer the regulatory functions of one regulator to another. That power could be used where two regulators exercise oversight of related areas. For instance, where two regulators are operating in closely related areas, to make their work more transparent to the regulated and more proportionate to risk, it may be appropriate to transfer the functions of two regulators to a single regulator.

Mr. Heath: Will the Minister explain to me, because I am not absolutely clear about this point, how new clause 20 relates to clause 23, which excludes some regulators from provisions? I mention that only because he mentioned gas and electricity consumer groups and, of course, the Gas and Electricity Markets Authority is one of those specifically excluded from the principles underlying the Bill.

Mr. McFadden: If the hon. Gentleman will allow me, I will come back to that at the end of my remarks.

New clause 20 would also permit the creation of a new body to carry out the functions of existing regulators if the Minister considered that that would be for the purpose of securing that regulatory functions were exercised so as to comply with the five principles.

Finally, if as a consequence of the creation of a new body or the transferral of a function, another regulatory body becomes obsolete, it may be necessary to abolish it. That, too, would be possible under the order-making power of new clause 20, if the Minister considers that it will ensure that regulatory functions

are exercised so as to comply with the five principles of good regulation. It is important that I make it clear at this point that, under new clause 20, an order may propose changes to a body carrying out regulatory functions only if those functions continue to be exercised. Any modification by order of the functions themselves would have to be dealt with under new clause 19, or by way of primary legislation. I assure hon. Members that it is not in any way our intention to erode the independence from Government of those regulators set up by statute. Our aim with this new clause is to have an order-making power that can be used to ensure that all regulators conduct their business in a way that is consistent with the five better regulation principles.

An order made under new clause 20 will of course be subject to the same checks and balances as any other. Such an order must meet the preconditions in clause 3, and a Minister must consult widely on any proposed order.

9 pm

A full explanatory document will be submitted to relevant parliamentary Committees. The Government have also given an undertaking that they will not do anything highly controversial using an order and that an order will not be forced through despite opposition from the relevant parliamentary Committees. As we will discuss tomorrow, the Government have placed on a statutory footing a veto for relevant Committees of either House. That will provide further assurance for those concerned that an order will proceed only if the informed view of the House and another place is satisfied that its outcome is desirable.

Let me turn to the question asked by the hon. Member for Somerton and Frome (Mr. Heath). Clause 23 excludes certain economic regulators from being specified by order for the purposes of clauses 20 and 21, which relate to the principles and the code. Those regulators are not excluded from new clause 20. I hope that that clarifies the situation, and I ask hon. Members to accept the new clause.

Mr. Heald: We welcome new clause 20, which, as the Minister said, is designed to promote the regulatory principles that derive from the Hampton review and the five principles of better regulation. There is clearly a role for merging regulators, and there is a proposal to merge 35 national regulators into seven. However, if changes to the role of a major regulator might impact on the public or have a great effect on business, it should be possible for full parliamentary scrutiny to take place. When the former Minister addressed that matter in Committee, I understood that he gave an assurance that that would happen. However, subject to that point, we welcome the new clause as a step in the right direction.

Mr. Heath: I hope that I can also be relatively brief because I support new clause 20. I had intended to be even briefer, but after hearing the Minister's reply to my intervention, I am struggling to reconcile what the new clause says with the provisions of clauses 20 and 21. The Minister must correct me if I have misunderstood him, but he told us that although clause 23 excludes certain regulators from the provisions of clauses 20 and 21, those regulators are not excluded from the provisions of new clause 20.

We said in Committee that it was an anomaly that the specified regulators were excluded from clause 20, which says:

"Any person exercising a regulatory function to which this section applies must have regard to the principles in subsection (2) in the exercise of the function ... Those principles are that ... (a) regulatory activities should be carried in a way which is transparent, accountable, proportionate and consistent; ... (b) regulatory activities should be targeted only at cases in which action is needed."

Sharp-witted Members will have realised that those words also appear in new clause 20. That measure will require a Minister to secure that regulatory functions are exercised by bodies in such as way as to comply with those precise principles, although certain regulators are excluded from those requirements as the Bill stands. There is thus a group of regulators that apparently does not need to comply with those principles by virtue of clause 23, but is required to do so by virtue of new clause 20, which the Minister will be able to use to ensure that regulatory functions are exercised in such a way that they comply with those principles. That seems to be an anomaly, albeit not an unwelcome one because at least the principles are there somewhere. Nevertheless, the anomaly might need to be sorted out at a later stage.

Mr. Heald: Clause 20(3) says that the duty to follow the principles

"is subject to any other requirement affecting the exercise of the regulatory function."

As we said in Committee, that would exclude the Financial Services Authority to some extent and other financial regulators if confidentiality is important. However, it may still apply to them subject to that modification. I wonder whether that is what the Minister is saying.

Mr. Heath: The hon. Gentleman rightly draws attention to subsection (3), but it only complicates matters further. We are not clear, because of the way in which procedure works, where the new clause will sit in the Bill. Perhaps the Minister will be able to tell us because it is a basic question. I am assuming that it forms part of part 1, but it may be part of part 2. I think the Minister nods to say that it would be in part 1, in which case we have one provision in part 1 and something that could be construed as a different provision in part 2.

I do not think that that matters so long as everyone understands exactly what applies to them. I fear that there will be confusion unless an explanatory note is produced, so that we all understand how the measure works before it gets to another place. Otherwise, I can foresee at least a day's debate on the misapplication of the new clause and existing clause 23.

Mr. McFadden: On that note, I am happy to offer the hon. Gentleman an explanatory note.

Question put and agreed to.

Clause read a Second time, and added to the Bill.

New Clause 21

POWER TO IMPLEMENT LAW COMMISSION RECOMMENDATIONS

'(1) A Minister of the Crown may by order under this section make any provision which he considers would serve the purpose in subsection (2).

(2) That purpose is the implementation of recommendations of any one or more of the United Kingdom Law Commissions, with or without changes.

(3) In this Part "the United Kingdom Law Commissions" means—

(a) the Law Commission;

(b) the Scottish Law Commission; and

(c) the Northern Ireland Law Commission.

(4) Subject to this Part, the provision that may be made under subsection (1) includes—

(a) provision amending or abolishing any rule of law,

(b) provision codifying rules of law,

(c) provision conferring functions on any person (including functions of legislating or functions relating to the charging of fees),

(d) provision modifying the functions conferred on any person by any enactment,

(e) provision transferring, or providing for the transfer or delegation of, the functions conferred on any person by any enactment,

(f) provision abolishing a body or office established by or under an enactment,

and provision made by amending or repealing any enactment.

(5) An order under this section may contain such consequential, supplementary, incidental or transitional provision (including provision made by amending or repealing any enactment or other provision) as the Minister making it considers appropriate.

(6) An order under this section may bind the Crown.

(7) An order under this section must be made in accordance with this Part.'.—*[Bridget Prentice.]*

Brought up, and read the First time.

The Parliamentary Under-Secretary of State for Constitutional Affairs (Bridget Prentice): I beg to move, That the clause be read a Second time.

Mr. Deputy Speaker: With this it will be convenient to discuss the following: amendment (a) to new clause 21, in line 4, leave out 'with or without changes'.

Amendment (b) to new clause 21, in line 4, leave out 'with or without changes' and insert

'either without changes or with such changes as are necessary to take into acount any development in the law since the time the recommendations were made.'.

New clause 10—*Law Commission recommendations*—

'(1) In section [Power to implement Law Commission recommendations], "recommendations of any one or more of the United Kingdom Law Commissions" means proposals in the form of a draft Bill or draft Order, which do not relate to—

(a) the creation of a new offence that is punishable, or increases the penalty for an existing offence so that it is punishable—

(i) on indictment, with imprisonment exceeding thirty months; or

(ii) on summary conviction, with imprisonment exceeding the normal maximum term or a fine exceeding Level 5 on the Standard scale.

(b) authorisation of forcible entry, search and seizure,

(c) family law and rights of occupation,

(d) landlord and tenant law, in so far as it affects the rights of tenants.'.

Amendment No. 3, in page 1, Clause 1, leave out lines 8 and 9 and insert—

'(b) implementing recommendations of any one or more of the United Kingdom Law Commissions, either without changes or with such changes as are necessary to take into account any development in the law since the time the recommendations were made.'.

Government amendments Nos. 23, 27, 33, 34, 40 and 59.

Bridget Prentice: New clause 21 provides a power to implement by order recommendations of any of the UK Law Commissions, with or without changes. It makes the same provision for delivering Law Commission recommendations as set out in provisions contained in clauses 1 and 2, as amended in Committee. The preconditions in clause 3 and the restrictions in the following clauses continue to apply, as does the undertaking given in Committee by my hon. Friend the Member for East Renfrewshire (Mr. Murphy), now the Minister for Employment and Welfare Reform, that the power will not be used for highly controversial measures. The new clause is necessary because of the changes made to clauses 1 and 2.

Mr. Greg Knight: The Minister says that the new clause is necessary because of changes to the Bill, but why is it necessary at all in the light of Standing Order No. 59, which makes special provision for an accelerated procedure to take place in the House for Law Commission Bills?

Bridget Prentice: I am grateful to the right hon. Gentleman for his comments. As Chair of the Procedure Committee, has, I know, taken a detailed look at the Bill. I am interested in his remarks and would be prepared to reflect on them. However, it is not always appropriate to do everything by Standing Order. It is better to put some things in a Bill.

It has sometimes taken too long for Governments to implement some of the proposals recommended by the Law Commission. Indeed, its report last year was fairly typical. It revealed that there were 16 accepted but unimplemented reports, with an average waiting time of more than seven years from publication to enactment. Clearly, that is not satisfactory.

Mr. Heath: Why does the hon. Lady feel that there is this long delay in implementation of Law Commission reports? Is it a lack of Bills from the Home Office or the Department for Constitutional Affairs, or is there some other reason?

Bridget Prentice: I am amazed that the hon. Gentleman was able to say that with a straight face. As he knows very well, parliamentary time for Bills from a variety of Departments is likely to be precious and it is difficult for space to be made for them. That is one reason why it is important that the Bill allows for the opportunity for Law Commission recommendations to

be brought before Parliament in a speedier fashion. That is the very purpose of new clause 21. After all, Law Commissions are by their nature generally apolitical, so it is not that easy to win parliamentary time. That is one reason why proposals might otherwise not be enacted for very many years. That is not good, because people and businesses are not able to benefit from the considered proposals that the Law Commissions have made. For those reasons, I recommend the new clause to the House.

If I may, I shall refer to the amendments to the new clause and explain to the House why I must ask it to resist them. The problem with amendment (a), which is intended to restrict the scope of the order-making power to implement Law Commission recommendations by ensuring that Ministers cannot change those recommendations in any way if they wish to use the order-making power, is that it is too restrictive. It would not allow any changes to the recommendations. The words "with or without changes" introduce a degree of flexibility into new clause 21. The new clause would therefore avoid the loss of good measures by reason of quibbling arguments that a change is beyond a particular technical parameter, while still preserving the overall rule that the order in question must implement a Law Commission recommendation and not something different from that.

Mr. David Gauke (South-West Hertfordshire) (Con): I wish to draw the Minister's attention to subsection (5), which states:

"An order under this section may contain such consequential, supplementary, incidental or transitional provision (including provision made by amending or repealing any enactment or other provision) as the Minister making it considers appropriate."

She said that omitting "with or without changes" would permit dealing with quibbling matters, but subsection (5) deals with the very issue to which she refers.

Bridget Prentice: Subsection (5) does indeed go a long way to achieving what we want to achieve, but it is important that we include in the Bill the fact that amendments to Law Commission recommendations may need to be made. The most obvious example of when that might be necessary, which my hon. Friend the Member for East Renfrewshire gave in Committee, is following a time lapse such as we have discussed, during which other things may have taken place that mean that a recommendation no longer fits the purpose for which it was intended. In that case, changes would have to be made. Amendment (a) would stifle that use.

My hon. Friend also said in Committee that the words "with or without changes" are not intended to allow Ministers to make proposals that would turn recommendations into something completely different. If proposals are so far removed from the recommendations that they would not, in fact, implement them, under new clause 21 the proposal should not be proceeded with. I would imagine that the Scrutiny Committee would be quick to ensure that that were brought to the House's attention under the new veto provisions to be introduced in the Bill.

The 2001 Act included numerous technical restrictions that created arbitrary limits on what could be delivered by order. The order-making powers created by the Bill should be flexible enough to achieve the effective delivery of beneficial Law Commission recommendations, which are an important part of the better regulation agenda. The correct approach is not to rule out changes but to allow proposals to be considered by the Committees. If they do not agree that the proposals implement Law Commission recommendations or satisfy the pre-conditions in clause 3 that provide important protection for people's rights, they can veto the order. We may, for example, need a power to make changes before the Law Commission recommendations become legislation. There may be scope for drafting or structural changes if the Government decide to adopt only some of the proposals in a Bill drafted by the commission. It is often necessary to make amendments to reflect changes in the law after a Committee reports. It may be desirable, too, to make material changes to the detail after further consideration or a suggestion from a scrutiny Committee. In response to the question from the hon. Member for South-West Hertfordshire (Mr. Gauke), subsection (5) would not cover all those possibilities. In summary, amendment (a) is unduly restrictive, as it would introduce sterile and time wasting arguments about form and language. We want a procedure that delivers better regulation, not one that absorbs resources in arid legal arguments over technicalities. I therefore cannot support amendment (a), so I hope that the right hon. Member for East Yorkshire (Mr. Knight) will withdraw it.

9.15 pm

Amendment (b) is slightly more generous than amendment (a), and is substantially the same as amendment No. 3. It would allow Ministers to change recommendations if it is necessary to take into account any development in the law since the recommendations were made, as I said earlier. It builds the case for such a change—the longer the delay between the publication of the Law Commission recommendations and the delivery of the order, the more likely it is that the law will have to be changed. In such cases, it is no longer sensible to implement the recommendations without changes, because in certain respects they may be out of date. It is important to be able to implement the recommendations with the changes necessary to reflect changes in the law.

To that extent, I welcome the policy underlying amendment (b). However, it, too, is excessively restrictive. There may be other reasons why changes are necessary or desirable. It may be possible to improve the drafting of the draft legislation proposed by the Law Commission, not least when part of a group of recommendations is to be implemented or several sets of recommendations are drawn together in a single instrument.

David Howarth: I do not want to cast aspersions on the abilities of parliamentary counsel, but I doubt whether they can draft better than the Law Commission. Any conceivable circumstance in which changes need to be made is surely covered by amendment (b) or new clause 21(5). I cannot see that there is room for anything beyond those two measures.

Bridget Prentice: I have no intention of refereeing between parliamentary counsel and the Law Commission to decide who employs the better draftspeople. Any

[Bridget Prentice]

drafting changes made by the commission to draft legislation would be subject to consultation, and it could reflect on the responses.

A Minister may wish to make a material change. Provided that the order remains an order to implement Law Commission recommendations, they should be able to do so. The change proposed might be as a result of consultation after the publication of the report. It might be that a change is proposed to make the recommendations of the commission more generally accepted. Indeed, as I said earlier, the scrutiny Committees themselves might wish some changes to be made. The correct approach is not to rule out changes, but to allow the proposals to be considered by the Committees. For that reason, I ask the House to resist amendment (b) to new clause 21.

Pete Wishart: Can the Minister confirm that, in new clause 21, the reference to the Scottish Law Commission relates only to issues that are reserved to the Westminster Parliament under the Scotland Act 1998? That is suggested in new clause 21 and in clause 8, but nowhere in the Bill is it specifically stated.

Bridget Prentice: I will reflect on the hon. Gentleman's question. It is my understanding that the measure will apply to all the UK Law Commissions. They would all be subject to this part of the Bill.

Rob Marris: On my hon. Friend's answer to the hon. Member for Perth and North Perthshire (Pete Wishart), it is not clear to me, particularly since new clause 22 has not been selected, whether new clause 21 would apply to the Northern Ireland Law Commission, which is specifically not mentioned in subsection (3), although it was mentioned in clause 1 of the original Bill.

Bridget Prentice: New clause 21(3) specifies the Law Commission, the Scottish Law Commission and the Northern Ireland Law Commission. I hope that that answers the questions from both my hon. Friend the Member for Wolverhampton, South-West (Rob Marris) and the hon. Member for Perth and North Perthshire (Pete Wishart).

New clause 10 would rule out the creation of certain new offences and the authorisation of forcible entry, search and seizure. These were possible under clauses 6 and 7. However, Government amendments Nos. 23 and 27 will achieve the same result, so that orders implementing Law Commission recommendations will not have any special treatment in this respect, and the limits in clauses 6 and 7 will apply to these orders, as well as to others. To that extent new clause 10 has been overtaken by events.

Mr. Roger Gale (North Thanet) (Con): The hon. Lady referred specifically to forcible entry, search and seizure. Does her caveat apply to all the other categories covered in the new clause?

Bridget Prentice: I shall come to the Government amendments that apply to those categories in a moment. For clarification, may I say to the hon. Member for Perth and North Perthshire that he is right. Where matters are devolved, the provision would not apply. It applies only to Westminster legislation that has effect in Scotland.

Mr. Heald: With reference to Scotland, the Minister may be aware that the Law Society of Scotland has pointed out that there is an implied assumption in new clause 21 that all Law Commission and Scottish Law Commission reports and recommendations are non-controversial and may be enacted using the procedure under the Bill. It goes on to state that that is "not necessarily so". Does she accept that some of the measures that the Law Commissions examine are quite controversial?

Bridget Prentice: The hon. Gentleman is right. Many of the issues that the Law Commission deals with are controversial. That is one of the reasons why, as an independent apolitical body, it is particularly useful to us in the House for examining those very issues. I have no quibble at all with the idea that some of the issues are controversial. To reassure the Law Society of Scotland, I point out that where issues are controversial, as has been said in earlier debates today and as was said in Committee by my hon. Friend the Member for East Renfrewshire, it would not be the Government's intention to put through this system any measure that was particularly controversial. I hope that gives the House some reassurance.

Secondly, new clause 10 would prevent any order from implementing Law Commission recommendations in the area of family law and rights of occupation or landlord and tenant law in that it relates to the rights of tenants. The Government feel that this is too restrictive because not every proposal is unsuitable for implementation by order. Such blanket prohibitions would create new boundaries. We would need to define family law and the other topics that have been mentioned. We would create, once again, technical limits that have little to do with the merits of the proposal or its suitability for the procedure.

Some family law and landlord and tenant law proposals would be far too contentious to proceed with other than by primary legislation. The Government have made it clear—I make it clear again this evening—that we will not use the procedure for highly controversial measures. The correct approach is not to rule out reform but to allow proposals to come forward to be considered by the scrutiny Committees. New clause 10 would unnecessarily limit our power and, on that basis, I cannot support it.

Mr. Greg Knight: Is there not a weakness in the argument that it is the Government who will determine whether something is highly controversial, in which case the procedure would not be used, or whether something is just controversial, in which case the procedure may be used?

Bridget Prentice: I do not intend to dance on a pin on the difference between highly controversial and controversial. I do not think that controversial issues, as in those terms, would proceed under this system.

The scrutiny Committees would have reached a strong decision if they felt that something was controversial and should not be subject to the order-making mechanism. The Government have made it clear that they would take that into account.

John McDonnell (Hayes and Harlington) (Lab): I do not want to get into a philosophical debate about the angels on the head of a pin, but what criteria are to be used to define "controversial"?

Bridget Prentice: There are no criteria to define "controversial" other than according to what we understand in our everyday lives and the usage of the word. I am sure that my hon. Friend was involved in issues in the past that were judged to be highly controversial which are now accepted as being relatively mainstream. My hon. Friend may not appreciate my describing anything that he has done as being mainstream, but he will understand my point that things change. On that basis, we have to be able to define what is controversial now and what might be controversial tomorrow. That is quite difficult.

Mr. Gale: Will the hon. Lady give way?

Bridget Prentice: I would like to move on but I will take one more intervention.

Mr. Gale: I am grateful to the Minister.

Hitherto in these arguments the Government have discarded arguments about reasonableness because reasonableness is difficult to define. That has been the Government's stance. Why should we not apply the same yardstick to the issue before us? Why should it be left to the Government and the Law Commission to decide what is controversial and what is not?

Bridget Prentice: The argument is not left purely to the Government. The scrutiny Committees will have a view. It is not the Government who decide what is controversial. I do not think that it would be possible to find a satisfactory legislative definition of controversial, unlike reasonableness. The reasonableness test is well known in law. Judicial review is an opportunity for people to test the reasonableness of a Minister's decision.

I will give an example. A 1990s report on divorce and the current project on homicide are plainly unsuitable for implementation by order because people have strong feelings about the principles that they address. Therefore, it would not be appropriate to take them through the proposed system. Equally obviously, other reforms are uncontroversial, often technical "lawyers' law" reforms; very important, but politically unexciting. Those are the ones that often struggle to find parliamentary time.

9.30 pm

Amendment No. 3 builds on one possible reason why a change may be necessary. Indeed, the longer the delay between publication of the Law Commission's recommendations and the order being delivered, the more likely, as I said earlier, that the law will have to be changed. So it is important to be able to implement the recommendations with the changes necessary to reflect changes in the law. I will not go over the arguments again, because I explained in respect of earlier amendments the reasons why such an approach would be too restrictive.

I hope that the House welcomes Government amendment No. 23, which relates to the limits, already contained in clause 6, on the criminal penalties that can be imposed by order. Currently, these restrictions do not apply to orders implementing Law Commission recommendations. The amendment will make orders implementing such recommendations subject to the same limits on maximum criminal penalties to which all other orders are subject. In Committee, the Government agreed to reflect on amendments that proposed deleting the exception relating to criminal penalties imposed by orders implementing Law Commission recommendations. That exception was created to allow orders implementing Law Commission recommendations, notwithstanding the level of penalties proposed. That caused some concern in Committee, even though it seemed likely that the exception would be little used. We have therefore given careful consideration to that concern during the Bill's passage.

The Government have always intended that the order-making power should work as an effective vehicle for delivering regulatory reform measures, while maintaining necessary protections and safeguards. I hope that Government amendment No. 23 reassures Members that the Bill's order-making power will be used to implement only appropriate measures by order, and that, on that basis, they will be willing to accept it.

Government amendment No. 27 relates to the limits already in clause 7 prohibiting the authorisation by order of forcible entry, search, seizure or the compelling of the giving of evidence. Currently, those restrictions do not apply to orders implementing Law Commission recommendations. The amendment will make orders implementing such recommendations subject to the general prohibition on authorising by order forcible entry, search, seizure or the compelling of the giving of evidence. We agreed in Committee to reflect on amendments that proposed deleting the exception for orders implementing Law Commission recommendations, and I hope that Government amendment No. 27 offers the same level of reassurance that the Bill's order-making power will be used to implement only appropriate measures by order.

Government amendments Nos. 33, 34, 40 and 59 are consequential drafting amendments, so I do not propose to discuss them in detail. Suffice it to say that Government amendment No. 33 is made necessary by the amendments to clauses 1 and 2, but it does not change the effect of clause 11(1)(d). Government amendment No. 34 is also made necessary by amendments to clauses 1 and 2, and does not change the effect of clause 11(2). Government amendment No. 40, also made necessary by amendments to clauses 1 and 2, does not change the effect of clause 12(4). Finally, Government amendment No. 59 replaces the now obsolete reference to "section 1(4)" with a reference to subsection (3) of new clause 21.

On that basis, I commend the new clause and the amendments to the House.

Mr. Heald: New clause 21 would enable a Minister to make orders to implement

"recommendations of…the…Law Commissions, with or without changes."

I accept that the Law Commissions are very important, responsible and respectable bodies, and there is no doubt that too few of their recommendations have become law, but one cannot deny that they consider some important and controversial areas. The Minister touched on tenants' rights, provocation in the law of murder and other areas. The question is not the Minister's motives, about which I have not the slightest doubt—*[Interruption.]* I heard something sotto voce which I will not repeat. Bearing in mind the ability of Ministers to change recommendations, if a Minister did not agree with the full Law Commission proposal, expanded it and wished to continue with it, there is nothing in the Bill that would entitle the House to have the full debate and scrutiny that it would wish for. In those circumstances, I cannot be satisfied with what is proposed.

New clause 10, which I do not intend to press, would have limited the extent of orders based on the Law Commission recommendations. I welcome the Minister's amendments Nos. 23 and 27, which to some extent deal with the point that was made in Committee.

Mr. Greg Knight: Before my hon. Friend moves off this point, will he reflect on my point about Standing Order No. 59, which allows for an accelerated procedure in this House for Law Commission proposals? That Standing Order was introduced under the last Conservative Government but has not been used by this Government since 1999, so whose fault is it if a lot of Law Commission reports are gathering dust?

Mr. Heald: As ever, my right hon. Friend makes a telling point. The advantage of the Standing Orders route, if I can put it in that way, is that it has within it the flexibility either to move the Bill through swiftly or, if the House is concerned, to take it through the various stages in our normal way, including a proper Committee stage and Report.

I do not think that we have quite got there on the question of how to tackle Law Commission Bills. I would be only too happy to sit down with the Minister and other colleagues, if required, to consider how we might better approach it and build on what the Standing Orders already provide.

My right hon. Friend the Member for East Yorkshire (Mr. Knight) tabled amendment (a) in his capacity as Chairman of the Procedure Committee. Removing the words, "with or without changes", would put Ministers in a position whereby they could not expand on what the Law Commission had suggested, which would be a good thing. If it reached the point where the Minister had had a bit of delay and it was necessary to make some change to what the Law Commission had recommended, I am sure that Sir Roger Toulson and his committee would be only too happy to be speedy about it and to turn it round, because I know how frustrated they are that they do not get their measures put through. None of these problems is insuperable, but pushing through controversial changes by order without proper protections is not the way forward for the House.

The veto that the Minister mentioned currently exists in a very restrictive form. It does not mean that a Committee can look at a piece of legislation and say, "No, that is not suitable for the order-making power." It says to the Committee, "If you go through these very rigid steps which are set out in the second part of the veto, you will be able to block the measure." That is not good enough. If we believe in Select Committees and want to empower them, we should trust them.

Without some serious concession on the veto and perhaps something in Standing Orders as well, I am not satisfied with new clause 21, but if it is passed by the House, I will support my right hon. Friend the Member for East Yorkshire and his Select Committee in their amendment (a).

Andrew Miller: Having listened carefully to what my hon. Friend the Minister said, I think that she reflects very sensibly the desire of the Law Commission and this House to make progress on some of the less controversial issues. Clearly, we have to reflect carefully on how we deal with the more controversial ones. I fully endorse the Opposition spokesman's view that this leads us to reflect on what kind of veto the House has, where it can be exercised and by whom. There is a very important point that I invite my hon. Friends on the Front Bench to reflect on before we reach the section on the veto. While I am minded fully to support the principles set out in the new clauses that we are dealing with, I am predicating my remarks on a veto of similar power to that which existed in respect of the 2001 legislation, but on the face of the Bill. The ministerial understanding was one that the House would not tolerate being broken; I think that hon. Members on both sides of the House would agree with that. The hon. Member for North-East Hertfordshire (Mr. Heald) is right to say that the Government have proposed a veto, but the qualifications that are being proposed create problems for us.

I want to make a few quick observations on the important contribution made by my hon. Friend the Minister. First, her remarks need to be looked at in the context of the commitment given to the Chairman of the Procedure Committee and me by the previous Minister in the Cabinet Office, my hon. Friend the Member for East Renfrewshire (Mr. Murphy), that there would be significant changes to the Standing Orders available to the House.

I hope that my second observation will take some of the sting out of hon. Members' concerns. Clause 16 contains provisions that will enable the House to require the Minister to have regard to representations from the outside, as well as any resolution of either House or any recommendations by a Committee of either House charged with dealing with a draft order. On that basis, I believe that new clause 21 makes eminent sense, because the protections are there. However, amendment (b), tabled by the Liberal Democrats, also makes sense. Some of the issues that the Law Commission deals with have gathered dust over a number of years, for the reasons that the Chairman of the Procedure Committee outlined, as well as for many other complex reasons. It might be

sensible to make provision for such eventualities, as proposed in amendment (b), although I do not think that amendment (a) is necessary, because of provisions contained elsewhere in the legislation.

Rob Marris: Would not amendment (b) result in our ending up having endless debates on what "necessary" meant?

Andrew Miller: In his previous occupation, my hon. Friend spent many a long hour arguing about the meaning of words such as "necessary" and "reasonable" in front of learned courts, and no doubt getting paid considerably more than he is now. Such arguments are among the regular problems that Parliament has to face.

Without getting into a tirade about lawyers and their earnings, my final point is that the Bill will contain a veto. As I said at the beginning of my remarks, the nature of the veto is mission-critical to ensuring that the spirit of my hon. Friend's remarks can be adhered to throughout the passage of an order. Assuming that the assurances given are delivered on, and with the caveat expressed about the second part of the Liberal Democrat amendment, the new clause ought to be accepted.

9.45 pm

Mr. Heath: The intervention from the hon. Member for Wolverhampton, South-West (Rob Marris) drew attention to the words "necessary" and "reasonable". I have always felt that I am necessary and reasonable and that what I want to put into a Bill is necessary and reasonable, although I understand that that might engender debate. In this instance, we need not be very concerned.

There should be a mechanism for getting Law Commission proposals into law expeditiously and effectively. The first difficulty is ensuring that it is not abused to bring forward matters that are not non-controversial in any way, but that have important impacts with which many would disagree. The second difficulty is avoiding a Government either amending or cherry-picking those proposals along the way, so that what is enacted is different from what the Law Commission proposed. The third is ensuring that, wherever possible, a primary legislative route is used in preference to an order of this kind. I take seriously the point made by the Chairman of the Procedure Committee about the application, or lack of application, of Standing Orders. It seems preposterous that the Government say that they have had no opportunity to enact the long queue of Law Commission proposals when they have not used the mechanisms available in the House to do that.

It beggars belief to say that there is a lack of legislative opportunity to introduce Law Commission proposals, especially with regard to criminal law, but even with regard to civil law. There is a criminal justice Bill every single year, as I know to my cost because I have served on the Standing Committees on most of them. There is an immigration and asylum Bill every year, without fail. Sometimes, a couple of terrorism Bills are introduced in a single year. There is a queue of legislation coming from the Home Office and the Department for Constitutional Affairs, and it does not take a great deal of ingenuity to attach Law Commission proposals to those Bills. Everything else is attached—criminal justice Bills often look like Christmas trees with the number of baubles attached because they are thought worthy of a few column inches in one of the papers.

There are other difficulties. When is a Law Commission recommendation a Law Commission recommendation? I never had that satisfactorily explained by the Minister in Committee. Is it the original recommendations, the draft Bill that the Law Commission will produce, or either one? If it is the recommendations, the point made by the Under-Secretary of State for Constitutional Affairs, the hon. Member for Lewisham, East (Bridget Prentice) about a difference in drafting between parliamentary counsel and the Law Commission is of no importance whatever, as the recommendations are what matter. We need clarity on that.

With regard to amendments (a) and (b) to the new clause, we are still wary about giving Ministers the capacity to introduce changes to Law Commission proposals. We asked time after time in Committee why the Minister needed that power. He repeated five times—I have looked at *Hansard* to confirm it—that he needed the power for one reason only: to deal with a situation in which a Law Commission proposal had been hanging around for some time, there had been a substantive development in the law since the time when the recommendation was made, and there was a need to reflect that. That is why we formulated our amendment (b) exactly as the Minister had said at the time that he wanted it to be formulated. We formulated it in that way to meet his requirements: we had no other reason to do so.

Some Governments are very hard to please. They tell us exactly what they want, we table an amendment to that effect, and then they want something completely different. There are other reasons for which they want to be able to change recommendations, and it is those other reasons that give us cause for alarm in this instance. If the intention is to implement some recommendations and not others, that may completely change the complexion of what the Law Commission proposes. Is the Minister proposing to cherry-pick certain proposals? Are proposals going to be tweaked to make them more acceptable to Ministers or, indeed, Select Committees? I have worries about that as well. The issue should be put before the House so that everyone has a choice to take part in the discussion, not just a select few.

If the Bill is to contain the mechanism described by the Minister for the fast-tracking of Law Commission proposals—there are new caveats that I welcome, given their applicability to later amendments—it must also incorporate amendment (b), which limits the ability to change the recommendations in a way that the Minister specifically identified in Committee as a necessary prerequisite for effective working of the legislation.

If the Chairman of the Procedure Committee, the right hon. Member for East Yorkshire (Mr. Knight), presses his amendment, we will support him. I merely ask him to reflect on whether our amendment would not only do the same as his, but allow a small

[Mr. Heath]

concession to Ministers in the context of what they sought in Committee. In the light of that, he may prefer to support our amendment. In any event, the House should divide on one of the amendments. I must add that if the Procedure Committee, a Select Committee of the House, is to be ignored by Ministers, it sets a poor precedent for the working of the Bill.

Mr. Knight: This is not a party-political issue. It is really a matter of judgment. I have reached the conclusion that new clause 21 is not the answer, and I hope that the Minister will reflect on what has been said this evening and will withdraw it. If she is not prepared to do so, the new clause will be rendered less offensive if the House accepts amendment (a), which incidentally has cross-party support. I hope, Mr. Speaker, that you will allow a Division on the amendment.

As has been said, new clause 21 seeks to facilitate the implementation of Law Commission recommendations by using a fast-track procedure under the Bill "with or without changes". The Minister objects to the removal of those four words. According to the Minister for the Cabinet Office, the right hon. Member for North-West Durham (Hilary Armstrong), if time had elapsed and some of the measures had been implemented because they were deemed urgent, without the words "with or without changes" Ministers would not be able to implement the balance.

I do not buy that argument, for reasons identified by my hon. Friend the Member for South-West Hertfordshire (Mr. Gauke) and the hon. Member for Cambridge (David Howarth). Subsection (5) of the new clause states:

> "An order under this section may contain such consequential, supplementary, incidental or transitional provision (including provision made by amending or repealing any enactment or other provision)".

I think that the power is there.

One of the duties of the Law Commission—some would argue that it is one of its main tasks—is to codify and bring together legislation on the same subject. Why would we want to split one of its proposals between different pieces of legislation? My reading of subsection (5) is that Ministers could implement proposals that were necessary and repeal any law changes made in the interim, and codify it all under the order-making power. That seems to me to be the right way to proceed.

As my hon. Friend the Member for North-East Hertfordshire (Mr. Heald) said, it is incorrect to assume that a Law Commission recommendation will be uncontroversial. When my Committee took evidence, the Minister's predecessor, the hon. Member for East Renfrewshire (Mr. Murphy), insisted on using the term "highly controversial" to describe measures to which the provision would not apply—not just controversial, but highly controversial was the description given in each case. If the Minister is saying that she has reflected on that and is willing to lower the threshold, I would be reassured.

I see no need for the provision to be in the Bill. We have two Standing Orders that could relate to the type of legislation that we have been discussing. Standing Order No. 58, which deals with consolidation measures, states that Second Readings and Third Readings of such measures will be taken forthwith; it therefore provides a much accelerated procedure. Standing Order No. 59, which the Conservatives introduced, with consent, when we were in government, specifically refers to Law Commission Bills and states that they should be referred to a Second Reading Committee. We made those changes with consent—that was how we did business then when we amended Standing Orders, and I regret that that is not what happens now. That Standing Order, which was introduced in 1995, has, I believe—I stand to be corrected by the Minister—not been used by the Government since 1999. One has to ask them why. Why have they not at least tried to use that provision to put Law Commission proposals on to the statute book?

I am not saying that those two Standing Orders are perfect, but I noted what I regard as a point of good will made by my hon. Friend the Member for North-East Hertfordshire. He said that he was prepared to engage in constructive dialogue with the Minister, perhaps on ways of changing the Standing Orders to deal with such matters. The Modernisation Committee is already examining our processes, and I know that the Procedure Committee would be prepared to consider that very point. I hope that the Minister will reflect on that with a view to not going down the proposed route and to ensuring that the House always has the opportunity, through primary legislation, to consider Law Commission proposals, albeit by an accelerated procedure.

Bridget Prentice: I, too, welcome the comments made by the hon. Member for North-East Hertfordshire (Mr. Heald). I am always happy to enter into dialogue with him, and happy to restate that if it helps this evening's debate. However, that does not mean that I have any intention of withdrawing new clause 21. There are times when the accelerated procedures that the right hon. Member for East Yorkshire (Mr. Knight) has clearly outlined are not appropriate for substantive changes to the law, as opposed to consolidating Bills. I ask him to reflect on that point.

Mr. Knight: I am disappointed to hear that. In the light of what the hon. Lady has just said, I shall be one of those seeking to divide the House on the new clause.

David Howarth: In view of the time I shall be brief and add only one point. The importance of the debate is that the Law Commission route is the only one under the Bill whereby Ministers can change the common law; otherwise their powers are restricted to changing statutes. The common law basis of our constitution is well-known; the rules of natural justice, for example, exist only in common law, not in statute.

The Government have a history of changing Law Commission recommendations. On bad character evidence, for example, the Criminal Justice Act 2003 did exactly the opposite of what the Law Commission recommended, so these are serious matters. If the Government cannot bring their desires within either subsection (5) of the new clause or the second part of

amendment (b), to take advantage of the power to make changes consequent on the delay in implementing the recommendations, the only proper route is not to make use of the fast-track procedure but to go back to the Law Commission and try to persuade it to take the matter forward.

It being Ten o'clock, MR. SPEAKER *put forthwith the Question already proposed from the Chair, pursuant to Order [this day].*

Question put, That the clause be read a Second time:—

The House divided: Ayes 326, Noes 133.

Division No. 233] **[10 pm**

AYES

Abbott, Ms Diane
Ainger, Nick
Ainsworth, rh Mr. Bob
Alexander, Danny
Alexander, rh Mr. Douglas
Allen, Mr. Graham
Anderson, Mr. David
Anderson, Janet
Armstrong, rh Hilary
Atkins, Charlotte
Austin, Mr. Ian
Bailey, Mr. Adrian
Baird, Vera
Baker, Norman
Balls, Ed
Banks, Gordon
Barrett, John
Barron, rh Mr. Kevin
Begg, Miss Anne
Beith, rh Mr. Alan
Bell, Sir Stuart
Benton, Mr. Joe
Berry, Roger
Betts, Mr. Clive
Blackman-Woods, Dr. Roberta
Blears, rh Hazel
Blizzard, Mr. Bob
Blunkett, rh Mr. David
Bradshaw, Mr. Ben
Brake, Tom
Brown, Lyn
Brown, rh Mr. Nicholas
Brown, Mr. Russell
Browne, rh Des
Browne, Mr. Jeremy
Buck, Ms Karen
Burgon, Colin
Burnham, Andy
Burstow, Mr. Paul
Burt, Lorely
Butler, Ms Dawn
Byers, rh Mr. Stephen
Cable, Dr. Vincent
Caborn, rh Mr. Richard
Campbell, Mr. Alan
Campbell, rh Sir Menzies
Campbell, Mr. Ronnie
Chapman, Ben
Clapham, Mr. Michael
Clark, Ms Katy
Clark, Paul
Clarke, rh Mr. Tom
Clegg, Mr. Nick
Clelland, Mr. David
Clwyd, rh Ann
Coaker, Mr. Vernon
Coffey, Ann
Cohen, Harry
Connarty, Michael
Cooper, Rosie
Cooper, Yvette
Cousins, Jim
Creagh, Mary
Cruddas, Jon
Cummings, John
Cunningham, Mr. Jim
Cunningham, Tony
Curtis-Thomas, Mrs. Claire
Darling, rh Mr. Alistair
Davey, Mr. Edward
Davidson, Mr. Ian
Dean, Mrs. Janet
Devine, Mr. Jim
Dhanda, Mr. Parmjit
Dismore, Mr. Andrew
Dobbin, Jim
Dobson, rh Frank
Donohoe, Mr. Brian H.
Doran, Mr. Frank
Dowd, Jim
Eagle, Angela
Efford, Clive
Ellman, Mrs. Louise
Engel, Natascha
Ennis, Jeff
Farrelly, Paul
Farron, Tim
Featherstone, Lynne
Fisher, Mark
Fitzpatrick, Jim
Flello, Mr. Robert
Flint, Caroline
Flynn, Paul
Foster, Mr. Michael *(Worcester)*
Foster, Michael Jabez *(Hastings and Rye)*
Francis, Dr. Hywel
Gardiner, Barry
George, Andrew
George, rh Mr. Bruce
Gerrard, Mr. Neil
Gibson, Dr. Ian
Gidley, Sandra
Godsiff, Mr. Roger
Goldsworthy, Julia
Goodman, Helen
Griffith, Nia
Griffiths, Nigel
Grogan, Mr. John
Gwynne, Andrew
Hall, Mr. Mike
Hall, Patrick
Harman, rh Ms Harriet
Harris, Dr. Evan
Harris, Mr. Tom
Harvey, Nick
Healey, John
Heath, Mr. David
Hemming, John
Henderson, Mr. Doug
Hendrick, Mr. Mark
Hepburn, Mr. Stephen
Heppell, Mr. John
Hesford, Stephen
Heyes, David
Hill, rh Keith
Hillier, Meg
Hodgson, Mrs. Sharon
Holmes, Paul
Hope, Phil
Hopkins, Kelvin
Horwood, Martin
Howarth, David
Howarth, rh Mr. George
Hoyle, Mr. Lindsay
Hughes, rh Beverley
Hughes, Simon
Huhne, Chris
Humble, Mrs. Joan
Hunter, Mark
Hutton, rh Mr. John
Iddon, Dr. Brian
Illsley, Mr. Eric
Ingram, rh Mr. Adam
Jackson, Glenda
James, Mrs. Siân C.
Johnson, rh Alan
Johnson, Ms Diana R.
Jones, Helen
Jones, Lynne
Jones, Mr. Martyn
Joyce, Mr. Eric
Kaufman, rh Sir Gerald
Keeble, Ms Sally
Keeley, Barbara
Keen, Alan
Keen, Ann
Kelly, rh Ruth
Kemp, Mr. Fraser
Kennedy, rh Mr. Charles
Kennedy, rh Jane
Khabra, Mr. Piara S.
Khan, Mr. Sadiq
Kidney, Mr. David
Knight, Jim
Kramer, Susan
Kumar, Dr. Ashok
Ladyman, Dr. Stephen
Lamb, Norman
Lammy, Mr. David
Laws, Mr. David
Lazarowicz, Mark
Leech, Mr. John
Lepper, David
Levitt, Tom
Lewis, Mr. Ivan
Linton, Martin
Lloyd, Tony
Love, Mr. Andrew
Lucas, Ian
MacDougall, Mr. John
MacNeil, Mr. Angus
MacShane, rh Mr. Denis
Mactaggart, Fiona
Malik, Mr. Shahid
Mallaber, Judy
Mann, John
Marris, Rob
Marsden, Mr. Gordon
Marshall, Mr. David
McAvoy, rh Mr. Thomas
McCarthy, Kerry
McCartney, rh Mr. Ian
McDonagh, Siobhain
McDonnell, John
McFadden, Mr. Pat
McFall, rh Mr. John
McGovern, Mr. Jim
McGuire, Mrs. Anne
McIsaac, Shona
McKechin, Ann
McKenna, Rosemary
McNulty, Mr. Tony
Merron, Gillian
Michael, rh Alun
Miliband, rh David
Miliband, Edward
Miller, Andrew
Moffat, Anne
Moffatt, Laura
Mole, Chris
Moon, Mrs. Madeleine
Moore, Mr. Michael
Moran, Margaret
Morden, Jessica
Morley, Mr. Elliot
Mountford, Kali
Mudie, Mr. George
Mulholland, Greg
Mullin, Mr. Chris
Munn, Meg
Murphy, Mr. Denis
Murphy, Mr. Jim
Murphy, rh Mr. Paul
Naysmith, Dr. Doug
Norris, Dan
O'Brien, Mr. Mike
Oaten, Mr. Mark
Olner, Mr. Bill
Öpik, Lembit
Owen, Albert
Palmer, Dr. Nick
Pearson, Ian
Plaskitt, Mr. James
Pound, Stephen
Prentice, Bridget
Prentice, Mr. Gordon
Prescott, rh Mr. John
Price, Adam
Prosser, Gwyn
Pugh, John
Purchase, Mr. Ken
Purnell, James
Raynsford, rh Mr. Nick
Reed, Mr. Andy
Reid, Mr. Alan
Reid, rh John
Rennie, Willie
Riordan, Mrs. Linda
Robertson, John
Robinson, Mr. Geoffrey

Rogerson, Mr. Dan
Rooney, Mr. Terry
Rowen, Paul
Roy, Mr. Frank
Ruddock, Joan
Russell, Bob
Russell, Christine
Ryan, Joan
Sanders, Mr. Adrian
Sarwar, Mr. Mohammad
Seabeck, Alison
Shaw, Jonathan
Sheerman, Mr. Barry
Sheridan, Jim
Simon, Mr. Siôn
Skinner, Mr. Dennis
Slaughter, Mr. Andrew
Smith, rh Mr. Andrew
Smith, Ms Angela C. *(Sheffield, Hillsborough)*
Smith, Angela E. *(Basildon)*
Smith, Geraldine
Smith, rh Jacqui
Smith, Sir Robert
Sneigrove, Anne
Soulsby, Sir Peter
Southworth, Helen
Spellar, rh Mr. John
Starkey, Dr. Phyllis
Stewart, Ian
Stoate, Dr. Howard
Strang, rh Dr. Gavin
Straw, rh Mr. Jack
Stringer, Graham
Stunell, Andrew
Sutcliffe, Mr. Gerry
Swinson, Jo
Taylor, Ms Dari
Taylor, David
Taylor, Matthew
Taylor, Dr. Richard
Teather, Sarah
Thornberry, Emily
Thurso, John
Timms, Mr. Stephen
Tipping, Paddy
Touhig, Mr. Don
Trickett, Jon
Truswell, Mr. Paul
Turner, Mr. Neil
Twigg, Derek
Waltho, Lynda
Ward, Claire
Wareing, Mr. Robert N.
Watson, Mr. Tom
Watts, Mr. Dave
Webb, Steve
Weir, Mr. Mike
Whitehead, Dr. Alan
Wicks, Malcolm
Williams, rh Mr. Alan
Williams, Hywel
Williams, Mark
Williams, Mr. Roger
Williams, Stephen
Willott, Jenny
Winnick, Mr. David
Winterton, Ms Rosie
Wishart, Pete
Wood, Mike
Woodward, Mr. Shaun
Woolas, Mr. Phil
Wright, Mr. Anthony
Wright, David
Wright, Mr. Iain
Wright, Dr. Tony
Wyatt, Derek

Tellers for the Ayes:
Liz Blackman and Huw Irranca-Davies

NOES

Afriyie, Adam
Ainsworth, Mr. Peter
Amess, Mr. David
Atkinson, Mr. Peter
Baldry, Tony
Barker, Gregory
Baron, Mr. John
Bellingham, Mr. Henry
Benyon, Mr. Richard
Bercow, John
Beresford, Sir Paul
Binley, Mr. Brian
Blunt, Mr. Crispin
Bone, Mr. Peter
Boswell, Mr. Tim
Brady, Mr. Graham
Brazier, Mr. Julian
Brokenshire, James
Browning, Angela
Burns, Mr. Simon
Burrowes, Mr. David
Burt, Alistair
Carswell, Mr. Douglas
Cash, Mr. William
Chope, Mr. Christopher
Clarke, rh Mr. Kenneth
Clifton-Brown, Mr. Geoffrey
Crabb, Mr. Stephen
Davies, David T.C. *(Monmouth)*
Davies, Philip
Davis, rh David *(Haltemprice and Howden)*
Djanogly, Mr. Jonathan
Duncan, Mr. Alan
Duncan Smith, rh Mr. Iain
Dunne, Mr. Philip
Ellwood, Mr. Tobias
Evans, Mr. Nigel
Fabricant, Michael
Fallon, Mr. Michael
Field, Mr. Mark
Francois, Mr. Mark
Fraser, Mr. Christopher
Gale, Mr. Roger
Gauke, Mr. David
Gibb, Mr. Nick
Goodman, Mr. Paul
Goodwill, Mr. Robert
Gove, Michael
Green, Damian
Greening, Justine
Greenway, Mr. John
Grieve, Mr. Dominic
Gummer, rh Mr. John
Hammond, Mr. Philip
Hammond, Stephen
Hands, Mr. Greg
Harper, Mr. Mark
Heald, Mr. Oliver
Heathcoat-Amory, rh Mr. David
Hoban, Mr. Mark
Hollobone, Mr. Philip
Horam, Mr. John
Howarth, Mr. Gerald
Hunt, Mr. Jeremy
Jack, rh Mr. Michael
Jackson, Mr. Stewart
Jenkin, Mr. Bernard
Jones, Mr. David
Kawczynski, Daniel
Kirkbride, Miss Julie
Knight, rh Mr. Greg
Lait, Mrs. Jacqui
Lansley, Mr. Andrew
Letwin, rh Mr. Oliver
Lewis, Dr. Julian
Loughton, Tim
Luff, Peter
Mackay, rh Mr. Andrew
Maclean, rh David
Malins, Mr. Humfrey
Maples, Mr. John
May, rh Mrs. Theresa
McIntosh, Miss Anne
McLoughlin, rh Mr. Patrick
Miller, Mrs. Maria
Milton, Anne
Moss, Mr. Malcolm
Mundell, David
Murrison, Dr. Andrew
Newmark, Mr. Brooks
O'Brien, Mr. Stephen
Paterson, Mr. Owen
Pelling, Mr. Andrew
Penning, Mike
Penrose, John
Pickles, Mr. Eric
Prisk, Mr. Mark
Randall, Mr. John
Redwood, rh Mr. John
Rifkind, rh Sir Malcolm
Robathan, Mr. Andrew
Robertson, Hugh
Ruffley, Mr. David
Scott, Mr. Lee
Selous, Andrew
Shapps, Grant
Shepherd, Mr. Richard
Simmonds, Mark
Spelman, Mrs. Caroline
Spicer, Sir Michael
Spink, Bob
Spring, Mr. Richard
Swayne, Mr. Desmond
Swire, Mr. Hugo
Syms, Mr. Robert
Taylor, Mr. Ian
Tredinnick, David
Turner, Mr. Andrew
Tyrie, Mr. Andrew
Vaizey, Mr. Edward
Vara, Mr. Shailesh
Viggers, Peter
Walker, Mr. Charles
Wallace, Mr. Ben
Walter, Mr. Robert
Whittingdale, Mr. John
Widdecombe, rh Miss Ann
Wiggin, Bill
Wilshire, Mr. David
Wilson, Mr. Rob
Winterton, Ann
Wright, Jeremy
Young, rh Sir George

Tellers for the Noes:
Angela Watkinson and Mr. David Evennett

Question accordingly agreed to.

Clause read a Second time

MR. SPEAKER *then proceeded to put the remaining Questions required to be put at that hour.*

Amendment proposed to the proposed new clause: (a), in line 4, leave out 'with or without changes'. *—[Mr. Greg Knight.]*

The House divided: Ayes 196, Noes 262.

Division No. 234] **[10.16 pm**

AYES

Afriyie, Adam
Ainsworth, Mr. Peter
Alexander, Danny
Amess, Mr. David
Atkinson, Mr. Peter
Baker, Norman
Baldry, Tony
Barker, Gregory
Baron, Mr. John
Barrett, John
Beith, rh Mr. Alan
Bellingham, Mr. Henry
Benyon, Mr. Richard
Bercow, John
Beresford, Sir Paul
Binley, Mr. Brian
Blunt, Mr. Crispin
Bone, Mr. Peter
Boswell, Mr. Tim
Brady, Mr. Graham
Brake, Tom
Brazier, Mr. Julian
Brokenshire, James
Browning, Angela
Burns, Mr. Simon
Burrowes, Mr. David
Burstow, Mr. Paul
Burt, Alistair
Burt, Lorely
Cable, Dr. Vincent

Campbell, rh Sir Menzies
Carswell, Mr. Douglas
Cash, Mr. William
Chope, Mr. Christopher
Clarke, rh Mr. Kenneth
Clegg, Mr. Nick
Clifton-Brown, Mr. Geoffrey
Crabb, Mr. Stephen
Davey, Mr. Edward
Davies, David T.C. *(Monmouth)*
Davies, Philip
Davis, rh David *(Haltemprice and Howden)*
Djanogly, Mr. Jonathan
Duncan, Mr. Alan
Duncan Smith, rh Mr. Iain
Dunne, Mr. Philip
Ellwood, Mr. Tobias
Evans, Mr. Nigel
Evennett, Mr. David
Fabricant, Michael
Fallon, Mr. Michael
Farron, Tim
Featherstone, Lynne
Field, Mr. Mark
Francois, Mr. Mark
Fraser, Mr. Christopher
Gale, Mr. Roger
Gauke, Mr. David
George, Andrew
Gibb, Mr. Nick
Gidley, Sandra
Goldsworthy, Julia
Goodman, Mr. Paul
Goodwill, Mr. Robert
Gove, Michael
Green, Damian
Greening, Justine
Greenway, Mr. John
Grieve, Mr. Dominic
Gummer, rh Mr. John
Hammond, Mr. Philip
Hammond, Stephen
Hands, Mr. Greg
Harper, Mr. Mark
Harris, Dr. Evan
Harvey, Nick
Heald, Mr. Oliver
Heath, Mr. David
Heathcoat-Amory, rh Mr. David
Hemming, John
Hoban, Mr. Mark
Hollobone, Mr. Philip
Holmes, Paul
Horam, Mr. John
Horwood, Martin
Howarth, David
Howarth, Mr. Gerald
Hughes, Simon
Huhne, Chris
Hunt, Mr. Jeremy
Hunter, Mark
Jack, rh Mr. Michael
Jackson, Mr. Stewart
Jenkin, Mr. Bernard
Jones, Mr. David
Jones, Lynne
Kawczynski, Daniel
Kennedy, rh Mr. Charles
Kirkbride, Miss Julie
Knight, rh Mr. Greg
Kramer, Susan
Lait, Mrs. Jacqui
Lamb, Norman
Lansley, Mr. Andrew
Laws, Mr. David
Leech, Mr. John
Letwin, rh Mr. Oliver
Lewis, Dr. Julian
Loughton, Tim
Luff, Peter
Mackay, rh Mr. Andrew
Maclean, rh David
MacNeil, Mr. Angus
Malins, Mr. Humfrey
Maples, Mr. John
May, rh Mrs. Theresa
McDonnell, John
McIntosh, Miss Anne
McLoughlin, rh Mr. Patrick
Miller, Mrs. Maria
Milton, Anne
Moore, Mr. Michael
Moss, Mr. Malcolm
Mulholland, Greg
Mundell, David
Murrison, Dr. Andrew
Newmark, Mr. Brooks
O'Brien, Mr. Stephen
Oaten, Mr. Mark
Öpik, Lembit
Paterson, Mr. Owen
Pelling, Mr. Andrew
Penning, Mike
Penrose, John
Pickles, Mr. Eric
Price, Adam
Prisk, Mr. Mark
Pugh, John
Randall, Mr. John
Redwood, rh Mr. John
Reid, Mr. Alan
Rennie, Willie
Rifkind, rh Sir Malcolm
Robathan, Mr. Andrew
Robertson, Hugh
Rogerson, Mr. Dan
Rowen, Paul
Ruffley, Mr. David
Russell, Bob
Sanders, Mr. Adrian
Scott, Mr. Lee
Selous, Andrew
Shapps, Grant
Shepherd, Mr. Richard
Simmonds, Mark
Smith, Sir Robert
Spelman, Mrs. Caroline
Spicer, Sir Michael
Spink, Bob
Spring, Mr. Richard
Stunell, Andrew
Swayne, Mr. Desmond
Swinson, Jo
Swire, Mr. Hugo
Syms, Mr. Robert
Taylor, Mr. Ian
Taylor, Matthew
Taylor, Dr. Richard
Teather, Sarah
Thurso, John
Tredinnick, David
Turner, Mr. Andrew
Tyrie, Mr. Andrew
Vaizey, Mr. Edward
Vara, Mr. Shailesh
Viggers, Peter
Walker, Mr. Charles
Wallace, Mr. Ben
Walter, Mr. Robert
Wareing, Mr. Robert N.
Webb, Steve
Weir, Mr. Mike
Whittingdale, Mr. John
Widdecombe, rh Miss Ann
Wiggin, Bill
Williams, Hywel
Williams, Mark
Williams, Mr. Roger
Williams, Stephen
Willott, Jenny
Wilshire, Mr. David
Wilson, Mr. Rob
Winterton, Ann
Wishart, Pete
Wright, Jeremy
Young, rh Sir George

Tellers for the Ayes:
Mr. Jeremy Browne and Angela Watkinson

NOES

Abbott, Ms Diane
Ainger, Nick
Ainsworth, rh Mr. Bob
Alexander, rh Mr. Douglas
Allen, Mr. Graham
Anderson, Mr. David
Anderson, Janet
Armstrong, rh Hilary
Atkins, Charlotte
Austin, Mr. Ian
Bailey, Mr. Adrian
Baird, Vera
Balls, Ed
Banks, Gordon
Barron, rh Mr. Kevin
Begg, Miss Anne
Bell, Sir Stuart
Benton, Mr. Joe
Berry, Roger
Betts, Mr. Clive
Blackman-Woods, Dr. Roberta
Blears, rh Hazel
Blizzard, Mr. Bob
Blunkett, rh Mr. David
Bradshaw, Mr. Ben
Brown, Lyn
Brown, rh Mr. Nicholas
Brown, Mr. Russell
Browne, rh Des
Buck, Ms Karen
Burgon, Colin
Burnham, Andy
Butler, Ms Dawn
Byers, rh Mr. Stephen
Cabom, rh Mr. Richard
Campbell, Mr. Alan
Campbell, Mr. Ronnie
Chapman, Ben
Clapham, Mr. Michael
Clark, Ms Katy
Clark, Paul
Clarke, rh Mr. Tom
Clelland, Mr. David
Clwyd, rh Ann
Coaker, Mr. Vernon
Coffey, Ann
Cohen, Harry
Connarty, Michael
Cooper, Rosie
Cooper, Yvette
Cousins, Jim
Creagh, Mary
Cruddas, Jon
Cummings, John
Cunningham, Mr. Jim
Cunningham, Tony
Curtis-Thomas, Mrs. Claire
Darling, rh Mr. Alistair
Davidson, Mr. Ian
Dean, Mrs. Janet
Devine, Mr. Jim
Dhanda, Mr. Parmjit
Dismore, Mr. Andrew
Dobbin, Jim
Dobson, rh Frank
Donohoe, Mr. Brian H.
Doran, Mr. Frank
Dowd, Jim
Eagle, Angela
Efford, Clive
Ellman, Mrs. Louise
Engel, Natascha
Ennis, Jeff
Farrelly, Paul
Fisher, Mark
Fitzpatrick, Jim
Flello, Mr. Robert
Flint, Caroline
Flynn, Paul
Foster, Mr. Michael *(Worcester)*
Foster, Michael Jabez *(Hastings and Rye)*
Francis, Dr. Hywel
Gardiner, Barry
George, rh Mr. Bruce
Gerrard, Mr. Neil
Gibson, Dr. Ian
Godsiff, Mr. Roger
Goodman, Helen
Griffith, Nia
Griffiths, Nigel
Grogan, Mr. John
Gwynne, Andrew
Hall, Mr. Mike
Hall, Patrick
Harman, rh Ms Harriet
Harris, Mr. Tom
Healey, John
Henderson, Mr. Doug
Hendrick, Mr. Mark
Hepburn, Mr. Stephen
Heppell, Mr. John
Hesford, Stephen
Heyes, David
Hill, rh Keith
Hillier, Meg
Hodgson, Mrs. Sharon
Hope, Phil
Hopkins, Kelvin

Howarth, rh Mr. George
Hoyle, Mr. Lindsay
Hughes, rh Beverley
Humble, Mrs. Joan
Hutton, rh Mr. John
Iddon, Dr. Brian
Illsley, Mr. Eric
Ingram, rh Mr. Adam
Jackson, Glenda
James, Mrs. Siân C.
Johnson, rh Alan
Johnson, Ms Diana R.
Jones, Helen
Jones, Mr. Martyn
Joyce, Mr. Eric
Kaufman, rh Sir Gerald
Keeble, Ms Sally
Keeley, Barbara
Keen, Alan
Keen, Ann
Kelly, rh Ruth
Kemp, Mr. Fraser
Kennedy, rh Jane
Khabra, Mr. Piara S.
Khan, Mr. Sadiq
Kidney, Mr. David
Knight, Jim
Kumar, Dr. Ashok
Ladyman, Dr. Stephen
Lammy, Mr. David
Lazarowicz, Mark
Lepper, David
Levitt, Tom
Lewis, Mr. Ivan
Linton, Martin
Lloyd, Tony
Love, Mr. Andrew
Lucas, Ian
MacDougall, Mr. John
Mactaggart, Fiona
Malik, Mr. Shahid
Mallaber, Judy
Mann, John
Marris, Rob
Marsden, Mr. Gordon
Marshall, Mr. David
McAvoy, rh Mr. Thomas
McCarthy, Kerry
McCartney, rh Mr. Ian
McDonagh, Siobhain
McFadden, Mr. Pat
McFall, rh Mr. John
McGovern, Mr. Jim
McGuire, Mrs. Anne
McIsaac, Shona
McKechin, Ann
McKenna, Rosemary
McNulty, Mr. Tony
Merron, Gillian
Michael, rh Alun
Miliband, rh David
Miliband, Edward
Miller, Andrew
Moffat, Anne
Moffatt, Laura
Mole, Chris
Moon, Mrs. Madeleine
Moran, Margaret
Morden, Jessica
Morley, Mr. Elliot
Mountford, Kali
Mudie, Mr. George
Mullin, Mr. Chris
Munn, Meg
Murphy, Mr. Denis
Murphy, Mr. Jim
Murphy, rh Mr. Paul
Naysmith, Dr. Doug
Norris, Dan
O'Brien, Mr. Mike
Olner, Mr. Bill
Owen, Albert
Palmer, Dr. Nick
Pearson, Ian
Plaskitt, Mr. James
Pound, Stephen
Prentice, Bridget
Prentice, Mr. Gordon
Prescott, rh Mr. John
Prosser, Gwyn
Purchase, Mr. Ken
Purnell, James
Raynsford, rh Mr. Nick
Reed, Mr. Andy
Reid, rh John
Riordan, Mrs. Linda
Robertson, John
Robinson, Mr. Geoffrey
Rooney, Mr. Terry
Roy, Mr. Frank
Ruddock, Joan
Russell, Christine
Ryan, Joan
Sarwar, Mr. Mohammad
Seabeck, Alison
Shaw, Jonathan
Sheerman, Mr. Barry
Sheridan, Jim
Simon, Mr. Siôn
Skinner, Mr. Dennis
Slaughter, Mr. Andrew
Smith, rh Mr. Andrew
Smith, Ms Angela C. *(Sheffield, Hillsborough)*
Smith, Angela E. *(Basildon)*
Smith, Geraldine
Smith, rh Jacqui
Snelgrove, Anne
Soulsby, Sir Peter
Southworth, Helen
Spellar, rh Mr. John
Starkey, Dr. Phyllis
Stewart, Ian
Stoate, Dr. Howard
Strang, rh Dr. Gavin
Straw, rh Mr. Jack
Stringer, Graham
Sutcliffe, Mr. Gerry
Taylor, Ms Dari
Taylor, David
Thornberry, Emily
Timms, Mr. Stephen
Tipping, Paddy
Touhig, Mr. Don
Trickett, Jon
Truswell, Mr. Paul
Turner, Mr. Neil
Twigg, Derek
Waltho, Lynda
Ward, Claire
Watson, Mr. Tom
Watts, Mr. Dave
Whitehead, Dr. Alan
Wicks, Malcolm
Williams, rh Mr. Alan
Winnick, Mr. David
Winterton, Ms Rosie
Wood, Mike
Woodward, Mr. Shaun
Woolas, Mr. Phil
Wright, Mr. Anthony
Wright, David
Wright, Mr. Iain
Wright, Dr. Tony
Wyatt, Derek

Tellers for the Noes:
Liz Blackman and
Huw Irranca-Davies

Question accordingly negatived.

Clause added to the Bill.

New Clause 22

NORTHERN IRELAND

'An order under this Part may not, except by virtue of section (Power to remove or reduce burdens)(8), (Power to promote regulatory principles)(5) or (Power to implement Law Commission recommendations)(5), make provision to amend or repeal any Northern Ireland legislation.'.—*[Hilary Armstrong.]*

Brought up, read the First and Second time, and added to the Bill.

New Clause 26

EXCEPTED ENACTMENTS

'An order under this Part may not make provision amending or repealing any provision of—

(a) this Part; or

(b) the Human Rights Act 1998 (c. 42).'. —*[Hilary Armstrong.]*

Brought up, read the First and Second time, and added to the Bill.

Bill, as amended in the Standing Committee, to be further considered tomorrow.

Mr. Heath: On a point of order, Mr. Speaker. I wonder whether you could help us. The last group of amendments for consideration today, which we did not have an opportunity to debate at all, included some very important amendments on the constitutional arrangements, particularly the application to the Scotland Act 1998 and the way in which the Bill interacts with Scottish affairs in the Scottish Parliament. Is there any opportunity to discuss those matters tomorrow, given that we have a further day on Report and that under today's timetable we have had no debate whatever of those subjects?

Mr. Speaker: There is not. Under the terms of the programme motion, to which the House agreed, that cannot be done.

DELEGATED LEGISLATION

Motion made, and Question put forthwith, pursuant to Standing Order No. 118(6) (Standing Committees on Delegated Legislation),

NORTHERN IRELAND

That the draft Private Tenancies (Northern Ireland) Order 2006, which was laid before this House on 24th April, be approved.—*[Mr. Roy.]*

Question agreed to.

Ordered,

That the Church of England (Miscellaneous Provisions) Measure and Pastoral (Amendment) Measure, which were laid before this House on 16th February, be referred to a Standing Committee on Delegated Legislation.—*[Mr. Roy.]*

COMMITTEES

Ordered,

That Mr Geoffrey Hoon and Liz Blackman be discharged from the Select Committee on Modernisation of the House of Commons and Mr Jack Straw and Paddy Tipping be added.—*[Mr. Roy.]*

Ordered,

That Peter Luff be discharged from the Administration Committee and Mr Greg Knight be added.—*[Rosemary McKenna, on behalf of the Committee of Selection.]*

PETITION

Encompass Health Care Practice

10.29 pm

Mr. Fraser Kemp (Houghton and Washington, East) (Lab): I wish to present a petition from Mrs. Elizabeth Lowrey that has been signed by more than 900 residents of Washington in Tyne and Wear and is supported by my hon. Friend the Member for Gateshead, East and Washington, West (Mrs. Hodgson). It concerns changes to the Encompass health care practice, which offers an innovative and dynamic approach to health care in Washington, and states:

The petitioners therefore request that the House of Commons urge the Secretary of State for Health to urge the Sunderland Teaching Primary Care Trust to recognise the current benefits of allowing the existing team to achieve full independent status and continue to provide primary medical care for the community.

To lie upon the Table.

Parish Councillors

Motion made, and Question proposed, That this House do now adjourn.—*[Mr. Roy.]*

10.30 pm

Mr. Andrew Lansley (South Cambridgeshire) (Con): I am grateful for the opportunity to raise an issue of particular concern to my constituent—I shall shortly explain his circumstances—that extends to a much wider constituency of opinion. Many people both inside and outside the House think that the time to take action to try to remedy some of the difficulties in the case is overdue.

I am grateful to the Minister for Local Government for agreeing to reply to our debate on the model code of conduct for councillors. I accept that it would be inappropriate for him to refer to the specific case of Councillor Alex Riley, but I am grateful that he will deal with the wider issues. It might be helpful if I describe the circumstances of Councillor Riley's case. For some time, he has chaired the parish council in the village of Longstanton, which is several miles north-west of Cambridge.

As a result of the last regional structure plan and the subsequent county structure plan, a large new town is to be built to the north of Longstanton and Oakington comprising 8,000 to 10,000 homes—subsequently, the local development framework settled on 8,000 homes. That large development is very close to Longstanton, and it will envelop parts of the village. It extends to the north, west and east of the village, and in the original plans it was no more than the distance of a football field from some points of the village.

As chairman of the parish council, Alex Riley was closely and actively involved in the debate about the structure plans. When it became clear that active planning on the local development framework would begin, he decided to stand for election to represent Longstanton on those issues. In June 2004, he was elected with 70 per cent. of the vote in Longstanton as an independent councillor—the House will observe that this is not a party political matter. From June 2004, he sought to represent the village's views on a range of issues in the local development framework before an outline planning application was made. However, the ethical standards officer alleged that 15 breaches of the code of conduct took place in the space of just five months. I accept that the Minister will not want to comment, but the hearing of that case took place today. It concluded that Councillor Riley was responsible for breaches of the code of conduct but a penalty was not imposed, apart from the fact that he was instructed to receive training in the code. That is ironic, given that he has become insufferably familiar with it to the point of contempt. None the less, in my view—I do not propose to speak for anyone else—those were technical breaches of the code. That is one of the main reasons no penalty has been applied.

The issue is the extent to which councillors legitimately sent to their council chamber by constituents are able to represent those constituents. The Local Government Act 2000 set out an ethical framework for councillors, including in section 30 a model code of conduct, which South Cambridgeshire district council adopted in 2002. The code identifies two interests—first, personal interests, which can be defined as anything that might be held to affect a councillor's well-being or financial position, or that of their relatives or friends, to a greater extent than it would affect the local population generally. Secondly, there are prejudicial interests—interests that are so significant that a member of the public with knowledge of the relevant facts would reasonably regard those interests as likely to prejudice the councillor's judgment of the public interest.

Those definitions are not at issue. Individually, Councillor Riley and all the other residents of Longstanton have personal and, in almost all cases, a prejudicial interest in relation to these matters. Planning decisions must, of course, be made in the public interest, but local residents have a legitimate expectation that that public interest includes and fully takes account of their views as the people most affected by a planning decision. We must ensure that that interest is properly and accurately reflected.

There is confusion in South Cambridge district council about how the code of conduct should be applied. Without going into detail, it was clear in 2004 that Councillor Riley received conflicting advice about what his personal and prejudicial interests should mean in relation to his participation in the council's discussions. In October 2005 South Cambridgeshire district council took counsel's opinion. That was necessitated by the fact that the council was coming on to examine the local development framework and an outline planning application from Gallagher, which is the promoter of the large scheme. The Minister need not declare an interest, but English Partnerships, which is part of the Department, owns much of the land on which the town is to be built.

Counsel's opinion pointed out how the district council should, in accordance with the current law, deal with the councillor. First, a councillor with a prejudicial interest would be required to withdraw whenever a meeting was held. A meeting, for these purposes, included any meeting of the authority—not just meetings that formed part of any decision-making process, but informal meetings, briefing meetings or any meeting whatsoever. Secondly, the further requirement that under the code councillors should not seek improperly to influence a matter should be interpreted to include lobbying or making any written representations to members.

The code allows dispensations, but counsel's advice to the district council was clear. The standards committee of the council could not use those dispensations to avoid adherence to the code. Counsel instanced some of the very limited circumstances to which dispensations might be applied.

When counsel was advising the planning authority about what Councillor Riley could do, he came up with three options. The first was that Councillor Riley should no longer be regarded as the route through which representations could be made by villagers, so representations could be made direct to the planning director. The second was that villagers should use another councillor who had no disqualifying interest. The third option was that Councillor Riley should resign. He would then be able to make representations as chairman of the parish council or as a private citizen.

It is curious that the use of another councillor has been the route through which the district council has proceeded. The necessity for Councillor Riley not to apply improper influence has even extended to the point where he is not allowed to discuss matters in his village with the councillor who has been nominated to be the route through which such representations are to be made. Another councillor on the parish council has been so nominated and the deadening hand of the code seems almost to be extending to the point where Councillor Riley cannot even talk to Councillor Grace, who subsequently talks to Councillor Kindersley, who is the councillor through whom their representations might come. Such is the effect of the way in which the model code has been interpreted.

You will not be surprised, Mr. Deputy Speaker, that I have raised the issue with the Standards Board for England. It responded helpfully in November by saying:

"The Board shares your view that the current rules can be over-restrictive...and may exclude members from discussing certain matters which their community would expect them to be addressing or even, in certain cases, where they have been elected to represent specific views. Given the changing role of most councillors, the code needs to be seen to be supporting such local advocacy and the democratic right of a community to be represented when key matters which affect that community are under discussion."

David Prince, the chief executive, went on to say:

"The Board has also further recommended that the Government should also give local authorities broader powers to grant exemptions to members with prejudicial interests who nevertheless are speaking on behalf of their constituents."

The board went on to make recommendations to Ministers that flowed from exactly the same points that were made in their letter to me. The Committee on Standards in Public Life separately has made its own recommendations to Government, and I shall quote one of them. It said:

"In planning decisions the ability of elected members to represent constituents' interests where they have personal and prejudicial interests has been unnecessarily diminished. This should be changed to give any elected member the right to speak (but not vote) for their constituents at a planning committee meeting or any other quasi-regulatory meeting."

In that sense, we are clear about the direction in which both the board and the committee see we need to go.

I wrote, of course, to the Minister. He responded helpfully in January, to making it clear that the Standards Boards had made the recommendations, which he was minded to accept. I suppose that I could have rested on that and not exposed the issue to further gaze in the House, but I wanted to use this opportunity to say that I think that the current situation is untenable. In the case of South Cambridgeshire district council, there has been the benefit of counsel's opinion. It is not an arbitrary opinion. We have arrived at the point where, not seeking improper influence, Councillor Riley can barely speak to any of his fellow councillors without it being thought to be an improper influence. He cannot even go to informal meetings, briefing meetings or information meetings in the same way as members of the public attend to ascertain what is happening. He cannot ask questions and he cannot make representations.

Across the country, I have no doubt that this is not the only example. The hon. Member for Northavon (Steve Webb) raised an instance not dissimilar to it on 8 November last year. Throughout the country either councillors are unknowingly breaching the code, as Councillor Riley did in 2004, by speaking on matters where they have an interest, even if they know that they do not have to vote—many cases they have no concept of the extent to which the moral code of conduct can be interpreted as constraining them—or we have councillors throughout the country who are being excluded from discussion of the very issues that they know best and about which they have been elected to represent their constituents.

Councillor Riley and I do not expect that he should be able to vote on issues where he has a personal or prejudicial interest. He does expect to make a full declaration of interests. He expects also that his representations should be made only openly and transparently. He does not expect to undertake private lobbying or to participate in discussions after he has made his representations. He does, however, expect to have access to briefings, and to be able to ask questions and make representations in cases where his council colleagues will be making decisions. He said to me plainly that if he cannot persuade them of the merits of the argument, he will understand and accept that he has failed in his task. It is his responsibility to make the arguments.

The issue is not settled; Ministers need to make progress. The outline application for the Northstowe development, which encompasses Longstanton, has yet to be considered and determined. Circumstances such as Councillor Riley's will arise elsewhere in the country. It is important that changes to the code be made as a matter of urgency. If the code is not changed under the secondary legislation that local government legislation permits, this negation of democracy will carry on and, far from inspiring confidence in local government, the code of conduct's application will bring local government into disrepute.

10.45 pm

The Minister for Local Government (Mr. Phil Woolas): Congratulations are due to the hon. Member for South Cambridgeshire (Mr. Lansley) on bringing to the House's attention the case of his constituent, whose views have been represented. This case also raises wider issues of relevance to the hon. Gentleman's other constituents. I am very grateful to the hon. Gentleman for explaining my responsibilities in this regard; it is always helpful when that happens. I am conscious that whenever we debate parish matters, newspaper headlines reporting our deliberations do not scream off the presses. However, there are some 80,000 parish councils in the country, and in my experience it is wise to take these debates very seriously, because many councils rightly take a close interest in these proceedings. The issues that the hon. Gentleman has raised concerning the code of conduct apply not just to parish councillors, but to councillors across the board.

I am also grateful for the opportunity to discuss the rules of conduct for councillors in the context of the planning regime. These rules are set out in model codes of conduct for local authority members—including, of course, members of parish councils—with the aim of maintaining the highest standards of public conduct among local authority members. We consider it

[Mr. Phil Woolas]

important to promote such standards for parish councils, as for other tiers of local government.

As has been said, it is difficult for me to comment on individual circumstances, but where allegations impinge on an individual planning application, that application could be referred to the Secretary of State or to one of her inspectors on appeal. In those circumstances, I would not wish to say anything that might subsequently prejudice the quasi-judicial appeal process.

Actively promoting high standards of behaviour among local authority members is of course an important objective for any Government. Many men and women devote their time and energy to the service of their communities, and the overwhelming majority of people elected to serve as local authority members already observe the highest standards of conduct. But it is also important to get the balance right—an issue that I will discuss in a moment.

We cannot disguise—nobody wishes to—the fact that failings occur from time to time, and given that tens of thousands of people are involved, that is going to be so. However, it is worth noting that instances of elected members falling short of the conduct expected of them are very rare indeed. Such misconduct not only harms the community that members are elected to serve; it can damage the wider reputation of local government and undermine the public's trust in, and confidence in, the system as a whole. I noted carefully the hon. Gentleman's reference to the pendulum perhaps swinging too far, as some might see it, and to that itself bringing the regime into disrepute. The need to maintain public trust is just as true for parish councils as it is for other tiers of government.

The planning system involves a considerable amount of discretion, and councillors on a planning committee may arrive at a decision based on a variety of considerations. However, the law defines that decision-making duty. Failure to act within the confines of these provisions may render the council open to legal challenge by means of judicial review. The role of an elected member on a local authority planning committee involves balancing the need to represent the interests of individual constituents and the community with the need to maintain an ethic of impartial decision making on what can be, and often are, highly controversial proposals.

In 1997, the Government committed themselves to reinvigorating local democracy, focusing on enabling councils to provide the local leadership that their communities need and to deliver the services they want. In order to tackle the need for a higher degree of public trust, we introduced a new framework under the Local Government Act 2000 to promote standards of ethical behaviour. We felt that the new framework must help to dispel public criticism about those in public life by demonstrating clearly that unethical behaviour is just as unacceptable to those who have been elected as it is to the communities that they represent.

The framework indicates the high standards that are expected and requires an explicit commitment to them. Let me remind the House that the most significant provisions of the ethical regime were: the introduction of new statutory codes of conduct; the establishment in each authority of a standards committee to provide support and guidance to members on the requirements of their local code; and the creation of what was then a new body, the Standards Board for England, to promote high standards nationally and to investigate alleged breaches of the code in an independent and consistent manner.

The codes of conduct set out the conduct that is expected of members and provide a sensible framework for handling personal interests which should ensure that, providing that they have no prejudicial interests, councillors can take part in discussions and decisions and so represent their electors to the best of their ability. From May 2002, the provisions of the codes have applied to all councillors, and any allegations that the code has been breached can be reported to the Standards Board, which can then decide whether to investigate.

The model codes provide that members have a prejudicial interest in a matter if, as the hon. Gentleman said, the interest is one that a member of the public would reasonably regard as so significant as to be likely to prejudice the member's judgment of the public interest. A member with a prejudicial interest is required to withdraw from the meeting at which the matter is discussed.

The codes also provide that members should not use their position to confer an advantage for themselves or any other person. Various further guidance documents have been issued to assist members in carrying out their roles in respect of the planning regime and the need to have regard to their own personal and prejudicial interests. Chapter 8 of the document, "Probity in Planning", which is issued by the Local Government Association, makes it clear that councillors who have openly declared a view on an application should not use their position to lobby other councillors or organise a caucus to support their position. Elsewhere in chapter 8, it is made clear that other political meetings should not be used to reach a decision in advance of the committee which will make the decision.

A document prepared by the LGA, "Member engagement in planning matters", gives similar advice. The purpose of that document is to explain to members how they can become more engaged in discussions without fettering their discretion. However, if they do, the guidance is clear. It states:

> "Members who do take an active stand in support or assistance to an application should withdraw from the planning committee deliberations. Responding to lobbying is fully legitimate where a councillor openly admits an interest in the outcome of deliberations and withdraws from the discussions on which they have a particularly strong view and stands down for the period while the item is under discussion."

We wish to make the planning system fairer and more transparent. Accordingly, my Department continues to work with its partner bodies, such as the Local Government Association, to produce advice and guidance for elected members on propriety issues in planning. Indeed, the Planning Advisory Service, which is an arm of the Improvement and Development Agency, is financed by the Government. Its creation was one of the benefits of the £600 million in planning delivery grant allocation made available to improve the system.

When they were initially issued in 2002, the model codes were generally welcomed. There were certainly

some complaints from the smaller parish and town councils, particularly about the requirements to register interests. It was feared that a sledgehammer was being used to crack a nut. However, many of the concerns have been eased as councillors have grown familiar with the conduct regime, and it now has broad support. This has been assisted by the Standards Board's own provision of support, guidance and training to parishes on the operation of the system.

It is sometimes suggested that the introduction of the code of conduct for parishes has caused parish councillors to resign. I took those fears very seriously, because it is obviously important to get the balance right. However, I am pleased to be able to tell the House that there is little or no evidence to suggest that significant numbers of councillors have resigned as a result of the code.

That brings me to the subject of the hon. Gentleman's debate. The recent reports of the Graham Committee and the Office of the Deputy Prime Minister Select Committee—which was so ably chaired by my hon. Friend the Member for Ipswich (Chris Mole)—considered the future of the local government ethical regime. They supported the continuing inclusion of parish councillors within that regime.

The conduct regime has now been in operation for four years. We have recently reviewed it, and our proposals for change were set out in our discussion paper of 15 December 2005. They included proposals to make decision making under the regime more locally based, to make the Standards Board a more strategic regulatory body, and to make the code of conduct simpler, clearer and more proportionate. We are hoping to make changes to ensure that the framework meets the objectives that it was created to achieve, and that the lessons deriving from practical experience in operating the rules are learned.

As part of our follow-up to the discussion paper, our review of the code of conduct will take into account the recommendations on changes to the code made by the Standards Board. These include proposals for a reduction in the number of interests that members need to declare, and for a relaxation of the rules relating to prejudicial interests to support the advocacy role played by members, particularly in respect of dual-hatted members—that is, those who are members of more than one public body.

However, there is a continuing need to ensure that measures are in place to provide confidence that decisions are being made in the public interest, and that clear conflicts of interest—for example, where members stand to gain personally from a decision over and above the gain to others in the community—will continue to be proscribed by the code of conduct.

We believe that the vast majority of local councillors are honest and committed to the service of their communities. We wish to demonstrate to local communities that their councillors are signed up to the highest standards of conduct.

Mr. Lansley: It is now some six months since the Minister's colleague replied to a similar debate, and five months since the Government published their discussion paper. When are Ministers going to turn what appear—in principle, at least—to be the good recommendations of the Committee on Standards in Public Life and the Standards Board into practical changes, by means of a statutory instrument on the model codes of conduct?

Mr. Woolas: That is the crux of the matter. I am as keen as the hon. Gentleman is to get on with this. Local authorities are looking to us to make announcements on this issue. I am also conscious that there are other cases—which I am extremely grateful that he has not mentioned tonight—that have thrown up some lessons to be learned about the way in which we deal with these matters. I cannot give him a specific timetable, but I will, as soon as I am in a position to do so.

We need to provide assurance that standards are being maintained. That is why the ethical regime is vital, and why it is important that all tiers of local government, including parishes, should follow the codes of conduct. We should also learn the lessons of the past four years and do the best we can to ensure that there is consensus across the three tiers of local government in regard to the changes that we are seeking to introduce.

Question put and agreed to.

Adjourned accordingly at one minute to Eleven o'clock.

House of Commons

Tuesday 16 May 2006

The House met at half-past Two o'clock

PRAYERS

[MR. SPEAKER *in the Chair*]

Private Business

LEICESTER CITY COUNCIL BILL

LIVERPOOL CITY COUNCIL BILL

MAIDSTONE BOROUGH COUNCIL BILL

Considered; to be the read the Third time.

Oral Answers to Questions

HEALTH

The Secretary of State was asked—

Cancer Treatment

1. **Mrs. Sharon Hodgson** (Gateshead, East and Washington, West) (Lab): If she will make a statement on waiting times for cancer treatment. [70832]

The Minister of State, Department of Health (Ms Rosie Winterton): May I apologise to you, Mr. Speaker, and the House for the fact that my right hon. Friend the Secretary of State for Health cannot be here this afternoon because of a family illness? She was able to speak to the Opposition spokesmen personally yesterday to explain her absence and I am grateful to them for their understanding.

Cancer patients are now being diagnosed and treated more quickly than ever before, with almost 97 per cent. of them receiving their first treatment within a month of diagnosis.

Mrs. Hodgson: I welcome the fantastic progress in reducing cancer waiting times through the dedication and commitment of health service professionals and the extra investment in the NHS. However, is the Minister aware that cancer waiting times after first treatment remain a problem for all cancers, including prostate and bowel cancer, that the waiting times for endoscopy and colonoscopy have been a problem in the past and that, if the bowel cancer screening programme is to be successful, it is important that sufficient resources are put in place?

Ms Winterton: I am grateful to my hon. Friend for her remarks about the dedication and commitment of the staff who do such work and about extra investment, with which I absolutely agree. The problems that are due to follow-up treatments often involve radiotherapy. We have done a lot to improve radiotherapy provision. Of course, if it is a first treatment, it counts in the waiting times anyway, but there are unacceptably long waits for the second stage of treatment in certain parts of the country, so we have been increasing the number of radiotherapy staff, both in post and in training. We have been making better use of existing staff and new investment in radiotherapy treatment facilities. For example, the number of linear accelerators has increased by about 50 per cent. There is some way to go, but I can assure my hon. Friend that we take this very seriously. We are doing what we can to improve the situation, but that is against a background of increased improvements over a number of years.

Michael Gove (Surrey Heath) (Con): The Minister will be aware of the direct threat to the upper gastro-intestinal cancer unit at Frimley Park hospital in my constituency, not least because I have written to her Department three times to request a meeting on behalf of Surrey, Berkshire and Hampshire MPs, and three times I have been told no. In the last letter that I received from the Minister of State, Department of Health, the hon. Member for Don Valley (Caroline Flint), I was told that a review of that decision would not be pre-empted, but I discovered the day after the letter was sent that interviews were taking place and decisions being made that explicitly pre-empted that review. Why cannot we have a meeting to ensure that that vital service, which contributes so much to health in the south-east, does not face imminent dismantling?

Ms Winterton: We must be absolutely clear about the process that takes place when we consider changing some of the cancer facilities. This is a classic example where cancer networks must look at some of the improving outcomes guidance, which shows that putting some of the cancers together in specialist centres actually saves lives. There is very clear evidence for that, and in a sense to ask for political interference would be wrong in a process that should be looked at very closely by those involved in the networks, which include clinicians, patient groups and representatives of the NHS. It is important that the review proposals are looked at very closely by the networks involved, and that process takes place for very good clinical reasons.

Jessica Morden (Newport, East) (Lab): I, too, welcome the decrease in waiting times for cancer care, but may I ask my hon. Friend for her assurance that cancers with lower profiles, such as myeloma, are not forgotten when we allocate resources?

Ms Winterton: My hon. Friend is right to say that it is important that some of the high-profile cancers are not given more attention than some of the less well known ones. That is why we constantly review things. That can be done through the clinical cancer networks and through the guidance that is issued by the Department in conjunction with the profession to make sure that the very best care is available for patients who suffer in some of those circumstances.

National Programme for Information Technology

2. **Tim Farron** (Westmorland and Lonsdale) (LD): If she will make a statement on the national programme for information technology. [70833]

The Minister of State, Department of Health (Andy Burnham): The national programme is an essential part of creating a safer and more modern and efficient national health service. It is delivering integrated IT systems that are critical to the effective functioning of the national health service in ever-increasing numbers right across the country—not least in the hon. Gentleman's constituency.

Tim Farron: The Secretary of State has told us that the connecting for health computer project will now cost £6.2 billion, but the chief operating officer of the project predicts costs in excess of £15 billion. Meanwhile, Westmoreland general hospital's coronary care unit in my constituency faces an uncertain future because of deficits that pale in comparison to those overspends. Will the Minister commit today to a full, independent, technical and financial audit of the project to ensure that public money is spent on the public's priorities?

Andy Burnham: The hon. Gentleman is right to say that this is indeed a major investment in the national health service. However, in contrast to NHS projects of the past, payment will be made only when the project is delivered. When the project is delivered, it will go further in improving patient care in the NHS. It will deliver more benefits to patients. I have looked at the hon. Gentleman's websites, where I read:

"Local MP Tim Farron is leading national calls for an independent review".

If he is to be the self-appointed leader of the national debate on this important issue, may I appeal for less simplistic analysis and more attention to detail? The project will improve patient care and it will not help to make exaggerated and nonsensical claims about it.

Mr. Lindsay Hoyle (Chorley) (Lab): Part of that information technology has been NHS Direct. Chorley was the pioneer of NHS Direct, but we found out today that the Chorley centre is about to close, along with Bolton and Preston. Who is in charge of the Department—the Ministers or the chief executive? There is something wrong when people in Preston and Bolton who are being made redundant may be allowed to go to a new site, yet the people of Chorley have not been given the same assurance. Why not?

Hon. Members: "Hear, hear."

Andy Burnham: I hope that Conservative Members are cheering the success of NHS Direct, which is dealing with a huge volume of calls this year—6.8 million. However, I recognise the concerns that my hon. Friend has raised and I understand why he is expressing them, given the news that has been put out today. NHS Direct has to take decisions to make sure that it can offer a sustainable service, given that it is handling an increasing volume of calls and dealing with in excess of 9 million internet inquiries every year. My message to him is that there will be provision in the north-west. There is a possibility that a new service—a new NHS centre—will be located in the region of his constituency. I am happy to meet him and other colleagues who are affected by the changes to discuss those issues.

David Tredinnick (Bosworth) (Con): I am surprised that the Minister did not mention the launch yesterday of another NHS information service at the Royal London Homeopathic hospital—the Complementary and Alternative Medicine Specialist Library. I have no doubt that he will have been fully briefed about that. That new service, which is extremely important and is backed by the Government, has one problem: many of the therapies provided by that one-stop shop are not yet available on the NHS. What is he going to do about that and what is he going to do about the alternative therapies that are available on the health service, such as homeopathy, which Nye Bevan used, but which is not widely understood or known about in parts of the country?

Andy Burnham: I am well aware of the hon. Gentleman's long-standing interest in these matters. Without a shadow of a doubt, he must have a glass raised to him at the Holland and Barrett annual shareholders meeting each year. I am not trivialising his interest and he raises an important matter, so I will examine it in respect of the IT systems and the other issues that he raises and write to him.

Margaret Moran (Luton, South) (Lab): Is the Minister aware that many Labour Members believe that the national programme will be transformatory for the health service, especially due to electronic prescribing and care service records? Will he ensure that IT systems are compatible and, in that context, investigate the Luton and Dunstable hospital and the Royal Free hospital? Electronic records have to be taxied between those two hospitals because of the mismatch of electronic data links. Will he ensure that there is compatibility so that we have a better patient service?

Andy Burnham: My hon. Friend makes an extremely important point, and perhaps the hon. Member for Westmorland and Lonsdale (Tim Farron) would do well to listen to it. The programme is being procured at a national level exactly to ensure that we get value for money with the systems and so that the systems are compatible. A key benefit of the new system will be that a patient's record will be instantly available to a clinician wherever that patient presents in the NHS. I am sure that my hon. Friend will agree that that will be an enormous step forward that will end some of the paper chase that goes on in the NHS. It is a clear expression of why the system will deliver improvements to patient care and value for money.

Mr. Andrew Lansley (South Cambridgeshire) (Con): I welcome the Minister to his first Health questions.

The Minister got right to the point about the IT system when he said that it was about delivery. The

NHS needs an electronic patient record, but can he explain why it is more than two years late? The NHS also needs electronic prescriptions. According to the Government's targets, some 600,000 prescriptions should be transferred electronically each day, but the figure is in fact only about 13,000. The opportunity to make electronic bookings should mean that there are some 250,000 such bookings a month, but in fact there are only 20,000 a week. Can the Minister explain why the delivery about which he talks has so far failed lamentably on the Government's own targets?

Andy Burnham: I am grateful for both the hon. Gentleman's welcome and his broad recognition that modernising the national health service in such a way is the right thing to do. Rather than claiming that there has been no delivery, I can tell him that more than 1 million prescription messages have been issued via the new system and that 325,000 hospital appointments have been booked electronically. A key aspect of the way in which the programme is working is that the NHS pays only when the service has been delivered. The NHS has thus learned from past IT procurement and is doing the right thing by paying only when benefit is released to the service. I hope that the hon. Gentleman and his colleagues will support that approach.

NHS Nurses

3. **Mr. George Mudie** (Leeds, East) (Lab): If she will make a statement on the salaries of NHS nurses. [70834]

The Minister of State, Department of Health (Caroline Flint): Investment of £1 billion in pay reform, including for nurses' pay, has delivered a high earnings growth of 2.8 per cent. between October 2004 and October 2005. We have agreed a 2.5 per cent. pay uplift for 2006-07, which will again deliver strong earnings growth this year. This is a good deal for nurses. A newly qualified nurse will earn £19,166, which is a 55 per cent. rise since 1997. I believe that that compares favourably with a newly qualified primary school teacher earning £19,161.

Mr. Mudie: I am delighted that there has been a 55 per cent. increase since 1997 and that the salary is just more than £19,000. A specialist nurse gets £23,000, so will the Minister outline whether "Agenda for Change" will give newly qualified nurses the opportunity to go on to that higher salary band?

Caroline Flint: My hon. Friend raises an important point. "Agenda for Change" is about completely transforming the way in which the pay bands operate to ensure that there is equal pay for equal value and, importantly, to give nurses the opportunity to progress up the scale. A senior specialist nurse can earn up to £31,000 and the salary for a nurse consultant rises up to £60,000. Part of "Agenda for Change" is job evaluation so that the skills and knowledge of individuals are examined and people can acquire skills and knowledge in order to move up the pay band.

Daniel Kawczynski (Shrewsbury and Atcham) (Con): Macmillan nurses at the Royal Shrewsbury hospital earn £5,000 less although they are on the same pay grade as similar nurses in Wolverhampton, which is just 15 miles away. We are concerned that, within such small regional areas, there is such a large difference in pay, with a possibility of poaching. What can the Minister do to reassure me on that?

Caroline Flint: I think that the hon. Gentleman raised that point in the Opposition day debate last week. He should understand that, for the first time, there is a pay band that covers both nurses and non-medical staff. Key to that is the job evaluation. He should be asking at local level about the skills and knowledge that are required of Macmillan nurses in one trust as opposed to another. We do not have regional pay scales, but the purpose of "Agenda for Change" was to have that job evaluation. Key to his point is the need to see what is expected of Macmillan nurses in one area and whether that is different from another area, and to take up the issue locally. That is important in defining what pay nurses of different types get in the area.

Mr. David Anderson (Blaydon) (Lab): What we just heard was good news, but is it good news if people looking for jobs do not have access to the benefits of "Agenda for Change"? Has the Minister had any discussions with the unions or the employers about the possibility of setting up a national redeployment, training and relocation scheme? Hopefully, that would address the point raised by my hon. Friend the Member for Chorley (Mr. Hoyle) and mean that no one who wants to stay in the NHS has to leave it.

Caroline Flint: I thank my hon. Friend for that question. He is absolutely right. I am pleased to say that NHS Jobs, which acts as a billboard for vacancies in the health service—a couple of hundred jobs for nurses are on the board currently—will provide exactly what he says, which is a redeployment service for those who may find themselves without a job as changes take place in hospitals. I reassure him that, where trusts talk about job changes or losses, there might be some compulsory redundancies, but that would be a last resort and kept to a minimum. It will mostly be a case of freezing posts and making less use of agency and temporary staff. I am pleased to say that NHS Jobs will look at redeployment opportunities.

Mental Health Services

4. **James Brokenshire** (Hornchurch) (Con): What assessment she has made of the impact of financial deficits on budgets for mental health services for 2006-07; and if she will make a statement. [70835]

8. **Mr. Richard Benyon** (Newbury) (Con): Which mental health trusts are making cuts as a consequence of NHS deficits. [70839]

The Minister of State, Department of Health (Ms Rosie Winterton): Planned expenditure for mental health services in 2006-07 is still being negotiated as strategic health authorities finalise their local delivery

plans. In 2005-06, 11 out of 84 mental health trusts reduced planned expenditure by £16 million overall, while the complete expenditure increased by £368 million.

James Brokenshire: I thank the Minister for her response. At the last Health questions, she assured me that mental health services were one of her Department's top three priorities, notwithstanding existing NHS deficits. If that is the case, why is mental health not included on the list of the six key national NHS priorities specified in the Department's operational framework, and setting out the key principles for financial management for health trusts for this current year? Does she appreciate that the effect of that is that spending on mental health services by health trusts is likely to be frozen or cut this year as a consequence?

Ms Winterton: We should be clear about the improvements that have taken place in spending on mental health services—an increase of something like £1.6 billion over the past five years. Also, if we consider what happened last year, again, 11 out of 84 trusts reduced planned expenditure. They were going to spend £384 million more than they spent the year before, but in fact they spent £368 million. That means that overall expenditure on mental health has increased. It is clear, through the targets that have been set and the local delivery plans, that the actions we have adopted contributed towards that increase in mental health spending. Mental health under the previous Administration was a Cinderella service, suffering from years of underinvestment, unlike the situation under this Government.

Mr. Benyon: Berkshire Healthcare Trust faces cuts of £10.2 million in mental health care provision. One area particularly affected by those cuts is early intervention services which, as the Minister knows, are a key Government target in the national strategic framework for mental health. Will she carry out an assessment of the human costs of such cuts?

Ms Winterton: The hon. Gentleman is right that early intervention teams are important, which is why we introduced them. One of the many changes made under the Government to the delivery of mental health care is the greatly increased emphasis on care in the community. In Berkshire, I believe that the spending figure is about £200,000 less than was going to be spent, so it is not quite the same as what he suggested. I will look into his point, but I understand that the figure is about 0.1 per cent., because the overall budget is £77 million. There have been improvements in his area, and I hope that he welcomes them. I accept the point that he made about early intervention, and I will look at what cuts are proposed for early intervention teams, as I would be concerned about them.

David Taylor (North-West Leicestershire) (Lab/Co-op): Due to the actions of our Government since 1997, mental health care has recently ceased to be the Cinderella of the NHS, but it is still something of a poor relation. Can the Minister reassure the House that people and patients have not been put at risk by budget reductions, about which Louis Appleby, the national director for mental health, is unhappy?

Ms Winterton: Given the extra investment in mental health services, we are anxious that primary care trusts and strategic health authorities should maintain a high quality of care. As I have said, when we looked at planned and actual expenditure last year, the difference was £16 million, but that does not mean that overall expenditure did not increase on mental health services. It did, and it has done so consistently in the years since the national service framework was introduced, along with new teams, modernised ways of working and increased investment. That has made a genuine difference to people who use our mental health services, and we certainly want to maintain those improvements.

Mr. Philip Dunne (Ludlow) (Con): Last week, Shropshire County PCT announced the closure of Whitcliffe mental health ward in Ludlow community hospital, not because of patient care needs—the patients will be transferred to the only remaining Victorian asylum operating in this country—but entirely as a result of financial deficits. The mental health trust operated at surplus in 2005-06, and it is due to break even in 2006-07, but it has been forced to make cuts and close that ward purely because of the financial deficits that affect the rest of the NHS in Shropshire. Why?

Ms Winterton: It is difficult for me to comment. As the hon. Gentleman said, the trust will break even this year, so I am not certain why he said that that in-patient ward will be closed. In-patient wards are often closed because services are provided in the community, thus reducing the need for in-patient beds. That may be the case in his constituency, or some of the patients may be transferred elsewhere because that is more appropriate. However, he should accept that in some instances—I will, of course, look at the point that he made—those decisions are made for good reasons, as the fact that there are teams in the community may mean that there is less need for in-patient beds.

Steve Webb (Northavon) (LD): On Friday, the Department of Health produced a press release headed, "End of the 'Prozac nation'—more counselling, more therapy". It trumpeted a "ground-breaking initiative", "a major new programme". What we get is a couple of pilot schemes, while in Oxfordshire, Cambridgeshire and other places around the country that we have heard about, front-line mental health services are being cut. Is that not another case of the Department of Health being out of touch with what is happening on the ground?

Ms Winterton: I am disappointed by the sneering attitude that the hon. Gentleman is taking towards an initiative that has been welcomed by all the mental health charities and by mental health service users, who know the importance of psychological therapies. They know that we need to build up the case for saying that psychological therapies can be a very good alternative to drug therapies. We have always been clear in every White Paper and in our manifesto commitments that

we would start a gradual programme of introducing psychological therapies. We need to show—which is why we have set up demonstration sites—the benefits of the approach not just to the individual, but to the local community. The programme is a good way of doing that, and I am sorry that the hon. Gentleman's attitude goes against everything in which we have been supported by service users and mental health charities.

Tim Loughton (East Worthing and Shoreham) (Con): I presume the Minister was disappointed with Rethink when it published a damning catalogue of budget cuts to mental health services around the country: the closure of mental health day hospitals in Suffolk; mental health wards closed at St. George's, Tooting or forced to become mixed sex wards; and 5 per cent. cuts in Hertfordshire mental health services. Was she disappointed with the Mind report yesterday, which highlighted the absence of appropriate services for the one in six women who suffer mental health problems around childbirth, with 25 per cent. of them waiting more than six months for any support? Will she be disappointed tomorrow, when *Pulse* magazine brings to Parliament general practitioners who are alarmed at its survey showing 93 per cent. of GPs prescribing antidepressants contrary to National Institute for Health and Clinical Excellence guidelines, because of a lack of available alternatives? Does she really think that our mental health services are having their best year ever?

Ms Winterton: Following the Rethink survey, we carried out a survey of all 84 NHS trusts whose full details we will publish tomorrow. I have been finalising everything that I want included in it. The figures show that, as I said, planned expenditure increased, but not by as much—by about £16 million less than was intended, out of a total expenditure by those trusts of £893 million. On psychological therapies and the Mind survey, the hon. Gentleman is right to say that, for post-natal depression, we need to increase the services available. That is why we have set up the demonstration sites that we announced last Friday. We know that much more can be done—for example, through health visitors to assist with post-natal—

Mr. Speaker: Order. I am reluctant to interrupt the Minister, but we have an Order Paper which we must get through.

NHS Funding (East Anglia)

5. **Mr. Henry Bellingham** (North-West Norfolk) (Con): When she next expects to meet representatives of primary care trusts and hospital trusts from East Anglia to discuss funding issues. [70836]

The Minister of State, Department of Health (Andy Burnham): Primary care trusts determine how best to use the funds allocated to them to plan, develop and improve health services for their local populations. No meetings are arranged with representatives from NHS trusts in East Anglia at present, but as Minister with responsibility for the eastern region, I expect to have meetings with representatives and to visit the region in the course of my work.

Mr. Bellingham: Is the Minister aware that the Queen Elizabeth hospital in King's Lynn is facing a £10 million deficit? The staff have my admiration for working tirelessly trying to sort out the crisis. Is it fair on the local community that the hospital is being forced to pay a usage charge of 10 per cent. on its borrowings? Is it fair that the PCT financial uplift for the next two years has been cancelled because of PCT reconfiguration? Does the Minister agree—if he puts his hand on his heart, I am sure he will—that my constituents deserve better from the Government?

Andy Burnham: I am sure that an hon. Member of his long standing in the House and a member of his party would accept that the NHS must live within its means. The hon. Gentleman must accept that there is a combination of cost pressures on the system this year and that decisions must be taken locally. Before he rides off on his high horse and lectures the Government about NHS funding, no PCT in Norfolk will be more than 3.5 per cent. under target funding. The Norfolk PCTs have experienced a two-year increase of 22.5 per cent. against a national average of 19.5 per cent. He should look at the facts on the money going into his local health service before he dishes out criticism and says that it is all the Government's fault.

Mr. Blizzard: As my hon. Friend knows, one of the ways in which the NHS is using its money in East Anglia involves requiring the primary care trusts to allocate a certain amount of money to the private sector to provide services free at the point of delivery for patients, which will provide patients with greater capacity and greater choice. In order that that process should work successfully in my part of the region, will my hon. Friend agree to meet me and my hon. Friend the Member for Great Yarmouth (Mr. Wright) to discuss the way forward in our part of the region?

Andy Burnham: I am grateful to my hon. Friend for his constructive comments and agree to meet him and my hon. Friend the Member for Great Yarmouth. I am aware that the number of people waiting for an in-patient appointment for more than six months is down to almost nil within his region, and the number of people waiting for an out-patient appointment for more than 13 weeks is also down to a very low level. Huge improvements have been made, but I am ready to listen to him about how we can improve things further.

Mr. John Gummer (Suffolk, Coastal) (Con): Is the Minister aware that because of the underfunding of the PCTs in my constituency—we get 90 per cent. of average funding—he is closing one hospital, halving the number of beds in a second, closing beds in a third and has cut to ribbons the money available for mental health? Will he meet me and my PCTs, all of which believe that the situation is a result of underfunding rather than overspending? The health service is now in its worst state for 30 years.

Andy Burnham: I find it hard to take lessons from a member of the Cabinet which slashed NHS funding. As I said to the hon. Member for North-West Norfolk (Mr. Bellingham), Norfolk PCTs have experienced a 22.5 per cent. increase, and similar increases have occurred across the region. I am ready to listen to the right hon. Gentleman and hear about the pressure on the ground, where difficult decisions are being made in NHS trusts. However, he would be the first to say, "The NHS must live within its means and only spend what it has coming through the door." I am sure that he wants to support us in ensuring that his local NHS has a viable future.

SunSmart Campaign

6. **Mrs. Siân C. James** (Swansea, East) (Lab): If she will make a statement on the progress of the SunSmart campaign. [70837]

The Minister of State, Department of Health (Caroline Flint): The SunSmart campaign, launched today, is the national skin cancer prevention campaign run on behalf of UK health Departments by Cancer Research UK. This year, it will focus on men, in whom the incidence of malignant melanoma has quadrupled in the past 30 years, and also on outdoor workers.

Mrs. James: I wonder whether my hon. Friend has read my early-day motion on unstaffed, coin-operated sun-tanning salons, which I tabled last week. She will be aware that under-16s should not use sunbeds and that children are gaining access to unstaffed centres. Will she consider using the SunSmart campaign to raise awareness among children about the dangers of sunbed use?

Caroline Flint: That is an important issue. More than 100 MPs have signed the early-day motion. I will do more than use the campaign to raise awareness—officials from across the Departments will meet other interested parties to discuss regulation in that area, and in particular coin-operated tanning booths and under-16s.

Hywel Williams (Caernarfon) (PC): As part of the campaign, will the Minister ensure that awareness-raising information is targeted at men under 24 and over 64, who are particularly susceptible to not seeking medical advice when symptoms appear?

Caroline Flint: Part of the SunSmart campaign involves making sure that information goes to doctors and others, who can share it with other health professionals in their surgeries and make sure that leaflets are available. I am pleased that the campaign is focusing on men, because I am sorry to say gentlemen that you are not always very good at coming forward to look after your own health—take advantage of the information and enjoy the sun, but keep it in proportion.

Dr. Ian Gibson (Norwich, North) (Lab): Would my hon. Friend agree that a little bit of sun is really good for you, because it helps to create vitamin D in the body, which prevents a lot of stomach cancer, bowel cancer, osteoporosis and so on? Does she accept the international information that is available, and does she think that Cancer Research may have gone a wee bit too far?

Caroline Flint: I recently met my hon. Friend and Mr. Oliver Gillie to discuss this issue, and we have had discussions with Cancer Research. I think that my hon. Friend will find that the information does not advise not going out into the sun, but being proportionate. I have asked the Scientific Advisory Committee on Nutrition to consider some of the issues relating to adequate levels of vitamin D and prevention of other serious illnesses. My hon. Friend raises an important point.

NHS Deficit

7. **Mr. David Amess** (Southend, West) (Con): What estimate she has made of the year-end gross NHS deficit for the 2005-06 financial year. [70838]

The Minister of State, Department of Health (Andy Burnham): As at month six, the NHS is forecasting a net deficit of around £620 million for the financial year 2005-06. My right hon. Friend the Secretary of State intends to publish provisional out-turn figures for 2005-06 in early June.

Mr. Amess: I, too, welcome the Minister to his post and remember him as a well-respected colleague on the Health Committee, but that is where the pleasantries end. As he will know, the Royal College of Midwives, for instance, will be particularly concerned about this announcement. Is he aware that the decision to merge the three strategic health authorities in the east of England has concerned Southend hospital, which is not running a deficit and has actually saved money? The health professionals there are very worried that they will now be asked to bail out other health authorities that are running a deficit. Will the Minister confirm that that will not happen?

Andy Burnham: I thank the hon. Gentleman for his generous welcome. I remember our time on the Health Committee. He always had a pleasant word for me then, so I hope that that will continue in this job.

I entirely understand the point that the hon. Gentleman is making on merging strategic health authorities. We made a commitment at the general election to take money out of NHS bureaucracy by slimming the number of NHS organisations and taking £250 million out of the system. I remind him that his party made a much deeper proposal of cuts up to £600 million. One of the systems that we are taking forward is to ensure that those who do run a good ship do not get penalised as they did in the past and that organisations that are helping to recover the position can rightly expect that money to come back into their local health area. That is true for my constituency, too, and for many more represented on the Labour Benches of the House.

Mr. Kevin Barron (Rother Valley) (Lab): May I also welcome my hon. Friend to his new position on the Front Bench? Does he agree that it is vital not only to know what the out-turn deficit is for this particular year and how we are going to deal with that in this financial year and in years to come, but to understand why we have this overspending minority of trusts when we have a Government who have doubled expenditure on the NHS in the past seven years?

Andy Burnham: I thank my right hon. Friend for his comments and for welcoming me to the Front Bench.

I entirely agree that once we have got through the immediate difficulties, the important thing is to understand how these problems arose and to ensure that there is the strongest possible financial control at trust level. Boards must be given the information that they need in order to make decisions to ensure that the trust lives within its means, balances its books and remains in a strong position. I take on board my right hon. Friend's comments—he is right to make them—but I think that he would join me in saying that despite the problems, there is no trade-off against NHS standards. Within the current difficulties, the NHS continues to improve and is producing record waiting times for patients.

Dr. Richard Taylor (Wyre Forest) (Ind): Last week, it was reported in the *British Medical Journal* that adverse drug reactions are estimated to cost the NHS nearly £500 million a year. In view of the current NHS deficits, is it wise for the Department of Health to terminate the contract for supplying the *Drug and Therapeutics Bulletin* to prescribers? I, too, welcome the new Minister. I do not think that he was on the Health Committee when we carried out our inquiry into the pharmaceutical industry. The Government response to that recognised the importance of the *Drug and Therapeutics Bulletin* as one of the very few sources of independent advice to prescribers. Will he therefore reconsider that decision?

Andy Burnham: I am grateful to the hon. Gentleman for his welcome, and that another of my comrades from the Health Committee is giving me the benefit of his advice at my first Health questions. I always have the highest regard for what he says, and I have listened carefully to the point that he has made. These issues have to be considered in the round against the background of NHS deficits, and there are continual pressures on the national health service. However, I have listened to the hon. Gentleman today, and I will continue to listen carefully to his views.

Mr. Eric Illsley (Barnsley, Central) (Lab) *rose—*

Mr. Speaker: I call the hon. Gentleman.

Mr. Illsley: My anonymity knows no bounds—*[Laughter.]* I have almost forgotten what I was going to say.

My hon. Friend the Minister referred a moment ago to primary care trusts and health authorities running a good ship. That has been exactly the case in Barnsley, Doncaster and Rotherham in South Yorkshire. Sheffield, however, despite brokerage and borrowings of £20 million, is still £16 million in deficit. Consequently, every health authority in South Yorkshire is now being asked to pay a 2.5 per cent. levy. For Barnsley, that means £6 million being taken out of the PCT's budget before the financial year even begins. Does my hon. Friend think that it is fair that the people who have been running a good ship are being penalised for their success?

Andy Burnham: My hon. Friend makes an extremely fair point. His PCT is similar to mine in many respects, being in a former mining area. I agree that the money to which he has referred is vital in an area such as Barnsley, just as such funding is needed in my constituency to improve public health and preventive care, so I understand entirely what he is saying. This is about putting in place a fair regime in the NHS, so that those organisations that bail—[Hon. Members: "Bail?"] Those organisations that help those that are having problems should not suffer the consequence of not seeing the money come back into the system. My hon. Friend is right to raise that point. It is not right that organisations that manage their affairs well should compensate those that do not. The incentives in the system must reward those who run a good organisation.

Mr. Stephen Dorrell (Charnwood) (Con): Although we recognise that there has been a huge increase in funding to the national health service, which we welcome, does the Minister recognise that a depressingly familiar pattern is reasserting itself? This afternoon, we have seen the Minister with responsibility for mental health services standing at the Dispatch Box telling the House how important those priority services are, yet PCTs all round the country are cutting the growth budgets available for those services, regarding them as a soft touch for available resources. This is a familiar pattern. What steps is the Department taking to ensure that that is not allowed to continue?

Andy Burnham: It would be deeply irresponsible, when financial pressures have arisen, not to take steps to get the local health economy back into balance. However, I understand the serious point that the right hon. Gentleman is making about the position of mental health in the overall health economy, and about ensuring that it is not the specialty in which cuts are made and from which funds are taken first. I respect that point. Overall, however, it is up to the local health economies to make a proper judgment on their priorities for mental health services. But, as the right hon. Gentleman says, mental health services are not optional, and it is vital that they are adequately resourced.

Rosie Cooper (West Lancashire) (Lab): Does my hon. Friend agree that deficits do not necessarily reflect the excellent standard of health care in hospitals such as those at Southport and Ormskirk in my constituency? They are to be congratulated on being placed among the top 40 hospitals in the country, on having attained level 3 in the clinical negligence scheme for trusts, and on having the lowest MRSA rates in the

country. My constituents should not be penalised for any errors made in strategic health authorities or in the health economy generally. The people should not pay; the executives should sort themselves out.

Andy Burnham: My hon. Friend's analysis is absolutely right. Many PCTs in the areas with the highest health needs and the greatest health inequalities have managed to break even and, in some cases, return a surplus. It would be wrong if those PCTs were unable to reap the rewards of that good financial management. The system that we are establishing will ensure that those organisations receive their funds back if they have helped, in-year, to recover the financial position of another health body.

Mr. Andrew Lansley (South Cambridgeshire) (Con): I know that the Minister is new to his post but he had better take care, because this time last year the Secretary of State was 80 per cent. out on the net deficit that the NHS was experiencing. Before he starts quoting a figure of £620 million, he ought to come to the House and tell us the actual unaudited figures at the year-end, rather than speculating on the basis of six-monthly figures. The consequences of that, and of paying off such deficits, are apparent across the country. Job losses were announced at Leeds Teaching Hospitals NHS Trust on Friday, at Nottingham University Hospitals NHS Trust yesterday, and at NHS Direct today, affecting directly the constituents of the hon. Member for Chorley (Mr. Hoyle) and my constituents. The people affected, including nurses who face the prospect of redundancy, deserve better.

The Minister talks about financial control, but will he tell us what is the Government's plan for financial control this year? Is it what the operating framework said in January—that every organisation must plan to recover their deficits from 2005-06 and balance their books this year? Or is it, as the Secretary of State told me in April, that every organisation with an overspend must improve this year, and that by the end of the financial year, monthly expenditure should be covered by monthly income? Those are two completely different financial regimes. Which is it?

Andy Burnham: As I said in my response to the main question, provisional out-turn figures for the year-end will be published by my right hon. Friend the Secretary of State in early June, so the hon. Gentleman does not have long to wait. While I accept that difficult decisions are being made on the ground in his constituency and others, the purpose of those is to get the NHS into a stable position so that it is living within its means. There are not widespread redundancies across the piece—as I have mentioned, many parliamentary colleagues have a surplus in their health economy. The problem is focused on the 7 per cent. of NHS organisations that are bearing the vast majority of the deficit. On the hon. Gentleman's question about financial control, he knows that we are putting turnaround teams into those trusts specifically to help those organisations bring themselves back to financial balance by the end of this year. The answer could not be clearer: we are taking the difficult decisions necessary to get trusts back into balance.

General Practitioners

9. **Joan Ruddock** (Lewisham, Deptford) (Lab): How many general practitioners there were in the NHS in (a) 1997 and (b) 2005; and if she will make a statement. [70840]

The Parliamentary Under-Secretary of State for Health (Mr. Ivan Lewis): In 1997, 28,046 GPs were working in the national health service. In 2004, that figure increased by 4,692, to 32,738, which is an increase of 17 per cent. Those figures do not include retainers and registrars who represent a potential pool of about 3,000 GPs.

Joan Ruddock: I welcome my hon. Friend to his new position. That national picture is reflected in Lewisham, where we have but four vacancies, compared with 20 in 2002, and recruitment is going well thanks to Government support. Will he ensure, however, that the Government monitor the retention of those GPs, giving extra support to PCTs should it prove necessary? Will he also ensure that patients benefit from increased GP numbers by getting better access to out-of-hours services?

Mr. Lewis: I agree entirely with my hon. Friend. The news from Lewisham is good. She is right, however, that it is essential that we maintain the successes made in GP recruitment, especially in disadvantaged and inner-city areas. That is why we have focused and targeted resources on supporting PCTs in those areas, especially with regard to recruitment and retention. We know that it has not always been easy to attract GPs into some of our most disadvantaged communities. I also agree that it is essential to ensure that improvements in primary care facilitate enhanced access to primary care services in every community.

Dr. Andrew Murrison (Westbury) (Con): I welcome the Minister to his new duties. The National Audit Office tells us that up to 1 million people in England can no longer rely on out-of-hours services from a GP that they took for granted in 1997, despite the figures quoted by the Minister and a 22 per cent. overspend on out-of-hours services. What is he doing about PCTs such as Harrow, Burntwood, Lichfield and Tamworth, Eastleigh and Test Valley South, North Bradford, New Forest, Richmond and Twickenham and Sutton and Merton, which the NAO says are unable to guarantee patients' access to a GP at night and at weekends?

Mr. Lewis: The transition to the new GP contracts, in terms of out-of-hours services, has on the whole been smooth. That was actually confirmed by the recent National Audit Office report. As for the areas where there are difficulties, we need to examine them with the relevant primary care trusts, and ensure that out-of-hours services are available to patients in those communities where that is appropriate. However, the suggestion that the new contracts have led overall to a deterioration in out-of-hours services is not backed up by the very report to which the hon. Gentleman referred.

Health (Patient/Public Involvement)

10. **Philip Davies** (Shipley) (Con): If she will make a statement on the future of patient and public involvement in health. [70841]

The Minister of State, Department of Health (Ms Rosie Winterton): An expert panel was set up to consider the evidence collected in our recent review of patient and public involvement. We are currently considering its recommendations, and will make an announcement shortly.

Philip Davies: Does the Minister agree that it is crucial for the public to be involved in decisions relating to health care provision in communities? Does she accept that either abolishing or radically changing the forums only two years after their introduction will be yet another prime example of the Government's permanent revolution of our NHS, which generates a lot of huffing and puffing from Ministers but delivers very little to the public?

Ms Winterton: The hon. Gentleman is right to say that it is important to have good patient and public involvement in local decisions about health care, especially as some 80 per cent. of the budget is now devolved to local level. The reason we want to change the current system of patients forums is that many people in them felt that not enough resources were going to the front line. They felt that they would be able to do more if they had more control at local level, and if there was more accountability. For example, they wanted to work more closely with overview and scrutiny committees. We shall be presenting a great many ideas that I believe will lead to improvements in this important area.

Andrew Gwynne (Denton and Reddish) (Lab): I believe that public participation is key to ensuring that the NHS delivers the quality services that local people want. The advent of foundation trusts has provided more opportunities for the views of local people to be sought through those new structures, but what consideration has been given to strengthening public involvement in the direction and provision of primary care services at that very local level?

Ms Winterton: My hon. Friend is right: public participation is certainly one of the keys to ensuring that there is accountability at local level, and that local people are involved in decision making. That is one of the reasons why we wanted to consider the new structures. As there is a stronger role for primary care trusts in commissioning and as there are fewer PCTs, it is important to ensure that there are good local networks involving not only individuals but local organisations and local authorities in some of that local decision making.

Mr. John Baron (Billericay) (Con): I suggest that the Government's record on this issue is very poor. They replaced the system of community health councils with a system that is not working. Patients forums have cost £12 million more to run, and staff turnover is very high. The Commission for Patient and Public Involvement in Health was introduced, only for the Government then to announce its abolition. The total cost of that was £100 million. Last year the Government scrapped their plans for reform, and now there is speculation that patients forums themselves will be abolished.

Given that confusion, will the Minister assure the House that the expertise built up by forum volunteers will not be lost in the latest round of Government changes, and will she do her best to get a grip on the shambles?

Ms Winterton: The difficulty that we experienced with the CHCs was that they offered services in different ways. Some would offer complaints services, for instance, while others would not. That is why we set up a whole new structure, including the patient advice and liaison service in local trusts, the Independent Complaints Advocacy Services to deal with complaints, and patients forums to consider patient and public involvement at local level.

We will be looking further into how to improve the current system, as people working in patient forums have identified some difficulties, particularly the problem of ensuring that resources are spent at local level. I can assure the hon. Gentleman that that is exactly why we set up the expert panel—to ensure that we improve in future by building on the expertise that already exists in the patient forums.

Mental Health Services

11. **Mr. Michael Jack** (Fylde) (Con): What steps her Department is taking to increase access to child mental health services. [70842]

The Parliamentary Under-Secretary of State for Health (Mr. Ivan Lewis): The Department's recovery and support unit is working closely with strategic health authorities to ensure that comprehensive child and adolescent mental health services, as defined in the national service framework for children, young people and maternity services, are available to all who need them.

Mr. Jack: In welcoming the Minister to his new post, may I remind him that early in 2004, the then Health Minister, the right hon. Member for Barrow and Furness (Mr. Hutton), told me that an 80-week waiting list for a child to access psychological services was unacceptable? The Cumbria and Lancashire strategic health authority confirmed in March that the waiting time was now 93 weeks, which many would regard as unbearable. I have been told that action has been taken to address that deficit, so will the Minister confirm that he will do everything possible to speed up all the necessary measures to reduce that totally unacceptable waiting period?

Mr. Lewis: I agree with the right hon. Gentleman that that was and is unacceptable and I congratulate him on highlighting those issues. Appropriate action has been taken to deal with the problem, as he has acknowledged. For example, in his locality a number of

new posts and services have been created: a clinical child psychologist, a child and adolescent mental health services assistant psychologist, part-time administrative support, an attention deficit disorder nurse, a primary care liaison specialist post and a specialist health worker located in the youth offending team. All that investment should significantly improve the position. I hope that the right hon. Gentleman will keep me informed of developments; we certainly expect to see significant progress in the months ahead.

Primary Care Trusts and Ambulance Trusts

3.32 pm

The Minister of State, Department of Health (Andy Burnham): With permission, Mr. Speaker, and in the unavoidable absence of my right hon. Friend the Secretary of State, I should like to make a statement on primary care trusts and NHS ambulance trusts. Detailed information for each area has, for the convenience of hon. Members, been placed on the Board since 1 pm.

In my right hon. Friend the Secretary of State's written statement of 18 October 2005, she explained that strategic health authorities had been invited to submit proposals to the Department of Health on how to streamline SHAs and strengthen primary care trusts. Four clear criteria underpinned that exercise: the need to improve health and reduce inequalities; to strengthen the PCTs' commissioning function; to improve co-ordination with social services through greater coterminosity between PCT and local authority boundaries; and to deliver at least a 15 per cent. reduction in management and administrative costs.

In the intervening period, SHAs have consulted local people, staff and clinicians, partners in local government and a range of other local stakeholders on the proposals for SHAs, PCTs and ambulance trusts. Many right hon. and hon. Members on both sides of the House have offered their views and I am very grateful to them. After local consultations, SHAs submitted their reports and recommendations to the Department. An external panel, established to advise Ministers on the proposals, has since met to consider in detail each proposal for PCTs and SHAs. After receiving its advice, we announced on 12 April that the numbers of SHAs would reduce from 28 to 10.

Ministers have now considered the recommendations and the panel's advice on PCTs. I can now inform the House that the number of PCTs will fall from 303 to 152, and that the new organisations will be established on 1 October 2006. The population covered by each PCT will rise from an average of around 165,000 at present to an average of just below 330,000. About 70 per cent. of the new PCTs will be coterminous with the boundaries of local authorities with social services responsibilities, which compares with about 44 per cent. of PCTs that are currently coterminous with their local authorities.

In some areas, concerns have been expressed that larger PCTs could lose a locality focus and divert resources away from deprived areas or that smaller PCTs could lack commissioning power. We acknowledge those concerns and have sought to strike a careful balance between those conflicting demands. In response, we propose that four general conditions be applied: first, that all PCTs retain and build on partnership arrangements; secondly, that a strong locality focus must be retained and, where necessary, that local structures should be put in place; thirdly, that all PCTs must deliver their share of the 15 per cent. management cost saving, strengthen commissioning and ensure robust management of financial balance and risk; and fourthly, that the new PCTs and SHAs should consider how any further conditions relating to issues that arose during the consultation could be applied.

In some areas, the new proposals differ from those suggested by the SHA and the external panel. Having taken into account all the evidence and sought local consensus wherever possible, we have judged that in those circumstances, the alternatives could better satisfy the "Commissioning a Patient-led NHS" criteria and have the best possible chance of success.

On PCTs as providers of services, let me restate the Secretary of State's clear commitment to the House on 25 October 2005. She said that

"district nurses, health visitors and other staff"

delivering clinical services

"will continue to be employed by the PCT unless and until it decides otherwise."—[*Official Report*, 25 October 2005; Vol. 438, c. 152.]

Our aim in making these changes is to benefit both patients and taxpayers. Fewer, more strategic PCTs will be better placed to ensure effective commissioning of services for patients, and to support the development of practice-based commissioning among GPs and other primary care staff. Patients will receive the right care and treatment in the right place, and at the right time. The taxpayer will see the release of £250 million worth of savings annually, through the merging of back-office functions and a reduction in administrative costs, for reinvestment in front-line services from 2008-09. That could pay, for example, for roughly 50,000 heart operations or major improvements in services for people with long-term conditions, especially older people. The changes will also build stronger partnerships between the NHS and local government.

The reconfiguration of PCTs is the first stage in strengthening the commissioning function. The next stage is a development programme for all PCTs, which will ensure that they are strong, confident organisations fit for driving forward the NHS reforms that we are implementing.

On ambulance trust reorganisation, in June 2005 the Government accepted the recommendations set out by Peter Bradley, our national ambulance adviser, in the review entitled "Taking Healthcare to the Patient: Transforming NHS Ambulance Services", which set out a vision for ambulance services. In future, they will provide more care in the home and more treatment at the scene, give better advice to patients over the telephone and ensure faster response times to save more lives. The review made it clear that in order to ensure that ambulance trusts have the right strategic capacity, infrastructure and staff to deliver these improvements in patient care, there should in future be fewer, larger ambulance trusts. These changes will enable standards within the new trusts to be levelled up to those of the best.

In her written statement of 14 December 2005, my right hon. Friend the Secretary of State set out our intention to consult and to ensure that the benefits outlined in the ambulance review can be fully realised. Following this consultation, the Secretary of State has now decided that from 1 July 2006, most of the existing 29 NHS ambulance trusts will merge into 12, with separate management arrangements for the Isle of Wight. For now, Staffordshire ambulance service will

[Andy Burnham]

remain a separate trust, working in partnership with the new West Midlands ambulance service, but will eventually merge at a later date.

Feedback from most areas was supportive of our proposals. However, we have decided to address the public's concern that local responsiveness and flexibility could be lost through having larger trusts by requiring ambulance trusts to ensure that their services are meeting the needs of all localities and populations within their boundaries. Those changes should mean more investment in front-line services as trusts identify savings in back-room functions; improved patient care through providing an opportunity to raise the standard of the service provided by all trusts to the level of the best; better emergency planning, with greater capacity and the capability to respond to major incidents of all kinds; more integrated services; and better career opportunities for staff.

Changes of this kind are inevitably difficult. We have not sought to impose a single blueprint on the NHS; instead, we have listened carefully to representations from all Members and from local communities and organisations. Wherever possible, we have responded positively to them. We have one aim above all: to deliver better health care to patients. I commend this statement to the House.

Mr. Stephen O'Brien (Eddisbury) (Con): I thank the Minister for providing me with a copy of his statement in advance, and for putting local information on the Board for the use of hon. Members.

Since Labour came to office, there have been seven reorganisations of the NHS already, and today's pair are the eighth and ninth. Under the cloak of words such as "modernisation" or "reform", this is change for change's sake. Has the Minister any idea of the effect that the reorganisation has on staff morale, and on the ability to retain the good? It means that underperformers inevitably will be recycled into similar jobs in the new organisations. It causes instability among clinical staff—doctors, nurses and allied professions—and inflicts uncertainty and inefficiency in the NHS supply chain. Above all, is he aware that it leaves patients wondering where they feature in it all?

The Government have form, however. They never allow anything to settle and bed down—much to the consternation of the hard-working people trying to deliver the front-line patient services. In Government, as in all walks of life, the addiction to constant structural change is a well known technique deployed by those who did not get it right the first time—or the second, third, fourth, fifth or sixth times. Imposing another restructuring and a further reorganisation is a great wheeze to put through changes in a bid to avoid accountability and to keep running ahead of mistakes.

The mounting job losses in the NHS show that the Government are no longer lulling the public, whose trust in the Government, not least in respect of the NHS, has plummeted. Let us look at why the Government have felt impelled to announce yet more changes to the NHS—

The Parliamentary Under-Secretary of State for Health (Mr. Ivan Lewis): It says here.

Mr. O'Brien: Indeed, it does say it here, because that is what I wrote.

First, let us look at ambulance trusts. Peter Bradley's review concluded that there should be fewer of them, but that they should be larger, yet no evidence for that major change was contained in the report, or made available since. Ministers then decided to reduce the number of strategic health authorities to align with their obsession with regions, notwithstanding the electorate's rejection of the idea in the north-east. With sleight of hand, Ministers have used the reorganisation as an excuse to reduce the number of trusts to 12, and then they have ducked the flak by suggesting that that was Peter Bradley's idea and recommendation all along. Will the Minister therefore undertake to place in the Library of the House any evidence that relates specifically to claims that creating large trusts will lead to improvements in patient care?

How does the reorganisation achieve closer integration of all the emergency services? Will the Minister explain how a north-west regional ambulance service will integrate better with the newly merged Merseyside and Cheshire police force—a merger that will be carried out in the teeth of maximum hostility and objection? How will it integrate better with contingency planning in Cheshire, or with the Cheshire fire service's move to sub-regional control rooms?

Will the Minister comment on proposals to reduce control room numbers by co-aligning them with the police and fire services? The House should bear it in mind that in Warwickshire, for example, the fire service responds to some 3,000 emergency calls a year, whereas the ambulance services respond to some 100,000.

Who is co-ordinating the reorganisation across Government? Co-ordinated is the last thing that it is—perhaps the Deputy Prime Minister has been devoting his time to this matter recently. It is shambolic, inconsistent centralising by an arrogant Government who claim to listen but who choose not to hear the views of those who work on the front line and who know best.

The official consultation on ambulance trusts lasted from the middle of September last year to near the end of March this year, yet the NHS appointments commission sent out letters on 30 January—in the middle of the consultation period—asking for nominations for men and women to chair the new NHS ambulance trusts. The question arises—was not the decision therefore a foregone conclusion?

I have had a letter from Roger Moore, the chief executive of the appointments commission, in which he stated that the recruitment began

"at the request of the Department of Health".

I am pleased that concerted work by MPs across Staffordshire and by the shadow health team, supported by huge amounts of work by the people of the county, has caused Ministers to backtrack on axing Staffordshire ambulance service for up to two years. That 24-month period was set out in the handout on the Board in the Members' Lobby, but not in the statement. That is a classic fudge, as it puts Staffordshire ambulance trust in the departure lounge. However, will the Minister give the House an assurance that unless the west midlands service is brought up to

the standard of Staffordshire there will be no hint of a merger, whether in two years or beyond?

Given today's statement, any right-thinking person is entitled to regard the Government's consultation as a sham. Constant change will undermine what has already been achieved; for example, by turning round the East Anglian ambulance trust. The Buckinghamshire and Northamptonshire service is about to complete the process of splitting; now they will have to go through the upheaval of being merged again.

We are not against the restructuring of PCTs per se—[HON. MEMBERS: "Ah."] The Under-Secretary of State for Health, the hon. Member for Bury, South Mr. Lewis suggests that the whole statement was about PCTs; clearly he was not listening, as much of it dealt with ambulance trusts. On PCTs, as distinct from ambulance trusts, we are not opposed to restructuring, but we have always said that future functions need to be defined before such restructuring takes place.

In 2002, the Department of Health abolished the 11 regional offices of the former NHS executive and about 100 health authorities. Today, the Government are bringing back that map. Has the Minister estimated the cost of that U-turn, which takes us back to the position four years ago? He may talk of the Secretary of State's clear commitment in October 2005 about the functions of PCTs, yet three months before that the DOH was equally clear, in "Commissioning a patient-led NHS", when it called for PCTs to become

"patient-led and commissioning-led organisations with their role in provision reduced to a minimum"

by 2008. The Secretary of State backtracked on that commitment, without reassessing whether the proposed structures would be fit for purpose. Now, no one is clear.

As the Health Committee said in January, when it attacked the Government's indecision,

"we are appalled at the continuing lack of clarity about whether or not PCTs will eventually divest themselves of provider functions."

The Department of Health's NHS operating framework for 2006-07, published on 26 January, offered little further clarity, stating:

"Where PCTs do continue to provide services, they will need to put in place clear governance procedures that ensure that there is no undue influence from the provider side on commissioning decisions."

Will the Minister detail how 15 per cent. management cost savings can be made when the Government are calling for each PCT to have two sets of managers—one for commissioning and one for direct services?

The problem for the Minister is that all this restructuring has gone on without putting in place the necessary precondition for its having a realistic chance of success: defining the future functions of PCTs. Will the Minister tell us how many PCTs are predicted to be direct providers of services in two years' time? New organisations can hardly be expected to deliver unless and until they have clarity of purpose.

In his statement the Minister said that in some cases the new proposals differ from those suggested by the strategic health authorities and the external panel. Will he tell the House how many PCTs the expert panel proposed should be created overall; and will he publish in full the panel's advice so that we can see to what extent the Government arrived at different decisions and the implications of the variations?

The Government seem only now to be waking up to the cost of the reconfiguration and the redundancies that go with it. Can the Minister confirm that the estimated cost of this latest round of NHS reconfiguration, which will merely take us back to where we were four years ago, will be £320 million? Will he also confirm that at £250 million—the figure he gave in his statement—the savings will be less than the cost? Is he confident even of that amount, or was the Health Committee right when it said that savings of between £60 million and £135 million were nearer the mark? Are those estimates gross or net, given the cost of the redundancies that will be inevitable to deliver on that Government promise?

What is the time scale? The House is entitled to have that crucial information in a year when the Government's financial control of, and credibility with, the NHS is shot to pieces and the NHS is in confusion and plunged into at least 10 months of uncertainty and chaos at PCT level. This is no way to run an NHS.

Several hon. Members *rose—*

Mr. Speaker: Order. The Opposition spokesman took longer than the Minister. I do not want to see that practice continued.

Andy Burnham: Thank you, Mr. Speaker, and in that long speech, I will seek to pick out the points of substance that there were.

There is no confusion. Our aim overall is to improve patient care. That is what we are in business to do, and I can tell the hon. Gentleman without fear of contradiction that patient care is improving. Patients are not waiting for more than six months for in-patient treatment. On the whole, they wait a maximum of 13 weeks for an out-patient appointment. There is clear evidence of progress. That is what guides our changes; it is what guides these changes, so I can assure him that there is no confusion on our part at least.

The hon. Gentleman says that this is change for change's sake. I point out to him that the NHS changes; it is different from what it was in 2000. We have an ambitious programme of reform to drive through in the NHS. We want to ensure that people can choose where they are treated and that the wait for that treatment is short, once the full reform programme is introduced. That will require strong commissioning throughout the NHS. It will require people cleverly commissioning services and using their organisational strength. That is why we are making these changes. He will know that some changes have begun, and some of the changes that we have formalised today have already begun to take shape.

On ambulance trusts, the hon. Gentleman claims that we have an obsession with the regions—far from it. He asks what the connection is with other emergency services. Surely, it makes sense to ensure that, at regional level, there is the contingency capacity to deal with major events and that capacity is planned regionally. I hope that he agrees that there is some logic in doing that. He claims that there is no support, but

[Andy Burnham]

Peter Bradley's proposals commanded strong support from within the ambulance service, particularly because they clearly focused on the professional development of those who work in the service, thus giving them the ability to shape ambulance services in future.

The hon. Gentleman claims that we have not listened. Clearly, if he looks at the proposals for PCTs that we are publishing today, he will see that precisely the opposite is the case. We have indeed listened to hon. Members—not just Labour Members, but Opposition Members, too—and we have taken on board those concerns. He asks where the proposals differ and whether we will put the evidence in the Library. I would be happy to do that, but the reason why we have taken those decisions and listened to those representations from hon. Members on both sides of the House is that we want a consensus of support for the new organisation, because it is our judgment that the organisation will have the best chance of success if it is underpinned by strong community support. That is exactly why we have done that.

The hon. Gentleman asks me whether we will detail where the cost savings can be made. There will be one-off costs in relation to the exercise, but the savings will come year on year. As for the timetable, we expect that the savings from the exercise—some £250 million a year—will be realised by 2008. That, of course, will be a recurrent saving for front-line services.

There is a logic and coherence to our proposals, and the hon. Gentleman talks of incoherence and confusion among Government Members. I put it to him that the Conservative party's policy at the last general election was to take about £650 million from so-called NHS bureaucracy, as defined by the James review; coupled with that was the patient's passport, which would have taken money from the health service. What kind of organisational chaos would the combination of those policies have created?

Steve Webb (Northavon) (LD): I thank the Minister for advance sight of his statement.

The Government abolished health authorities four years ago and created primary care groups and primary care trusts, and they are now merging them back together to create health authorities. Were the Government right to abolish health authorities, and are they right to recreate them? Is that what the Minister is telling the House? Or did they make a mistake four years ago, and will he admit that to the House?

Can the Minister provide evidence of where the £250 million cost saving will come from, given that the Select Committee on Health was very sceptical that savings on that scale could be achieved? He did not answer the Conservative Front-Bench spokesman's question about the number of redundancies that are implied by a £250 million annual saving. How many people will lose their jobs?

On responding to local consultation, I thank the Minister for listening to some very effective lobbying from the west of England, which has resulted in keeping PCTs coterminous with social service authorities. I welcome that fact, because I was sceptical that the Government would listen on that point. I assume that he already knows that I was pressing for that. I also welcome the fact that, following recent political trends, the south-west of England has turned from blue to orange.

On coterminosity, the Minister said in his statement that about 70 per cent. of PCTs will be coterminous. Is there a limit to that, or will he go further? What is the restriction on having 100 per cent. coterminosity and having real integration of health and social services? How far will the Government go?

What are the promises of PCTs that have been abolished worth? Many of my colleagues are worried that, although they have been promised things by existing PCTs about new community services, the successor bodies may well say that they are not bound by the promises of the predecessor bodies. Can the Minister give us an assurance that, when an existing PCT has made a promise, the successor bodies will honour that promise?

Finally, on the ambulance trust mergers, what confidence can people living in rural areas have that the very large ambulance trusts will not inevitably concentrate on urban centres? Whereas small trusts could respond to local circumstances, larger ones may neglect rural areas to hit their performance targets.

Andy Burnham: I thank the hon. Gentleman for his constructive response. In the course of his remarks, he made the point that we have listened. The hon. Member for Eddisbury (Mr. O'Brien) would have done well to take that point on board. We are not recreating health authorities; the building blocks are the same. The exercise has shown a range of interest in and commitment to primary care trusts around the country. People seem to be attached to them. The changes are not happening everywhere. In my area, in Greater Manchester, the building blocks will largely remain the same—as they will in London. Experience has shown that there is a PCT size that is more effective in commissioning good quality patient care. We are making the changes in that respect and ensuring that the NHS is able to use its strength at local level to drive up quality for patients.

The hon. Member for Northavon (Steve Webb) mentioned coterminosity. I am in full agreement with him on that point. I have long believed that there needs to be much closer working between the national health service and social services at a local level. I fully support such moves, including even pooled budgets—that kind of approach. I hope that the proposals will pave the way for much greater joint working. There are examples around the country where that working is close. The greater level of coterminosity allows those partnerships to be built. The level is around the mid-70 per cent. mark. We have to strike a balance between representations from local Members and not creating bodies that are too big to do the job. We have sought to manage those tensions. We have produced a significant increase in the number of PCTs that are coterminous with their social services departments. That will be a positive step forward for patients and particularly for older people in those regions.

There will, of course, be redundancies as a result of the exercise, but we made it clear at the election that we would be clear about reducing unnecessary NHS bureaucracy. There should be savings made in merging back-room functions, where that can be done, but at the same time we do not want to diminish the power of PCTs to be effective commissioners for their communities. Today's proposals strike that balance.

Mr. Alan Milburn (Darlington) (Lab): I thank my hon. Friend for his statement, which will be widely welcomed. It is good news in my constituency of Darlington, in particular. I also thank Ministers for listening to the views of the many local people who campaigned in large numbers to retain Darlington's primary care trust. Does he agree that his statement is a sure sign that, in the future, we will need to strengthen still further the working arrangements between not just health and social services, but housing services, so that more people—particularly old people—get access to the locally delivered, locally commissioned seamless services that they surely deserve?

Andy Burnham: I thank my right hon. Friend for his comments. He has done more than anybody in the House to bring about the improving NHS that we have. The PCT structure on the ground is largely due to the changes that he made as Secretary of State for Health. I am grateful for his comments about listening. We have indeed listened. I know that strong representations were made by him and others in the north-east region. As I said to the hon. Member for Eddisbury a moment ago, it was right that we listened to those representations because we want the organisations to command solid local support. I am pleased that we have achieved some success in my right hon. Friend's area.

My right hon. Friend made a point about housing. When we consider coterminosity, we all think about social services, but he is absolutely right to say that we can think more widely about links with councils and consider the provision of adequate housing and leisure and cultural services to local populations so that we can really begin to understand how to make people more active. All those possibilities are opened up by greater coterminosity and I am grateful for the welcome given by my right hon. Friend.

Mr. Charles Walker (Broxbourne) (Con): When we in Hertfordshire were faced with the prospect of one PCT, we campaigned for two, so we are delighted that we have got two. The east and north Hertfordshire PCT will serve my constituency. What safeguards will be in place to ensure that that new PCT serves the less-well-off parts of my constituency, such as Waltham Cross and Cheshunt, and does not focus too much of its time on—how can I put this delicately?—the posh parts in the north of Hertfordshire?

Andy Burnham: That is proof that we listened to the hon. Gentleman's representations. It is obviously for the champion of the underprivileged on the Conservative Benches to ensure that his local PCT pays adequate regard to the parts of his constituency in which the health needs are greatest, although, of course, that is something that local responsiveness should pick up.

Jim Dobbin (Heywood and Middleton) (Lab/Co-op): I thank my hon. Friend for his statement. He will be aware that the strategic health authority recommended that the new merged primary care trust that will serve my community and Rochdale be called Rochdale PCT. I welcome the Minister's decision to call it Heywood, Middleton and Rochdale PCT because I think that that is the right order for the name, which is important to my local community. Will he ensure that membership of the new board is representative of the two constituencies and two primary care trusts and, especially, that the resources are evenly spread across both areas?

Andy Burnham: I thank my hon. Friend for his comments. I am pleased that my primary care trust will still be called the Ashton, Leigh and Wigan PCT because I would be in great trouble indeed if it was called something else. I understand that such local connections and ties are extremely important and am pleased that Heywood has been recognised in the name of my hon. Friend's PCT. As I said in reply to the hon. Member for Broxbourne (Mr. Walker), it is crucial that the new organisations serve all parts of the areas that they cover and, especially, that they pick out the health needs in those areas and bear down on the health inequalities that are important to him, me and Greater Manchester in particular.

Sir Nicholas Winterton (Macclesfield) (Con): I warmly thank the Minister, his predecessor and the Department of Health for listening to the overwhelming view of the people of Cheshire and establishing not one but two PCTs to ensure that the different cultures of east and west Cheshire are properly reflected in the provision.

Mr. Owen Paterson (North Shropshire) (Con): Posh.

Mr. Gerald Howarth (Aldershot) (Con): And Becks.

Sir Nicholas Winterton: I am grateful to my hon. Friends and am sure that the Minister got the gist of what I was saying.

It is important that the interests of both sides of Cheshire are properly catered for in the provision of health services. Does the Minister accept that there is concern that the target arrival times are not being met by the existing ambulance service? Will he give an assurance that those target times will be met under the merged ambulance service in the north-west?

Andy Burnham: I am grateful for the hon. Gentleman's warm welcome for the proposal. I hope that we will not see the emergence of an east-west Cheshire split and an explanation of the different cultures between the two. I am grateful for his recognition that we have listened and created a structure with which he is comfortable. Under the new North West ambulance service, which will serve my constituency, too, it will obviously be crucial that

[Andy Burnham]

performance is improved across the piece. When improvements need to be made to services, it is important that the body takes particular care to bear down on the problems and ensures that all residents of the north-west can look forward to and enjoy the same standards of service. I am sure that the new service will be focused on those matters.

Mr. Kevin Barron (Rother Valley) (Lab): I welcome the statement and am pleased that the Government have taken notice of local consultation. What we have in front of us is not the top-down method that the exercise was accused of pursuing late last year.

In relation to moving PCTs to be coterminous with local authority social services, what plans does the Minister have to ensure that there will be joint working where the changes took place in this round? It is not always easy to achieve that between local authorities and local health communities, as many of us have experienced. What plans does he have across government to ensure that local social services, health and, probably, housing work well together from day one, as opposed to waiting for that to evolve at a local level over the years?

Andy Burnham: I thank my right hon. Friend for his comments and am grateful to him for making an important point. I think hon. Members on both sides of the House realise that the NHS has perhaps not run the best consultation exercises and has not been as good at listening to local communities as it should be for the fine organisation that it is. The exercise, for all its difficulties—I recognise that there have been difficulties along the way—has produced a good outcome. The NHS has shown that it can listen to local opinion and come up with structures that respond to concerns expressed on the ground.

My right hon. Friend is right. There is a lot of talk about the need to have joint working between health and social services, but often that talk runs ahead of the reality. His predecessor as Chairman of the Select Committee on Health, David Hinchliffe, the former hon. Member for Wakefield, was passionate about that. He often made that point when I served under him on the Select Committee. I, too, am convinced that we will see real improvements when we have much greater integration of health and social services in my right hon. Friend's constituency and mine.

Sir Patrick Cormack (South Staffordshire) (Con): I thank the Minister for recognising the special qualities of the Staffordshire ambulance service. Will he give me the assurance, which he was not able to give my hon. Friend the Member for Eddisbury (Mr. O'Brien), that there will be no question of merger unless the neighbouring merged ambulance service has reached at least the standard of Staffordshire in two years' time?

Andy Burnham: The hon. Gentleman makes an extremely important point. He can see from the proposals that we have recognised the strong concerns expressed by him and some of my hon. Friends. The public in Staffordshire clearly feel a strong attachment to their ambulance service, and rightly so. We have stated clearly that merger is expected within a period of time. I am not going to lay a time frame on that today, but he makes the legitimate point that we would not want Staffordshire ambulance service's standards to be eroded in any way.

Mrs. Janet Dean (Burton) (Lab): I, too, welcome my hon. Friend's statement. The people of Staffordshire will be pleased that Ministers have listened and that there has been a true consultation. Up to two years will certainly allow time for the West Midlands ambulance service and the Staffordshire ambulance service to be aligned and for protocols to be developed, which I hope will maintain the excellent service. However, if a little more time is needed, I hope that Ministers will consider extending it. Ministers have truly listened, so thank you.

Andy Burnham: I am grateful for those comments—more like it would be much appreciated—and for my hon. Friend's measured words. I am happy to give her the assurance that although we expect merger to be right in due course, I hear what she says. I will relay her words to Lord Warner, who has done a great deal of work to bring about the proposals.

Not long ago I was a customer of Staffordshire ambulance service following a crash on the M6. The standard of care was exceptional and the standard of support provided by the paramedics on site was fantastic. I have good personal reason to endorse fully what my hon. Friend says.

Mr. David Curry (Skipton and Ripon) (Con): North Yorkshire PCT will be the third largest in the country with a population at 765,000, behind only Hampshire and Surrey, yet it covers a huge county of scattered communities. Will the Minister ensure that it is gospel with the new PCT that it should do everything it can to reinforce its working relationships at the local level? If it does not, my constituents will conclude that the Government's only intention is to drain services to a larger regional level, as they have done with the police, with the loss of accountability and of sheer local personality that make public services so valued.

Andy Burnham: The right hon. Gentleman makes an important point. May I refer him to my statement, in which I gave a clear commitment to ensure that structures are in place in the new organisations so that local concerns can be aired or voiced? I therefore agree with him on that point. The new PCT is one of the larger PCTs that have been created today, with the benefit that it has a significant ability to drive up standards for residents. The important thing is to get the balance right, and we believe that, bearing in mind the points that he has made, we have done so.

Tom Levitt (High Peak) (Lab): I accept the logic of coterminosity between social and health services, but I congratulate my hon. Friend on acknowledging that in some circumstances common sense dictates a different solution—hence the retention of Tameside and Glossop PCT, which has the support of 99 per cent. of respondents to the consultation. Does he agree that

such modifications of coterminosity will test the principle of local area agreements—it is none the worse for that—and that areas such as Glossop should not be disadvantaged by the emphasis on local area agreements and local commissioning?

Andy Burnham: May I pay tribute to my hon. Friend's efforts to ensure that the voice of people in his constituency, particularly in Glossop, is heard? He is quite right that there are occasional exceptions for people with health ties that do not fit the local government structure. Knowing the area well, I can say that Glossop is one such location. Traditionally, people have travelled north-west into Manchester for hospital care, but technically they are not within the region's local government boundaries. We have listened to my hon. Friend's concerns, and we have made an exception, as we recognise that people in the area lean towards the north-west for health care. However, he is right that that exception does not challenge the other structures that have been put in place to improve services on the ground.

Dr. Vincent Cable (Twickenham) (LD): In addition to their local commissioning and partnership functions, how many national targets will the PCTs still have to monitor and report on? In the new, reorganised NHS, approximately how many staff will be deployed in that role?

Andy Burnham: I would make a staunch defence of targets. By providing clarity from the centre, we have been able to deliver improvements to the NHS in recent years, so I make no apology for them. However, the hon. Gentleman will know that we have reduced the number of targets and have set fewer priorities, as we need to focus on our true priorities. It is the new PCTs' job to ensure delivery of standards. Throughout the process, I am pleased that there has been continued improvement in NHS patient care, and I fully expect the new organisational structure to continue to drive change for patients' benefit.

Laura Moffatt (Crawley) (Lab): I firmly believe that the development of primary care trusts has developed a system for GPs that promotes innovation and exciting programmes to improve people's health in our constituencies, and I congratulate Crawley PCT on its work. How can we ensure that GPs who are determined to drive up standards in a larger PCT can do so and can continue to work with local authorities so that everyone benefits from the new PCT?

Andy Burnham: My hon. Friend makes an extremely important point. General practitioners in her area are at the forefront of leading practice to develop good services at community level. It is a priority for everyone, wherever possible, to deliver services away from the hospital setting and closer to the patient's home. I fully endorse that as the way forward, and I applaud the work on the ground in her area. Within the new structure, we are introducing practice-based commissioning. That change will put power in the hands of local GPs to drive improvements in their area, so it should give more power to their elbow than they have at present. That is what I would like to see as a result of these changes.

Mr. Michael Fallon (Sevenoaks) (Con): Given that half the beds at Sevenoaks hospital that were temporarily closed in February for financial reasons have now shamefully been removed altogether, what reassurance can the Minister give me that good local hospitals will be any safer inside larger PCTs?

Andy Burnham: The point of the changes is to ensure that PCTs can take a balanced view across a broad area to ensure that patient services are most effectively provided. He would be the first to complain if local priorities were overridden from the centre by targets or central diktat. It is right that at local level people should be able to create the kind of health service they want. Through foundation trusts we want to give local people much greater ownership, control and say over how their hospitals provide services. Ultimately, that is the way in which local people and local communities will have their say over the configuration of hospital services.

Mr. Paul Truswell (Pudsey) (Lab): Great concern has been expressed in Leeds about the continued development of the strong local focus of the five PCTs. Will my hon. Friend ensure that any savings realised as part of the reconfiguration in Leeds are re-invested in Leeds to develop that local focus still further?

Andy Burnham: As my hon. Friend knows, the changes will lead to a Leeds PCT that could provide a powerful voice for local communities across the Leeds area. I am happy to confirm that the savings that will be made as a result of the changes will be directly released for patient care. That is the very reason we are making the changes. We must achieve a balance so that an organisational structure is the right size and is not unnecessarily duplicating back-office functions. Where savings are released, they will be ploughed back into patient care at the front line.

Mr. Gerald Howarth (Aldershot) (Con): Blackwater Valley and Hart PCT and North Hampshire PCT have just gone through a painful reorganisation. They already cover a population of 385,000—50,000 higher than the average PCT that the Minister is creating. Now he wants to foist on Hampshire yet another period of turbulence. Can he explain in practical terms how he will deliver the local focus of which he speaks? In particular, how will he ensure that the PCT covering 800,000 people in Hampshire specifically looks after the interests of my constituents, who are served by a hospital in Surrey, next door? That is the question to which they will need the answer tonight, please.

Andy Burnham: The hon. Gentleman raises an important point. Competing demands must be balanced in reaching the right judgment. Those demands are local focus, responsiveness to local need, a commissioner who has the weight and the power to drive a good bargain and get good commissioning for local people, and together with all those things,

[Andy Burnham]

coterminosity with social service providers so that we can get joined services at local level. Some of those pressures are pulling in opposite directions and it is difficult to get them into balance. That is why we have no blueprint specifying that a PCT must be a particular size and shape in a particular locality. We have sought to do the best we can to manage the competing priorities. I am pleased to say that in the hon. Gentleman's area there was strong support for a Hampshire PCT coterminous with the local authority boundaries.

Roger Berry (Kingswood) (Lab): I thank my hon. Friend for his statement. I join the growing number of hon. Members in all parts of the House thanking him for its content in relation to the reconfiguration of primary care trusts. I specifically thank him for rejecting the proposal from the Avon, Gloucestershire and Wiltshire strategic health authority to remove existing coterminosity and create even less, and for listening to the opinion of every local council, every local trust, their staff, Members of Parliament, voluntary community organisations, GPs and just about everybody who thought that that proposal was unwise. I thank the Government for making a sound decision.

Andy Burnham: I thank my hon. Friend for his kind words. People have long complained about a democratic deficit within the NHS, and I hope that some of the proposals that we have announced today and campaigns run on the ground by elected representatives throughout the country will show that the NHS can respond to local concerns and put in place a structure in local communities in which people feel confident and with which people identify.

Mr. Crispin Blunt (Reigate) (Con): The Minister has talked about the need for strong community support and coterminosity. Perhaps he will explain which organising genius at the centre of Government has produced a PCT for Surrey, which is welcome, but managed to remove the police, fire and ambulance services from boundaries within Surrey in the same period.

Andy Burnham: This is my second week in the job, and I have just discovered that I am not responsible for police, fire or other emergency services. However, I am pleased that the hon. Gentleman recognises [illegible] our NHS structure is the right way to go in Surrey.

Charlotte Atkins (Staffordshire, Moorlands) (Lab): My hon. Friend has given the House absolutely brilliant news on Staffordshire ambulance services and I am grateful to him and the rest of the ministerial team for listening to the people of Staffordshire. Will he confirm that Staffordshire ambulance service will remain operationally independent and that it will have its own trust board and its own chief officer, so that it can continue to run its system, which is completely different from those used by other ambulance services in the country? Will he also confirm that no merger will take place unless Staffordshire ambulance service agrees to it and unless the west midlands service comes up to the standard of the Staffordshire service, which delivers the fastest response times in the country?

Andy Burnham: I am grateful for another bouquet from the Back Benches, but, before I am accused of being a fraud for accepting them, I must point out that many people in my Department have been working on the proposals. I know that my hon. Friend the Member for Staffordshire, Moorlands (Charlotte Atkins) has been in close discussions with people in the Department—I am, perhaps, the only person who has not been in detailed discussions with her, so it is not right for me to accept all the congratulations, which I shall relay to the rest of the Department. She knows health issues in detail—I have worked with her on other matters—and I know how passionately she believes in the health service in her area. She has run a good campaign and has expressed her concerns extremely well. We have said that a merger should be the eventual goal, and I am happy to give her the assurances that she seeks on the operating structures of the two services. My noble Friend Lord Warner will judge those issues, but it makes sense to have agreement in the region when any further change is made to the structure.

Mr. Michael Jack (Fylde) (Con): The consultation document on the creation of the North West ambulance service did not contain a business case with real numbers to justify the assertion that resources will be available for the service improvements that the Minister mentioned in his statement. When I asked the excellent Lancashire ambulance service for details on that point, it could not help either. The Minister must have seen a business case to convince him that his decision is right. Will he assure the House that the details will be placed in the Library, so we can all understand where the resources will come from and be sure that good services, such as Lancashire ambulance service, will not be drained of resources to prop up those that are not so good?

Andy Burnham: I assure the right hon. Gentleman that we will put into the public domain any information that we can to show the basis on which those decisions were taken, but he knows that the structure proposed by Peter Bradley commanded strong support within the ambulance service. People want to be part of a service that can invest its resources in front-line services and in improving the professional development of its staff. A unified ambulance service in the north-west will lead to an improved level of service for his constituents and for mine. I hope that we can share that information, but, as I have said, it is vital that residents across the north-west can look forward to service improvements as a result of the changes. However, the right hon. Gentleman must accept that savings can be made by merging the back-office functions of existing ambulance services.

Dr. Tony Wright (Cannock Chase) (Lab): May I give two cheers for my hon. Friend's announcement about Staffordshire ambulance service? It is the best performing ambulance service in the country, and it would have been inexplicable to have merged it. The

Government deserve great credit for not forcing such a merger. Will my hon. Friend get a third cheer by giving the assurance for which he has been asked on several occasions—that no merger in future, whether in 2008 or at any other time, will take place until the standard of the service with which it is intended to merge has reached the standards, including the response time standards, of the Staffordshire service? That is the crucial guarantee that my hon. Friend has to give.

Andy Burnham: I thank my hon. Friend for his two cheers. Again, I will pass them on to others who have worked on this. The crucial test in judging changes to an ambulance service is, first, that the service is viable and, secondly, that it is providing a safe service to all the residents in the area. Those are the guiding principles on which any further changes will be made. As I said to the hon. Member for South Staffordshire (Sir Patrick Cormack), any further change would be about ensuring that service standards could be further improved. We recognise the improvements in service standards that Staffordshire has reached; that is why we are happy to make the decisions that we announced. I hear what my hon. Friend has said. In going forward with any further change, we must be clear that it is about improving service standards to all the residents of Staffordshire and the west midlands.

Mr. Stephen Dorrell (Charnwood) (Con): Can the Minister confirm that the effect of his announcement is that, in future, commissioning in the health service will be the responsibility of roughly the same number of regional health authorities that the Government inherited in 1997 and renamed strategic health authorities, of roughly the same number of health authorities that the Government inherited in 1997 and renamed primary care trusts, or importantly—in this I agree with the Government—when in the hands of GP fundholders renamed primary care commissioners? Does this mean that we got it roughly right?

Andy Burnham: I am intrigued by the right hon. Gentleman's line of questioning. There are very important differences, as we said in exchanges across the Floor of the House last week, between GP fundholding and the Conservative model— whereby, for completely arbitrary reasons, people had differential access to hospital treatment—and the practice-based commissioning model that we are introducing through these new reforms. Under the right hon. Gentleman's leadership, the NHS had a bizarre paper chase involving a whole process of red tape and people chasing invoices around the system. I am happy and proud to say that we will certainly not replicate that in our NHS.

John Mann (Bassetlaw) (Lab): I congratulate the Secretary of State on rejecting Trent strategic health authority's aggressive campaign for a single Nottinghamshire-wide PCT and instead listening to the many thousands of my constituents who queued up to sign my petition for our PCT to remain on its own. Can the Minister assure the House that that practice of listening to the people will underpin the way in which we run the health service in future?

Andy Burnham: I know that my hon. Friend has run a characteristically dogged and tenacious campaign on this issue and that he did indeed present a very large petition to the Department. As I said, that shows that the new PCTs have commanded a great deal of support and that people are identifying with those organisations as providers of health care. I will of course pass on to the Secretary of State the points that he raised. He is absolutely right to say that as the NHS goes forwards, it needs to show that it can listen and, where possible, make changes to respond to local communities.

Point of Order

4.29 pm

Pete Wishart (Perth and North Perthshire) (SNP): On a point of order, Mr. Speaker, of which I have given you notice. What can you do to help us to restore the reputations of our constituents once they have been badly maligned in this House? I give you the example of a debate on the Child Support Agency on 17 January, when the hon. Member for Edinburgh, West (John Barrett) referred to my constituent, a Miss Eva Peterson, as a Russian internet bride. He then went on to catalogue the failures of her partner for failing to provide for the child of a constituent of his. Miss Peterson is as far from being a Russian internet bride as it is possible to be. She is a professional woman, a PhD and a former mayor of a major city in Russia. The Petersons are also subject to a campaign of harassment from the hon. Gentleman's constituent, which has resulted in a court order barring her from making further contact. What can you do, Mr. Speaker, to help us to restore that reputation; and is it not a convention of this House that if our constituents are going to be criticised by an hon. Member we should be informed in advance?

Mr. Speaker: All hon. Members are responsible for the words that they use in the Chamber, unless they are unparliamentary, in which case I will intervene. I cannot therefore be drawn into this matter. It would be impractical if hon. Members had to notify the constituency MP of everyone who was mentioned, be they the director of a company or an executive in a health authority, if they resided in another constituency. That would not be helpful or easy to do. However, the hon. Gentleman is the constituency MP concerned in this case, and he has now been able to put the record straight. That will help the reputation of his constituent.

Housing and Commercial Development (Water Supply Assessment)

4.31 pm

Mr. John Gummer (Suffolk, Coastal) (Con): I beg to move,

That leave be given to bring in a Bill to require an assessment to be made, before construction, of the water supply requirements resulting from housing and commercial development.

The House has not yet created a mechanism for declaring a non-interest. However, I should like to make such a declaration. As the chairman of a water company, I ought not to be keen on restricting the amount of water that can be sold. As we have seen from today's newspaper headlines, however, we are facing a serious water shortage arising from a wide range of reasons. Because of global warming, our precipitation level is now lower, and the precipitation arrives in much more concentrated amounts. It therefore runs off the land into the rivers and out to sea much more quickly than before.

There is no doubt that we face real difficulties relating to our water supply. This comes as a surprise to people abroad, who think of Britain as a nation in which water is ever-present. I was in Paris on Monday, and a senior official there commented that he was now convinced about global warming largely because it appeared that it no longer rained in Britain. That might be an unusual, French way of looking at the issue, but it underlines the seriousness of the situation.

This is not a party political comment, but I was surprised to discover that there is no statutory reason why anyone building an estate or a commercial building, for example, should ascertain in advance that the water supply and sewerage infrastructure for the site will be adequate. He will want to know that connection is possible, but he does not need to ascertain whether the system will bear the additional weight of his development.

The Government are proposing to bring 750,000 more people into the Thames Gateway, yet, as far as I can discover, they have made no direct assessment of the ability to provide either a water supply or sewerage facilities for those new homes. Let us take the town of Ashford as a further example. At first, it was proposed to build a significant number of new houses there. Only when the local authority was able to prove that neither the water supply nor the sewerage infrastructure would be adequate was that number cut substantially. Throughout the country, development goes ahead without those fundamental questions being asked.

When introducing the sustainable communities document, the Government failed to discuss water at all with anyone. Several years of consideration of that document had taken place before formal discussions were conducted with Water UK or anyone else. That shows how unimportant water has been either in the psyche of the nation or in the Government's understanding.

It is interesting that Members of all parties represented in the House are among the supporters of this ten-minute Bill, including nationalist, Liberal, Conservative and Labour Members. Among them are those who hold shadow responsibility and who have

until recently held Government responsibility for environmental matters. One of the reasons for that is the divorce between what was the Office of the Deputy Prime Minister and is now the Department for Communities and Local Government—I am one of the few who can remember that distinction—and the Department for Environment, Food and Rural Affairs. Since the sidelining of DEFRA, so that it no longer has a direct influence and control over these matters, issues such as water have become much less important than the aggrandisement of what was the Office of the Deputy Prime Minister.

I want to make sure that the seriousness of the current situation is brought home to the nation. To build without being able to provide water or sewerage facilities, often in areas that will also be plagued by flooding, is sheer folly. One of the things that many of our constituents do not understand is that we can have both drought and floods in the present circumstances. We can have a shortage of water and yet be plagued by a damaging excess of it. We must therefore start—and continue with retrofitting—with the new homes, office and factories being built. Unless we ask the fundamental questions, which the Bill seeks to ensure that we do, we shall not get the right answers. If we do not ask whether there is enough water for such homes, we only have ourselves to blame when such homes get constricted because of drought and water scarcity regulations.

Of course, that would entail an important role for the water company and the Environment Agency, which would together produce that assessment. If a water company says that it can provide water for a new development, that gives the owner of a new house or commercial premises a clear, bankable indication that he can carry on his home or commercial life without interruption. The fact that the Environment Agency will have to support that will ensure that there is a proper implied contract for the owner of a new home or commercial premises. At the moment, the day after a family moves into a new home, the local water company can say, "Frightfully sorry, but we haven't got enough water for you." I hope that that does not happen, but the situation is becoming increasingly sharp and difficult.

It is not possible to overestimate the state of our water supplies. Three local water companies are considering or asking for planning permission for desalination plants—in this country, Britain—which we thought were an unfortunate necessity in the middle east and beyond. That is one of the immediate effects of climate change. Given the inadequacy of the Government's response to climate change, that will get worse, not better. Unless we take these practical, simple measures to ensure that such matters are highlighted, we will not be able to defend future generations from a water shortage that will leave them in a position that we never thought would be experienced in Britain in 100 years. Standpipes for much of the south and centre of Britain are something that we did not expect to see at all, yet we are proposing to inject into the area where standpipes are being threatened yet more housing, to the tune of up to 4 million homes.

Mr. Charles Walker (Broxbourne) (Con): Madness!

Mr. Gummer: In this context, "madness" is a very polite term. I am sorry to disagree with my hon. Friend, but I would put it more clearly. The Government must take this more seriously. I am sorry that it has been left to a Back-Bench Member of Parliament to propose the Bill. This is a simple matter, but it is a matter of gaining information that is necessary not only to the developer, the home owner and the owner of a business but to the nation as a whole, so that we do not develop where water is not available and where flooding is a real risk.

Question put and agreed to.

Bill ordered to be brought in by Mr. John Gummer, Mr. Peter Ainsworth, Mrs. Caroline Spelman, Mr. Tim Yeo, Mr. Michael Meacher, Mr. Elliot Morley, Andrew Stunell, Hywel Williams and Mr. Nick Hurd.

Housing and Commercial Development (Water Supply Assessment)

Mr. John Gummer accordingly presented a Bill to require an assessment to be made, before construction, of the water supply requirements resulting from housing and commercial development. And the same was read the First time; and ordered to be read a Second time on Friday 14 July, and to be printed [Bill 182].

Orders of the Day

Legislative and Regulatory Reform Bill

[Relevant documents: First Special Report from the Regulatory Reform Committee, Session 2005-06, Legislative and Regulatory Reform Bill, HC 878. Second Special Report from the Regulatory Reform Committee, Session 2005-06, Government's Response to the First Special Report on the Legislative and Regulatory Reform Bill, HC 1004. First Report from the Procedure Committee, Session 2005-06, Legislative and Regulatory Reform Bill, HC 894. Seventeenth Report from the Joint Committee on Human Rights, Session 2005-06, Legislative Scrutiny: Eighth Progress Report, HC 1062. Third Report from the Public Administration Select Committee, Session 2005-06, Legislative and Regulatory Reform Bill, HC 1033.]

As amended in the Standing Committee, further considered.

Mr. Christopher Chope (Christchurch) (Con): On a point of order, Mr. Deputy Speaker. I have just collected from the board a letter from the Parliamentary Secretary, Cabinet Office, the hon. Member for Wolverhampton, South-East (Mr. McFadden), dated 16 May, in which he says that during yesterday's Report stage debate there was a discussion about the power in new clause 1 to remove or reduce burdens. It is reported in columns 782 and 783 of *Hansard*. He says

"At the beginning of the debate on the same Bill in the chamber today, I shall provide further clarification on this specific point."

I hope that the Minister will have an opportunity to make that clarification now, so that we can reflect on it before we reach Third Reading later today.

Mr. Deputy Speaker (Sir Michael Lord): I have seen the letter to which the hon. Gentleman refers. I am sorry to disappoint him, but my advice is that it would not be appropriate for the Minister to make such statements at this point in the proceedings. There are other ways in which he may do so.

Mr. Chope: Further to the point of order, Mr. Deputy Speaker. Would you be prepared to indicate when it might be appropriate for the Minister to make the clarification available, so that we have it before the start of the Third Reading debate?

Mr. Deputy Speaker: There are a number of ways in which the Minister may do that. I cannot go through them all now, but clearly this is not the point at which he should do it. Matters have moved on since the measure was first debated in the Chamber, but there are ways in which this can be done, which the hon. Gentleman can discover for himself and of which the Minister will also be aware.

New Clause 2

REPORT ON OPERATION OF ACT

'Before the end of the six months beginning with the day on which this Act is passed and annually thereafter, the Secretary of State must prepare and lay before Parliament a report setting out his estimate of the extent to which orders, rules and schemes made pursuant to this Act have—

(a) removed or reduced any burden,

(b) re-enacted any provision having the effect of imposing any burden, in cases where the burden was proportionate to the benefit that was expected to result from such re-enactment,

(c) made any new provision having the effect of imposing a burden that has affected any person in the carrying on of the activity, but was proportionate to the benefit that was expected to result from its creation, or

(d) removed inconsistencies and anomalies in legislation.'.—*[Mr. Harper.]*

Brought up, and read the First time.

4.43 pm

Mr. Mark Harper (Forest of Dean) (Con): I beg to move, That the clause be read a Second time.

Mr. Deputy Speaker (Sir Michael Lord): With this it will be convenient to discuss the following:

New clause 7—*Expiry*—

'Part 1 of this Act shall cease to have effect at the end of the period of five years beginning with the day on which it is brought into force.'.

New clause 24—*Renewal by Parliament of part 1*—

'(1) Before the end of each subsequent period of two years following Royal Assent of the Act Ministers must bring Part 1 before Parliament to be re-approved or rejected by resolution.

(2) If, within each two-year period, Ministers do not bring Part 1 before Parliament, pursuant to subsection (1), it will cease to have effect.

(3) If Parliament re-approves Part 1 by resolution, pursuant to subsection (1), it will have effect for the subsequent two-year period.

(4) If Parliament rejects Part 1 by resolution, pursuant to subsection (1), it will cease to have effect.'.

Mr. Harper: New clause 2 aims to inject a shot of transparency into the Bill. It provides for a report on the operation of the Act. It follows recommendation 2 of the Regulatory Reform Committee's report on the Bill, which stated

"We reaffirm the recommendation of our predecessor Committee that Departments should be assessed on their progress in removing unnecessary regulations and controls and not simply on their progress in simplifying measures. We recommend accordingly."

Transparency is something on which we all agree. Allowing the greatest possible visibility for a process encourages good government and sound decision making; allowing decisions to be made behind closed doors in Whitehall has the potential, as we all know, to have the opposite effect. Deregulation and better regulation are such important agendas that we must shine the light of scrutiny into the dark recesses of departmental decision making.

In the Committee debates, in which I participated, the Minister was very proud of the Government's agenda. He said on 2 March:

"As a Government, we have committed ourselves to one of the most radical regulatory reform packages anywhere in the world".—[*Official Report, Standing Committee A*, 2 March 2006; c. 125.]

and he specifically talked about the culture change that he wished to inculcate in Whitehall. It seems to me that the best way of doing that is to ensure that as much

light as possible is shone on the measures in the Act in respect of reducing regulations and burdens on business.

The Regulatory Reform Committee suggested that one of the key reasons why the regulatory reform orders introduced under the Regulatory Reform Act 2001 had been far from successful was the lack of political will within Whitehall. The Committee claimed that low political importance was attached by Ministers and civil servants to propose areas ripe for regulatory reform as compared with bringing new legislation before the House. As the Minister acknowledged in Committee, a culture change in Whitehall is necessary and it should not be viewed as preferable for civil servants and Ministers to pin their careers on creating regulations and legislation rather than tidying up existing rules and scrapping obsolete or disproportionate burdens. Indeed, the latter is of far greater benefit to business than the former.

The new clause would help to bring about the necessary culture change. It would require the Secretary of State to publish an annual report and lay it before Parliament, which would provide the opportunity for the House to debate what Ministers would view as the Government's success in reducing burdens. The report would detail what orders had been made and to what effect; what burdens had been removed, what simplified and what other progress had been made. The Government would therefore have to set out in stark detail exactly how deregulatory or regulatory they have been. That should provide a strong incentive for Ministers to encourage and prioritise measures that deregulate and reduce burdens on business, rather than the opposite, which seems the case at the moment.

I shall deal now with new clauses 7 and 24. New clause 7 is effectively a sunset clause, which suggests sunsetting the Bill after five years. We make too little use of post-legislative scrutiny in the House and in this country, although we are getting better at employing pre-legislative scrutiny. The new clause would represent an important step forward in allowing Parliament and interest groups to input into legislation before it is finalised. We do not do enough to monitor the effectiveness of laws after they are on the statute book. A sunset clause is one form of post-legislative scrutiny; it is clearly not desirable for all legislation to include it because the increased work load on Parliament would be prohibitive. In certain cases, however, there is a clear argument for having sunset clauses, particularly for important and controversial legislation. Control orders immediately spring to mind. Sunset clauses can allow Parliament to look again at legislation and see if it wants to bring it back into force.

As an alternative, new clause 24 is not a sunset clause, but a renewal clause, providing a separate option for increasing post-legislative scrutiny of the Bill and the Government may find it more amenable. Under the new clause, part 1 of the Bill, the most important part, must be brought before Parliament for reapproval or rejection at least every two years.

David Howarth (Cambridge) (LD): I welcome the hon. Gentleman back to our consideration of the Bill, as we missed him yesterday. Will he confirm that neither of his new clauses will have the effect of sunsetting any of its legislative provisions? All they would do is to sunset the power to make the orders. One would have to go a little further to achieve the end, which I believe both his party and mine share, of sunsetting the majority of new regulations.

Mr. Harper: I thank the hon. Gentleman for his intervention, and for what I think was a compliment. Unfortunately, I was unable to take part in yesterday's debate on the Bill because I had already organised a full day's meeting of a number of veterans' organisations, at which we discussed very important policy matters. The hon. Gentleman is quite right: the new clauses would affect simply part 1 of the Bill and would not cause any measures passed under the Bill to fall. If Members want to achieve that objective, they will need to make further changes.

The advantage of new clause 24 is that it would allow Parliament regularly to reassess the effectiveness and proportionality of the part 1 order-making powers without creating an insurmountable hurdle to the Government's better regulation agenda. It would also provide an excellent opportunity to reassess just how successful the Government have been. In Committee, Members and the Minister referred many times to the 2001 Act being something of a disappointment in practice, saying that it had not been as successful in allowing deregulation as they had hoped. It would therefore be sensible to use this Bill to put on the statute book provisions compelling Ministers to come to the House more regularly, so that we do not have to come here yet again in four or five years' time—under a different Administration, hopefully—to discuss another Bill to reduce the burdens on business.

Mr. David Heath (Somerton and Frome) (LD): May I set at rest the mind of the hon. Member for Forest of Dean (Mr. Harper)? I am quite sure that I speak for my hon. Friend the Member for Cambridge (David Howarth) when I say that his earlier comment was a compliment, rather than an attempt to deprecate the hon. Gentleman's absence. We genuinely missed the hon. Gentleman, who made a valuable contribution in Committee and has made another one today in introducing these new clauses, dealing as they do with transparency and openness. They also make an at least crude attempt to apply a degree of post-legislative scrutiny to this part of the Bill.

In the spirit of openness and transparency, I would have liked to have had a letter in similar terms to that referred to earlier by the hon. Member for Christchurch (Mr. Chope). I am little surprised to learn that Liberal Democrat Front Benchers were not accorded that courtesy on this occasion; perhaps the letter is somewhere in transmission at this very moment. One would usually expect to be copied into correspondence dealing with the substance of a Bill.

As the hon. Member for Forest of Dean correctly said, new clause 2 requires that a report be made by the Secretary of State on the Bill's operation. Previous deregulatory legislation—indeed, all sorts of legislation—has not lived up to its expectations. For instance, one of my continuing criticisms is the raft of Home Office legislation, to which I referred in yesterday's debate. Large parts of it were described as urgent matters that needed the House's attention and

[Mr. David Heath]

which were absolutely crucial to the well-being and safety of the population—however, years later they still have not been implemented. If such provisions are urgently needed and vital to public safety, one has to ask why they have not been implemented.

Similarly, in dealing with this legislation, we are entitled to ask, after a period, what the Government have done with this power. Have they used it effectively? Do we have a programme of deregulation, or is the power being used in abeyance as a reserve power—as with the change to Standing Orders in order to implement Law Commission reports, to which reference was made yesterday—rather than to achieve the objectives that we and the Government share? I therefore think that new clause 2 has a great deal to commend it.

I come now to the issue of sunset clauses. In his intervention, my hon. Friend the Member for Cambridge was right to distinguish between the powers that lapse as a result of a sunset clause and the orders introduced under those powers. If the Bill becomes an Act, Ministers may be tempted to argue against its renewal on the ground that we would thus be left defenceless against overburdensome legislation and regulation. However, that argument would be spurious, as there is nothing in this and other new clauses in the group that would cause the regulations or the deregulation made under the powers contained in the Bill to be annulled. They would merely enable the House to consider whether assurances given by the Government during the Bill's passage had been implemented in practice. They would allow us to determine whether promises had been kept and the Bill's purposes adhered to, and to ascertain whether we had the sort of deregulatory programme and the lack of excess that the Government have assured us all along was their intention.

That is a modest ambition. In one way, it might be a desirable concept to sunset all regulations from their origin, but that might run the risk of causing administrative chaos. We understand the complexity of the drafting required to produce a satisfactory response, but the lapsing of a power would not create immediate difficulties. The new clause means that the Government would be required to come back to the House and say to hon. Members, "This is how we have used this power. You have seen it in action, and will understand that it was used entirely properly and for its intended purpose. It has worked well, and we ask the House to renew it." Alternatively, the House could say to the Government, "You told us that you would use the power for one purpose, but in fact you have used it for quite another" or, "You told us this power was needed urgently, yet you have not used it at all." The new clause would enable the House to have control of what the Executive want to do.

I would always argue that the legislature should have control of what the Executive do, especially in respect of the procedures of this House. More than anything else, the Bill is about those procedures. It is therefore entirely appropriate for Parliament to decide whether a power is working satisfactorily, and I am happy to lend my support to the suggestions made by the hon. Member for Forest of Dean.

Andrew Miller (Ellesmere Port and Neston) (Lab): I have some sympathy with what the hon. Member for Forest of Dean (Mr. Harper) said, given that he rightly referred to recommendations in the Select Committee report, but I should like to propose a better way than new clause 2 to achieve the sort of reporting that he described.

The Select Committee looked at this matter long and hard. Yesterday, I referred to the table in the report showing how long orders float around some Departments. We are not at present competent to deal with that or to instigate investigations to determine why it happens. The existing Standing Orders do not allow us to summons a Secretary of State and ask why an order has been floating around for weeks and months. The hon. Gentleman's objective would probably be better achieved by building a more robust approach into the Standing Orders of the Regulatory Reform Committee or its successor body so that we can investigate why such failures have occurred, rather than by introducing a reporting function, which would result in the type of report that is normal in such circumstances. I am being gentle because I have read reports from Administrations of both my colour and his.

5 pm

Mr. Jonathan Djanogly (Huntingdon) (Con): I admired the section of the Select Committee's report on that issue and I support the excellent point made by my hon. Friend the Member for Forest of Dean (Mr. Harper). In discussing the review in your Committee, did you address the question—

Mr. Deputy Speaker: Order. I am not sure whether the hon. Gentleman is referring to the Committee or to the hon. Member for Ellesmere Port and Neston (Andrew Miller), but he must get his parliamentary terminology correct.

Mr. Djanogly: Thank you, Mr. Deputy Speaker. I was referring to the Committee.

Was there any discussion in the Committee of the proportion of time spent by Departments on deregulation or regulation, and should that be a matter for review?

Andrew Miller: We looked specifically at the history of the then 27 orders that had been dealt with and, with the limited information we had, tried to ascertain why delays occurred in some Departments. We found that we could report on the facts of a delay, but that we could not investigate the reasons, so if it is the will of the House I should like the opportunity for my Committee to act like a normal Select Committee and inquire into the workings of a Department by, for example, periodically inviting its Secretary of State to answer questions.

The sunset clause proposed by the hon. Member for Forest of Dean would take us back a long way. The Better Regulation Executive produced a paper, "A Bill for Better regulation: Consultation Document", which acknowledged that the powers in the Regulatory Reform Act 2001 are "constitutionally ground-breaking", noted that the review had "identified many

positive aspects" in the process and described where further improvements could be made. The danger of introducing a sunset clause is that we could throw the baby out with the bathwater. I have some sympathy with the hon. Gentleman's suggestion that there should be a review of the process—indeed, of all legislation.

Mr. Harper: I thank the hon. Gentleman for that remark. New clauses 7 and 24 are very much either/or provisions. New clause 7—the sunset clause—may go a little too far, but new clause 24, which provides an opportunity for renewal after two years and would not automatically put an end to the whole Bill, might be more to his liking.

Andrew Miller: I realise that the hon. Gentleman could not be in the Chamber yesterday, but I expressed then my fear that the existence of the process he describes in new clause 24 would create inertia in some Departments that would worsen the chances of advancing the regulation process. I think that he and I—and, indeed, the hon. Member for Somerton and Frome (Mr. Heath)—share the desire to deregulate constructively wherever possible, but I want to find solutions that will not create that inertia in Departments. I therefore urge the hon. Member for Forest of Dean to move away from either of those concepts.

My hon. Friend the Minister and I have not spoken about this subject—he has had to absorb rather a lot from me in a very few days—but I will throw another googly at him and suggest that perhaps it might be sensible for the Government to give a commitment to allow an opportunity, either on the Floor of the House or through my Committee or the other relevant Committees, to hold periodic discussions on the active working of such legislation. If we are to get it right and make it work in all our interests, we need such a mechanism. On the one hand, I do not want to create a situation that allows any excuse inside any part of the Administration to slow down the process, but on the other, I do not want a process that over-complicates the situation for those outside the House who are trying to understand what is necessarily a pretty complex process.

Mr. Harper: The hon. Gentleman was present at most of the deliberations in Committee, so he will be aware that the then Minister gave an undertaking that

"a Minister of the Crown will report to the House no less than five years after enactment on the operation of the proposed Legislative and Regulatory Reform Act."—[*Official Report, Standing Committee A*, 9 March 2006; c. 289.]

The then Minister conceded that reporting back to the House after a certain period was reasonable, but five years seems far too long—hence new clause 2, which requires an annual report to the House. It would probably be helpful when the Minister speaks to the new clause if he could confirm the commitment given by his predecessor and make that clear.

On the time that we are talking about, the previous approach—the 2001 Act did not contain a sunset clause—does not seem to have spurred a culture change in the civil service and the Government for urgency. If the legislation was in force for a fixed period, it would give the Minister the opportunity to say to civil servants, "We've got a limited period to act and I want to see firm proposals"—

Mr. Deputy Speaker: Order. I think that the point has been made.

Andrew Miller: I have sort of got the point, Mr. Deputy Speaker.

If the hon. Gentleman is seeking to run an auction between him and me about the length of time after which my hon. Friend the Minister ought to report to the House, perhaps we ought to start now. I agree that five years is a long time. Certainly, a serious review of such mechanisms ought to be conducted within the lifetime of a Parliament because this is an important issue—and leaving aside all the bluster of yesterday, there is an earnest desire on both sides of the House to make some progress.

Mr. Charles Walker (Broxbourne) (Con): How would a periodic review be timetabled? Would not a sunset clause create an imperative for a review that could not be fudged?

Andrew Miller: I take the hon. Gentleman's point about the relationship between my hon. Friend the Minister and other hon. Members, but that is not the only relationship that matters—what matters is what happens daily in Departments in the quest for sensible deregulatory mechanisms. We want to raise that profile higher. We do not want to create any excuse for people to say, "Ah, well, we ought to put that one on ice because the sunset clause is triggering a review process in a few weeks' time." That is my concern. With those few remarks, I hope that my hon. Friend the Minister can make the kind of comments that I have suggested, with a view to ensuring that the spirit of the two points that we have addressed can be dealt with sensibly and constructively.

The Parliamentary Secretary, Cabinet Office (Mr. Pat McFadden): I do not feel that there will be a great difference between us on this subject. There is a lot of sense in what was said by the hon. Members for Forest of Dean (Mr. Harper) and for Somerton and Frome (Mr. Heath) and by my hon. Friend the Member for Ellesmere Port and Neston (Andrew Miller). We agree about the need for review and the need to examine how the measures in the Bill will operate. The hon. Member for Forest of Dean asked me about previous assurances. With regard to new clause 2, I am happy to repeat the Government undertaking made in Committee that a Minister of the Crown will report to the House on the operation of the Bill no less than five years after enactment.

Of course I support the notion that the Government should constantly be looking to see how well their reforms are working. We are already taking action in that regard. The Government have proposed an amendment requiring that explanatory documents for all orders made under new clause 19 should include an assessment of the extent to which the order removes or reduces burdens.

Mr. Walker : The Minister said "no less than five years". Did he mean to say that he would report back after no more than five years?

Mr. McFadden: As I understand it, the assurance given in Committee was that a Minister would report back after no less than five years, and I am happy to repeat that today.

Mr. Heath *rose—*

Mr. McFadden: I would like to make some progress.

The Government also believe that all Departments should keep their legislation under review. That is why the Government set up the panel for regulatory accountability, and why there are regulatory reform Ministers in each of the main regulatory Departments—and a Better Regulation Commission keeping an eye on them all.

Mr. Walker: Will the Minister give way?

Mr. McFadden: I am afraid that I would like to make some progress.

Departments are currently reviewing their regulations and drafting simplification plans, which include measures to reduce administrative burdens on business. Those will be published in the pre-Budget report later this year. The Better Regulation Commission will review the simplification plans that Departments and some independent regulators are preparing. The review will occur while the plans are in final draft form and before they go for clearance by the panel for regulatory accountability. The important thing is that Departments are already obliged to report on their better regulation work as part of their annual reports. They have been required to do that for the past two years. We would expect departmental Select Committees to report on those annual reports as appropriate.

Mr. Djanogly: Is not the Minister rather missing the point? The Bill is being introduced because the reports and the procedures have not been working to date. That is why we need new procedures.

Mr. McFadden: I agree with the hon. Gentleman that the reason behind the Bill is that we must make greater progress than has been made under the 2001 Act. My point is that the Bill will not be the only measure, and that efforts are being made to achieve simplification. Although I agree that we should be open to reviewing orders, I believe that it would be unnecessarily prescriptive, and indeed unnecessary, to include that provision in the Bill.

As hon. Members will be aware, one of the main aims of the Bill is to provide a power to remove unnecessary burdens. To include yet another requirement in addition to those that I have already discussed could be argued to be contrary to the spirit and the purpose of the Bill—as I am sure at least some hon. Members will agree.

Mr. Andrew Love (Edmonton) (Lab/Co-op): As a former member of the Regulatory Reform Committee, I agree with my hon. Friend about the prescriptive nature of new clause 2. However, with the increasing prominence of the idea of deregulation, if we are to show the political will to achieve deregulation and if we are to avoid the culture of Whitehall overcoming what we are trying to achieve, regular transparent reports to Parliament are a necessary reality.

Mr. McFadden: My hon. Friend makes a sound point. There must be a culture in Departments whereby that is a priority—a point made with great force yesterday by my hon. Friend the Member for Ellesmere Port and Neston.

New clause 7 is a sunset clause. It would be inappropriate at this moment to set an arbitrary date for the expiry of part 1 of the Bill. Such a sunset clause would set a date on which the Act would certainly come to an end. The safeguards in the Bill and the rigorous parliamentary scrutiny that any proposal will undergo are robust. It would not be wise for us to introduce the uncertainty that a sunset provision would bring—although I am sure that we all relish the thought of going through this process again in five years.

5.15 pm

Mr. Heath: Of course we would love to have another go, because this has been such fun. May I bring the hon. Gentleman back to the reporting procedure? He is the Minister responsible not only for this aspect of deregulation but for better government practice. I made a suggestion yesterday—when speaking to amendment No. 75, I think—that was not really responded to: irrespective of statutory requirements, it would be good practice for Ministers who wish to introduce orders under the procedure to explain why they cannot use primary legislation to achieve the same effect. That would be a way of preventing Ministers from adopting a lazy attitude and thinking that the procedures in the Bill would provide an easy way of legislating, although they could draft a perfectly proper Bill, and ought to be using primary legislation.

Mr. McFadden: Some people who have examined the procedure that will emerge when the Bill is enacted do not think that it will be an easier process than primary legislation. It might be a more appropriate procedure on occasions. There may well be more consultation and debate on, and scrutiny of, some regulatory reform orders than would be the case for individual clauses in primary legislation, so we should not be prescriptive.

In Committee, the former Minister spoke of the need for a culture change across government. The approach that we need to take is one of partnership, with regulators and the regulated working together. What message would we be sending the business community, charities, the voluntary sector and public sector organisations affected by the Bill if we said that the deregulation scheme that it created would be killed off automatically after five years? I return again to the comment made by my hon. Friend the Member for Ellesmere Port and Neston about the pressures on Departments. Departments will be less likely to invest a

lot of resources in pursuing reforms if they might not prove possible in the end. The culture change that we want should offer certainty about, and confidence in, methods of delivery.

People should be able to rely on primary legislation. They should know that if the Bill is passed, it is there to last. We want to avoid a situation in which those who are regulated by an order do not have confidence in its provisions. I hope that the orders will deliver wide-ranging reforms, as has already happened under the Regulatory Reform (Fire Safety) Order 2005.

Mr. Heath: The Minister is straying into exactly the fallacy against which I warned earlier. The Conservative new clauses would bring no uncertainty to orders that have already been made, but would simply mean that the order-making process would have to be reviewed. The Minister's remarks are thus completely irrelevant to the proposition before him.

Mr. McFadden: We have said that there should be a review in no more than five years. However, we are not prepared to sign up to a sunset clause that would automatically bring the Bill to an end. We want Parliament to pass a power in which it has confidence, and that being the case, it should have confidence in that power for the future.

As I said, the Government have given an undertaking that a Minister of the Crown will report to the House on the operation of the Bill within five years of enactment. There is nothing in new clause 7 to ensure that orders made under part 1 would remain in force, if that is the intention. If they did not, everything done by means of them, including amendments to primary legislation, could be repealed. I can only assume that the intention is for existing orders to remain in force. However, unless there is an express provision to that effect, we cannot be free from doubt. That is why we had a "saving" provision to make it completely clear that when we repeal the 2001 Act, orders made under it will continue in force. Similar amendments were tabled when the Deregulation and Contracting Out Act 1994 and the 2001 Act went through Parliament, and, specifically, the Conservative Administration resisted them during the passage of the 1994 Act.

Mr. Kenneth Clarke (Rushcliffe) (Con): Can we just clarify one thing? The Minister contradicted himself in response to my hon. Friend the Member for Broxbourne (Mr. Walker), but I hope that he eventually corrected his slip of the tongue. On the undertaking to report to the House, the Minister confirmed that the report would appear in "not less" than five years. He seemed to be reassuring us that nothing would be embarked upon with undue haste—but my hon. Friend was trying to press him to say that he was undertaking that a report would be given in not more than five years' time. The Minister appeared to return to that idea later, but will he clarify what he meant?

Mr. McFadden *rose—*

Mr. Deputy Speaker: Order. May I just clarify the fact that that was an intervention on the Minister and that the Minister has not quite finished? Is that right?

Mr. Clarke: It could be taken as a speech, in reply to which the Minister could apply for leave to speak again.

Mr. Deputy Speaker: I think that we will take it as an intervention.

Mr. McFadden: I am happy to confirm that the commitment is to report within five years.

Mr. Love: I was a little disappointed by the Minister's comments on new clause 2. As I said, although I do not propose to support it, because its terms are too prescriptive, there is considerable merit in the recommendation by the Select Committee on Regulatory Reform for regular parliamentary scrutiny of what the Bill achieves.

I have two major reasons, based on experiences for thinking that. First, I served on the Select Committee for about two to two and half years, although it felt a great deal longer. One of the things that would have made our work much more effective was greater transparency with regard to the lack of political will in Departments to achieve the objectives set out in legislation.

There is no doubt that one way to gain the attention of politicians and civil servants is to have transparency and a regular report to Parliament that allows us, the media and the public to know what is going on. That is important because deregulation has become a much higher political priority for everyone. We are constantly chided by the Opposition for our failures in deregulation, and we continually make commitments to do better. Looking back at the historical record, it is clear that previous Governments have not done that well, either; we all remember the "bonfire of the regulations" in the early 1990s. It behoves all of us in Parliament to create the conditions whereby we can succeed. The Bill does many things, but it does not achieve proper parliamentary scrutiny—I am talking about scrutiny in this Chamber—of what is being achieved.

The second consideration, as I said in an intervention, is the culture of Whitehall. It is undoubtedly the case that the priority both for politicians and for civil servants is creating new regulations and new laws. One becomes a Cabinet Minister by passing laws; one becomes a permanent secretary by assisting Ministers in passing laws. We need to try to create incentives to do away with laws as well as to create them. This measure is a small mechanism, but it is probably the only way in which we can change the culture of Whitehall and create a better opportunity to do away with regulation.

Mr. Harper: The hon. Gentleman spoke about how Ministers' performance is assessed. To achieve a culture change, we must shift our focus from the introduction of new Bills and legislation to deregulation and the removal of burdens from business. We must focus, too, on sound administration, and on paying attention to

[Mr. Harper]

the need to get the operation of Acts of Parliament correct before rushing to introduce yet another Bill.

Mr. Love: I sympathise with the hon. Gentleman's suggestion. I could add that much of the legislation passed by the House has not been properly thought through, as it has not been subjected to pre-legislative scrutiny and other mechanisms. Perhaps Parliament and the Government should consider passing not quite as much legislation, but making sure that the legislation that does proceed through the House is better thought through.

We should consider what straightforward measures we can take in the Bill to try to change the culture and make politicians and civil servants sit up and think before they carry on with their duties. I believe that an annual report to Parliament detailing progress under the Bill would assist that process a great deal.

Alison Seabeck (Plymouth, Devonport) (Lab): My hon. Friend makes a fair point. The Bill facilitates the sensible use of the order-making process, and we need to turn orders from the ugly ducklings of legislation into the swans. At the moment, the culture favours the introduction of Bills by Ministers and civil servants, but with the good use of orders we can change that culture.

Mr. Love: I agree.

The Minister has repeated an argument made in Committee that the requirement for an annual report to Parliament would impose an additional burden on Departments. I accept that that is generally true, but benefits would accrue from the work done by Departments to meet the priority imposed by Parliament, and thus help to change the culture. There is a great deal of merit in the proposal for an annual report. The report would be relatively straightforward to produce, but would give Parliament an opportunity to comment on the success of the Bill, or otherwise. We should remember that the Deregulation and Contracting Out Act 1994 and the Regulatory Reform Act 2001 both failed to achieve our objectives. If the Bill is to succeed, an amendment requiring an annual report would be helpful.

Mr. Harper: I am pleased that the new clause has been welcomed by Members on both sides of the House. In Committee, the Government said that they had the most ambitious deregulatory agenda in the world, so I would expect them to welcome the opportunity both to submit an annual report to the House setting out their achievements in reducing burdens on business and to discuss that with Members. Because Ministers would be forced to come to the House to report on progress every year, the proposal gives them a tool for insisting that civil servants take action. The Minister appeared to welcome new clause 2 in principle, when he said that the Government needed to report to the House more frequently than once every five years, but he did not give any concrete commitments. I must therefore insist on pressing new clause 2 to a Division.

Question put, That the clause be read a Second time:—

The House divided: Ayes 210, Noes 269.

Division No. 235] **[5.30 pm**

AYES

Afriyie, Adam
Ainsworth, Mr. Peter
Alexander, Danny
Amess, Mr. David
Ancram, rh Mr. Michael
Atkinson, Mr. Peter
Baker, Norman
Barker, Gregory
Baron, Mr. John
Barrett, John
Beith, rh Mr. Alan
Benyon, Mr. Richard
Beresford, Sir Paul
Binley, Mr. Brian
Blunt, Mr. Crispin
Bone, Mr. Peter
Boswell, Mr. Tim
Bottomley, Peter
Brady, Mr. Graham
Brake, Tom
Brazier, Mr. Julian
Brokenshire, James
Browne, Mr. Jeremy
Browning, Angela
Burns, Mr. Simon
Burrowes, Mr. David
Burstow, Mr. Paul
Burt, Alistair
Burt, Lorely
Butterfill, Sir John
Cable, Dr. Vincent
Cameron, rh Mr. David
Carswell, Mr. Douglas
Cash, Mr. William
Chope, Mr. Christopher
Clark, Greg
Clarke, rh Mr. Kenneth
Clegg, Mr. Nick
Clifton-Brown, Mr. Geoffrey
Cormack, Sir Patrick
Crabb, Mr. Stephen
Curry, rh Mr. David
Davey, Mr. Edward
Davies, Philip
Davis, rh David *(Haltemprice and Howden)*
Djanogly, Mr. Jonathan
Dorrell, rh Mr. Stephen
Duncan Smith, rh Mr. Iain
Dunne, Mr. Philip
Ellwood, Mr. Tobias
Evans, Mr. Nigel
Evennett, Mr. David
Fabricant, Michael
Farron, Tim
Featherstone, Lynne
Field, Mr. Mark
Foster, Mr. Don
Fox, Dr. Liam
Francois, Mr. Mark
Fraser, Mr. Christopher
Gale, Mr. Roger
Garnier, Mr. Edward
Gauke, Mr. David
George, Andrew
Gibb, Mr. Nick
Gidley, Sandra
Gillan, Mrs. Cheryl
Goldsworthy, Julia
Goodman, Mr. Paul
Goodwill, Mr. Robert
Gove, Michael
Grayling, Chris
Green, Damian
Greening, Justine
Grieve, Mr. Dominic
Hammond, Mr. Philip
Hammond, Stephen
Hands, Mr. Greg
Harper, Mr. Mark
Harris, Dr. Evan
Harvey, Nick
Hayes, Mr. John
Heald, Mr. Oliver
Heath, Mr. David
Heathcoat-Amory, rh Mr. David
Hemming, John
Hendry, Charles
Herbert, Nick
Hermon, Lady
Hoban, Mr. Mark
Hollobone, Mr. Philip
Holmes, Paul
Horam, Mr. John
Horwood, Martin
Hosie, Stewart
Howarth, David
Howarth, Mr. Gerald
Hughes, Simon
Huhne, Chris
Hunt, Mr. Jeremy
Hunter, Mark
Jack, rh Mr. Michael
Jackson, Mr. Stewart
Jenkin, Mr. Bernard
Jones, Mr. David
Kawczynski, Daniel
Knight, rh Mr. Greg
Kramer, Susan
Laing, Mrs. Eleanor
Lait, Mrs. Jacqui
Lamb, Norman
Lansley, Mr. Andrew
Laws, Mr. David
Leech, Mr. John
Letwin, rh Mr. Oliver
Lewis, Dr. Julian
Lidington, Mr. David
Lilley, rh Mr. Peter
Loughton, Tim
Luff, Peter

Mackay, rh Mr Andrew
Maclean, rh David
MacNeil, Mr. Angus
Malins, Mr. Humfrey
Mates, rh Mr. Michael
Maude, rh Mr. Francis
May, rh Mrs. Theresa
McIntosh, Miss Anne
McLoughlin, rh Mr. Patrick
Mercer, Patrick
Miller, Mrs. Maria
Milton, Anne
Mitchell, Mr. Andrew
Moore, Mr. Michael
Moss, Mr. Malcolm
Mundell, David
Murrison, Dr. Andrew
Newmark, Mr. Brooks
O'Brien, Mr. Stephen
Oaten, Mr. Mark
Öpik, Lembit
Osborne, Mr. George
Ottaway, Richard
Paterson, Mr. Owen
Pelling, Mr. Andrew
Penning, Mike
Penrose, John
Price, Adam
Prisk, Mr. Mark
Pugh, John
Randall, Mr. John
Redwood, rh Mr. John
Reid, Mr. Alan
Rennie, Willie
Robathan, Mr. Andrew
Robertson, Hugh
Robertson, Mr. Laurence
Rogerson, Mr. Dan
Rowen, Paul
Ruffley, Mr. David
Russell, Bob
Salmond, Mr. Alex
Sanders, Mr. Adrian
Scott, Mr. Lee
Shapps, Grant
Shepherd, Mr. Richard
Simmonds, Mark
Smith, Sir Robert
Soames, Mr. Nicholas
Spelman, Mrs. Caroline
Spicer, Sir Michael
Spink, Bob
Steen, Mr. Anthony
Stunell, Andrew
Swayne, Mr. Desmond
Swinson, Jo
Swire, Mr. Hugo
Syms, Mr. Robert
Taylor, Mr. Ian
Taylor, Matthew
Taylor, Dr. Richard
Teather, Sarah
Thurso, John
Tredinnick, David
Turner, Mr. Andrew
Tyrie, Mr. Andrew
Vaizey, Mr. Edward
Vara, Mr. Shailesh
Viggers, Peter
Villiers, Mrs. Theresa
Walker, Mr. Charles
Wallace, Mr. Ben
Waterson, Mr. Nigel
Watkinson, Angela
Webb, Steve
Weir, Mr. Mike
Whittingdale, Mr. John
Widdecombe, rh Miss Ann
Wiggin, Bill
Willetts, Mr. David
Williams, Hywel
Williams, Mark
Williams, Stephen
Willott, Jenny
Wilshire, Mr. David
Wilson, Mr. Rob
Winterton, Ann
Wishart, Pete
Wright, Jeremy
Young, rh Sir George

Tellers for the Ayes:
Mr. Henry Bellingham and Andrew Selous

NOES

Abbott, Ms Diane
Ainger, Nick
Ainsworth, rh Mr. Bob
Allen, Mr. Graham
Anderson, Mr. David
Anderson, Janet
Armstrong, rh Hilary
Atkins, Charlotte
Austin, Mr. Ian
Bailey, Mr. Adrian
Baird, Vera
Balls, Ed
Banks, Gordon
Barron, rh Mr. Kevin
Beckett, rh Margaret
Begg, Miss Anne
Bell, Sir Stuart
Benton, Mr. Joe
Berry, Roger
Betts, Mr. Clive
Blackman, Liz
Blackman-Woods, Dr. Roberta
Blears, rh Hazel
Blunkett, rh Mr. David
Bradshaw, Mr. Ben
Brown, Lyn
Brown, rh Mr. Nicholas
Brown, Mr. Russell
Bryant, Chris
Buck, Ms Karen
Burgon, Colin
Burnham, Andy
Butler, Ms Dawn
Byers, rh Mr. Stephen
Cabom, rh Mr. Richard
Campbell, Mr. Alan
Campbell, Mr. Ronnie
Chapman, Ben
Clapham, Mr. Michael
Clark, Ms Katy
Clarke, rh Mr. Tom
Clelland, Mr. David
Clwyd, rh Ann
Coaker, Mr. Vernon
Coffey, Ann
Cohen, Harry
Connarty, Michael
Cooper, Rosie
Cooper, Yvette
Corbyn, Jeremy
Cousins, Jim
Cruddas, Jon
Cryer, Mrs. Ann
Cummings, John
Cunningham, Mr. Jim
Cunningham, Tony
Curtis-Thomas, Mrs. Claire
Davidson, Mr. Ian
Dean, Mrs. Janet
Denham, rh Mr. John
Devine, Mr. Jim
Dhanda, Mr. Parmjit
Dismore, Mr. Andrew
Dobbin, Jim
Dobson, rh Frank
Donohoe, Mr. Brian H.
Doran, Mr. Frank
Dowd, Jim
Drew, Mr. David
Dunwoody, Mrs. Gwyneth
Eagle, Angela
Efford, Clive
Ellman, Mrs. Louise
Engel, Natascha
Ennis, Jeff
Farrelly, Paul
Field, rh Mr. Frank
Fisher, Mark
Fitzpatrick, Jim
Flello, Mr. Robert
Flint, Caroline
Follett, Barbara
Foster, Mr. Michael *(Worcester)*
Foster, Michael Jabez *(Hastings and Rye)*
Francis, Dr. Hywel
Gardiner, Barry
George, rh Mr. Bruce
Gerrard, Mr. Neil
Gibson, Dr. Ian
Godsiff, Mr. Roger
Goodman, Helen
Griffith, Nia
Griffiths, Nigel
Grogan, Mr. John
Gwynne, Andrew
Hall, Mr. Mike
Hall, Patrick
Harman, rh Ms Harriet
Harris, Mr. Tom
Hendrick, Mr. Mark
Hepburn, Mr. Stephen
Heppell, Mr. John
Hesford, Stephen
Heyes, David
Hill, rh Keith
Hillier, Meg
Hodgson, Mrs. Sharon
Hood, Mr. Jimmy
Hope, Phil
Hopkins, Kelvin
Howarth, rh Mr. George
Howells, Dr. Kim
Hoyle, Mr. Lindsay
Hughes, rh Beverley
Humble, Mrs. Joan
Hutton, rh Mr. John
Iddon, Dr. Brian
Illsley, Mr. Eric
Ingram, rh Mr. Adam
Irranca-Davies, Huw
Jackson, Glenda
James, Mrs. Siân C.
Johnson, rh Alan
Johnson, Ms Diana R.
Jones, Helen
Jones, Lynne
Jones, Mr. Martyn
Jowell, rh Tessa
Joyce, Mr. Eric
Kaufman, rh Sir Gerald
Keeble, Ms Sally
Keeley, Barbara
Keen, Alan
Kemp, Mr. Fraser
Kennedy, rh Jane
Khabra, Mr. Piara S.
Khan, Mr. Sadiq
Kidney, Mr. David
Knight, Jim
Kumar, Dr. Ashok
Ladyman, Dr. Stephen
Lazarowicz, Mark
Lepper, David
Levitt, Tom
Lewis, Mr. Ivan
Linton, Martin
Love, Mr. Andrew
Lucas, Ian
MacDougall, Mr. John
MacShane, rh Mr. Denis
Mactaggart, Fiona
Malik, Mr. Shahid
Mallaber, Judy
Mann, John
Marris, Rob
Marsden, Mr. Gordon
McAvoy, rh Mr. Thomas
McCabe, Steve
McCarthy, Kerry
McCartney, rh Mr. Ian
McDonagh, Siobhain
McDonnell, John
McFadden, Mr. Pat
McFall, rh Mr. John
McGovern, Mr. Jim
McGuire, Mrs. Anne
McIsaac, Shona
McKechin, Ann
McKenna, Rosemary
McNulty, Mr. Tony
Meale, Mr. Alan
Merron, Gillian
Michael, rh Alun
Milburn, rh Mr. Alan
Miliband, rh David
Miliband, Edward
Miller, Andrew
Moffat, Anne
Moffatt, Laura
Mole, Chris
Moon, Mrs. Madeleine
Moran, Margaret
Morden, Jessica
Morgan, Julie
Morley, Mr. Elliot
Mountford, Kali

Mudie, Mr. George
Mullin, Mr. Chris
Munn, Meg
Murphy, Mr. Denis
Murphy, Mr. Jim
Murphy, rh Mr. Paul
Norris, Dan
O'Brien, Mr. Mike
Olner, Mr. Bill
Owen, Albert
Palmer, Dr. Nick
Pearson, Ian
Plaskitt, Mr. James
Pound, Stephen
Prentice, Bridget
Prentice, Mr. Gordon
Prosser, Gwyn
Purchase, Mr. Ken
Purnell, James
Rammell, Bill
Raynsford, rh Mr. Nick
Reed, Mr. Andy
Reed, Mr. Jamie
Reid, rh John
Riordan, Mrs. Linda
Robertson, John
Rooney, Mr. Terry
Ruane, Chris
Ruddock, Joan
Russell, Christine
Ryan, Joan
Salter, Martin
Seabeck, Alison
Sheerman, Mr. Barry
Sheridan, Jim
Simon, Mr. Siôn
Simpson, Alan
Singh, Mr. Marsha
Skinner, Mr. Dennis
Slaughter, Mr. Andrew
Smith, rh Mr. Andrew
Smith, Ms Angela C. *(Sheffield, Hillsborough)*
Smith, Angela E. *(Basildon)*
Smith, rh Jacqui
Snelgrove, Anne
Soulsby, Sir Peter
Southworth, Helen
Spellar, rh Mr. John
Starkey, Dr. Phyllis
Stewart, Ian
Stoate, Dr. Howard
Stirling, rh Dr. Gavin
Straw, rh Mr. Jack
Stringer, Graham
Sutcliffe, Mr. Gerry
Taylor, Ms Dari
Taylor, David
Thornberry, Emily
Timms, Mr. Stephen
Tipping, Paddy
Touhig, Mr. Don
Trickett, Jon
Truswell, Mr. Paul
Turner, Mr. Neil
Twigg, Derek
Ussher, Kitty
Vaz, Keith
Waltho, Lynda
Wareing, Mr. Robert N.
Watson, Mr. Tom
Watts, Mr. Dave
Whitehead, Dr. Alan
Wicks, Malcolm
Williams, rh Mr. Alan
Wills, Mr. Michael
Winnick, Mr. David
Winterton, Ms Rosie
Wood, Mike
Woodward, Mr. Shaun
Woolas, Mr. Phil
Wright, David
Wright, Mr. Iain
Wright, Dr. Tony

Tellers for the Noes:
Jonathan Shaw and Mr. Frank Roy

Question accordingly negatived.

5.45 pm

Mr. Chope: On a point of order, Mr. Deputy Speaker. I seek your advice. In Committee, the then Minister—now the Minister for Employment and Welfare Reform, the hon. Member for East Renfrewshire (Mr. Murphy)—gave an undertaking, at column 254, that he would produce a draft of the code of practice referred to in what is now clause 21, in good time for the Report stage so that Members would have a chance to look at it. We shall discuss clause 21 later this afternoon, and I wonder what can be done to ensure that the draft code of conduct is produced. It is still not forthcoming. Surely in such circumstances it would be appropriate for these proceedings to be adjourned pending the production of the draft document.

Mr. Deputy Speaker: The hon. Gentleman's point is really a matter for debate, and the issue will no doubt come out as we proceed this afternoon. Ministers will answer for themselves the points that he has raised.

Mr. Chope: Further to that point of order, Mr. Deputy Speaker. You rightly say that this is a matter for debate, but my concern is that, just as the Government talked out the last group of amendments last night, it might be their intention to talk out the amendments to part 2 this afternoon. We would not therefore even have the chance to debate the matter that I have raised.

Mr. Deputy Speaker: The hon. Gentleman is bearing out the point that I have just made. These issues are very much matters for debate, and they will come out in the debate.

New Clause 5

DELAY IN PROCEEDINGS UNDER SECTION 13

'(1) Where within the period set out in section 13 either House of Parliament resolves that the content of an order is inappropriate for provision to be made under section [Power to remove or reduce burdens], there shall be no further proceedings in respect thereof.

(2) An order which has the same or similar effect to one that has previously been prevented from passing under the provisions of subsection (1) may not be laid under Part 1 within the subsequent two-year period.

(3) In this section, "two year period" means the period of two years beginning with the day on which the draft order was laid before Parliament under section 12.'. —*[Mr. Djanogly.]*

Brought up, and read the First time.

Mr. Djanogly: I beg to move, That the clause be read a Second time.

Mr. Deputy Speaker: With this it will be convenient to discuss the following:

New clause 6—*Reference of order to Second Reading Committee—*

'Where within the period referred to in section 13, either House of Parliament resolves that the content of an order is inappropriate for provision to be made under section 1 and that such order should be treated as a Bill, then the order may be deemed to be a Bill and shall be referred to a second reading committee.'.

New clause 14—*Veto by specified number of Members of House of Commons—*

'No order may be made under Part 1 where both of the following conditions have been fulfilled—

(a) within the period defined in section 13(7), more than 10 per cent. of the members of the House of Commons have signified to the Speaker in writing that they object to the use of the Act for purpose of introducing the order in question, and

(b) the members referred to in subsection (1) above are not all members of the same party.'.

No. 46, in page 8, line 17 [Clause 14], leave out subsection (2) and insert—

'(2) The Minister may make an order in the terms of the draft order subject to the following provisions of this section.

(2A) The Minister may not make an order in the terms of the draft order if either House of Parliament so resolves within the 40-day period.

(2B) A committee of either House charged with reporting on the draft order may, at any time after the expiry of the 30-day period and before the expiry of the 40-day period, recommend under this subsection that no further proceedings be taken in relation to the draft order.

(2C) A recommendation may be made under subsection (2B) only if the committee considers that—

(a) the provision made by the draft order does not serve the purpose specified in section (Power to remove or reduce burdens)(2), (Power to promote regulatory principles)(2) or (Power to implement Law Commission recommendations)(2) (as the case may be);

(b) any relevant condition in section 3(2) is not satisfied in relation to any provision of the draft order referred to in section 3(1); or

(c) the condition in section 3(4) is not satisfied in relation to any provision of the draft order referred to in section 3(3).

(2D) Where a recommendation is made by a committee of either House under subsection (2B) in relation to a draft order, the Minister may not make an order in the terms of the draft order unless the recommendation is, in the same Session, rejected by resolution of that House.'.

As Amendments to Hilary Armstrong's proposed Amendment (No. 46):—

(a), in line 5, leave out from 'with' to end of line 18 and insert

'responsibility for this matter may, at any time after the expiry of the 30-day period and before the expiry of the 40-day period, recommend that no further proceedings be taken in relation to the draft order.'.

Amendment (b), in line 9, leave out from beginning to end of line 18.

Amendment (c), in line 9, leave out from beginning to end of line 22.

Amendment (d), in line 20, leave out from first 'order' to 'the recommendation' in line 21 and insert

'no order may be made under this Part in the terms of the draft order unless either—

(a) before the order is made—

(i) at least two years have passed since the recommendation was made, and

(ii) the procedure to be observed under this Part has been observed anew, or

(b) '.

Government amendments Nos. 47 to 49

No. 50, in page 8, line 31 [Clause 15], at end insert—

'(2A) However, a committee of either House charged with reporting on the draft order may, at any time after the expiry of the 30-day period and before the expiry of the 40-day period, recommend under this subsection that no further proceedings be taken in relation to the draft order.

(2B) A recommendation under subsection (2A) may be made only if the committee considers that—

(a) the provision made by the draft order does not serve the purpose specified in section (Power to remove or reduce burdens)(2), (Power to promote regulatory principles)(2) or (Power to implement Law Commission recommendations)(2) (as the case may be);

(b) any relevant condition in section 3(2) is not satisfied in relation to any provision of the draft order referred to in section 3(1); or

(c) the condition in section 3(4) is not satisfied in relation to any provision of the draft order referred to in section 3(3).

(2C) Where a recommendation is made by a committee of either House under subsection (2A) in relation to a draft order, no proceedings may be taken in relation to the draft order in that House under subsection (2) unless the recommendation is, in the same Session, rejected by resolution of that House.'.

As Amendments to Hilary Armstrong's proposed Amendment (No. 50):—

Amendment (a), in line 1, leave out from 'with' to end of line 14 and insert

'responsibility for this matter may, at any time after the expiry of the 30-day period and before the expiry of the 40-day period, recommend that no further proceedings be taken in relation to the draft order.'.

Amendment (b), in line 5, leave out from beginning to end of line 14.

Amendment (c), in line 5, leave out from beginning to end of line 18.

Amendment (e), in line 16, leave out from 'no' to 'the recommendation' in line 17 and insert

'order may be made under this Part in the terms of the draft order unless either—

(a) before the order is made—

(i) at least two years have passed since the recommendation was made, and

(ii) the procedure to be observed under this Part has been observed anew, or

(b) '.

Amendment (d), in line 18, at end add—

'(2D) Where a draft order has been the subject of a recommendation under subsection (2A) and no further proceedings have been taken in the same Session, a Minister may not table a like draft Order within a period of two years after the day before the draft order was laid before Parliament pursuant to section 12.'.

Government amendments Nos. 51 to 53

No. 54, in page 9, line 8 [Clause 16], after subsection (4) insert—

'(4A) However, a committee of either House charged with reporting on the draft order may, at any time after the laying of a statement under subsection (3) and before the draft order is approved by that House under subsection (4), recommend under this subsection that no further proceedings be taken in relation to the draft order.

(4B) A recommendation under subsection (4A) may be made only if the committee considers that—

(a) the provision made by the draft order does not serve the purpose specified in section (Power to remove or reduce burdens)(2), (Power to promote regulatory principles)(2) or (Power to implement Law Commission recommendations)(2) (as the case may be);

(b) any relevant condition in section 3(2) is not satisfied in relation to any provision of the draft order referred to in section 3(1); or

(c) the condition in section 3(4) is not satisfied in relation to any provision of the draft order referred to in section 3(3).

(4C) Where a recommendation is made by a committee of either House under subsection (4A) in relation to a draft order, no proceedings may be taken in relation to the draft order in that House under subsection (4) unless the recommendation is, in the same Session, rejected by resolution of that House.'.

As Amendments to Hilary Armstrong's proposed Amendment (No. 54):—

Amendment (a), in line 1, leave out from 'with' to end of line 14 and insert

'responsibility for this matter may, at any time after the expiry of the 30-day period and before the expiry of the 40-day period, recommend that no further proceedings be taken in relation to the draft order.'.

Amendment (b), in line 5, leave out from beginning to end of line 14.

Amendment (c), in line 5, leave out from beginning to end of line 18.

Amendment (e), in line 16, leave out from 'no' to 'the recommendation' in line 17 and insert

'order may be made under this Part in the terms of the draft order unless either—

(a) before the order is made—

(i) at least two years have passed since the recommendation was made, and

(ii) the procedure to be observed under this Part has been observed anew, or

(b) '.

Amendment (d), in line 18, at end add—

'(4D) Where a draft order has been the subject of a recommendation under subsection (4A) and no further proceedings have been taken in the same Session, a Minister may not table a like draft Order within a period of two years after the day before the draft order was laid before Parliament pursuant to section 12.'.

No. 55, in page 9, line 18 [Clause 16], after subsection (6) insert—

'(6A) However, a committee of either House charged with reporting on the revised draft order may, at any time after the revised draft order is laid under subsection (5) and before it is approved by that House under subsection (6), recommend under this subsection that no further proceedings be taken in relation to the revised draft order.

(6B) A recommendation under subsection (6A) may be made only if the committee considers that—

(a) the provision made by the revised draft order does not serve the purpose specified in section (Power to remove or reduce burdens)(2), (Power to promote regulatory principles)(2) or (Power to implement Law Commission recommendations)(2) (as the case may be);

(b) any relevant condition in section 3(2) is not satisfied in relation to any provision of the revised draft order referred to in section 3(1); or

(c) the condition in section 3(4) is not satisfied in relation to any provision of the revised draft order referred to in section 3(3).

(6C) Where a recommendation is made by a committee of either House under subsection (6A) in relation to a revised draft order, no proceedings may be taken in relation to the revised draft order in that House under subsection (6) unless the recommendation is, in the same Session, rejected by resolution of that House.'.

As Amendments to Hilary Armstrong's proposed Amendment (No. 55):—

Amendment (a), in line 1, leave out from 'with' to end of line 15 and insert

'responsibility for this matter may, at any time after the expiry of the 30-day period and before the expiry of the 40-day period, recommend that no further proceedings be taken in relation to the draft order.'.

Amendment (b), in line 6, leave out from beginning to end of line 15.

Amendment (c), in line 6, leave out from beginning to end of line 19.

Amendment (e), in line 17, leave out from 'no' to 'the recommendation' in line 17 and insert

'order may be made under this Part in the terms of the revised draft order unless either—

(a) before the order is made—

(i) at least two years have passed since the recommendation was made, and

(ii) the procedure to be observed under this Part has been observed anew, or

(b) '.

Amendment (d), in line 19, at end add—

'(6D) Where a draft order has been the subject of a recommendation under subsection (6A) and no further proceedings have been taken in the same Session, a Minister may not table a like draft Order within a period of two years after the day before the draft order was laid before Parliament pursuant to section 12.'.

Mr. Djanogly: This important group of amendments seeks to introduce similar changes to clauses 14, 15 and 16, which outline the procedure that would apply when an order is to be made under the negative resolution procedure, the affirmative resolution procedure or the super-affirmative resolution procedure. One of our long-held criticisms of the Bill is that it lacks adequate safeguards for the use of its fast-track order-making powers, which many people believe will abolish our constitutional longstops. The Bill has widely become known as the "abolition of Parliament Bill".

We supported the Government's amendments to part 1 of the Bill yesterday, following their stated intention that the Bill would deal only with deregulation. However, we made it clear that our overall support would depend on the introduction of further safeguards. The introduction of a procedural veto to the Bill, which would be exercised either by the Houses of Parliament or by Select Committees, was one of the primary mechanisms recommended by my hon. Friend the Member for North-East Hertfordshire (Mr. Heald) and me on Second Reading, as a means of introducing such safeguards.

For that reason, an amendment to clause 16 was tabled in Committee. It would have required an order to have been withdrawn or amended if an amendment to the order had been agreed by one or both of the Houses of Parliament or by the relevant Committees of either House. The amendment would have granted Parliament the power to insist on amendments to the order which, if not accepted by the Minister, would have to be withdrawn. The Minister would then have to start the process all over again.

The Conservatives were, admittedly, far from being the only ones calling for a parliamentary veto on the use of the procedures in the Bill. The Liberal Democrats have done the same, and I noted with interest the reports of the Regulatory Reform and Public Administration Committees, among whose recommendations was a call for an amendment to the Bill to provide scope for an effective veto.

Our support for the insertion of the procedural veto into the Bill meant that we welcomed the then Minister's announcement in Committee—I see him in his place today—that he would introduce a parliamentary veto on the use of the procedure. The Conservative party welcomes the Government's amendments on the statutory veto as a significant step in the right direction. It is accepted in most quarters that the Bill requires adequate safeguards so that it is

not used in future as a tool for the Executive to abuse their power and discard Parliament. The amendments are meant to carry through the Government's pledge to build in a veto over an order for the relevant Committees of both Houses of Parliament. However, the amendments fall far short of introducing the robust and firm veto that we would expect to see inserted in such an important and constitutionally significant Bill.

Our concerns were heightened when we read the wording of the amendments. The Minister needs to explain exactly what the amendments entail. A Select Committee of either House may recommend that the relevant draft order should not be proceeded with. That recommendation, however, can be discarded if it is rejected by a resolution of the relevant House. Furthermore, when making such a recommendation, the Committee must have considered a range of factors, including those listed in clause 3. Our primary concern is that the conditions imposed on the relevant Committee, by which it is able to exercise such a veto, are excessive.

The primary difference between the Government's amendments and the amendment tabled by Conservative Members in Committee and now in new clause 5 is that the Government's proposals allow for the veto to be exercised only by a Select Committee, whereas our proposals allow for a veto by either the Committee or the Houses of Parliament. I note that the Procedure Committee, which recently produced an insightful report on the Bill, recommended that the power of veto should be exercised

"outside the Committee as well as within it".

While the Government's amendments allow both Houses to become involved in the process, they do not contain an automatic right of veto. If either House is unhappy with an order, it cannot veto it until a Committee has acted. The Procedure Committee's report noted that there was no need for the Bill to include a power of veto exercised beyond the Committee. It recommended that the mechanism by which the House of Commons exercised the veto should rest on House of Commons procedure. Is the Government's failure to empower Parliament by including an automatic veto in the Bill a result of that recommendation? If so, what steps will be taken to amend the House's procedure to ensure that it possesses a veto and that the mechanics are fully in place? More urgently, why will the Government not accept that this is a matter of great concern to Opposition parties and other Members who have voiced concerns and deal with the matter now, setting out the balances and stating the powers in the Bill?

While the Opposition are concerned about the lack of a parliamentary veto under the Government's amendments, we are also concerned that a Committee could have its veto overridden by a resolution of the relevant House. According to the wording of the Government's amendments, the veto of a Select Committee, which the Cabinet Office proudly proclaimed in its press release on 4 May, is effectively nothing more than a recommendation. The difference between a veto and a recommendation is obvious and needs no further explanation. Were a Commons Committee to recommend that no further proceedings were to take place, is it not likely that the Government would simply use their majority in the House to overrule it? Would not that negate completely the introduction of the veto?

If the Government have their way on this set of provisions, how will Parliament be able to ensure that the more contentious issues are dealt with in the Lords, where the veto is not capable of being vetoed by majority party votes?

Mr. Greg Knight (East Yorkshire) (Con): The Government deserve credit for listening to representations and giving ground in some other areas, but does my hon. Friend accept that in this area they have failed to meet the assurances given by the previous Minister, the hon. Member for East Renfrewshire (Mr. Murphy), to the Procedure Committee? Is he aware that on 7 February this year, the then Minister told the Procedure Committee:

"so our commitment is very clear, that we will not seek to do anything which is highly controversial. The Select Committee will make a judgment on that and the Select Committee can veto any recommendation from a minister."

The veto now proposed falls far short of that commitment.

Mr. Djanogly: My hon. Friend is absolutely right. Part of the problem is that the Government have been consistently late in responding to comments made in Committees and in producing draft clauses for review. We have been treating Report, to some extent, like Second Reading because we have not seen the clauses to comment on them.

Mr. Kenneth Clarke: My hon. Friend is making sound points in criticising the adequacy of the veto offered. Will he reflect on whether a veto is totally reassuring? As my right hon. Friend the Member for East Yorkshire (Mr. Knight) just pointed out, the former Minister repeatedly gave assurances in various forums that nothing that was controversial would be taken through in this way. I take that to mean that a substantial number of Members of the House saying that a measure should be subject to the parliamentary process should be adequate to stop the order making procedure being used. If all that is offered can simply be overridden by the working majority of the Government of the day, very controversial measures could be taken through using this simple, scarcely parliamentary procedure. Just a bare majority of Members of the House of Commons would make sure that an unsuitable process was used to override a significant section of public and parliamentary opinion.

Mr. Djanogly: My right hon. and learned Friend makes an important point. Were the matter concerned to be dealt with in the Lords, where the veto is more likely to be effective, I can imagine Ministers moaning and groaning that unelected Members of the House of Lords should not concern themselves with administrative or deregulatory issues. As a result, we could be caught in a cleft stick.

Mr. Heath: Actually, what the right hon. and learned Gentleman said was entirely in line with the new clause

[Mr. Heath]

that we shall discuss in this group, which my hon. Friend the Member for Cambridge (David Howarth) and I tabled and which I believe the hon. Gentleman has set his mind against. It is no good his saying that his right hon. and learned Friend has made an important point if he disagrees with the fundamentals of it when it comes to a vote.

Mr. Djanogly: I will come on to the hon. Gentleman's new clause, which has its problems, although, as he will hear, I believe that it merits further discussion.

We believe that the best course of action is to follow through the spirit of Government amendment No. 46. However, that amendment needs improvement to allow the veto to be exercised by either of the Houses or by Committees. I shall now deal with the point made by the hon. Member for Somerton and Frome (Mr. Heath) about new clause 14, as I know that he wants me to address it.

The Liberal Democrats' new clause 14 seeks to grant the House a statutory veto over orders introduced by virtue of this Bill. It suggest a novel alternative to relying on the recommendations of a Select Committee, already burdened and restricted in its freedom of action by the factors, as set out in the Government amendments, that must be considered when rejecting a draft order. That alternative is that a parliamentary veto may be exercised by a quorum of at least 10 per cent. of the House. The new clause also contains a safeguard of its own, in that those exercising their veto must encompass more than a single parliamentary party. That would prevent a single political group from rejecting the Government's measures on purely partisan grounds. It has been suggested that an order introduced under the Bill, which, if we are to believe the Government's words, would relate only to deregulation and Law Commission proposals, should be stalled by a parliamentary veto only if it is controversial. If that is the case, the order should be presented to Parliament in the form of primary legislation.

I agree that new clause 14 would in practice mean that only controversial measures would be vetoed, and I understand the spirit of it. However, it goes too far by setting a precedent in other areas of procedure. Issues such as what should be a relevant percentage and entrenching minority rights would need a much wider review.

Pete Wishart (Perth and North Perthshire) (SNP): The hon. Gentleman mentioned minorities. I think that the Liberal Democrats' new clause has its merits, in that the minority parties would be included. The hon. Gentleman is more than aware that we are not included on all Select Committees. In fact, we are on very few of them. That means that we would have no say in any veto. The Liberal Democrat proposal would allow us at least an opportunity to participate.

6 pm

Mr. Djanogly: The hon. Gentleman has just demonstrated his ability to participate. I do not think anyone is saying that he cannot participate in the progress of legislation. We maintain, however, that establishing a veto has significant implications for the flexibility of the way in which the House works, and would require a full review.

Sir Robert Smith (West Aberdeenshire and Kincardine) (LD): The hon. Gentleman told the hon. Member for Perth and North Perthshire (Pete Wishart) that he had demonstrated the ability of minority parties to exercise this right in the Chamber. The point is that the Government's procedures require them to exercise it in a Select Committee. We are trying to enable the whole House to influence what happens to procedure. Members of a Select Committee are, by their nature, select.

Mr. Djanogly: I hear what the hon. Gentleman says. I gave some time to his party's proposal because I think there could be some merit in it, but I also think that we need a full, much wider review than it proposes.

Mr. Kenneth Clarke: The difficulty is that we cannot reflect fully in the time before the Bill leaves the House of Commons. I find myself in the slightly embarrassing position of supporting what the Liberal Democrats have said. At a meeting, the hon. Member for Cambridge (David Howarth) and I urged that view on the then Minister, and I think that it has considerable merit.

Of course I accept that we cannot normally allow minority vetoes on the processes of the House or on ordinary parliamentary procedure, but yesterday I accepted new clause 19—reluctantly, as did my hon. Friend—as a step in the right direction. I was prepared to allow some flexibility in abandoning parliamentary procedure for non-controversial measures. Surely, though, if 65 Members say that a measure merits being subject to the full parliamentary process, it is not a non-controversial deregulatory measure. If we were in office, I would take the view that even if the 65 were shell-backed left-wing members of the Labour party with a stray Welsh Nationalist added, they would be entitled to the full parliamentary process, and to be allowed to veto a short-cutting of the whole parliamentary procedure, which we are all prepared to contemplate only in the case of genuinely non-controversial deregulatory measures.

Mr. Djanogly: I hear what my right hon. and learned Friend says. It is an interesting debate. According to company law, 10 per cent. of members can call an annual general meeting but cannot scrap a resolution. The percentage figure would need to be reviewed carefully in the context of the way in which the House works. Let us not forget that these proposals were presented to the House a matter of days ago. I respectfully suggest that to say that there should have been or could have been adequate time is not realistic, but, as I said to Liberal Democrat Members, I do not discount it as an argument, and it may be followed up in the other place.

Andrew Miller: Perhaps I can help the hon. Gentleman in his difficulties with the right hon. and learned Member for Rushcliffe (Mr. Clarke). I am sure

he would accept that all motions before the House tabled by Back Benchers must have equal status. According to his logic, the House would be forced to debate any early-day motion that attracted more than 65 signatures. That would tie down parliamentary time to an impossible degree.

Mr. Djanogly: The hon. Gentleman makes an important point, if only in saying—as I think I have been saying—that a good many of the issues will need to be examined in the round. It is not just a question of slapping down a clause and saying "Isn't that a great idea? Let us put it into legislation." The Minister might even agree with me about that.

David Howarth: Will the hon. Gentleman give way?

Mr. Djanogly: I will give way one last time.

David Howarth: The problem that new clause 14 at least attempts to solve is precisely the question of what counts as controversial for the purpose of a choice between the procedure proposed by the Bill and ordinary legislation. I am sure that the hon. Gentleman has read the report of the Committee proceedings. During those proceedings, his hon. Friend the. Member for Christchurch (Mr. Chope) suggested that if one Member objected, the matter would be controversial and should be treated as a Bill.

Mr. Djanogly: The hon. Gentleman has made the same point again. He has heard what I have had to say. I shall move on now, but I think the Minister has received the message that Members would like to hear his views.

Mr. Chope: Does my hon. Friend now accept that there may well be scope for common ground between all Opposition Members, so that when the Bill goes to the other place an amendment along these lines will be able to command common support among Liberal Democrats and Conservatives, and receive applause when it returns to the House of Commons?

Mr. Djanogly: I think that the matter should be seen in a wider context, and in that context I cannot answer my hon. Friend's question. What I can say is that our party will discuss it with our noble Friends.

Another of our concerns is that the amendments severely restrict the period during which the Committee's veto can be exercised. Amendments Nos. 46 and 50 allow for the exercise of the veto in the negative and affirmative resolution procedure respectively only after a 30-day period commencing with the day on which the draft order is laid before Parliament. That means that the period during which the veto may be exercised is limited to just 10 days.

While I understand the time limit, I wonder on reflection whether there is really a need to prevent a Committee from exercising its veto in the first 30 days following the laying of a draft order before Parliament. Perhaps the Minister could explain. In any event, we look forward to hearing the debate on the issue, particularly the debate on amendment (a), which was tabled by members of the Procedure Committee.

Amendments Nos. 54 and 55 allow for the veto to be exercised under the super-affirmative procedure only during the period between the moment when the Minister lays a statement before Parliament detailing representations made on the draft order and the moment at which the order is voted on in both Houses and therefore approved. It is unclear how long the gap between the two events is estimated to be. Is it not feasible that they could occur within a matter of days of each other?

We are also concerned about the conditions that must be met for a recommendation from a Committee to be valid. They appear onerous, and may provide the Government with a simple excuse to reject a Committee's recommendation rather than resorting to an attempt to defeat the recommendation in the House.

The factors listed in clause 3 that a Minister must take into account when introducing an order are essential. They provide a valuable safeguard, one of the few originally contained in the Bill before widespread criticisms forced the Government to back down. For that reason it is right that the Minister must consider those factors, but is it necessary for a parliamentary Committee—consisting, I am sure, of competent and respected parliamentarians—to have to take account of the same factors and more?

The changes to the Bill announced recently by the Cabinet Office are vital from a constitutional viewpoint. They will help to prevent a Government from abusing the Bill and from being able to amend any legislation on the statute book, but imposing conditions on a Committee of Parliament that is carrying out its function of holding the Executive to account and preventing abuses of power is surely unnecessary and over-restrictive. Do the Government not consider a parliamentary Committee sufficiently responsible to make a wise enough decision on a draft order introduced under the Bill? For that reason we tabled amendment (b) to the Government's amendments Nos. 50, 54 and 55, calling for the removal of subsections (2B), (4B) and (6B). We believe that such changes would create the robust and flexible veto that so many constitutional experts believe is vital to ensuring that the Executive do not abuse the power conferred on them by the Bill.

Our concerns about the Government amendments appear to be shared by the Procedure Committee. I note that it has also tabled amendments to all the Government's amendments relating to the statutory veto, calling for the omission from amendment No. 46 of proposed new subsections (2B) and (2C) and the corresponding subsections in amendments Nos. 50, 54 and 55. They would allow a Committee of either House to recommend that no further proceedings be taken in relation to the draft order. There would be no factors to consider and the onerous conditions imposed on the Committee by the Government amendments would cease to exist.

I shall now discuss our further amendments to the Government amendments, which would prevent a Minister from tabling a draft order for a period of two years if the same or similar order had been vetoed by the relevant Select Committee. A two-year moratorium has been imposed on altering the regulatory reform order, but no such standstill period is contained in the proposals. I noted with interest that such a moratorium

[Mr. Djanogly]

was also recommended in the Regulatory Reform Committee's report. It was aimed at preventing a Minister who has just had an order vetoed from laying a similar order before Parliament.

In recent years, we have seen a growing culture in which the Executive ignore the will of Parliament or, should I say, the people. Certainly, we see that happening in the European Union with underhand plans, now being implemented, to bring in by stealth elements of the failed constitution. In the UK, we see it in the Government bringing in their regionalisation plans—whether it be through primary care trust mergers, about which we heard earlier today, or in respect of the police—despite losing heavily in the north-east referendum. Our amendments are aimed at stopping that move towards legislation by stealth and regurgitation of failed plans.

An important point about the statutory veto concerns the make-up of the Committee of either House charged with reporting on the draft order. It is unclear in the Bill what type of Committee it should be. Is there to be a permanent Committee, charged with reviewing all orders issued under the Bill? If so, I draw the Minister's attention to the Procedure Committee's conclusion that parliamentary scrutiny of draft orders should not necessarily be in the hands of a single Committee responsible for all orders, as in the Bill, but be discharged by whatever Committee has the relevant subject expertise, including the departmental Select Committee. Will the Minister clarify which Committees the Government envisage undertaking those crucial roles?

The Conservative party believes that the exercise of this veto, which was a central plank in the Government's effort to placate the fears of opponents of the Bill and was recommended by both the Public Administration Committee and the Regulatory Reform Committee, should be far more flexible than is envisaged in the amendment. The opinion of a Select Committee charged with reporting on a draft order laid before Parliament under the Bill should carry more force. There should be a less restrictive time period for the exercise of the Committee's recommendation, and fewer conditions should be imposed on the exercise of that recommendation.

Andrew Miller: I think this is the first time, Madam Deputy Speaker, that you have had to listen to our long and complicated debates on the Bill, so welcome to the Chair. To make it even more complicated, as the hon. Member for Huntingdon (Mr. Djanogly) was speaking, my glasses fell apart, so I shall have to ask the Minister to hold my notes a little further away until my spare glasses arrive.

Both in partnership with my fellow members of the Select Committee and subsequently in exploring practical ways forward, I have carefully considered the matter of the veto. I was certainly left with the impression, as reinforced by the Chairman of the Procedure Committee, that we were not being offered a qualified veto and I have discussed with Ministers where that would leave us. I have expressed to my hon. Friends privately and put it on the record that I am uncomfortable with the Government's amendment, so I am anxious to listen to the views of the Chairman of the Procedure Committee when he moves his amendments, particularly when I have amended his amendments further in respect of the two-year rule.

6.15 pm

What powers does the Minister envisage the Committee having? That is the most important issue. The Secretary of State said in a letter of 11 May—I referred to it yesterday and confused the hon. Member for Huntingdon—that the statutory veto was not "a blanket veto". There may be good technical reasons for that. I am not a lawyer, but am always prepared to listen to them. Often one has to listen to them at length; I do not want to disparage the profession of the right hon. and learned Member for Rushcliffe (Mr. Clarke), but he might be happier with a bigger Bill.

I am more interested in the practical ways of how the House deals with its business. That issue was raised by the Liberal Democrat MP, Brian Cotter, in 2001. In the Second Reading debate on the Regulatory Reform Bill 2001, Brian Cotter, then the Liberal Democrat Member for Weston-super-Mare, asked the then Minister, the hon. Member for Manchester, Blackley (Graham Stringer), to explain what he meant about a ministerial undertaking. The undertaking given has proved to be mighty effective; only 27 orders were dealt with through the process in the last Parliament. The reason is probably that a ministerial undertaking given to the House is an absolute one.

If the Parliamentary Private Secretary would like to pick up my glasses from over there—I have just seen them through the corner of my eye—I would be extremely grateful, especially as the next part of my speech is written in micro-dot. What a wonderful service we get here. That's better, I can read my notes now. The ministerial undertaking given is, I think, a very powerful vehicle. I would like to establish clearly and unambiguously with the Minister whether he is prepared today to restate that ministerial undertaking. I cite what the then Minister said when he gave it:

> "First, I am happy to confirm that the order-making power will not be used for large and controversial measures"—

we have already debated that.

> "Secondly, the Government would not proceed with an order against the Committee's wishes."—[*Official Report*, 19 March 2001; Vol. 365, c. 117.]

No qualifications there; it was said clearly that the Government would not proceed against the wishes of the Committee. If the Minister can today, irrespective of the partial statutory veto, give a similar undertaking, that would make a forceful point. As I look around at hon. Members in their places who have been or are Ministers, I know that they realise that such an undertaking would be of very considerable significance.

Lynne Jones (Birmingham, Selly Oak) (Lab): A ministerial undertaking is no substitute for stating something in the Bill. Government amendment No. 46 includes no such statement; in fact, the restrictions on the use of the so-called veto are so great that it is difficult to imagine any circumstances in which it would be impossible for an order not to serve the purposes specified.

Andrew Miller: I hear what my hon. Friend says, but I am talking about practical politics; about a Committee's ability to say to a Minister without fear of judicial review that it is not prepared to let them continue along a particular course. That has proved an effective mechanism; that said, I would prefer to adopt an approach in keeping with the views of the Chairman of the Procedure Committee. The key is to ensure that this House has a practical means of stopping in their tracks a Minister who is going too far.

Mr. Heath: I am listening carefully to the hon. Gentleman and I know that his intention is good, but the point is that Government's extraordinary proposal is to impose a statutory bar on what a Select Committee of this House can do. The hon. Gentleman is asking the Minister to assert that he will not use two thirds of the provision, which seems absurd. The only way that the Minister could make that binding is to be the only Minister involved with it, and to stay in office for ever, which is unlikely. If he has no intention of using the provision, why on earth include it in the Bill?

Andrew Miller: Given the Minister's experience over the past 24 hours, he probably wants to move on rapidly, like his predecessor, despite his sterling work. A ministerial undertaking is understood by this House to be binding on the Government. *[Interruption.]* Does the right hon. and learned Member for Rushcliffe want to intervene?

Mr. Kenneth Clarke: My understanding of ministerial undertakings is that they are regarded as binding only on the Government of whom the Minister in question is a member. Leaving aside the history of ministerial undertakings not being adhered to by some Governments—and although I am sure that, if we took office, we would be impeccably deregulatory and simultaneously sensitive to the procedures of the House—the fact is that many undertakings given by the present Government would not be regarded as binding on successor Governments. I envisage that in 10 years' time, ministerial undertakings will be regarded as somewhat irrelevant. Indeed, that is why we did not accept assurances—given constantly by the previous Minister in response to complaints—that the original Bill would not be used in the way that it plainly allowed for if someone stuck to the law.

Andrew Miller: I have some sympathy with that point, but I am simply trying to find a practical way forward. We have yet to hear the Minister's views on this issue, but I am sure that the House will agree that the restating of the undertaking to which I have referred would be more than a nuance and would shift the ground, albeit slightly.

Sir Robert Smith: I understand where the hon. Gentleman is trying to come from, but under the previous regime, a Committee could communicate its concern and the Minister could then invoke his undertaking not to go against its wishes. How would the ministerial undertaking work under the terms of this new provision, which would constrain a Committee in expressing its reservation?

Andrew Miller: I know where I am coming from—it is where I am going to that sometimes proves a little difficult. In practice, I would expect a Committee of this House to make use of the potential veto at any stage up to the point at which the order in question is issued; I would not want to insist that it be used only when the draft order is published.

Let us consider the following example. An innocent-looking draft order affecting London museums met with the approval of the original consultees and, at first glance, of my predecessor Committee. But when it went out for broader public consultation, a legitimate authority expressed reservations and demonstrated to the Minister in question that an error had been made and that it was not appropriate. So one needs the power to exercise the veto at any stage, with or without statutory restrictions. Such a view is based on the undertaking given by the then Minister on Second Reading of the 2001 Act.

Mr. Greg Knight: Surely the point is this: we were given a ministerial undertaking on 7 February and what we need now is not a second one, but the delivery of the first. That can be done today if the Minister accepts the Procedure Committee's amendments.

Andrew Miller: As I said earlier, I have some sympathy with the views of the authors of those amendments, which provide a more clinical way of dealing with this issue. However, it seemed to me appropriate at least to explore this idea and to invite comments from the Minister, in order to help inform our proceedings. I understand where the right hon. Member for East Yorkshire (Mr. Knight) is coming from, but I have yet to hear the Minister explain why the veto was drafted in this way, rather than according to the right hon. Gentleman's understanding, which is based on evidence given to his Committee.

I turn to the amendments standing in my name and that of my hon. Friend the Member for Plymouth, Devonport (Alison Seabeck) relating to the two-year rule. Essentially, they are probing amendments that seek to discover what will happen when a Minister is hell-bent on introducing an order, despite opposition from a Committee of the House. Clause 16, which deals with the super-affirmative resolution procedure, clearly sets out the reporting procedure. There are mechanisms that enable Ministers to tweak and amend an order in the light of discussions with Committees of both Houses, and with public bodies and individuals. So what starts as a draft order is not necessarily the final text. It may be amended or qualified in writing, or the body or organisation for which it is promulgated may make appropriate assurances. Yesterday, I gave the example of the assurance given to both Houses by the chairman of the Forestry Commission that satisfied the concerns expressed by my Committee.

Those possibilities are available in the tweaking process, but what happens if the Minister says that he will keep coming back even though the Committee does not like what he says? First, the parliamentary business managers would not be terribly enamoured of that and the Minister would not survive for long without being ridiculed for trying to repeat the same mistake over and over again—

6.30 pm

Mr. Heath: He would get promoted.

Andrew Miller: The hon. Gentleman must not tempt me. The alternative to that is that practical politics might stop a proposal returning to the House within the lifetime of a Parliament.

These are probing amendments, designed to elicit an explanation from the Government of when it would be sensible, in the lifetime of a Parliament, for a Minister to bring back to the House an order that a Select Committee had decided was not suitable for regulatory reform. Under what circumstances would the Minister consider that appropriate?

I am trying to break these complex legal issues into simple and practical procedures that would allow hon. Members to do their job and examine the work of the Executive in an effective manner. The work of the Regulatory Reform Committee would be strengthened if Conservative Members bothered to turn up, as I noted previously to the hon. Member for Huntingdon (Mr. Djanogly), but that is a matter for him to deal with.

An effective mechanism is in place, but we are trying to make it stronger so that it can deal with the enhanced powers set out in the Bill. I hope that my comments will inform that debate, and I look forward to the response from my hon. Friend the Minister. That, in turn, will help the House to determine the best way forward.

Mr. Heath: I am intrigued by the notion expounded by the hon. Member for Ellesmere Port and Neston (Andrew Miller) that ridiculing Ministers causes them to be sacked. In my experience, they get promoted or retain their salaries when their jobs are taken away. However, he clearly knows more about that than me.

We are dealing with one of the three most important elements in the Bill. Yesterday, I set out the three ways to secure some safety with the proposals. I said that that could be done by prescription of what could be dealt with by the Bill, by proscription of what could not be so dealt with, and by protection—that is, using the safeguards available to the House to influence the use of procedure.

This group of amendments is entitled "Parliamentary veto", but that is an unfortunate misnomer. A better alternative might be "Parliamentary caveat", as we are certainly not talking about Parliament vetoing what the Government propose. We have heard a great deal about the value of ministerial assurances and a Select Committee of the House was assured, right at the start of our consideration of the Bill, that there would be a Select Committee veto on proposals. The former Minister, who is now Minister for Employment and Welfare Reform, originally thought that that mechanism was already in the Bill. It was gently pointed out to him that that was not the case, but he seemed to retain that misapprehension even as the Committee stage began. Eventually, he promised that it would be brought in later.

The tenor of the Government's response to the quite proper criticism of the Bill voiced by hon. Members of all parties has been that the Select Committee structure would have primacy in the procedural arrangements. It therefore bodes very badly for the exercise of the powers in the Bill that Ministers are not prepared, even now, to accept the recommendations of the Procedure Committee or of the Regulatory Reform Committee. The members of those Committees have great knowledge of these matters, but their proposals were not adopted by Ministers when they put forward their amendments.

Mr. Oliver Heald (North-East Hertfordshire) (Con): Does the hon. Gentleman agree that it would be a fine thing to trust our Select Committees with the responsibility that he describes? If Ministers are not prepared to do that, they should say so. They gave the impression early on that they were prepared to trust the Select Committee with the responsibility, so can he understand why they will not do so now?

Mr. Heath: I do not understand anything about the Government's approach to the Bill. They have been dragged, kicking and screaming, to the realisation that they could not get through their entirely preposterous original proposals. They are in full retreat, making concession after concession, but even now they do not seem to understand the basic principles that underlie the many criticisms levelled at the Bill from many quarters, and so are unable to respond to them adequately.

The Government do not propose a Select Committee veto on procedure. It is transparently obvious that the most that Select Committees can do is to make a recommendation in that respect. I emphasise that we are not talking about a veto on an order itself, as Ministers could always use an alternative procedure to bring forward an order if the original procedure were rejected. They could use for that purpose the primary legislation that in normal circumstances would be the proper vehicle for introducing an order and, in turn, that would mean that an order would be properly scrutinised by this House and the other place.

That alternative was always open to Ministers, but the idea was to institute a fast-track procedure that would avoid that level of scrutiny before an order went into a Statutory Instrument Committee. No controversial measure was to have been put through the fast-track procedure, but the proposal under consideration would allow a Select Committee to consider an order only under a very constricted time scale. The result would be that that Committee would not be able to consider an order for too long, or to listen too carefully to the voices from outside the House. The few hon. Members serving on the Select Committee concerned would be able to make a recommendation, but that could be overruled by an order of the House.

In those circumstances, what would the motion put before the House contain? Would it allow a proper debate and give people an opportunity to express their concerns and say why they did not consider the fast-track procedure appropriate? Of course it would not. The matter would be dealt with at the end of the day in a business motion requiring a negative or an affirmative resolution of the House, and if anyone had the temerity to say no it would be pushed through on a

deferred Division on a Wednesday afternoon. I would bet my life that the Government would have their way because no one would know about any of the arguments why they should not.

What considerations can a Select Committee make in even making such a recommendation? Can it follow its instincts? Can it listen to the advice that it was given? No, it cannot. The proposals from the Minister lay down the limited range of criteria that the Committee can use in coming to a conclusion. It is improper to constrain a Select Committee's considerations in that way. I know of no circumstances in which Ministers have tried by statutory means to restrict the activities of a Select Committee of the House.

Andrew Miller: That is why I wanted to explore whether it would be better to address the problem through a different route. It is a real issue and we have to deal with it, but I want to find the best solution.

Mr. Heath: I understand that the hon. Gentleman is trying to reach the right outcome, but I do not share his optimism that an assurance from Ministers on the Treasury Bench that they will not apply what is clearly laid out in statutory form in their proposals would have any value whatever. The Select Committee would be very constrained in the criteria that it could use to determine whether the procedure was right. It is transparently obvious that if a Minister did not like the result of the Select Committee's considerations, he would overrule it in the House. There is nothing in the provisions to stop a Minister behaving in that way. Even if the excellent new Minister on the Treasury Bench was absolutely determined that he would not use the provisions in that way, I do not believe that the writ of the Parliamentary Secretary to the Cabinet Office—or is it to the Duchy of Lancaster, I am not sure of the exact title?—would run to the Home Secretary or to the Secretary of State for Constitutional Affairs.

The Parliamentary Secretary, Cabinet Office (Edward Miliband): The hon. Gentleman underestimates my hon. Friend on the Treasury Bench.

Mr. Heath: I may be underestimating the Minister, but I have seen dodgy procedure from past Home Secretaries and I do not believe that a Home Secretary would listen to a junior Minister in the Cabinet Office. No assurances from the Treasury Bench will hold water.

For that reason, if the Government press ahead with the proposals in their amendments Nos. 46, 50, 54 and 55, it is essential that we amend them today to remove those appalling restrictions on the latitude allowed to Select Committees in undertaking their work, both in terms of time and the criteria they must use to assess whether an instrument is appropriate for the fast-track procedure.

Mr. Kenneth Clarke: I think that I am correct in saying that if a Select Committee was contemplating a recommendation that the process should not be used it would almost certainly be advised by its Clerk that it was not able to make such a recommendation unless it addressed the terms of the legislation. It would be open to the Committee to make a recommendation only if it could demonstrate that it was complying with the conditions put on it. If the Select Committee decided as a matter of parliamentary principle that the process was not appropriate it would receive professional advice from the Clerk that it was not in a position to make a recommendation on that basis.

Mr. Heath: The right hon. and learned Gentleman is absolutely right. Such statutory constraints on the exercise of a Select Committee's discretion are unique, but it is clear that, as the hon. Member for Birmingham, Selly Oak (Lynne Jones) said earlier, most, if not all, of the good reasons for assessing that an order was inappropriate for the accelerated procedure would be declared ultra vires. We would have the absurd prospect that a Select Committee decision was justiciable—reviewable—on the basis that it had not followed criteria set down in statute in reaching its decision. When has a Select Committee ever been bound by statute, and justiciable in the courts, in the exercise of its discretion? The suggestion is preposterous.

6.45 pm

Mr. Heald: Does my hon. Friend agree—

Edward Miliband: Hon. Friend?

Mr. Heald: I think that the hon. Gentleman is in this case.

Does my hon. Friend the Member for Somerton and Frome (Mr. Heath) agree that in the important example given by my right hon. and learned Friend the Member for Rushcliffe (Mr. Clarke) yesterday about tax cuts being something that could be fast-tracked using the order-making power, a Select Committee would not be able to veto it because it would have to go through exactly the same hoops as the Minister? As we know, tax cuts are not covered by that process so it is not a real protection in the circumstances outlined by my right hon. and learned Friend.

Mr. Heath: I have hon. Friends on both sides of the Chamber so I, too, shall call the hon. Gentleman my hon. Friend in this matter. He is right. Anything within the terms of the order, and that the Minister has correctly assessed as within the terms of the order, must be so in the view of the Select Committee because it has to apply the same criteria. Therefore, any political judgment on the essential question of what is controversial means nothing in the context of the provision. We were told at the start of the Bill's proceedings that it would not be used for anything controversial. Then, the Government elevated the threshold slightly and said that it would not be used for anything "highly" controversial. I hope that we have now gone back to "controversial".

Unless we make the necessary amendments, the whole measure will be meaningless. If the opportunity arises, I shall press hard my amendment (c) to Government amendment No. 46, because removing those constraints is crucial to the work of Select

[Mr. Heath]

Committees. Even if that were achieved, we would still have the problem, alluded to in a short debate between the hon. Member for Huntingdon (Mr. Djanogly) and most of his hon. Friends on the Back Benches, who did not agree with him, about a genuine parliamentary veto.

A Select Committee has a Government majority. If the purpose of the safeguard is to ensure that something that is deeply controversial to a section of the House—whether on the Government Benches or elsewhere—is not put through a fast-track procedure, a simple majority in a Select Committee with a Government majority will not do the job, however assiduously the Committee may attempt to do its job. With the best will in the world, its members may not be aware of the local implications of an order put through by that process that might be deeply controversial. The procedure can be used not only for general public Acts, but for local Acts. The Regulatory Reform Committee or its successor might be completely unaware of a particular local Act, not because Members had not done their research properly, but because there was a burning political issue—we are, after all, politicians, which is why we are sent to this place—of which they were unaware because none of them was from that area.

Andrew Miller: If I might correct the hon. Gentleman, that is why we have a consultation process. That is why the order relating to London museums, to which I referred earlier, was dropped. The consultation process identified an error relating to a local matter, which would certainly not have been an issue in Burnley, the constituency of my predecessor as Chairman.

Mr. Heath: I understand the hard work that goes on in Select Committees to try to deal with such issues, but as we all know—certainly those of us with local authority backgrounds—often there will be no response to a consultation and the matter appears entirely benign, until it is implemented. Then everybody says, "Why didn't you ask us? Why didn't you consult us? Why didn't you allow our objections to be heard?" Of course there was the opportunity, but no one asked the right person at the right time about their problems.

I want to make it clear that we do not suggest the sort of process in new clause 14 from our partisan point of view. We deliberately set the threshold beyond what the Liberal Democrat party has in the House. I do not think that 10 per cent. is an unreasonable figure. If 10 per cent. of the House feel strongly about something, the voice of those hon. Members should be heard, because that subject is controversial by definition. If that 10 per cent. comprise at least two parties represented in the House, it is clear that no simple mechanism on behalf of one party for political advantage is involved.

I believe that if those circumstances apply, it is right that that should apply a brake to the procedure. Let us remember that it would not be a brake on the order. The order can still be translated into primary legislation and go through its normal course of action. It is not a question of a minority party preventing legislation; it is simply suggesting that the legislation must be scrutinised. There are Liberal Democrat Members, Conservative Members and Members from the minority parties who very clearly understand the merits of that case.

Mr. Roger Gale (North Thanet) (Con): I have some sympathy with the hon. Gentleman's view that the House should be able to challenge the view of a Select Committee, and most certainly that of an Executive with overweening power, but I am very concerned indeed about the second part of his proposal because there is a quaint and long-standing belief that Members of Parliament are individuals who speak for themselves and their constituents, based on an assessment of the problem. If he and the Liberal Democrats go down the road of suggesting that any measure in the House must have the support of more than one party, it is a very slippery path indeed.

Mr. Heath: I am most grateful to the hon. Gentleman for his observation. First, parties are established under Standing Orders—we understand what parties are—and secondly, it was a criticism when we first suggested such a proposal that to allow one party effectively to block a parliamentary procedure was inappropriate, because that should require a greater degree of consensus. That is precisely why we suggested the provision. I find it slightly odd that we now hear a quibble from the other direction, suggesting that such things should be in the hands of a single party, but perhaps that could be debated later. However, the proposal has considerable merit in terms of parliamentary procedure. Simply because we do not do it now is not a good enough reason to say that we should not do it in the future.

The hon. Member for Ellesmere Port and Neston made the point about early-day motions being discussed on the Floor of the House. There ought to be a mechanism for that, too, if enough hon. Members want to do so. When an early-day motion is signed by more than half the membership of the House, such as the one on the removal of the Post Office card account, I cannot believe that we as a House cannot insist that we should debate the subject—a majority of hon. Members from all parties very feel strongly about it—yet we do not have the mechanism to do so.

Mr. Heald: Does the hon. Gentleman think that we are in danger of having too many veto proposals in the Bill? The idea of the Select Committee veto—something that we have all pressed for throughout consideration the Bill—should be applauded and strengthened, and we should be pressing for that. However, I wonder about considering other proposals that relate to blocking minorities on the Floor of the House. That would set a major precedent because it could be argued that perhaps a blocking-minority approach should be adopted for every procedure. Surely, if we were to do that we would need a major inquiry and discussion between the parties about how we tackle our procedures on numbers. The next step after that would be to say that we have entrenched majorities for constitutional matters. It would then be a different kind of Parliament, and it may be a good one,

but to make that change—which would have huge significance constitutionally—piecemeal would be the wrong thing to do.

Mr. Heath: I hear what the hon. Gentleman says, but I simply do not agree with him. We need to set a precedent occasionally. We are discussing an entirely novel procedure, to which a brake needs to be applied, and we have suggested a good brake. That view is clearly shared by the right hon. and learned Member for Rushcliffe (Mr. Clarke), who chairs the august body in the Conservative party that is working on exactly these matters. His opinions should carry some weight among Conservative Members.

We ought to send a signal today, which is why, given the opportunity, I will press new clause 14 to a Division this evening, and I will do so content in the knowledge that it would serve the interests of Back Benchers, minority parties and those who would not otherwise have the opportunity to make their voice heard—and who ought to be heard, either in a Select Committee or a Statutory Instrument Committee—at a later stage. My worry about leaving the issue to another place, as I think the hon. Member for Huntingdon intimated, is that Members of the House of Lords will be very cautious indeed about expressing an opinion, because it is quintessentially a House of Commons matter.

My worry is that they will simply not feel able to make the necessary intervention. That is why tonight's debate is so important—it may be our last opportunity to make it clear that the procedure that the Government propose will not do. If the Bill is passed today by a Government majority, I do not believe that it will come back to us—I wish it would, but my fear is that the other place will feel inhibited about intervening in House of Commons business for all the reasons that we know, and therefore it will not come back to us for reconsideration. Therefore, tonight is make-your-mind-up time about whether we accept the very flawed mechanism that the Government propose.

Mr. Greg Knight: I only want to correct what I think was a slip of the tongue. The hon. Gentleman said that he wanted to divide the House on new clause 42. I presume that he meant amendment No. 46.

Mr. Heath: I referred to new clause 14. I think that the right hon. Gentleman, who is the Chairman of Procedure Committee, misheard me, but I am grateful to him for intervening because it is important that the discussion of these procedures is not only intelligible but audible. So I repeat that I wish to seek a Division on new clause 14. We had very important debate yesterday. This is the important debate today, because if we get this wrong the procedure, albeit not quite so open-ended as before the Government amendments were accepted yesterday, will nevertheless be too open-ended for the comfort of any hon. Member.

Dr. Tony Wright (Cannock Chase) (Lab): There is, of course, a slight gap between the way in which we talk about Parliament and how it operates, and perhaps we ought to confess to that, in the interests of people who listen to our debates and read the reports of them. That was caught quite nicely by the casual remark of my hon. Friend the Member for Ellesmere Port and Neston (Andrew Miller), the Chairman of the Regulatory Reform Committee, when he said as an aside that the Conservative members of that Committee do not turn up. I do not say that to make a trivial party point of the kind that we are prone to make; I say it only because we are talking about the great powers that should live within our Select Committees and how important it is that their will should prevail, and we then go on to talk about the glories of Parliament itself. Yet that is suddenly pierced when we see the reality of how such things work.

It is rather amusing in a way to watch the Opposition parties failing to agree on what would be appropriate for Parliament to do in the circumstances—whether it is better that a Committee should decide, whether the whole House should decide, or whether a percentage of the House should decide, all of which ideas depend on different versions of what Parliament is and how it operates. However, it is quite a perverse argument to suggest that the House itself should not decide on a matter before it. That argument is being put, because the House is governed by parties and inbuilt majorities. That is true; it is how our system works—but it is odd to pick away at that system in one little segment without acknowledging the fact in our wider deliberations.

That is a curious proposition, because anyone looking at it from the outside would think it a rather sensible procedure for the whole House—the Commons bit of parliamentary sovereignty—to exercise its power, so that it can constitutionally trump whatever a part of the House might decide. That would seem the constitutionally proper arrangement. Indeed, that is precisely how we proceed in the entirety of our business. To acknowledge publicly that we do not want to proceed in that way, as is being argued, is to give the game away, in a sense, about how this place operates. If we are going to do that, we should at least follow the argument through and give the whole game away, and not pretend that we can just give a little bit of it away.

7 pm

I take this area of the Bill and the amendments seriously. They are crucial. As the hon. Member for Somerton and Frome (Mr. Heath) just said, we are talking about one of the most objectionable bits of the first incarnation of the Bill. It was right to say that it would become less objectionable, or unobjectionable, only if an effective veto were put into the Bill to provide a mechanism to enable us to say, "It is not appropriate to use this mechanism for this purpose," and for that view to prevail.

The question is: have the Government inserted such a mechanism? The answer is: partly. We have, perhaps, a qualified veto. We have a recommendation power. However, if it is a veto, it could be argued that we have a provision to veto the veto. Then we are back to the arguments that I have just described about how Parliament works. Parliament can collectively decide what to do—but we know that in reality, that can subvert the mechanism that we think we have established to do a job for us. As has been said, we are talking about a Committee that has a Government majority anyway, so why do the Government need the

reassurance of a veto on the veto when they have inserted a procedure that, on the whole, is thought to be satisfactory?

There may be disagreements about the mechanisms being recommended, but what unites everybody who is contributing to this discussion is the proposition that we want a strong rather than a weak veto. We want an effective veto, rather than an ineffective one. We are entitled to look to the Government to provide assurances about what is going to happen in the days to come to deliver that effective veto, so that this whole area of concern about the Bill is comprehensively removed. That is my main point.

I have one further point on a matter that has been raised already—trying to specify the grounds on which the qualified veto can be exercised by a Committee. Government amendments Nos. 46, 50, 54 and 55 insert that qualified veto, but they also set out the only grounds that a Committee may properly take into account when deciding whether to exercise that veto. Including in the Bill in that way the grounds on which a Committee may make a decision is entirely new. Previously, that has always been a matter for Standing Orders.

There are two difficult alternatives: either the courts will have the power to review proceedings in Parliament, or the limitation is entirely ineffective because the courts would hold that power without an express provision overriding article 9 of the Bill of Rights. They have no power to examine a Committee's reasoning, because to do so would be to "impeach or question" proceedings in Parliament. It is constitutionally extremely peculiar to invite the courts to review judicially the validity of parliamentary decisions. That is why a number of the amendments—including one tabled by me—seek to remove those parts of the veto provision.

I hope that when he replies, the Minister will assure us that the concerns being expressed about the effectiveness of the veto will be addressed, and that he will reflect further and deliver a veto that will be strong rather than weak, and effective rather than ineffective. I hope that he will reconsider whether it is necessary, or indeed constitutionally desirable or possible, to specify the grounds on which a Committee of the House can exercise its power.

Mr. Greg Knight: I rise to speak about Government amendment No. 46 and amendment (a) to it, which is in my name and the names of other members of the Procedure Committee. Amendment (a) is a cross-party amendment, although I am aware that some members of the Committee see it as a probing amendment, while others feel very strongly about it. Government amendments Nos. 46, 50, 54 and 55 introduce the Committee veto that we have been discussing in respect of the orders under the Bill.

The Procedure Committee recommended that a veto should be added to the Bill, so I give the Government one cheer for delivering the veto. However, in introducing that veto they have only partly met their commitment to the Committee, because they have sought to define the grounds on which the veto can be exercised. I have serious concerns about that on two grounds. First, as has been said by the hon. Members for Somerton and Frome (Mr. Heath) and for Cannock Chase (Dr. Wright), it raises the possibility that the courts might be encouraged to examine how a Committee reached a decision, and whether it did so properly. That would be clearly contrary to the accepted understanding of article 9 of the Bill of Rights, as the hon. Member for Cannock Chase said. It could draw the courts into areas that they have hitherto been at pains to avoid.

Secondly, and most importantly, the grounds themselves are narrowly defined and certainly do not live up to the Government's previous undertaking that no order would be proceeded with if the relevant Committee judged that it was an inappropriate use of the powers under the Bill—for example, because the matter was controversial. I refer Members to my Committee's first report of this Session—HC 894—and evidence pages 17 and 18. We received evidence from the Minister who was then at the Cabinet Office, the hon. Member for East Renfrewshire (Mr. Murphy), who gave at least three ministerial assurances on this matter—or perhaps I should say one ministerial assurance that was repeated three times.

The hon. Gentleman was unequivocal about the veto. In answer to questioning, he said:

"so our commitment is very clear, that we will not seek to do anything which is highly controversial. The Select Committee will make a judgment on that and the Select Committee can veto any recommendation from a minister."

During the same evidence session, he went on to say:

"Ultimately, the sanction that select committees have is, 'It doesn't feel right. You have overstepped what we anticipated and we are not willing to give our consent to this going forward either in the way you propose', so it should not be a negative, it should be an affirmative order or it should be super-affirmative, 'or it should not go ahead at all'."

Later, he returned to the scope of the veto and, referring to what the Committee could do, he said:

"so they can either move it up one, or move it up two in fact, so they can move it from negative to super-affirmative, or indeed they could just say, 'We don't think this is suitable at all for this committee', and we are back to the drawing board to seek an alternative way of implementing the order."

There was no mention of restrictions on the use of the veto, which are now before us.

My Committee's amendment, and others, would remove the definition of the grounds for the use of the veto, thus leaving open the possibility that an additional veto, which could be exercised outside a Committee, could be introduced by Standing Orders.

The Minister for the Cabinet Office (Hilary Armstrong): It might help the House if I remind the right hon. Gentleman that the evidence that he is citing was given before the amendments to limit the powers with regard to the orders were tabled. The Government have been very careful to limit those powers in the manner for which the House asked through the Select Committees that examined the matter. They simply linked the veto to the new restricted powers. Part of the almost circular argument that we are having is that although we have agreed the limit on the powers, it is said that the powers are now so narrow that the veto must be widened. I hope that the right hon. Gentleman understands what the Government were trying to do. During this debate, yesterday's debate on narrowing the

powers is being forgotten. The Government tried to link the veto to the new definition of the powers.

Mr. Knight: I am not sure that that is a valid point. The powers in the Bill may well have been narrowed, but that has been done only in line with what Ministers said the purpose of the Bill would be anyway. Ministers have introduced provisions that achieve what they told us, through assurances, that the Bill would be used for. I do not accept the point that the right hon. Lady is making.

We do not want to widen the veto, but we think that it should be exercised as was indicated by the former Minister when he gave evidence to the Procedure Committee: if a measure is controversial—although controversy is outwith the scope of the veto—a Committee should be able to veto it. That would not stop the Government getting their legislation through. As the hon. Member for Somerton and Frome said, we are merely suggesting that we should be able to say to the Government that the fast-track procedure is not appropriate in a specific case, so the measure should be subject to greater scrutiny. With the greatest respect to the right hon. Lady, she did not make a valid point at all.

If the Government are not ratting on a promise, they are certainly guilty of backsliding on an unequivocal ministerial assurance given to a Select Committee of the House. I hope that we will be able to vote on amendment (a) to Government amendment No. 46. Quite simply, the House should not put up with this.

Alison Seabeck: As a member of both the Regulatory Reform Committee and the Standing Committee that considered the Bill, I am generally pleased by the progress that has been made. However, I still have concerns about this group of amendments, especially Government amendments Nos. 46, 50, 54 and 55. Those concerns have been voiced with greater knowledge and expertise than mine by my hon. Friends the Members for Ellesmere Port and Neston (Andrew Miller) and for Cannock Chase (Dr. Wright).

Although the Regulatory Reform Committee's special report, which has been much quoted, has, it appears, provided the basis for many of the revisions that have been made to the Bill, no further amendment has been made to one or two aspects. However, there is still a case for both this House and another place to consider those aspects. That is why I have put my name to several amendments tabled by my hon. Friend the Member for Ellesmere Port and Neston.

In my view, and in that of the Regulatory Reform Committee and the Public Administration Committee, it is preferable that after an order has been laid, no draft order to the same effect, or any which, although it has been reworded or modified, would have the same effect, should be laid within two years. The veto as it stands does not bring with it the two-year moratorium that the Regulatory Reform Committee felt was appropriate as a matter of course. I hope that my hon. Friend the Minister will again consider proposing further changes, which could be brought forward in another place, to introduce such a measure.

7.15 pm

The Regulatory Reform Committee felt that the demand for a two-year breathing space did not expect more from Ministers than at present, as they already voluntarily respect that rule. However, in the interests of our peace of mind, and with regard to possible abuse by future Governments and Ministers who are not so well disposed or responsible as the present incumbents, this matter demands further ministerial consideration.

Unless a Committee's veto was overturned by the House, the Committee would have significant powers—although, as hon. Members have said, its precise role is not exactly clear. The hon. Member for Huntingdon (Mr. Djanogly) raised concerns too, so I hope that the Minister will clarify the time scale in which the veto must be exercised, because it is 10 days in the case of Government amendment No. 54, but a less specific period in the case of Government amendment No. 55.

There appears to be no scope for a formal veto if the real problem is an order being categorised as controversial or inappropriate. Members of the Standing Committee will recall that we could not get a clear definition of those terms, despite the then Minister's best efforts to provide reassurance. The Bill is thus narrower than the informal undertaking that has been respected since the introduction of the Regulatory Reform Act 2001. Will the Minister confirm whether such an undertaking remains on offer this time? If not, will he consider including it more formally in the Bill?

The Minister's predecessor said to the Public Administration Committee:

"to get the veto provision correct will take a great deal of work and thorough consideration".

There has been a great deal of thorough consideration, but we may still have work to do to ensure that the Bill meets the concerns raised in the House today. I hope that my hon. Friend the Minister will not rule out amendments that would insert the two-year restriction, following the gentle and friendly probing of Labour Members.

Mr. Kenneth Clarke: I almost stopped trying to catch your eye, Madam Deputy Speaker, because I agreed with everything said by my hon. Friend the Member for Huntingdon (Mr. Djanogly) when he moved new clause 5 and everything said by my right hon. Friend the Member for East Yorkshire (Mr. Knight) and the hon. Members for Somerton and Frome (Mr. Heath) and for Cannock Chase (Dr. Wright). On these questions of parliamentary procedure, we are Members who are usually brought together across the Floor in such discussions. I speak only to underline the importance of the points that are being made for the benefit of those in another place. The general understanding outside is that the Government have made a substantial retreat, and it might be felt that the worst problems have somehow been solved and that there is not a great deal left to do. Unless the Minister makes an extremely generous response to the debate, I hope that Members of another place will examine seriously whether we are adequately reassured by what has been done.

[Mr. Kenneth Clarke]

I regard the Bill as dangerous because we are talking about circumventing the ordinary parliamentary processes of considered debate and judgment and using instead a fast-track procedure that might have broad application. I am prepared to take the risk of passing such a Bill because of my enthusiasm for deregulation. I have no reason to doubt the bona fides of either Minister who has handled the Bill in detail because both genuinely endeavoured to have as wide a Bill as possible so that they can deliver deregulatory measures. I look forward to reading the reports and finding out what has been delivered. I think that the Minister will be contending with the culture of Westminster and Whitehall, but I hope that his good intentions will produce something worth while.

We need the strictest safeguards when introducing a procedure that can further reduce the use of the proper parliamentary process for potentially difficult subjects. As my right hon. Friend the Member for East Yorkshire said, we should hold the Government precisely to the undertakings that the former Minister gave. I thus echo everything that has been said about the Select Committee having the right to exercise a veto at its own discretion, bearing in mind the concern that we have all expressed that the procedure should not be used to circumvent parliamentary procedure when a significant body of interest is entitled to be heard.

I have to say—this is about the only note of dissent that has arisen between any two Members who have spoken, because we have not yet heard the ministerial reply—that I have never been completely reassured by the Select Committee veto. Select Committees have an in-built Government majority. A year or two ago, the House was given the opportunity to reconsider the way in which Select Committees are appointed because of concerns that the powers of ministerial and Whips Office patronage were being brought to play in appointments to Select Committees. I do not want to discuss whether that is still true, but the danger is only too obvious—and it might recur. At present, there is a great deal of patronage. We are lucky that such good Chairmen as the ones who have spoken have emerged from the process. Nevertheless, there is an in-built Government majority.

The undertakings that were given from the outset were outlined in a precise quotation from my right hon. Friend the Member for East Yorkshire. We were reassured that the full parliamentary process would be used for any controversial procedure. In my opinion, that means giving an adequately large minority the opportunity to have their views heard and debated, and to insist that an important change goes through the correct process.

Mr. Walker: Is my right hon. and learned Friend concerned that the Government could lean on the more ambitious and younger members of the Select Committee to ensure that they come round to the Government's way of thinking, although that would go against the rules of the House?

Mr. Clarke: The hon. Member for Cannock Chase gave some candid views on how the House works in reality. We should be careful about too much candour, but I have not the slightest doubt that Governments of all complexions use the process to which my hon. Friend refers if a Select Committee looks like it will be too difficult. There is, of course, a political process behind that, which we all realise has to be borne in mind.

I reiterate my belief that if a substantial body of opinion in the House wishes to insist on the full procedure, it should have the opportunity of doing so. I apologise to my hon. Friend the Member for Huntingdon for putting him in a slight difficulty, but I have no way of getting out of this because I shared a platform with the hon. Member for Cambridge (David Howarth) from which we advocated such an idea. In the end, that is the only satisfactory reassurance we can have.

The Liberals have been quite generous in putting the limits they propose beyond their reach as a single party. I am not sure why one of the three major parties of the House should be prevented from having a full parliamentary procedure if it so wishes, but I agree with my Front-Bench colleagues that that would involve much wider considerations, including the whole question of who determines what we debate on the Floor of the House and how we do it. That needs to be addressed.

I continue to hold the view that the one thing that will be completely beyond the control of the Government is stopping 10 per cent. of the Members of the House indicating, in some formal fashion, that they believe that the full process should go ahead. If we can get 10 per cent. to insist on that, it means that there is some interest, with which I probably profoundly disagree, that is entitled to have the full parliamentary process before the legislative machinery is changed.

My hon. Friends are worried about precedent. One of the most common arguments used by the civil service and others against deregulation is the precedent that might be created if we reopen something. Precedent has to be approached with caution. Let me make it clear: I do not think that the proposal establishes any precedent for allowing a minority to block legislation that has gone through the legislative process. It sticks in our craw when we have lost a measure by one vote, but one vote is sufficient in this place for the majority to overrule the minority. However, we must go through a process before that conclusion can be reached. I do not see precedent being created because of the unique nature of the Bill. We are talking about altering primary legislation by a process that cuts out all the ordinary legislative process precisely because of the need for speed and to avoid delay, and because we are so keen on deregulation.

Dr. Tony Wright: Was not the right hon. and learned Gentleman's reference to the political factors the key consideration? Surely if the relevant Select Committee, with, as we keep saying, a Government majority, recommended that it was not appropriate to use the order-making power for the purpose proposed, and if the Government nevertheless sought to overturn that by using their majority to get a resolution of the House, there would be political consequences and it would be decided politically, which is how we decide everything in this place.

Mr. Clarke: That is why the constraint on the Select Committee to make that recommendation has to be removed. If the Select Committee makes a recommendation exercising a discretion and a political judgment that the process is unsuitable, I accept that it would be a bold Government indeed who went ahead with the change, although the point made was valid: we are not talking about the Government having to expose themselves to a full debate on the Floor of the House or some particular process to get their resolution through. We have now reached a stage at which half the time votes on orders and procedures have been reduced to a ritual part of the process of the House. If we are talking about the reality, the change would probably be decided by a deferred Decision on Wednesday, as I think the hon. Member for Somerton and Frome said. If we are being indiscreetly candid, probably a very high proportion of the Members of Parliament ticking the piece of paper would not bother to inquire closely exactly what subject they were voting on. It is too trivial a procedure to override such a change.

I do not accept that the small body of Members who have the privilege of being on the Select Committee should be our only protection. A substantial body of the membership is enough.

Hilary Armstrong *rose—*

Mr. Clarke: I welcome the Minister to her new task. She is doing her best, with all these concessions, to sort out a rather miserable process that she inherited. I acknowledge all that. However, my right hon. Friend the Member for East Yorkshire precisely and brilliantly responded to her main point. The undertakings were given by a Minister who said that the Bill would be used for only narrow purposes. I shall not go back to yesterday's debate, but I do not believe that the Bill as it stands has narrowed the scope of the powers to the scope described by the former Minister. It allows for far more than ordinary deregulation. That must be looked at again.

I hope lots of the orders go through. I hope the Government make liberal use of their new process. I undertake not to vote in deferred Divisions for trivial reasons to block deregulatory measures and upset the Government's timetable, or to cause difficulty. However, I want the reassurance that if a big body of opinion wants something debated, we will all be obliged to debate it and subject it to the full parliamentary process.

Hilary Armstrong: I want to make a point that I was never allowed to make in my previous incumbency, but none the less learned. The official Opposition can bring matters to the Floor of the House. When they chose to do so, the usual channels agreed with them, and such things were debated on the Floor of the House.

Mr. Clarke: I am being tempted to go into much wider issues on Supply days. That relates only to the Front Bench. There are occasions when Back Benchers feel frustrated that the leaders of their party do not wish to bring to the Floor of the House things that they want to debate. I do not often feel the frustration that a left-wing member of the Labour party must sometimes feel about the priorities given to business by his Front Bench, but there were times during the Iraq war when I was slightly impatient about the opportunities we had, the timing of the debates and the form of the motion proposed through the usual channels to be debated on the Floor of the House. On deregulatory matters to do with forestry and the licensing of vendors of game, one might often find that the two Front Benches and the usual channels do not have the monopoly of the views of every hon. Member about what the proper procedure should be.

I do not understand why Ministers are being so cautious. I have not doubted their good will because when I debated this matter with the previous Minister I believed him, and when I listen to these Ministers I believe them when they say that they have no intention of undermining Parliament and they intend to deregulate only on non-controversial measures. They give us every assurance that it has never crossed their minds to introduce politically controversial measures that might upset a significant minority or to avoid proper debate by taking it through their proposed process. I still cannot understand why the Government will not include that in the Bill, as they would bind all their successors—and not just themselves—if they did so. They are receiving advice from someone in the Department who does not share their deregulatory enthusiasm or who has a sneaking hope that one day a Government will get stuff through Parliament quicker and with less inconvenience. Why do the Government keep tabling late and mealy-mouthed amendments that do not live up to their undertakings? My praise for their deregulatory intentions would be followed by praise for their sensitivities to sentiments in the House if they tabled amendments—alternatively they could accept the amendments tabled by the Conservative spokesmen and by the Liberal Democrats—and include in the Bill something that they have been telling us since they first introduced it. I do not understand their reluctance to do so.

7.30 pm

David Howarth: I agree with every word that the right hon. and learned Member for Rushcliffe (Mr. Clarke) said, and I do not intend to add to his contribution. I shall, however, make a few points that have not been made in our debate.

Our debate has focused on two amendments tabled by my hon. Friend the Member for Somerton and Frome (Mr. Heath) that I am happy to support. Amendment (c) to Government amendment No. 46 removes from the Government's so-called veto—it is not, in fact, a veto—the requirement on the Committee to consider various things under clauses 2 and 3. New clause 14 attempts to provide a genuine parliamentary veto. I wish to make only one point about amendment (c). Yesterday, the Government were keen to tell us that their judicial review of ministerial discretion did not require the insertion of the word, "reasonably", in the Bill. That creates a problem, as what is sauce for the goose is sauce for the gander. The word, "reasonably", does not appear in Government amendment No. 46, but "considers" does. That leaves scope for judicial review, as long as the problem of the Bill of Rights is overcome, as the hon. Member for Cannock Chase (Dr. Wright) said.

[David Howarth]

The Government should therefore say categorically in reply to the debate that they do not intend the amendment to override provisions in the Bill of Rights that forbid the courts from interfering with what happens in the House. However, as the hon. Gentleman said, if they say that that statutory form of words is not intended to have legal effect, why have they introduced the provision, as there does not appear to be an enforcement mechanism? They are therefore left in an obvious dilemma: either they add words to the statute that do not have any effect, or they must do what should always be done in the circumstances—if one does not want words to have legal effect, one leaves the matter to convention or to the Standing Orders of the House, which are not justiciable. I fail to see why the Government have not taken that route.

My main argument concerns new clause 14. The procedural protections against the misuse of the Bill are still required, even though yesterday changes were made to the purposes for which the Bill can be used and to the subject matter to which it can apply. It can no longer be used to change itself, or to change the Human Rights Act 1998. However, we did not debate a far more important restriction—the proposal that the Bill should not be used to change any of the country's constitutional arrangements. We did not discuss that amendment, so it is possible to use the Bill for those purposes. Yesterday, we examined the example of changes to trial by jury, which is not protected by the Human Rights Act. The Bill could be used to make dramatic changes to that right, and it is still possible to reform local government using an order under the Bill. There is therefore a great need for procedural protections, which is why we have proposed such protections in new clause 14 in addition to the so-called Committee veto, which, as everyone knows, is not a veto.

The only argument against our proposal is that it will set a dangerous precedent. That argument suggests that we should not do the right thing now for fear that our slightly dim successors will not be able to tell the difference between the problem that we face and the problem that they face. Nevertheless, new clause 14 is not a departure, because there are such mechanisms, albeit with a slightly different construction, in Standing Orders. Standing Order No. 92 deals with what happens when a Bill has been considered by a Second Reading Committee or by the Scottish Grand Committee. The Report stage could take place in a Special Committee or in a Scottish Grand Committee. Standing Order No. 92 says that if a motion is introduced in the House to allow for that and 20 Members rise in their place and object,

"the Speaker shall declare that the noes have it."

Standing Orders already provide a blocking mechanism on procedure that requires a fuller hearing of the matter—in this case, the Report stage—than would otherwise be the case. That is precisely what we are trying to do in new clause 14.

Mr. Gale : The hon. Gentleman has the text of the Standing Orders before him, and he is quite right. I do not have the text with me, but I think that I am right that it does not specify that those Members should come from more than one party in the House.

David Howarth: The hon. Gentleman is quite right—the standing order does not provide that extra protection. However, new clause 14 does so: Members who object to the use of the procedure should not all come from one party.

Mr. Heath: Another blocking mechanism can be deployed by a minority of one. It is often seen and heard on Friday afternoons when we debate private Members' Bills. It is usually the role of the right hon. Member for Bromley and Chislehurst (Mr. Forth) to shout, "Object", thus preventing the progress of such Bills. A blocking minority can therefore act to procedural effect.

David Howarth: Indeed, that is a blocking minority of one from one political party.

The purpose of new clause 14 is to protect minorities. It provides geographical protection—we have heard the point about local Acts—and it also protects political minorities in the House and within parties. A matter can be controversial for a substantial number of Back Benchers, but it may not be controversial for their Front-Bench spokesmen. We need a mechanism that allows such minorities not to block the progress of legislation completely, but to demand further debate.

Mr. Gale: The hon. Gentleman is kind in accepting interventions, but he has contradicted himself. He says that the provision is meant to protect minorities, including minorities in a single party. Forgive me, but it is not inconceivable that 70 members of the parliamentary Labour party would disagree with their Front Bench, as they often do so at present. If they wished to object, but did not receive any support from the Opposition, their objection could not be heard under his proposal.

David Howarth: At least the position of those Members would be better than it would be if the new clause is not accepted. The hon. Gentleman, if I may say so, is making the best the enemy of the good.

The purpose of the new clause is to make sure that in circumstances where the matter before the House is controversial in the minds of a sufficient number of Members, the full Bill procedure will be used. The main problem that we have had with the Bill all the way through is that Ministers have told the Committee that they did not intend to use the procedure for controversial matters, but they have not been prepared to offer any substantive definition of "controversial". That is why, to extract Ministers from that difficulty, Members on the Liberal Democrat Benches and in other parts of the House have tried to solve the problem procedurally. New clause 14 offers, in effect, a procedural definition of what is controversial.

I cannot understand why the Government resist. They do so, presumably, because they do not want written into the Bill matters that could possibly become subject to judicial review. They want to protect themselves from the courts, but, with their own system

of a Committee veto, they are offering a line of argument that may well lead to the Committees of the House being subject to exactly the same review in the courts. I find that to be precisely the wrong way round. It ought to be Ministers, more than Committees of the House or the House itself, who are subject to the courts.

Mr. McFadden: May I begin by offering the House a point of information relating to a point of order raised earlier about the regulator's compliance code? I am advised that that was sent to the joint Chairmen of the Standing Committee which considered the Bill on 3 April, and that copies of that draft have been placed in the Libraries of both Houses, so I believe the document is available, even though—

Mr. Heald: The Minister may know that that has been the subject of discussion between one of the Ministers' offices and my own. I think it was I who raised the matter in Committee and asked that the code be made available to Members, and I was given no notification at all when the letter was sent to the Committee Chairmen. We were left floundering about, not knowing that it was in the Library. That was most unhelpful.

Mr. McFadden: I understand the point that the hon. Gentleman is making. I was trying to be helpful to the House by providing the information that I could find today about how the document had been distributed.

Andrew Miller: For clarification, the letter to which the hon. Member for North-East Hertfordshire (Mr. Heald) referred was the subject of a parliamentary question that I tabled, so it was in the public domain and he could have found it.

Mr. Heald: It is pretty discourteous for the matter to be left in that way, when I had specifically raised it in Committee.

Mr. McFadden: May I suggest that we return to the issue at hand?

Listening to the contributions on the veto power, I am struck by a curiosity. Yesterday there were many contributions from hon. Members who argued that the powers set out in new clause 19, 20 and 21 were perhaps an improvement on the original version of the Bill, but that they were still far too wide. They could be used, for example, to abolish trial by jury—we heard that again a few minutes ago—introduce euthanasia, and possibly even recast our relationship with the European Union, yet today, in the discussion of the veto, which is related to those same clauses, the powers in them appear to have shrunk. We are told that the veto is not worth much because it is related to those powers, which yesterday were criticised as being so wide. Today they seem to have shrunk so much that they might not apply to our friend the Wolverhampton butcher. There is a curiosity in the criticisms of tying the veto to the powers set out in new clauses 19, 20 and 21.

Mr. Gale: In the light of the letter that the Minister kindly sent to me earlier today, which is about powers in new clause 19, can he explain what he had in mind when he wrote that letter?

Mr. McFadden: With the Deputy Speaker's permission, I am happy to do so.

The legal effect of new clause 19 relates to the power to remove or reduce burdens. The purpose for which the power can be exercised contains two alternatives. The first is the removing or reducing of any burden resulting for any person directly or indirectly from legislation. The second is removing or reducing the overall burdens resulting for any person directly or indirectly from legislation.

Removing or reducing a burden from one person may increase the burdens upon others, so the first alternative could permit an overall increase on persons as a whole. For example, where a regulatory regime is being placed on a risk basis, costs on low-risk businesses could go down, while costs on high-risk businesses may go up.

The second alternative requires a removal or reduction of burdens overall, although this would permit the imposition of new burdens where the overall effect was a removal or reduction of burdens. This is similar to the position under the 2001 Act; if a burden is removed, new burdens may be added. Orders as a whole, including any new burdens, must meet the safeguards, including, for example, being proportionate to the policy objective of the order.

In particular, I draw the hon. Gentleman's attention to the precondition in clause 3(2)(c), which requires that Ministers consider that the provision as a whole

"strikes a fair balance between the public interest and the interests of any person adversely affected by it".

This precondition, which is clearly particularly relevant where burdens are imposed or increased, also mirrors the existing position under the 2001 Act. The explanatory document will include both a summary of consultation responses, and an assessment of the extent to which an order to be made under new clause 19 removes or reduces burdens. Also, a detailed impact assessment would be provided, where appropriate, and these documents would explain the rationale behind the proposals.

The expectation is that in most cases the overall burden will have been reduced, but for the reason stated the Government believe that we need the flexibility to add burdens as well as remove them, if these burdens are to be useful in delivering better regulation.

7.45 pm

Mr. Chope: I am grateful to the Minister for that explanation. In summary, when he replied yesterday to my question whether, on his interpretation of new clause 19,

"it may well result in this procedure being used in circumstances where overall burdens will be increased, rather than decreased"—[*Official Report*, 15 May 2006; Vol. 446, c. 783.]

and he said no, what he really meant to say was yes.

Mr. McFadden: What I have set out would be the intention in most cases, but there is the possibility that I outlined to the hon. Gentleman a few moments ago.

Sir Robert Smith: Having clarified that and confirmed that the evidence from the Department to the Select Committee on Procedure was to the effect that burdens could be increased under the clause, is the Minister not creating the ground on which we need an effective and sophisticated veto system to ensure proper scrutiny, if the Government are to use a regulatory reform or regulatory deregulation Bill to increase the burdens on society? Measures should be properly and effectively scrutinised in the House to make sure that they do not unnecessarily increase burdens. We therefore need the amendments that we tabled to constrain the procedure through which the House might examine those burdens.

Mr. McFadden: Well, I think that that is what people call "a stretch", although I agree with the hon. Gentleman that we need effective scrutiny procedures. If hon. Members allow me to proceed with my remarks, I shall set out how those scrutiny procedures will operate.

Government amendments Nos. 46 to 55 fulfil a commitment made in Standing Committee to provide parliamentary Committees in both Houses with a statutory power to veto orders. Noting concerns about the procedural safeguards in the Bill, Government amendments provide that Committees can veto orders under any procedure; negative, affirmative and super-affirmative.

I want to stress at the outset the important point that the Government have given careful consideration to the form that the promised veto should take. We have sought to listen and to respond to views on the issue raised during the passage of the Bill, including those of the Select Committees, most of the Chairmen of which have spoken, and we hope to continue that dialogue. I assure hon. Members that the Government will continue to listen to views on the most appropriate way to ensure that the safeguards in the Bill are effective and workable.

As has been said, the veto is not a blanket veto. Committees will, of course, be able to oppose an order on any basis that they choose, which is the case under the Regulatory Reform Act 2001. Several hon. Members have asked me to clarify that matter, and I reiterate the Government's commitment not to push through orders in the face of Committee opposition. I must add that the Government have always adhered to that commitment in the operation of the 2001 Act.

Mr. Heath: The Minister has said that the Committee can reflect on any matter in reaching its recommendation. Government amendment No. 46 states that

> "A recommendation may be made under subsection (2B) only if the committee considers"

the criteria. How can that mean "anything"?

Mr. McFadden: The statutory veto relates to the powers set out in the Bill. If it were operated, it would mean that the order could not continue to be made by the Minister. However, it would not constrain the Committee from opposing the order on other grounds, in which case the legal consequences would not be triggered and the Minister would seek to adhere to the terms of the undertaking. The statutory veto relates to the powers in the clauses that we discussed yesterday, but the Committee can express a view in other terms, should it wish to do so.

Mr. Kenneth Clarke: Will the Minister explain the logic of that proposition? He rightly accepts that the Select Committee will be totally unconstrained when it comes to considering the merits of an order, so if it wants to vote against an order or express a view, it can consider anything it likes. When it comes to what procedure should be followed, however, the Select Committee would be tightly constrained by the terms of the statute. What on earth is the point of allowing the Select Committee full discretion on debating the merits of an order, but to confine it so closely on the procedural point of cutting out parliamentary debate? There could be orders that the Select Committee is against, but on which it approves of the procedure, and there could be ones of which it is in favour, but on which it thinks that there should be full procedure, because it knows that many other hon. Members want to consider the matter. Why distinguish between the two?

Mr. McFadden: The position is symmetrical because the statutory veto relates to the powers in the Bill, which is the point made by my right hon. Friend the Minister for the Cabinet Office in her intervention on the Chairman of the Procedure Committee. We were asked to introduce a statutory veto, but we were also asked to narrow the powers in the Bill. The Government amendments include a statutory veto, which relates to the narrowing of the powers in the Bill that the House agreed yesterday.

In the context of amendments to focus the order-making power more explicitly on better regulation objectives, it was considered appropriate for the veto to provide a symmetrical and focused check on that power. The Government consider it right that proposals are judged on the extent to which they deliver the regulatory reform agenda, and it is right that the proposals are judged on whether the conditions in the Bill are met.

First and foremost, the veto is intended to present an effective and workable mechanism to protect against the abuse of the order-making power in the Bill. To that end, the veto builds directly upon the strengths of the existing system for scrutinising orders. The conditions to which the veto is tied are consistent with those contained in the Standing Orders of relevant Committees under the 2001 Act, conditions against which Committees have previously tested and, in one case, rejected regulatory reform orders. The Government believe that those conditions continue to represent key indicators on whether a proposal is suitable for delivery by order.

Additionally, the veto addresses concerns surrounding a Minister's capacity to implement Law Commission recommendations "with changes", which has raised questions about the extent to which a recommendation can legitimately be altered when it is

delivered by order. In a case in which a Committee judges a recommendation to have been changed to such a degree that the recommendation can no longer be seen to implement a recommendation of the Law Commission, the Committee can exercise the statutory veto. As has been noted, however, the Government acknowledge the need for continued discussion about the most appropriate way in which to take forward the provision of a veto for Committees, which is a delicate issue. As was said yesterday, one of the reasons why the Bill is delicate is that it touches not only on what the Executive may want to do, but on the relationship between the Executive and Parliament, which is why we are open to continued discussion on those matters.

Andrew Miller: I am grateful to my hon. Friend for the tone that he is adopting and think that further discussion is necessary. Will he ensure that the point made by my hon. Friend the Member for Cannock Chase (Dr. Wright) is covered in that discussion? It would be unacceptable to the House and, indeed, to the Executive if we were to end up in a position in which the work of a Select Committee could be subject to judicial review.

Mr. McFadden: I am happy to take that point on board in the ongoing discussions, in which I hope that the Chairman of the Regulatory Reform Committee will be an active participant.

A number of the Opposition amendments to new clauses 5, 6 and 14 and to Government amendments Nos. 46, 50 and 54 explore alternative arrangements for the veto. I hope that hon. Members will consider the issues raised during the debate and the rationale for focusing the veto on the powers and conditions in the Bill. I also hope that they are assured of our intention to continue to engage with Parliament on that issue.

Some of the amendments deal with the issue of where the responsibility for exercising the veto should lie. They specify that the Committee capable of using the veto should be one

"with responsibility for the matter".

Presumably, the rationale behind the amendments is to open the issue of changes to the structure of Committee scrutiny of orders. For instance, the amendments would allow separate Committees to perform procedural matters and the task of reporting on the substance of a draft order. It seems appropriate for the scrutiny of orders to be performed by a single Committee, which would make best use of the understanding of an order built up by a Committee. The Government have assumed that the Regulatory Reform Committee in the House of Commons and the Delegated Powers and Regulatory Reform Committee in another place will continue to perform those roles, but I stress that those matters are for the House and that, in principle, there would be no objection to other Committees with expert knowledge being involved in the scrutiny of draft orders.

As hon. Members know, it has been agreed to expand the remit of the Regulatory Reform Committee. The Government expect it to be appropriate for Standing Orders to reflect the potential need for the Committee to seek expert views from other Committees on particularly complex orders. As noted, that is ultimately an issue for Parliament to decide.

8 pm

Hon. Members have also tabled amendments that would remove provision for the House to overturn a veto exercised by its responsible Committee. To provide that a Committee decision could override the opinion of the House would be an unprecedented step that ultimately could be unworkable in practice. In new clause 14, however, hon. Members suggest a mechanism for the House of Commons to exercise a veto, whereby if a certain percentage of MPs objected to an order in writing, that order would have to be withdrawn. That percentage is set at 10 per cent.

The Government are committed to ensuring that the procedural safeguards in the Bill are robust and effective. However, the amendments would create a somewhat arbitrary arrangement which, crucially, does not build on the strength of the existing system for scrutinising orders—namely, the detailed scrutiny given to orders by the specialist Committees. In any case, under the affirmative and super-affirmative procedure, a proposal must, following Committee scrutiny, pass to the House for affirmative resolution. Some hon. Members suggested that the House is excluded from these matters, but that is wide of the mark.

There was then a discussion on proposals for a two-year rule whereby once an order had been vetoed a Minister could not table a similar order for the next two years. I understand the reasoning behind those amendments. They seek to ensure that a veto system cannot be abused by a future Government, a point with which I have considerable sympathy, and which ultimately constitutes the rationale for Government amendments to introduce a veto into the Bill. However, we would want to avoid imposing an arbitrary restriction on the order-making process, and I am concerned that the amendments may do precisely that.

New clause 6 proposes that where either House decides within 21 days that an order is inappropriate for delivery under the order-making power, it should be the subject matter of primary legislation. That arrangement could be difficult to operate. The Cabinet Committee on the Legislative Programme takes decisions each year on which proposals the Government will take forward by primary legislation. As provided for in clause 12, the explanatory document will describe to Parliament why a proposal is suitable for delivery by order. The legislative programme is carefully planned, and adequate resources need to be in place to take forward a Bill. A procedure such as this, whereby an order could suddenly be translated into primary legislation, could cause unmanageable uncertainty and potentially create a very overcrowded legislative programme. I hope that hon. Members accept that we could not support such an amendment.

The Government recognise—this was touched upon—that there are issues surrounding the level of procedural detail that should be contained in statute and in Standing Orders. The Procedure Committee, for instance, has recommended that as far as possible the procedural requirements for scrutiny of orders should be left to House authorities. I have provided assurance that the Government will continue a dialogue with the Chairs of the relevant Committees about appropriate changes to Standing Orders, and I have confirmed, and am happy to confirm again, my intention to listen to views on this issue.

Our priority is to get the Bill right, to have a workable system of scrutiny, and to achieve the right balance between creating a power that is able to deliver the regulatory reform agenda and ensuring that effective and robust safeguards are in place. The veto clearly plays an important role in achieving that balance. The Government are confident that in the veto provided we have the substantial and workable safeguard that Committees have requested. However, we will continue to listen to views on the most appropriate form that the veto should take, both during the passage of the Bill and in relation to amendments to Standing Orders once the Bill has been passed.

Mr. Gale *rose—*

Mr. Deputy Speaker (Sir Alan Haselhurst): Order. I thought that the Minister had sat down, and I think that my interpretation was correct. I call Mr. Jonathan Djanogly.

Mr. Djanogly: We have heard many significant concerns voiced by Members from all parties. We do not like the way in which the Bill is being taken through this House, and we do not like much of what it is in it, but, as my right hon. and learned Friend the Member for Rushcliffe (Mr. Clarke) said, we are putting up with it for the sake of deregulation.

It is somewhat bizarre to hear the Minister suggest that the wider veto is somehow related to there being narrower powers. We say that there must be safeguards and that there are not enough safeguards in the Bill as it stands, not least as regards the promised veto, which turns out in practice not to be a veto. I hear the Minister's offer of further consultation; we shall see. In the meantime, we had expected that a full and restrictive veto should be given to Select Committees, and we still expect that. On that basis, I intend to ask the House to divide on new clause 5.

Question put. That the clause be read a Second time:—

The House divided: Ayes 205, Noes 256.

Division No. 236] **[8.5 pm**

AYES

Afriyie, Adam
Ainsworth, Mr. Peter
Alexander, Danny
Amess, Mr. David
Ancram, rh Mr. Michael
Atkinson, Mr. Peter
Baker, Norman
Baldry, Tony
Barker, Gregory
Baron, Mr. John
Barrett, John
Beith, rh Mr. Alan
Benyon, Mr. Richard
Beresford, Sir Paul
Binley, Mr. Brian
Blunt, Mr. Crispin
Bone, Mr. Peter
Boswell, Mr. Tim
Bottomley, Peter
Brady, Mr. Graham
Brake, Tom
Brazier, Mr. Julian
Brokenshire, James
Browne, Mr. Jeremy
Browning, Angela
Burns, Mr. Simon
Burrowes, Mr. David
Burstow, Mr. Paul
Burt, Alistair
Burt, Lorely
Butterfill, Sir John
Campbell, Mr. Gregory
Carmichael, Mr. Alistair
Carswell, Mr. Douglas
Cash, Mr. William
Chope, Mr. Christopher
Clappison, Mr. James
Clark, Greg
Clarke, rh Mr. Kenneth
Clegg, Mr. Nick
Clifton-Brown, Mr. Geoffrey
Cormack, Sir Patrick
Crabb, Mr. Stephen
Curry, rh Mr. David
Davey, Mr. Edward
Davies, Philip
Davis, rh David *(Haltemprice and Howden)*
Djanogly, Mr. Jonathan
Dodds, Mr. Nigel
Dorrell, rh Mr. Stephen
Duncan Smith, rh Mr. Iain
Ellwood, Mr. Tobias
Evans, Mr. Nigel
Fabricant, Michael
Farron, Tim
Featherstone, Lynne
Field, Mr. Mark
Foster, Mr. Don
Fox, Dr. Liam
Gale, Mr. Roger
Garnier, Mr. Edward
Gauke, Mr. David
George, Andrew
Gibb, Mr. Nick
Gidley, Sandra
Gillan, Mrs. Cheryl
Goldsworthy, Julia
Goodman, Mr. Paul
Goodwill, Mr. Robert
Grayling, Chris
Green, Damian
Greening, Justine
Grieve, Mr. Dominic
Gummer, rh Mr. John
Hammond, Stephen
Hands, Mr. Greg
Harper, Mr. Mark
Harris, Dr. Evan
Harvey, Nick
Hayes, Mr. John
Heald, Mr. Oliver
Heath, Mr. David
Heathcoat-Amory, rh Mr. David
Hemming, John
Hendry, Charles
Herbert, Nick
Hermon, Lady
Hollobone, Mr. Philip
Holmes, Paul
Horam, Mr. John
Horwood, Martin
Hoyle, Stewart
Howarth, David
Howarth, Mr. Gerald
Hughes, Simon
Huhne, Chris
Hunt, Mr. Jeremy
Hunter, Mark
Jack, rh Mr. Michael
Jenkin, Mr. Bernard
Jones, Mr. David
Kawczynski, Daniel
Kennedy, rh Mr. Charles
Kirkbride, Miss Julie
Knight, rh Mr. Greg
Kramer, Susan
Laing, Mrs. Eleanor
Lait, Mrs. Jacqui
Lansley, Mr. Andrew
Laws, Mr. David
Leech, Mr. John
Letwin, rh Mr. Oliver
Lewis, Dr. Julian
Lidington, Mr. David
Lilley, rh Mr. Peter
Lloyd, Mr. Elfyn
Loughton, Tim
Lull, Peter
Mackay, rh Mr. Andrew
Maclean, rh David
MacNeil, Mr. Angus
Malins, Mr. Humfrey
Mates, rh Mr. Michael
Maude, rh Mr. Francis
McCrea, Dr. William
McIntosh, Miss Anne
McLoughlin, rh Mr. Patrick
Miller, Mrs. Maria
Milton, Anne
Mitchell, Mr. Andrew
Moore, Mr. Michael
Moss, Mr. Malcolm
Mundell, David
Murrison, Dr. Andrew
Newmark, Mr. Brooks
O'Brien, Mr. Stephen
Osten, Mr. Mark
Öpik, Lembit
Ottaway, Richard
Paterson, Mr. Owen
Pelling, Mr. Andrew
Penning, Mike
Penrose, John
Price, Adam
Prisk, Mr. Mark
Pugh, John
Randall, Mr. John
Redwood, rh Mr. John
Reid, Mr. Alan
Robertson, Hugh
Robertson, Mr. Laurence
Robinson, Mrs. Iris
Rogerson, Mr. Dan
Rowen, Paul
Russell, Bob
Salmond, Mr. Alex
Sanders, Mr. Adrian
Scott, Mr. Lee
Selous, Andrew
Shapps, Grant
Shepherd, Mr. Richard
Simmonds, Mark
Simpson, David
Smith, Sir Robert
Spelman, Mrs. Caroline
Spicer, Sir Michael
Spink, Bob
Steen, Mr. Anthony
Stunell, Andrew
Swayne, Mr. Desmond
Swinson, Jo
Swire, Mr. Hugo
Syms, Mr. Robert
Taylor, Matthew
Taylor, Dr. Richard
Teather, Sarah

Thurso, John
Tredinnick, David
Turner, Mr. Andrew
Tyrie, Mr. Andrew
Vaizey, Mr. Edward
Vara, Mr. Shailesh
Viggers, Peter
Villiers, Mrs. Theresa
Walker, Mr. Charles
Wallace, Mr. Ben
Watkinson, Angela
Webb, Steve
Weir, Mr. Mike
Whittingdale, Mr. John
Widdecombe, rh Miss Ann
Wiggin, Bill
Willetts, Mr. David
Williams, Hywel
Williams, Mark
Williams, Mr. Roger
Williams, Stephen
Willis, Mr. Phil
Willott, Jenny
Wilshire, Mr. David
Wilson, Mr. Rob
Winterton, Ann
Wishart, Pete
Wright, Jeremy
Young, rh Sir George

Tellers for the Ayes:
Mr. Henry Bellingham and Mr. David Evennett

NOES

Abbott, Ms Diane
Ainger, Nick
Ainsworth, rh Mr. Bob
Allen, Mr. Graham
Anderson, Mr. David
Anderson, Janet
Armstrong, rh Hilary
Atkins, Charlotte
Austin, Mr. Ian
Bailey, Mr. Adrian
Baird, Vera
Balls, Ed
Banks, Gordon
Barron, rh Mr. Kevin
Begg, Miss Anne
Benton, Mr. Joe
Berry, Roger
Betts, Mr. Clive
Blackman-Woods, Dr. Roberta
Blears, rh Hazel
Blizzard, Mr. Bob
Blunkett, rh Mr. David
Bradshaw, Mr. Ben
Brown, Lyn
Brown, rh Mr. Nicholas
Brown, Mr. Russell
Bryant, Chris
Buck, Ms Karen
Burgon, Colin
Burnham, Andy
Butler, Ms Dawn
Byers, rh Mr. Stephen
Byrne, Mr. Liam
Campbell, Mr. Alan
Campbell, Mr. Ronnie
Chapman, Ben
Clapham, Mr. Michael
Clark, Ms Katy
Clark, Paul
Clarke, rh Mr. Tom
Clelland, Mr. David
Clwyd, rh Ann
Coaker, Mr. Vernon
Coffey, Ann
Cohen, Harry
Connarty, Michael
Cooper, Rosie
Corbyn, Jeremy
Cousins, Jim
Cruddas, Jon
Cryer, Mrs. Ann
Cummings, John
Cunningham, Mr. Jim
Cunningham, Tony
Curtis-Thomas, Mrs. Claire
Davidson, Mr. Ian
Dean, Mrs. Janet
Denham, rh Mr. John
Devine, Mr. Jim
Dhanda, Mr. Parmjit
Dismore, Mr. Andrew
Dobbin, Jim
Dobson, rh Frank
Donohoe, Mr. Brian H.
Doran, Mr. Frank
Dowd, Jim
Drew, Mr. David
Durkan, Mark
Eagle, Angela
Efford, Clive
Ellman, Mrs. Louise
Engel, Natascha
Ennis, Jeff
Farrelly, Paul
Field, rh Mr. Frank
Fisher, Mark
Flello, Mr. Robert
Flint, Caroline
Flynn, Paul
Follett, Barbara
Foster, Michael Jabez *(Hastings and Rye)*
Francis, Dr. Hywel
Gardiner, Barry
George, rh Mr. Bruce
Gerrard, Mr. Neil
Gibson, Dr. Ian
Godsiff, Mr. Roger
Goggins, Paul
Goodman, Helen
Griffith, Nia
Griffiths, Nigel
Gwynne, Andrew
Hall, Mr. Mike
Hall, Patrick
Harman, rh Ms Harriet
Harris, Mr. Tom
Healey, John
Hendrick, Mr. Mark
Hepburn, Mr. Stephen
Heppell, Mr. John
Hesford, Stephen
Heyes, David
Hill, rh Keith
Hodgson, Mrs. Sharon
Hood, Mr. Jimmy
Hopkins, Kelvin
Howarth, rh Mr. George
Howells, Dr. Kim
Humble, Mrs. Joan
Iddon, Dr. Brian
Illsley, Mr. Eric
Ingram, rh Mr. Adam
Irranca-Davies, Huw
Jackson, Glenda
James, Mrs. Siân C.
Johnson, rh Alan
Johnson, Ms Diana R.
Jones, Helen
Jones, Lynne
Jones, Mr. Martyn
Joyce, Mr. Eric
Kaufman, rh Sir Gerald
Keeble, Ms Sally
Keeley, Barbara
Keen, Alan
Keen, Ann
Kemp, Mr. Fraser
Kennedy, rh Jane
Khabra, Mr. Piara S.
Khan, Mr. Sadiq
Kidney, Mr. David
Kumar, Dr. Ashok
Lazarowicz, Mark
Lepper, David
Levitt, Tom
Lewis, Mr. Ivan
Love, Mr. Andrew
Lucas, Ian
Mactaggart, Fiona
Mahmood, Mr. Khalid
Malik, Mr. Shahid
Mallaber, Judy
Mann, John
Marris, Rob
Marsden, Mr. Gordon
Marshall, Mr. David
Martlew, Mr. Eric
McAvoy, rh Mr. Thomas
McCabe, Steve
McCarthy, Kerry
McDonagh, Siobhain
McFadden, Mr. Pat
McFall, rh Mr. John
McGovern, Mr. Jim
McGuire, Mrs. Anne
McIsaac, Shona
McKechin, Ann
McKenna, Rosemary
McNulty, Mr. Tony
Meale, Mr. Alan
Merron, Gillian
Michael, rh Alun
Milburn, rh Mr. Alan
Miliband, Edward
Miller, Andrew
Moffat, Anne
Moffatt, Laura
Mole, Chris
Moon, Mrs. Madeleine
Morden, Jessica
Morgan, Julie
Morley, Mr. Elliot
Mountford, Kali
Mudie, Mr. George
Mullin, Mr. Chris
Munn, Meg
Murphy, Mr. Denis
Murphy, Mr. Jim
Murphy, rh Mr. Paul
Nayamith, Dr. Doug
Norris, Dan
O'Brien, Mr. Mike
Olner, Mr. Bill
Owen, Albert
Palmer, Dr. Nick
Pearson, Ian
Plaskitt, Mr. James
Pound, Stephen
Prentice, Bridget
Prentice, Mr. Gordon
Primarolo, rh Dawn
Prosser, Gwyn
Purchase, Mr. Ken
Purnell, James
Rammell, Bill
Raynsford, rh Mr. Nick
Reed, Mr. Andy
Reed, Mr. Jamie
Riordan, Mrs. Linda
Robertson, John
Rooney, Mr. Terry
Roy, Mr. Frank
Ruane, Chris
Ruddock, Joan
Russell, Christine
Ryan, Joan
Salter, Martin
Sarwar, Mr. Mohammad
Seabeck, Alison
Shaw, Jonathan
Sheerman, Mr. Barry
Sheridan, Jim
Simon, Mr. Siôn
Simpson, Alan
Singh, Mr. Marsha
Skinner, Mr. Dennis
Slaughter, Mr. Andrew
Smith, rh Mr. Andrew
Smith, Ms Angela C. *(Sheffield, Hillsborough)*
Smith, Angela E. *(Basildon)*
Smith, Geraldine
Smith, rh Jacqui
Snelgrove, Anne
Soulsby, Sir Peter
Southworth, Helen
Spellar, rh Mr. John
Starkey, Dr. Phyllis
Stewart, Ian
Stoate, Dr. Howard
Strang, rh Dr. Gavin
Straw, rh Mr. Jack
Stringer, Graham
Sutcliffe, Mr. Gerry
Taylor, Ms Dari
Taylor, David
Tipping, Paddy
Touhig, Mr. Don
Trickett, Jon
Truswell, Mr. Paul
Turner, Mr. Neil
Twigg, Derek
Usher, Kitty
Waltho, Lynda
Watson, Mr. Tom
Watts, Mr. Dave
Whitehead, Dr. Alan
Wicks, Malcolm
Williams, rh Mr. Alan

Wills, Mr. Michael
Winnick, Mr. David
Wood, Mike
Woolas, Mr. Phil
Wright, David
Wright, Mr. Iain
Wright, Dr. Tony
Wyatt, Derek

Tellers for the Noes:
Mr. Michael Foster and Liz Blackman

Question accordingly negatived.

New Clause 14

VETO BY SPECIFIED NUMBER OF MEMBERS OF HOUSE OF COMMONS

'No order may be made under Part 1 where both of the following conditions have been fulfilled—

(a) within the period defined in section 13(7), more than 10 per cent. of the members of the House of Commons have signified to the Speaker in writing that they object to the use of the Act for purpose of introducing the order in question, and

(b) the members referred to in subsection (1) above are not all members of the same party.'.—*[Mr. Heath.]*

Brought up, and read the First time.

Motion made, and Question put, That the clause be read a Second time:—

The House divided: Ayes 85, Noes 259.

Division No. 237] **[8.21 pm**

AYES

Baker, Norman
Barrett, John
Beith, rh Mr. Alan
Brake, Tom
Browne, Mr. Jeremy
Burstow, Mr. Paul
Burt, Lorely
Campbell, Mr. Gregory
Carmichael, Mr. Alistair
Cash, Mr. William
Chope, Mr. Christopher
Clarke, rh Mr. Kenneth
Clegg, Mr. Nick
Corbyn, Jeremy
Davey, Mr. Edward
Dodds, Mr. Nigel
Dorrell, rh Mr. Stephen
Farron, Tim
Featherstone, Lynne
Fisher, Mark
Foster, Mr. Don
George, Andrew
Gidley, Sandra
Goldsworthy, Julia
Harris, Dr. Evan
Harvey, Nick
Heath, Mr. David
Hemming, John
Hendry, Charles
Hermon, Lady
Holmes, Paul
Horwood, Martin
Hosie, Stewart
Howarth, David
Hughes, Simon
Huhne, Chris
Hunter, Mark
Jones, Lynne
Kennedy, rh Mr. Charles
Knight, rh Mr. Greg
Kramer, Susan
Laws, Mr. David
Leech, Mr. John
Llwyd, Mr. Elfyn
Luff, Peter
MacNeil, Mr. Angus
McCrea, Dr. William
McDonnell, John
Moore, Mr. Michael
Oaten, Mr. Mark
Öpik, Lembit
Price, Adam
Pugh, John
Reid, Mr. Alan
Robinson, Mrs. Iris
Rogerson, Mr. Dan
Rowen, Paul
Russell, Bob
Salmond, Mr. Alex
Sanders, Mr. Adrian
Shepherd, Mr. Richard
Simpson, David
Smith, Sir Robert
Steen, Mr. Anthony
Stunell, Andrew
Swinson, Jo
Taylor, Matthew
Taylor, Dr. Richard
Teather, Sarah
Thurso, John
Walker, Mr. Charles
Wareing, Mr. Robert N.
Webb, Steve
Weir, Mr. Mike
Whittingdale, Mr. John
Williams, Hywel
Williams, Mark
Williams, Stephen
Willis, Mr. Phil
Willott, Jenny
Wiltshire, Mr. David
Wilson, Mr. Rob
Winterton, Ann
Wishart, Pete
Young, rh Sir George

Tellers for the Ayes:
Mr. Roger Williams and Danny Alexander

NOES

Abbott, Ms Diane
Ainger, Nick
Ainsworth, rh Mr. Bob
Allen, Mr. Graham
Anderson, Mr. David
Anderson, Janet
Armstrong, rh Hilary
Atkins, Charlotte
Austin, Mr. Ian
Bailey, Mr. Adrian
Baird, Vera
Balls, Ed
Banks, Gordon
Barron, rh Mr. Kevin
Begg, Miss Anne
Benton, Mr. Joe
Berry, Roger
Betts, Mr. Clive
Blackman-Woods, Dr. Roberta
Blears, rh Hazel
Blizzard, Mr. Bob
Blunkett, rh Mr. David
Bradshaw, Mr. Ben
Brown, Lyn
Brown, rh Mr. Nicholas
Brown, Mr. Russell
Bryant, Chris
Buck, Ms Karen
Burgon, Colin
Burnham, Andy
Butler, Ms Dawn
Byers, rh Mr. Stephen
Byrne, Mr. Liam
Cairns, David
Campbell, Mr. Alan
Campbell, Mr. Ronnie
Chapman, Ben
Clapham, Mr. Michael
Clark, Ms Katy
Clark, Paul
Clarke, rh Mr. Tom
Clelland, Mr. David
Clwyd, rh Ann
Coaker, Mr. Vernon
Coffey, Ann
Cohen, Harry
Connarty, Michael
Cooper, Rosie
Cousins, Jim
Cruddas, Jon
Cryer, Mrs. Ann
Cummings, John
Cunningham, Mr. Jim
Cunningham, Tony
Curtis-Thomas, Mrs. Claire
Davidson, Mr. Ian
Dean, Mrs. Janet
Denham, rh Mr. John
Devine, Mr. Jim
Dhanda, Mr. Parmjit
Dismore, Mr. Andrew
Dobbin, Jim
Dobson, rh Frank
Donohoe, Mr. Brian H.
Dorsn, Mr. Frank
Dowd, Jim
Drew, Mr. David
Durkan, Mark
Eagle, Angela
Eagle, Maria
Efford, Clive
Ellman, Mrs. Louise
Engel, Natascha
Ennis, Jeff
Farrelly, Paul
Field, rh Mr. Frank
Fiello, Mr. Robert
Flint, Caroline
Flynn, Paul
Follett, Barbara
Foster, Michael Jabez *(Hastings and Rye)*
Francis, Dr. Hywel
Gardiner, Barry
George, rh Mr. Bruce
Gerrard, Mr. Neil
Gibson, Dr. Ian
Godsiff, Mr. Roger
Goggins, Paul
Goodman, Helen
Griffith, Nia
Griffiths, Nigel
Grogan, Mr. John
Gwynne, Andrew
Hall, Mr. Mike
Hall, Patrick
Harman, rh Ms Harriet
Harris, Mr. Tom
Healey, John
Hendrick, Mr. Mark
Hepburn, Mr. Stephan
Heppell, Mr. John
Hesford, Stephen
Heyes, David
Hill, rh Keith
Hodgson, Mrs. Sharon
Hood, Mr. Jimmy
Hopkins, Kelvin
Howarth, rh Mr. George
Howells, Dr. Kim
Hughes, rh Beverley
Humble, Mrs. Joan
Iddon, Dr. Brian
Illsley, Mr. Eric
Ingram, rh Mr. Adam
Irranca-Davies, Huw
Jackson, Glenda
James, Mrs. Siân C.
Johnson, rh Alan
Johnson, Ms Diana R.
Jones, Helen
Jones, Mr. Martyn
Joyce, Mr. Eric
Kaufman, rh Sir Gerald
Keeble, Ms Sally
Keeley, Barbara
Keen, Alan
Keen, Ann

Kemp, Mr. Fraser
Kennedy, rh Jane
Khabra, Mr. Piara S.
Khan, Mr. Sadiq
Kidney, Mr. David
Kumar, Dr. Ashok
Lazarowicz, Mark
Lepper, David
Levitt, Tom
Lewis, Mr. Ivan
Love, Mr. Andrew
Lucas, Ian
Mactaggart, Fiona
Mahmood, Mr. Khalid
Malik, Mr. Shahid
Mallaber, Judy
Mann, John
Marris, Rob
Marsden, Mr. Gordon
Marshall, Mr. David
Martlew, Mr. Eric
McAvoy, rh Mr. Thomas
McCabe, Steve
McCarthy, Kerry
McDonagh, Siobhain
McFadden, Mr. Pat
McFall, rh Mr. John
McGovern, Mr. Jim
McGuire, Mrs. Anne
McIsaac, Shona
McKechin, Ann
McKenna, Rosemary
McNulty, Mr. Tony
Meale, Mr. Alan
Merron, Gillian
Michael, rh Alun
Milburn, rh Mr. Alan
Miliband, Edward
Miller, Andrew
Moffat, Anne
Moffatt, Laura
Mole, Chris
Moon, Mrs. Madeleine
Morden, Jessica
Morgan, Julie
Morley, Mr. Elliot
Mountford, Kali
Mudie, Mr. George
Mullin, Mr. Chris
Munn, Meg
Murphy, Mr. Denis
Murphy, Mr. Jim
Murphy, rh Mr. Paul
Naysmith, Dr. Doug
Norris, Dan
O'Brien, Mr. Mike
Olner, Mr. Bill
Owen, Albert
Palmer, Dr. Nick
Pearson, Ian
Plaskitt, Mr. James
Pound, Stephen
Prentice, Bridget
Prentice, Mr. Gordon
Primarolo, rh Dawn
Prosser, Gwyn
Purchase, Mr. Ken
Purnell, James
Rammell, Bill
Raynsford, rh Mr. Nick
Reed, Mr. Andy
Reed, Mr. Jamie
Riordan, Mrs. Linda
Robertson, John
Rooney, Mr. Terry
Roy, Mr. Frank
Ruane, Chris
Ruddock, Joan
Russell, Christine
Ryan, Joan
Salter, Martin
Sarwar, Mr. Mohammad
Seabeck, Alison
Shaw, Jonathan
Sheerman, Mr. Barry
Sheridan, Jim
Simon, Mr. Siôn
Simpson, Alan
Singh, Mr. Marsha
Skinner, Mr. Dennis
Slaughter, Mr. Andrew
Smith, rh Mr. Andrew
Smith, Ms Angela C. *(Sheffield, Hillsborough)*
Smith, Angela E. *(Basildon)*
Smith, Geraldine
Smith, rh Jacqui
Snelgrove, Anne
Soulsby, Sir Peter
Southworth, Helen
Spellar, rh Mr. John
Starkey, Dr. Phyllis
Stewart, Ian
Stoate, Dr. Howard
Strang, rh Dr. Gavin
Straw, rh Mr. Jack
Stringer, Graham
Sutcliffe, Mr. Gerry
Taylor, Ms Dari
Taylor, David
Tipping, Paddy
Touhig, Mr. Don
Trickett, Jon
Truswell, Mr. Paul
Turner, Mr. Neil
Twigg, Derek
Ussher, Kitty
Waltho, Lynda
Watson, Mr. Tom
Watts, Mr. Dave
Whitehead, Dr. Alan
Wicks, Malcolm
Williams, rh Mr. Alan
Wills, Mr. Michael
Winnick, Mr. David
Wood, Mike
Woodward, Mr. Shaun
Woolas, Mr. Phil
Wright, Mr. Anthony
Wright, David
Wright, Mr. Iain
Wright, Dr. Tony
Wyatt, Derek

Tellers for the Noes:
Mr. Michael Foster and Liz Blackman

Question accordingly negatived.

Mr. Gale: On a point of order, Mr. Deputy Speaker. I do not want to detain the House, but during the debate on the last group of amendments, I am fairly certain that I understood the Minister to respond to the hon. Member for Ellesmere Port and Neston (Andrew Miller) by saying that it would be regrettable if a Select Committee were referred for judicial review. That is on the record. However, it is my understanding that Select Committees and the whole House are the subjects and beneficiaries of parliamentary privilege and could not be referred for judicial review. Can you, Mr. Deputy Speaker, either rule on it now or, if necessary, look further into it so that either you or Mr. Speaker can make a ruling?

Mr. Deputy Speaker: The hon. Member, who is an experienced Member of the House, knows that, strictly speaking, that is not a point of order for the Chair. It would draw the Chair into a matter that arose during a debate. Equally, he is experienced enough to know that, under the device of making a point of order, he has put his point on the record and we shall no doubt be able to resolve it and gain complete clarification in the course of the debate.

New Clause 15

SUB-DELEGATED LEGISLATIVE FUNCTIONS

'(1) Where, by an order under this part, the function of legislating has been conferred on a person, any legislation that person makes must be made by statutory instrument.

(2) The procedures specified in section 10 and section [Veto by specified number of Members of House of Commons] shall apply to any legislation made by any person on whom the power to legislate has been conferred under this part.

(3) Any person on whom the power to legislate has been conferred under this part shall be subject to the same duties to consult before exercising that power as those to which a minister of the Crown is subject under section 11.

(4) Legislation made by a person on whom the function of legislating has been conferred under this part—

(a) may not delegate further any power to legislate,

(b) may only be made for purposes for which orders under this part may themselves be made, and

(c) is subject to the same restrictions as orders under this part.'.—*[Mr. Heath.]*

Brought up, and read the First time.

Mr. Heath: I beg to move, That the clause be read a Second time

Mr. Deputy Speaker: With this it will be convenient to discuss the following amendments: No. 5, in page 2, line 16 [Clause 2], leave out '(functions of legislating or'.

No. 9, in page 2, line 21 [Clause 2], at end insert—

'(2A) Provision made under subsection (2)(a) may only confer functions relating to the functions of legislation subject to the provisions of section (sub-delegated legislative functions).

No. 7, in page 3, line 13 [Clause 4], leave out from 'on' to 'unless' in line 14 and insert 'any person'.

No. 8, in page 3, line 23 [Clause 4], at end add—

'(5) Subsection (1) does not apply to—

(a) provision conferring a function of regulating a profession on a body elected by members of the profession;

(b) provision conferring a function of regulating a trade on a body elected by members of the trade;

(c) provision conferring on a local authority, within the meaning of section 1 of the Local Government Act 2000 (c. 22), the function of legislating with respect to its area; or

(d) other provision specified by order made by a Minister of the Crown.

(6) An order under subsection (5)(d) must be made by statutory instrument.

(7) A Minister of the Crown may not make a statutory instrument containing an order under subsection (5)(d) unless a draft has been laid before, and approved by resolution of, each House of Parliament.".

Mr. Heath: The matter of the implied repeal of the Bill of Rights is of some consequence, and I think that it may well be a matter for the Chair or, indeed, Mr. Speaker, to protect the rights of the House, but that is not what new clause 15 is about. The new clause deals with the capacity conferred by the Bill to delegate the function of legislation. It is, at first sight, a rather extraordinary concept—the idea that Ministers might, by Order in Council, confer to any other person the function of legislating. Of course, delegated functions already occur through primary legislation in a number of cases, but when we asked Ministers—in Committee and elsewhere—exactly what they meant by the provision in the Bill, I have to say that the answers were less than convincing and less than adequate. There is no clear idea of why there is a need for Ministers to defer through an Order in Council what is the most important aspect of Parliament's work—the legislative function—to any other person. There is, I accept, an argument for allowing the function of levying fees or changing a fees regime to be delegated to another person, which is why we have framed our new clause in a different way from the amendment that we tabled in Committee, and why it does not deal with that issue.

We would have liked a full debate on this subject yesterday in the context of new clause 19, but as you know, Mr. Deputy Speaker, our procedure yesterday did not entirely allow for that. The new provision was originally in clause 2, but now lies in new clause 19 and the subsequent new clauses. We would have liked at that point to move amendments reducing the capacity to delegate the function of legislating, and to have divided the House on them.

Two things alarm us. First, we have to ask whether it is right to give, through secondary legislation, the legislative function to another person—whomsoever that may be—who is not a legislator; not a Member of this Parliament. The second and most relevant question is that even if one accepts the need to delegate the legislative function—which I do not—why on earth is the legislation that such a person can then create via the delegated power not subject to the same caveats to which the Minister who conferred that delegated function is subject? Why, moreover, is such legislation not subject to the same parliamentary protections—albeit inadequate, as we have just been debating—to which it would have been subject, had it been put through the House via secondary legislation?

The case is absolutely unanswerable. I am prepared to listen to arguments from the Minister on the need to delegate a legislative function, although I am still at a loss to know in exactly what circumstances such a power would be used. However, I will not accept, under any circumstances, that such a power should not be subject to the same restrictions, caveats and the so-called veto that we have applied to matters properly before legislators: in other words, Members of this House acting in a legislative capacity in a Select Committee or in a Statutory Instrument Committee.

The suggestion is entirely preposterous. I know that we sometimes seem to defer our legislative functions to all sorts of people, but at least we try to maintain the fig leaf whereby we legislate in this House on the basis of information that we have. Ministers will be allowed to wash their hands completely of legislation that is the product of this provision. They will not be interested in whether it complies with the regulatory principles or falls within the narrow constraints on Ministers' ability to delegate through such means, which we have just been discussing.

We must remember that we are talking about amendment to primary legislation. Primary legislation will go through all its parliamentary stages and, a few years later, a Minister will be able to say, "I'm going to amend this legislation, but I'm not going to tell you how. I'm going to delegate that function to another person whom the House does not know and whose capacity they do not know, in order that they can make amendments that the House does not know about, and which will never go back to the House for corroboration or scrutiny."

I do not think that that is the way that the House should do its business. It is an error of judgment. I know that the Minister will say, "It's nothing to worry about. We're only talking about a few learned bodies and things like that, and they must be allowed to make their own rules," but I do worry about it—that is my job. It is the job of all hon. Members to worry about whether we allow other people to make legislation on our behalf without the appropriate restrictions.

The hon. Member for Ellesmere Port and Neston (Mr. Miller), the Chairman of the Regulatory Reform Committee, also has amendments in this group. From his body language, it is clear that he shares some of our concerns and that he is itching to speak. Given the abbreviated time available I shall not delay the House, save to say that amendments Nos. 5 and 9 fall, as they apply to something that yesterday was deleted from the Bill by a decision of the House. However, new clause 15 is still relevant as it sets out the principles that should apply in this matter and would restrict the capacity to delegate the legislative function.

I hope that we will get satisfactory answers from the Minister, but I expect that he will not be able to satisfy my concerns as he has not put forward his own amendments to bring the delegated legislative function within the compass of his constraints. It is likely that I shall wish to divide the House, but I hope to get some support from other parties.

Conservative Members who share my concerns may feel put off because the new clause refers to the veto. They were unable to support that proposal earlier, but it has now been disposed of. This is an important issue and we must send the clearest possible message to the

other place that it requires appropriate amendment. For members of the principal Opposition party to sit on their hands in respect of such an important matter would be extremely unhelpful, and I entreat them to show their support in the Lobbies, whatever their reservations about one small aspect of the new clause.

Andrew Miller: In view of the time, I shall be extremely brief. I wish to move the two amendments in my name, which fill the gap—

Mr. Deputy Speaker: Order. The hon. Gentleman does not have to move his amendments, but merely speak to the group.

Andrew Miller: Amendment No. 7 would change the default position and ensure that the positive and negative procedures that apply to Ministers would also apply to any grantee of the power to legislate, unless an exception applied as set out in amendment No. 8.

I shall give the House practical examples of how that would work. The North Western and North Wales Sea Fisheries Committee is made up of local authority appointees and others, including lay persons. It has been involved in long and complicated machinations about illegal cockle fishing on the Dee estuary with the Environment Agency Wales. A regulating order has been passed, but it needed the authority of the EAW and the Department for Environment, Food and Rural Affairs. It would be intolerable if such a body could regulate on its own. I do not believe that that was the Minister's intention, or that of his predecessor, in drafting the order and my amendments are merely intended to help to resolve the situation. I could give further examples, but in view of the time and the fact that it is essential that we hear from the Minister on this important point, I shall conclude my remarks.

8.45 pm

Mr. Heald: The original Bill attracted widespread criticism because it allowed such wide sub-delegation. Throughout our proceedings, the Opposition and, indeed, the Liberal Democrats, have tried to frame amendments in a way that might lure the Minister into accepting them. We did not get far in Committee, but things are going a bit better now, so I hope that the Minister might at least give us some assurances about later stages of the Bill in the other place.

I accept that there could be one sub-delegation to achieve the mergers that we were talking about yesterday in respect of the Hampton review, where it might be necessary to allow sub-delegation to a regulator—a point that I discussed with the Minister's predecessor in Committee. However, to allow the possibility for continuous, chain sub-delegation, whereby there is sub-delegation to one person who has the power to make secondary legislation, including the power to sub-delegate again, and so on, is a bit much—or a lot too much. New clause 15 is aimed at that situation. I support the idea that there should be a limit to the amount of sub-delegation—the length of the chain.

The point that there should be proper consultation before the use of secondary legislation for such purposes is well taken, so although, as the hon. Member for Somerton and Frome (Mr. Heath) rightly pointed out, I have reservations about subsection (2) of the new clause, given that the House did not vote for the provision that a veto by a specified number of Members of the House should be added to the Bill, I do not feel constrained by that technical point in supporting the new clause. We certainly support the new clause and I shall be interested to hear the Minister's response to it.

Mr. McFadden: I was pleased to hear that the hon. Member for North-East Hertfordshire (Mr. Heald) accede to the case for sub-delegation in some circumstances. The question before us is twofold. New clause 15 suggests that those to whom powers are sub-delegated should be subject to the same parliamentary processes as a Minister making an order. Powers to legislate are already exercised by entities other than Ministers in situations where statutory instruments are not always appropriate—for example, there are local authority powers to make byelaws that are not subject to any parliamentary procedure, but instead have to be authorised by the Secretary of State and must have set model procedures. The conditions set out in the new clause would not cater for those powers and as a result would require extensive public consultation and parliamentary time when that would often be inappropriate or unnecessary.

David Howarth: Will the hon. Gentleman give way?

Mr. McFadden: Given the time available, I would rather make some progress.

When making an order that confers a power to legislate, the nature of that power will be considered on a case-by-case basis and the order will set out the appropriate procedural requirements, depending on whom the power is conferred and its subject matter. That is the best approach, rather than being too rigid.

In our short debate, there was a question about whether someone could "sell on" the power sub-delegated to them. No, they would not be able to do so.

Mark Fisher (Stoke-on-Trent, Central) (Lab): Will the Minister give way?

Mr. McFadden: I should like to press on.

Amendments Nos. 7 and 8, tabled by my hon. Friend the Member for Ellesmere Port and Neston (Andrew Miller), do not suggest that sub-delegation should not happen. He attempts to produce a list that defines to whom the phrase "any person" might apply. As with his contributions throughout these debates, there is much sense in what he suggests. There are various instances in which powers to legislate are exercised by bodies other than Ministers, and he has attempted to define some of them in amendment No. 8 and in his contribution. We do not propose to accept those amendments tonight, but I can tell him that the effort to define the term "any person" more clearly is something that we hope to reflect on, consider and return to, as the Bill makes progress in another place.

Mark Fisher: Will the Minister give way?

Mr. Deputy Speaker: Order. Is the Minister giving way to the hon. Gentleman?

Mr. McFadden *indicated dissent.*

Mr. Deputy Speaker: The Minister has concluded his speech.

Mark Fisher: Instead of intervening on the Minister, perhaps I can make one of the shortest speeches on record.

Will the Minister explain his assertion that the Bill does not allow the right to sell on legislation, to use his words? Perhaps he can point to where that is specified in the Bill.

David Howarth: I thank the hon. Gentleman for giving way, especially as doing so probably spoils his effort to make the shortest speech of the evening, but I should like to encourage him in his question. If the provision in the Bill that sub-delegates the power to legislate in the first place were to include the possibility of further sub-delegation, and that was part of the original order, there is no reason to believe that further selling on of the power to legislate should be excluded.

Mark Fisher: That is a fair point, but it does not address my point about where that is dealt with in the Bill. The whole House has been enormously impressed by the way that the Minister, having picked up this brief only about three days ago, has mastered the intricacies and nuances of a very difficult and incredibly important Bill that goes to the very heart of our parliamentary democracy. The House has noted the Minister's grasp of the issue and is very impressed by it—

Rob Marris (Wolverhampton, South-West) (Lab): But.

Mark Fisher: Not but—and I have spent some time reading the Bill and perhaps I have missed it, but I cannot see where the power not to sell on, in the Minister's words, is specified in the Bill.

Mr. McFadden: I adyise my hon. Friend to read paragraph 31 of the volume of Halsbury's Laws on administrative law and Bennion on statutory interpretation, where he will find the well-established legal principle that a statutory power must be exercised only by the person to whom it is given and that it cannot be sub-delegated to someone else, unless that it authorised.

David Howarth: That is the exactly the point—unless it is authorised.

Mark Fisher: The point is very well made from a sedentary position by the hon. Member for Cambridge (David Howarth). The provision is qualified by the phrase "unless it is authorised". The House will be delighted by the parliamentary footnote. As someone who loves footnotes in books, I thought that the Minister's Halsbury footnote was a delight, but I hope that he will address the hon. Gentleman's intervention.

Mr. McFadden: Perhaps I can help the House further. In the case of our Bill, explicit wording would be needed to authorise further delegation of legislative powers. Given that the Bill does not contain such provision, such further delegation would not be possible. The Bill does not say so in the way that the hon. Gentleman suggests.

Mark Fisher: I hope that the Minister is right, but it is very worrying that this is a fundamental parliamentary principle and we have moments before the knife falls on the debate. There is no point in discussing that, but such things should not just be rubbed through like that and the House and the other place must return to these things not in a gabbled way under the edge of a knife falling on the debate, but in a serious way. I am sure that the Minister intends to justify the position, and I hope that he can do so with his mastery of the footnote. However, as things stand, I am more persuaded by what the hon. Member for Cambridge said from a sedentary position. He feels that there are problems. These matters are too serious to buff through.

John Hemming (Birmingham, Yardley) (LD): The key point is that if there is a statutory instrument or order under the Bill that enables sub-delegation, sub-delegation can ensue. Only if the original Bill contained a provision saying that there could not be sub-delegation would that be, subject to judicial review, ultra vires. That is what we are asking for.

Mark Fisher: I am afraid that these issues are too nice—in the true sense of the word—to tease out in three and a half minutes, but they are very important and we are going to have to come back to them. We cannot allow this legislation finally to pass on to the statute book without being clear about what we are doing. The Minister may be clear and he may well be right. He has earned the right to our confidence. He has shown that during the debate today and yesterday. However, we cannot afford to give him the benefit of the doubt. He has to justify that to the House. We have to be extremely careful about what sub-delegation we are making.

Rob Marris: In terms of what the Minister said in response to amendments Nos. 7 and 8, which were tabled by my hon. Friend the Member for Ellesmere Port and Neston (Andrew Miller), can the Minister assure me—I was not clear from what he said—that he was minded to accept the spirit, if not the wording, of those amendments?

Mr. Heath: That was a short, but informative debate. I agree that the Minister has been doing a good job in rather disadvantageous conditions over the past two days. I hope that next time he comes before the House with a Bill, he has a better Bill to work with. His officials are rather over-reliant on interpretations from Halsbury and insufficiently prepared to look at the common sense of what is written in the statute. Quite

clearly there is no exclusion in the statute in relation to sub-delegation—a quite proper matter for the House's concern.

The idea that the requirements on consultation, which are contained in clause 11, are an unsatisfactorily onerous duty for somebody who is legislating under a delegated function is quite wrong. If someone is making legislation that is binding on other people—even if it is only a few people—is it entirely improper that they should consult such organisations as appear to them

"to be representative of interests substantially affected by the proposals"?

I would suggest not. It is proper for delegated functions of legislation to fall within exactly the same constraints and to have exactly the same terms of consultation and procedures as any other matter handled under the accelerated procedure.

We still have some very big question marks—notwithstanding the Minister's preparedness to talk to the Committee and perhaps bring forward further proposals at the next stage of the consideration of the Bill in another place. Who knows, he may bring forward things that are of interest at that point, but that will not happen before this House today and, on that basis, we must seek the advice of the House, and I will press new clause 15 to a vote.

Mr. Greg Knight: On a point of order, Mr. Deputy Speaker. Will you confirm that parts 2 and 3 of this very important Bill will remain unscrutinised on Report and that that disgraceful state of affairs arises only because of the terms of the Government's own guillotine motion?

Mr. Deputy Speaker: I can confirm only that it begins to look extremely improbable that the other parts of the Bill are going to receive consideration.

Question put, That the clause be read a Second time:—

The House divided: Ayes 200, Noes 259.

Division No. 238] **[8.59 pm**

AYES

Afriyie, Adam
Ainsworth, Mr. Peter
Amess, Mr. David
Ancram, rh Mr. Michael
Atkinson, Mr. Peter
Baker, Norman
Baldry, Tony
Barker, Gregory
Baron, Mr. John
Barrett, John
Beith, rh Mr. Alan
Bellingham, Mr. Henry
Benyon, Mr. Richard
Beresford, Sir Paul
Binley, Mr. Brian
Blunt, Mr. Crispin
Bone, Mr. Peter
Boswell, Mr. Tim
Bottomley, Peter
Brady, Mr. Graham
Brake, Tom
Brazier, Mr. Julian
Brokenshire, James
Browne, Mr. Jeremy
Browning, Angela
Burns, Mr. Simon
Burrowes, Mr. David
Burstow, Mr. Paul
Burt, Alistair
Burt, Lorely
Butterfill, Sir John
Campbell, Mr. Gregory
Carswell, Mr. Douglas
Cash, Mr. William
Chope, Mr. Christopher
Clappison, Mr. James
Clark, Greg
Clarke, rh Mr. Kenneth
Clegg, Mr. Nick
Clifton-Brown, Mr. Geoffrey
Corbyn, Jeremy
Cormack, Sir Patrick
Crabb, Mr. Stephen
Curry, rh Mr. David
Davey, Mr. Edward
Davies, Philip
Davis, rh David *(Haltemprice and Howden)*
Djanogly, Mr. Jonathan
Dodds, Mr. Nigel
Dorrell, rh Mr. Stephen
Duncan Smith, rh Mr. Iain
Ellwood, Mr. Tobias
Evans, Mr. Nigel
Evennett, Mr. David
Fabricant, Michael
Farron, Tim
Featherstone, Lynne
Field, Mr. Mark
Fisher, Mark
Foster, Mr. Don
Fox, Dr. Liam
Gale, Mr. Roger
Garnier, Mr. Edward
Gauke, Mr. David
George, Andrew
Gibb, Mr. Nick
Gidley, Sandra
Gillan, Mrs. Cheryl
Goldsworthy, Julia
Goodman, Mr. Paul
Goodwill, Mr. Robert
Grayling, Chris
Green, Damian
Greening, Justine
Grieve, Mr. Dominic
Gummer, rh Mr. John
Hammond, Stephen
Hands, Mr. Greg
Harper, Mr. Mark
Harris, Dr. Evan
Harvey, Nick
Hayes, Mr. John
Heald, Mr. Oliver
Heath, Mr. David
Heathcoat-Amory, rh Mr. David
Hemming, John
Hendry, Charles
Herbert, Nick
Hermon, Lady
Hollobone, Mr. Philip
Horam, Mr. John
Horwood, Martin
Hosie, Stewart
Howarth, David
Hughes, Simon
Huhne, Chris
Hunt, Mr. Jeremy
Hunter, Mark
Jack, rh Mr. Michael
Jenkin, Mr. Bernard
Jones, Mr. David
Kawczynski, Daniel
Kennedy, rh Mr. Charles
Kirkbride, Miss Julie
Knight, rh Mr. Greg
Kramer, Susan
Laing, Mrs. Eleanor
Lait, Mrs. Jacqui
Lansley, Mr. Andrew
Leech, Mr. John
Letwin, rh Mr. Oliver
Lewis, Dr. Julian
Lidington, Mr. David
Llwyd, Mr. Elfyn
Loughton, Tim
Luff, Peter
Mackay, rh Mr. Andrew
MacNeil, Mr. Angus
Malins, Mr. Humfrey
Mates, rh Mr. Michael
Maude, rh Mr. Francis
May, rh Mrs. Theresa
McCrea, Dr. William
McIntosh, Miss Anne
McLoughlin, rh Mr. Patrick
Miller, Mrs. Maria
Milton, Anne
Mitchell, Mr. Andrew
Moore, Mr. Michael
Moss, Mr. Malcolm
Mundell, David
Murrison, Dr. Andrew
Newmark, Mr. Brooks
O'Brien, Mr. Stephen
Öpik, Lembit
Ottaway, Richard
Paterson, Mr. Owen
Pelling, Mr. Andrew
Penning, Mike
Penrose, John
Price, Adam
Prisk, Mr. Mark
Pugh, John
Randall, Mr. John
Redwood, rh Mr. John
Reid, Mr. Alan
Robertson, Hugh
Robertson, Mr. Laurence
Robinson, Mrs. Iris
Rogerson, Mr. Dan
Rowen, Paul
Ruffley, Mr. David
Russell, Bob
Salmond, Mr. Alex
Sanders, Mr. Adrian
Scott, Mr. Lee
Selous, Andrew
Shapps, Grant
Shepherd, Mr. Richard
Simmonds, Mark
Simpson, David
Smith, Sir Robert
Spelman, Mrs. Caroline
Spicer, Sir Michael
Spink, Bob
Steen, Mr. Anthony
Stunell, Andrew
Swayne, Mr. Desmond
Swinson, Jo
Syms, Mr. Robert
Taylor, Matthew
Taylor, Dr. Richard
Teather, Sarah
Tredinnick, David
Turner, Mr. Andrew
Tyrie, Mr. Andrew
Vaizey, Mr. Edward
Vara, Mr. Shailesh
Viggers, Peter
Villiers, Mrs. Theresa
Walker, Mr. Charles
Wallace, Mr. Ben
Watkinson, Angela
Webb, Steve
Weir, Mr. Mike
Whittingdale, Mr. John

Widdecombe, rh Miss Ann
Wiggin, Bill
Willetts, Mr. David
Williams, Hywel
Williams, Mark
Williams, Mr. Roger
Williams, Stephen
Willis, Mr. Phil
Wilshire, Mr. David
Wilson, Mr. Rob
Winterton, Ann
Wishart, Pete
Wright, Jeremy
Young, rh Sir George

Tellers for the Ayes:
Danny Alexander and Jenny Willott

NOES

Abbott, Ms Diane
Ainger, Nick
Ainsworth, rh Mr. Bob
Allen, Mr. Graham
Anderson, Mr. David
Anderson, Janet
Armstrong, rh Hilary
Atkins, Charlotte
Austin, Mr. Ian
Bailey, Mr. Adrian
Baird, Vera
Balls, Ed
Banks, Gordon
Barron, rh Mr. Kevin
Begg, Miss Anne
Benton, Mr. Joe
Berry, Roger
Betts, Mr. Clive
Blackman-Woods, Dr. Roberta
Blears, rh Hazel
Blizzard, Mr. Bob
Blunkett, rh Mr. David
Bradshaw, Mr. Ben
Brown, Lyn
Brown, rh Mr. Nicholas
Brown, Mr. Russell
Bryant, Chris
Buck, Ms Karen
Burgon, Colin
Burnham, Andy
Butler, Ms Dawn
Byers, rh Mr. Stephen
Byrne, Mr. Liam
Cairns, David
Campbell, Mr. Alan
Campbell, Mr. Ronnie
Chapman, Ben
Clapham, Mr. Michael
Clark, Ms Katy
Clark, Paul
Clarke, rh Mr. Tom
Clelland, Mr. David
Clwyd, rh Ann
Coaker, Mr. Vernon
Coffey, Ann
Cohen, Harry
Connarty, Michael
Cooper, Rosie
Cousins, Jim
Cruddas, Jon
Cryer, Mrs. Ann
Cummings, John
Cunningham, Mr. Jim
Cunningham, Tony
Curtis-Thomas, Mrs. Claire
Davidson, Mr. Ian
Dean, Mrs. Janet
Denham, rh Mr. John
Devine, Mr. Jim
Dhanda, Mr. Parmjit
Dismore, Mr. Andrew
Dobbin, Jim
Dobson, rh Frank
Donohoe, Mr. Brian H.
Doran, Mr. Frank
Dowd, Jim
Drew, Mr. David
Eagle, Angela
Eagle, Maria
Efford, Clive
Ellman, Mrs. Louise
Engel, Natascha
Ennis, Jeff
Farrelly, Paul
Field, rh Mr. Frank
Flello, Mr. Robert
Flint, Caroline
Flynn, Paul
Follett, Barbara
Foster, Michael Jabez *(Hastings and Rye)*
Francis, Dr. Hywel
Gardiner, Barry
George, rh Mr. Bruce
Gerrard, Mr. Neil
Gibson, Dr. Ian
Godsiff, Mr. Roger
Goggins, Paul
Goodman, Helen
Griffith, Nia
Griffiths, Nigel
Grogan, Mr. John
Gwynne, Andrew
Hall, Mr. Mike
Hall, Patrick
Harman, rh Ms Harriet
Harris, Mr. Tom
Healey, John
Hendrick, Mr. Mark
Hepburn, Mr. Stephen
Heppell, Mr. John
Hesford, Stephen
Heyes, David
Hill, rh Keith
Hodgson, Mrs. Sharon
Hood, Mr. Jimmy
Hopkins, Kelvin
Howarth, rh Mr. George
Howells, Dr. Kim
Hughes, rh Beverley
Humble, Mrs. Joan
Iddon, Dr. Brian
Illsley, Mr. Eric
Ingram, rh Mr. Adam
Irranca-Davies, Huw
Jackson, Glenda
James, Mrs. Siân C.
Johnson, rh Alan
Johnson, Ms Diana R.
Jones, Helen
Jones, Mr. Martyn
Joyce, Mr. Eric
Kaufman, rh Sir Gerald
Keeble, Ms Sally
Keeley, Barbara
Keen, Alan
Keen, Ann
Kemp, Mr. Fraser
Kennedy, rh Jane
Khabra, Mr. Piara S.
Khan, Mr. Sadiq
Kidney, Mr. David
Kumar, Dr. Ashok
Lazarowicz, Mark
Lepper, David
Levitt, Tom
Lewis, Mr. Ivan
Love, Mr. Andrew
Lucas, Ian
Mactaggart, Fiona
Mahmood, Mr. Khalid
Malik, Mr. Shahid
Mallaber, Judy
Mann, John
Marris, Rob
Marsden, Mr. Gordon
Marshall, Mr. David
Martlew, Mr. Eric
McAvoy, rh Mr. Thomas
McCabe, Steve
McCarthy, Kerry
McCartney, rh Mr. Ian
McDonagh, Siobhain
McFadden, Mr. Pat
McFall, rh Mr. John
McGovern, Mr. Jim
McGuire, Mrs. Anne
McIsaac, Shona
McKechin, Ann
McKenna, Rosemary
McNulty, Mr. Tony
Meale, Mr. Alan
Merron, Gillian
Michael, rh Alun
Milburn, rh Mr. Alan
Miliband, Edward
Miller, Andrew
Moffat, Anne
Moffatt, Laura
Mole, Chris
Moon, Mrs. Madeleine
Morden, Jessica
Morgan, Julie
Morley, Mr. Elliot
Mountford, Kali
Mudie, Mr. George
Mullin, Mr. Chris
Munn, Meg
Murphy, Mr. Denis
Murphy, Mr. Jim
Murphy, rh Mr. Paul
Naysmith, Dr. Doug
Norris, Dan
O'Brien, Mr. Mike
Oliver, Mr. Bill
Owen, Albert
Palmer, Dr. Nick
Pearson, Ian
Plaskitt, Mr. James
Pound, Stephen
Prentice, Bridget
Prentice, Mr. Gordon
Primarolo, rh Dawn
Prosser, Gwyn
Purchase, Mr. Ken
Purnell, James
Rammell, Bill
Raynsford, rh Mr. Nick
Reed, Mr. Andy
Reed, Mr. Jamie
Riordan, Mrs. Linda
Robertson, John
Rooney, Mr. Terry
Roy, Mr. Frank
Ruane, Chris
Ruddock, Joan
Russell, Christine
Ryan, Joan
Salter, Martin
Sarwar, Mr. Mohammad
Seabeck, Alison
Shaw, Jonathan
Sheerman, Mr. Barry
Sheridan, Jim
Simon, Mr. Siôn
Singh, Mr. Marsha
Skinner, Mr. Dennis
Slaughter, Mr. Andrew
Smith, rh Mr. Andrew
Smith, Ms Angela C. *(Sheffield, Hillsborough)*
Smith, Angela E. *(Basildon)*
Smith, Geraldine
Smith, rh Jacqui
Snelgrove, Anne
Soulsby, Sir Peter
Southworth, Helen
Spellar, rh Mr. John
Starkey, Dr. Phyllis
Stewart, Ian
Stoate, Dr. Howard
Strang, rh Dr. Gavin
Straw, rh Mr. Jack
Stringer, Graham
Sutcliffe, Mr. Gerry
Taylor, Ms Dari
Taylor, David
Tipping, Paddy
Touhig, Mr. Don
Trickett, Jon
Truswell, Mr. Paul
Turner, Mr. Neil
Twigg, Derek
Ussher, Kitty
Waltho, Lynda
Wareing, Mr. Robert N.
Watson, Mr. Tom
Watts, Mr. Dave
Whitehead, Dr. Alan
Wicks, Malcolm
Williams, rh Mr. Alan
Wills, Mr. Michael
Winnick, Mr. David
Wood, Mike
Woodward, Mr. Shaun
Woolas, Mr. Phil
Wright, Mr. Anthony
Wright, David
Wright, Mr. Iain
Wright, Dr. Tony
Wyatt, Derek

Tellers for the Noes:
Mr. Michael Foster and Liz Blackman

Question accordingly negatived.

It being after Nine o'clock, MR. DEPUTY SPEAKER *put forthwith the Questions necessary for the disposal of the business to be concluded at that hour, pursuant to Order [15 May].*

New Clause 17

DISAPPLICATION OF EUROPEAN COMMUNITIES ACT 1972 (NO. 2)

'(1) An order made under Part 1 containing provision relating to Community treaties, Community instruments or Community obligations shall, notwithstanding the European Communities Act 1972, be binding in any legal proceedings in the United Kingdom.

(2) In section 1 and this section—

"Community instruments" and "Community obligations" have the same meaning as in Part 2 of Schedule 1 to the European Communities Act 1972 (c. 68);

"Community treaties" has the same meaning as in section 1(2) of the European Communities Act 1972.'. —*[Mr. Cash.]*

Brought up, and read the First time.

Motion made, and Question put, That the clause be read a Second time:—

The House divided: Ayes 136, Noes 318.

Division No. 239] **[9.12 pm**

AYES

Afriyie, Adam
Ainsworth, Mr. Peter
Amess, Mr. David
Ancram, rh Mr. Michael
Atkinson, Mr. Peter
Baldry, Tony
Barker, Gregory
Baron, Mr. John
Benyon, Mr. Richard
Beresford, Sir Paul
Binley, Mr. Brian
Blunt, Mr. Crispin
Bone, Mr. Peter
Boswell, Mr. Tim
Bottomley, Peter
Brady, Mr. Graham
Brazier, Mr. Julian
Brokenshire, James
Browning, Angela
Burns, Mr. Simon
Burrowes, Mr. David
Butterfill, Sir John
Campbell, Mr. Gregory
Carswell, Mr. Douglas
Cash, Mr. William
Chope, Mr. Christopher
Clappison, Mr. James
Clark, Greg
Clifton-Brown, Mr. Geoffrey
Cormack, Sir Patrick
Crabb, Mr. Stephen
Davies, Philip
Davis, rh David *(Haltemprice and Howden)*
Djanogly, Mr. Jonathan
Dodds, Mr. Nigel
Duncan Smith, rh Mr. Iain
Ellwood, Mr. Tobias
Evans, Mr. Nigel
Fabricant, Michael
Field, Mr. Mark
Fox, Dr. Liam
Gale, Mr. Roger
Garnier, Mr. Edward
Gauke, Mr. David
Gibb, Mr. Nick
Gillan, Mrs. Cheryl
Goodman, Mr. Paul
Goodwill, Mr. Robert
Grayling, Chris
Green, Damian
Greening, Justine
Grieve, Mr. Dominic
Hammond, Stephen
Hands, Mr. Greg
Harper, Mr. Mark
Hayes, Mr. John
Heald, Mr. Oliver
Heathcoat-Amory, rh Mr. David
Hendry, Charles
Herbert, Nick
Hermon, Lady
Hollobone, Mr. Philip
Hopkins, Kelvin
Horam, Mr. John
Hunt, Mr. Jeremy
Jenkin, Mr. Bernard
Jones, Mr. David
Kawczynski, Daniel
Kirkbride, Miss Julie
Knight, rh Mr. Greg
Laing, Mrs. Eleanor
Lait, Mrs. Jacqui
Lansley, Mr. Andrew
Letwin, rh Mr. Oliver
Lewis, Dr. Julian
Lidington, Mr. David
Loughton, Tim
Luff, Peter
Mackay, rh Mr. Andrew
Malins, Mr. Humfrey
Maude, rh Mr. Francis
May, rh Mrs. Theresa
McCrea, Dr. William
McIntosh, Miss Anne
McLoughlin, rh Mr. Patrick
Miller, Mrs. Maria
Milton, Anne
Mitchell, Mr. Andrew
Moss, Mr. Malcolm
Mundell, David
Murrison, Dr. Andrew
Newmark, Mr. Brooks
O'Brien, Mr. Stephen
Ottaway, Richard
Paterson, Mr. Owen
Pelling, Mr. Andrew
Penning, Mike
Penrose, John
Prisk, Mr. Mark
Randall, Mr. John
Redwood, rh Mr. John
Robertson, Hugh
Robertson, Mr. Laurence
Robinson, Mrs. Iris
Ruffley, Mr. David
Scott, Mr. Lee
Selous, Andrew
Shapps, Grant
Shepherd, Mr. Richard
Simmonds, Mark
Simpson, David
Spelman, Mrs. Caroline
Spicer, Sir Michael
Spink, Bob
Steen, Mr. Anthony
Swayne, Mr. Desmond
Syms, Mr. Robert
Taylor, Dr. Richard
Tredinnick, David
Turner, Mr. Andrew
Tyrie, Mr. Andrew
Vaizey, Mr. Edward
Vara, Mr. Shailesh
Viggers, Peter
Villiers, Mrs. Theresa
Walker, Mr. Charles
Wallace, Mr. Ben
Watkinson, Angela
Whittingdale, Mr. John
Widdecombe, rh Miss Ann
Wiggin, Bill
Willetts, Mr. David
Wilshire, Mr. David
Wilson, Mr. Rob
Winterton, Ann
Wright, Jeremy

Tellers for the Ayes:
Mr. David Evennett and Mr. Henry Bellingham

NOES

Abbott, Ms Diane
Ainger, Nick
Ainsworth, rh Mr. Bob
Alexander, Danny
Allen, Mr. Graham
Anderson, Mr. David
Anderson, Janet
Armstrong, rh Hilary
Atkins, Charlotte
Austin, Mr. Ian
Bailey, Mr. Adrian
Baird, Vera
Baker, Norman
Balls, Ed
Banks, Gordon
Barrett, John
Barron, rh Mr. Kevin
Begg, Miss Anne
Beith, rh Mr. Alan
Benton, Mr. Joe
Berry, Roger
Betts, Mr. Clive
Blackman-Woods, Dr. Roberta
Blears, rh Hazel
Blizzard, Mr. Bob
Blunkett, rh Mr. David
Bradshaw, Mr. Ben
Brake, Tom
Brown, Lyn
Brown, rh Mr. Nicholas
Brown, Mr. Russell
Browne, Mr. Jeremy
Bryant, Chris
Buck, Ms Karen
Burgon, Colin
Burnham, Andy
Burstow, Mr. Paul
Burt, Lorely
Butler, Ms Dawn
Byers, rh Mr. Stephen
Byrne, Mr. Liam
Cairns, David
Campbell, Mr. Alan
Campbell, Mr. Ronnie
Chapman, Ben
Clapham, Mr. Michael
Clark, Ms Katy
Clark, Paul
Clarke, rh Mr. Tom
Clegg, Mr. Nick
Clelland, Mr. David
Clwyd, rh Ann
Coaker, Mr. Vernon
Coffey, Ann
Cohen, Harry
Connarty, Michael
Cooper, Rosie
Corbyn, Jeremy
Cousins, Jim
Cruddas, Jon
Cryer, Mrs. Ann
Cummings, John
Cunningham, Mr. Jim
Cunningham, Tony
Curtis-Thomas, Mrs. Claire
Davey, Mr. Edward
Davidson, Mr. Ian
Dean, Mrs. Janet
Denham, rh Mr. John
Devine, Mr. Jim
Dhanda, Mr. Parmjit
Dismore, Mr. Andrew

Dobbin, Jim
Dobson, rh Frank
Donohoe, Mr. Brian H.
Doran, Mr. Frank
Dowd, Jim
Drew, Mr. David
Eagle, Angela
Eagle, Maria
Efford, Clive
Ellman, Mrs. Louise
Engel, Natascha
Ennis, Jeff
Farrelly, Paul
Farron, Tim
Featherstone, Lynne
Field, rh Mr. Frank
Fisher, Mark
Flello, Mr. Robert
Flint, Caroline
Flynn, Paul
Follett, Barbara
Foster, Mr. Don
Foster, Michael Jabez *(Hastings and Rye)*
Francis, Dr. Hywel
Gardiner, Barry
George, Andrew
George, rh Mr. Bruce
Gerrard, Mr. Neil
Gibson, Dr. Ian
Gidley, Sandra
Godsiff, Mr. Roger
Goggins, Paul
Goldsworthy, Julia
Goodman, Helen
Griffith, Nia
Griffiths, Nigel
Grogan, Mr. John
Gwynne, Andrew
Hall, Mr. Mike
Hall, Patrick
Harman, rh Ms Harriet
Harris, Dr. Evan
Harris, Mr. Tom
Harvey, Nick
Healey, John
Heath, Mr. David
Hendrick, Mr. Mark
Hepburn, Mr. Stephen
Heppell, Mr. John
Hesford, Stephen
Heyes, David
Hill, rh Keith
Hodgson, Mrs. Sharon
Hood, Mr. Jimmy
Horwood, Martin
Hosie, Stewart
Howarth, David
Howarth, rh Mr. George
Howells, Dr. Kim
Hughes, rh Beverley
Hughes, Simon
Huhne, Chris
Humble, Mrs. Joan
Hunter, Mark
Iddon, Dr. Brian
Illsley, Mr. Eric
Ingram, rh Mr. Adam
Irranca-Davies, Huw
Jackson, Glenda
James, Mrs. Siân C.
Johnson, rh Alan
Johnson, Ms Diana R.
Jones, Helen
Jones, Lynne
Jones, Mr. Martyn
Joyce, Mr. Eric
Kaufman, rh Sir Gerald
Keeble, Ms Sally
Keeley, Barbara
Keen, Alan
Keen, Ann
Kemp, Mr. Fraser
Kennedy, rh Mr. Charles
Kennedy, rh Jane
Khabra, Mr. Piara S.
Khan, Mr. Sadiq
Kidney, Mr. David
Knight, Jim
Kramer, Susan
Kumar, Dr. Ashok
Lazarowicz, Mark
Leech, Mr. John
Lepper, David
Levitt, Tom
Lewis, Mr. Ivan
Llwyd, Mr. Elfyn
Love, Mr. Andrew
Lucas, Ian
MacNeil, Mr. Angus
Mactaggart, Fiona
Mahmood, Mr. Khalid
Malik, Mr. Shahid
Mallaber, Judy
Mann, John
Marris, Rob
Marsden, Mr. Gordon
Marshall, Mr. David
Martlew, Mr. Eric
McAvoy, rh Mr. Thomas
McCabe, Steve
McCarthy, Kerry
McCartney, rh Mr. Ian
McDonagh, Siobhain
McFadden, Mr. Pat
McFall, rh Mr. John
McGovern, Mr. Jim
McGuire, Mrs. Anne
McIsaac, Shona
McKechin, Ann
McKenna, Rosemary
McNulty, Mr. Tony
Meale, Mr. Alan
Merron, Gillian
Michael, rh Alun
Milburn, rh Mr. Alan
Miliband, Edward
Miller, Andrew
Moffat, Anne
Moffatt, Laura
Mole, Chris
Moon, Mrs. Madeleine
Moore, Mr. Michael
Morden, Jessica
Morgan, Julie
Morley, Mr. Elliot
Mountford, Kali
Mudie, Mr. George
Mullin, Mr. Chris
Munn, Meg
Murphy, Mr. Denis
Murphy, Mr. Jim
Murphy, rh Mr. Paul
Naysmith, Dr. Doug
Norris, Dan
O'Brien, Mr. Mike
Olner, Mr. Bill
Öpik, Lembit
Owen, Albert
Palmer, Dr. Nick
Pearson, Ian
Plaskitt, Mr. James
Pound, Stephen
Prentice, Bridget
Prentice, Mr. Gordon
Price, Adam
Primarolo, rh Dawn
Prosser, Gwyn
Pugh, John
Purchase, Mr. Ken
Purnell, James
Rammell, Bill
Raynsford, rh Mr. Nick
Reed, Mr. Andy
Reed, Mr. Jamie
Reid, Mr. Alan
Riordan, Mrs. Linda
Robertson, John
Rogerson, Mr. Dan
Rooney, Mr. Terry
Rowen, Paul
Roy, Mr. Frank
Ruane, Chris
Ruddock, Joan
Russell, Bob
Russell, Christine
Ryan, Joan
Salmond, Mr. Alex
Salter, Martin
Sanders, Mr. Adrian
Sarwar, Mr. Mohammad
Seabeck, Alison
Shaw, Jonathan
Sheerman, Mr. Barry
Sheridan, Jim
Simon, Mr. Siôn
Simpson, Alan
Singh, Mr. Marsha
Skinner, Mr. Dennis
Slaughter, Mr. Andrew
Smith, rh Mr. Andrew
Smith, Ms Angela C. *(Sheffield, Hillsborough)*
Smith, Angela E. *(Basildon)*
Smith, Geraldine
Smith, rh Jacqui
Smith, Sir Robert
Snelgrove, Anne
Soulsby, Sir Peter
Southworth, Helen
Spellar, rh Mr. John
Starkey, Dr. Phyllis
Stewart, Ian
Stoate, Dr. Howard
Strang, rh Dr. Gavin
Straw, rh Mr. Jack
Stringer, Graham
Stunell, Andrew
Sutcliffe, Mr. Gerry
Swinson, Jo
Taylor, Ms Dari
Taylor, David
Taylor, Matthew
Teather, Sarah
Thurso, John
Tipping, Paddy
Touhig, Mr. Don
Trickett, Jon
Truswell, Mr. Paul
Turner, Mr. Neil
Twigg, Derek
Ussher, Kitty
Waltho, Lynda
Wareing, Mr. Robert N.
Watson, Mr. Tom
Watts, Mr. Dave
Webb, Steve
Weir, Mr. Mike
Whitehead, Dr. Alan
Wicks, Malcolm
Williams, rh Mr. Alan
Williams, Hywel
Williams, Mark
Williams, Mr. Roger
Williams, Stephen
Willis, Mr. Phil
Willott, Jenny
Wills, Mr. Michael
Winnick, Mr. David
Wishart, Pete
Wood, Mike
Woodward, Mr. Shaun
Woolas, Mr. Phil
Wright, Mr. Anthony
Wright, David
Wright, Mr. Iain
Wright, Dr. Tony
Wyatt, Derek

Tellers for the Noes:
Mr. Michael Foster and Liz Blackman

Question accordingly negatived.

Clause 1

PURPOSE

Amendment made: No. 10, in page 1, line 4, leave out Clause 1.—*[Mr. McFadden.]*

Clause 2

PROVISION

Amendment made: No. 11, in page 2, line 10, leave out Clause 2.—*[Mr. McFadden.]*

Clause 3

PRECONDITIONS

Amendments made: No. 12, in page 2, line 32 [Clause 3], leave out from 'make' to end of line 35 and insert

'provision under section (Power to remove or reduce burdens)(1), (Power to promote regulatory principles)(1) or (Power to implement Law Commission recommendations)(1)'.

No. 13, in page 3, line 3 [Clause 3], at end insert—

'(2A) Subsection (1) does not apply in relation to—

(a) provision under section (Power to remove or reduce burdens)(1), (Power to promote regulatory principles)(1) or (Power to implement Law Commission recommendations)(1) which merely restates an enactment; or

(b) provision under section (Power to implement Law Commission recommendations)(1) which codifies a rule of law.'.

No. 14, in page 3, line 4 [Clause 3], leave out from 'make' to end of line 6 and insert—

'(a) provision under section (Power to remove or reduce burdens)(1), (Power to promote regulatory principles)(1) or (Power to implement Law Commission recommendations)(1) which merely restates an enactment, or

(b) provision under section (Power to implement Law Commission recommendations)(1) which codifies a rule of law,'. —*[Mr. McFadden.]*

Clause 4

SUBORDINATE LEGISLATION

Amendments made: No. 15, in page 3, line 13 [Clause 4], leave out from beginning to 'confer' and insert

'An order under this Part may not make provision to'

No. 16, in page 3, line 23 [Clause 4], leave out 'legislation' and insert 'an enactment'.—*[Mr. McFadden.]*

Clause 5

TAXATION

Amendments made: No. 17, in page 3, line 25 [Clause 5], leave out from beginning to 'impose' and insert

'An order under this Part may not make provision to'.

No. 18, in page 3, line 26 [Clause 5], leave out 'legislation' and insert 'an enactment'.—*[Mr. McFadden.]*

Clause 6

CRIMINAL PENALTIES

Amendments made: No. 19, in page 3, line 28 [Clause 6], leave out from beginning to 'create' and insert

'An order under this Part may not make provision to'.

No. 20, in page 4, line 9 [Clause 6], leave out section 2(1) and insert 'this Part making provision'.

No. 21, in page 4, line 15 [Clause 6], leave out section 2(1) and insert 'this Part making provision'.

No. 22, in page 4, line 22 [Clause 6], leave out 'legislation' and insert 'an enactment'.

No. 23, in page 4, line 23 [Clause 6], leave out paragraph (b).—*[Mr. McFadden.]*

Clause 7

FORCIBLE ENTRY ETC

Amendments made: No. 24, in page 4 [Clause 7], leave out line 26 and insert

'An order under this Part may not make provision to—'.

No. 25, in page 4, line 29 [Clause 7], leave out 'section 1' and insert 'this Part'.

No. 26, in page 4, line 33 [Clause 7], leave out 'legislation' and insert 'an enactment'.

No. 27, in page 4, line 34 [Clause 7], leave out paragraph (b). —*[Mr. McFadden.]*

Clause 8

SCOTLAND

Amendment made: No. 28, in page 4, line 38 [Clause 8], leave out from 'under' to 'make' and insert

'this Part may not, except by virtue of section (Power to remove or reduce burdens)(8), (Power to promote regulatory principles)(5) or (Power to implement Law Commission recommendations)(5),'—*[Mr. McFadden.]*

Clause 9

WALES

Amendment made: No. 29, in page 4, line 42 [Clause 9], leave out 'section 1' and insert 'this Part'. —*[Mr. McFadden.]*

Clause 10

PROCEDURE: INTRODUCTORY

Amendments made: No. 30, in page 5, line 7 [Clause 10], leave out 'section 1' and insert 'this Part'.

No. 31, in page 5, line 8 [Clause 10], leave out 'section 1' and insert 'this Part'.—*[Mr. McFadden.]*

Clause 11

CONSULTATION

Amendments made: No. 32, in page 5, line 18 [Clause 11], leave out 'section 1' and insert 'this Part'.

No. 33, in page 5, line 28 [Clause 11], leave out paragraph (d) and insert—

'(d) in the case of an order made under section (Power to implement Law Commission recommendations), consult the Commission or Commissions whose recommendation or recommendations he is proposing to implement, and'.

No. 34, in page 5, line 33 [Clause 11], leave out 'section 1' and insert

'section (Power to implement Law Commission recommendations)'.

No. 35, in page 6, line 4 [Clause 11], leave out 'section 1' and insert 'this Part'.—*[Mr. McFadden.]*

Clause 12

DRAFT ORDER AND EXPLANATORY DOCUMENT LAID BEFORE PARLIAMENT

Amendments made: No. 36, in page 6, line 17 [Clause 12], leave out 'section 1' and insert 'this Part'.

No. 37, in page 6, line 22 [Clause 12], leave out from 'explain' to end of line 23 and insert

'under which power or powers in this Part the provision contained in the order is made'.

No. 38, in page 6, line 28 [Clause 12], leave out paragraph (d) and insert—

'(d) in the case of an order under section (Power to remove or reduce burdens), include, so far as appropriate, an assessment of the extent to which the provision made by the order would remove or reduce any burden or burdens (within the meaning of subsection (2) of that section);'.

No. 39, in page 6, line 40 [Clause 12], leave out subsection (3).

No. 40, in page 7, line 1 [Clause 12], leave out from 'of' to 'the' in line 2 and insert

'an order under section (Power to implement Law Commission recommendations)'. —*[Mr. McFadden.]*

Clause 13

DETERMINATION OF PARLIAMENTARY PROCEDURE

Amendments made: No. 41, in page 7, line 34 [Clause 13], leave out '21-day' and insert '30-day'.

No. 42, in page 7, line 43 [Clause 13], leave out '21-day' and insert '30-day'.

No. 43, in page 8, line 4 [Clause 13], leave out '21-day' and insert '30-day'.

No. 44, in page 8, line 11 [Clause 13], leave out '21-day' and insert '30-day'.

No. 45, in page 8, line 11 [Clause 13], leave out '21' and insert '30'. —*[Mr. McFadden.]*

Clause 14

NEGATIVE RESOLUTION PROCEDURE

Amendment proposed: No. 46, in page 8, line 17 [Clause 14], leave out subsection (2) and insert—

'(2) The Minister may make an order in the terms of the draft order subject to the following provisions of this section.

(2A) The Minister may not make an order in the terms of the draft order if either House of Parliament so resolves within the 40-day period.

(2B) A committee of either House charged with reporting on the draft order may, at any time after the expiry of the 30-day period and before the expiry of the 40-day period, recommend under this subsection that no further proceedings be taken in relation to the draft order.

(2C) A recommendation may be made under subsection (2B) only if the committee considers that—

(a) the provision made by the draft order does not serve the purpose specified in section (Power to remove or reduce burdens)(2), (Power to promote regulatory principles)(2) or (Power to implement Law Commission recommendations)(2) (as the case may be);

(b) any relevant condition in section 3(2) is not satisfied in relation to any provision of the draft order referred to in section 3(1); or

(c) the condition in section 3(4) is not satisfied in relation to any provision of the draft order referred to in section 3(3).

(2D) Where a recommendation is made by a committee of either House under subsection (2B) in relation to a draft order, the Minister may not make an order in the terms of the draft order unless the recommendation is, in the same Session, rejected by resolution of that House.'—*[Mr. McFadden.]*

Amendment proposed to the proposed amendment: (a), in line 5, leave out from 'with' to end of line 18 and insert

'responsibility for this matter may, at any time after the expiry of the 30-day period and before the expiry of the 40-day period, recommend that no further proceedings be taken in relation to the draft order.'.—*[Mr. Greg Knight.]*

Question put, That the amendment be made:—

The House divided: Ayes 200, Noes 258.

Division No. 240] **[9.26 pm**

AYES

Afriyie, Adam
Ainsworth, Mr. Peter
Alexander, Danny
Amess, Mr. David
Ancram, rh Mr. Michael
Atkinson, Mr. Peter
Baker, Norman
Baldry, Tony
Barker, Gregory
Baron, Mr. John
Barrett, John
Beith, rh Mr. Alan
Benyon, Mr. Richard
Beresford, Sir Paul
Binley, Mr. Brian
Blunt, Mr. Crispin
Bone, Mr. Peter
Boswell, Mr. Tim
Bottomley, Peter
Brady, Mr. Graham
Brake, Tom
Brazier, Mr. Julian
Brokenshire, James
Browne, Mr. Jeremy
Browning, Angela
Burns, Mr. Simon
Burrowes, Mr. David
Burstow, Mr. Paul
Burt, Alistair
Burt, Lorely
Butterfill, Sir John
Campbell, Mr. Gregory
Carswell, Mr. Douglas
Cash, Mr. William
Chope, Mr. Christopher
Clappison, Mr. James
Clark, Greg
Clarke, rh Mr. Kenneth
Clegg, Mr. Nick
Clifton-Brown, Mr. Geoffrey
Corbyn, Jeremy
Cormack, Sir Patrick
Crabb, Mr. Stephen
Curry, rh Mr. David
Davey, Mr. Edward
Davies, Philip
Davis, rh David *(Haltemprice and Howden)*
Djanogly, Mr. Jonathan
Dodds, Mr. Nigel
Dorrell, rh Mr. Stephen
Duncan Smith, rh Mr. Iain
Ellwood, Mr. Tobias
Evans, Mr. Nigel
Fabricant, Michael
Farron, Tim
Featherstone, Lynne
Field, Mr. Mark
Fisher, Mark
Gale, Mr. Roger
Garnier, Mr. Edward
Gauke, Mr. David
George, Andrew
Gibb, Mr. Nick
Gidley, Sandra
Gillan, Mrs. Cheryl
Goldsworthy, Julia
Goodman, Mr. Paul
Goodwill, Mr. Robert
Grayling, Chris
Green, Damian
Greening, Justine
Grieve, Mr. Dominic
Gummer, rh Mr. John
Hammond, Stephen
Hands, Mr. Greg
Harper, Mr. Mark
Harris, Dr. Evan
Hayes, Mr. John
Heald, Mr. Oliver
Heath, Mr. David
Heathcoat-Amory, rh Mr. David
Hemming, John
Hendry, Charles
Herbert, Nick
Hermon, Lady
Hollobone, Mr. Philip
Holmes, Paul
Horam, Mr. John
Horwood, Martin
Hosie, Stewart
Howarth, David

Hughes, Simon
Huhne, Chris
Hunt, Mr. Jeremy
Hunter, Mark
Jack, rh Mr. Michael
Jenkin, Mr. Bernard
Jones, Mr. David
Jones, Lynne
Kawczynski, Daniel
Kennedy, rh Mr. Charles
Kirkbride, Miss Julie
Knight, rh Mr. Greg
Kramer, Susan
Laing, Mrs. Eleanor
Lait, Mrs. Jacqui
Lansley, Mr. Andrew
Leech, Mr. John
Letwin, rh Mr. Oliver
Lewis, Dr. Julian
Lidington, Mr. David
Llwyd, Mr. Elfyn
Loughton, Tim
Luff, Peter
Mackay, rh Mr. Andrew
MacNeil, Mr. Angus
Malins, Mr. Humfrey
Mates, rh Mr. Michael
Maude, rh Mr. Francis
May, rh Mrs. Theresa
McCrea, Dr. William
McDonnell, John
McIntosh, Miss Anne
McLoughlin, rh Mr. Patrick
Miller, Mrs. Maria
Milton, Anne
Mitchell, Mr. Andrew
Moore, Mr. Michael
Moss, Mr. Malcolm
Mundell, David
Murrison, Dr. Andrew
Newmark, Mr. Brooks
O'Brien, Mr. Stephen
Öpik, Lembit
Ottaway, Richard
Paterson, Mr. Owen
Pelling, Mr. Andrew
Penning, Mike
Penrose, John
Pugh, John
Randall, Mr. John
Redwood, rh Mr. John
Reid, Mr. Alan
Robertson, Hugh
Robertson, Mr. Laurence
Robinson, Mrs. Iris
Rogerson, Mr. Dan
Rowen, Paul
Ruffley, Mr. David
Russell, Bob
Salmond, Mr. Alex
Sanders, Mr. Adrian
Scott, Mr. Lee
Selous, Andrew
Shapps, Grant
Shepherd, Mr. Richard
Simmonds, Mark
Simpson, Alan
Simpson, David
Smith, Sir Robert
Spelman, Mrs. Caroline
Spicer, Sir Michael
Spink, Bob
Steen, Mr. Anthony
Stunell, Andrew
Swayne, Mr. Desmond
Swinson, Jo
Syms, Mr. Robert
Taylor, Matthew
Taylor, Dr. Richard
Teather, Sarah
Thurso, John
Tredinnick, David
Turner, Mr. Andrew
Tyrie, Mr. Andrew
Vaizey, Mr. Edward
Vara, Mr. Shailesh
Viggers, Peter
Walker, Mr. Charles
Wallace, Mr. Ben
Wareing, Mr. Robert N.
Watkinson, Angela
Webb, Steve
Weir, Mr. Mike
Whittingdale, Mr. John
Widdecombe, rh Miss Ann
Wiggin, Bill
Willetts, Mr. David
Williams, Hywel
Williams, Mark
Williams, Mr. Roger
Williams, Stephen
Willis, Mr. Phil
Willott, Jenny
Wilshire, Mr. David
Wilson, Mr. Rob
Winterton, Ann
Wishart, Pete
Wright, Jeremy
Young, rh Sir George

Tellers for the Ayes:
Mr. David Evennett and
Mr. Henry Bellingham

NOES

Abbott, Ms Diane
Ainger, Nick
Ainsworth, rh Mr. Bob
Allen, Mr. Graham
Anderson, Mr. David
Anderson, Janet
Armstrong, rh Hilary
Atkins, Charlotte
Austin, Mr. Ian
Bailey, Mr. Adrian
Baird, Vera
Balls, Ed
Banks, Gordon
Barron, rh Mr. Kevin
Begg, Miss Anne
Benton, Mr. Joe
Berry, Roger
Betts, Mr. Clive
Blackman-Woods, Dr. Roberta
Blears, rh Hazel
Blizzard, Mr. Bob
Bradshaw, Mr. Ben
Brown, Lyn
Brown, rh Mr. Nicholas
Brown, Mr. Russell
Bryant, Chris
Buck, Ms Karen
Burgon, Colin
Burnham, Andy
Butler, Ms Dawn
Byers, rh Mr. Stephen
Byrne, Mr. Liam
Cairns, David
Campbell, Mr. Alan
Campbell, Mr. Ronnie
Chapman, Ben
Clapham, Mr. Michael
Clark, Ms Katy
Clark, Paul
Clarke, rh Mr. Tom
Clelland, Mr. David
Clwyd, rh Ann
Coaker, Mr. Vernon
Coffey, Ann
Cohen, Harry
Connarty, Michael
Cooper, Rosie
Cousins, Jim
Cruddas, Joe
Cryer, Mrs. Ann
Cummings, John
Cunningham, Mr. Jim
Cunningham, Tony
Curtis-Thomas, Mrs. Claire
Davidson, Mr. Ian
Dean, Mrs. Janet
Denham, rh Mr. John
Devine, Mr. Jim
Dhanda, Mr. Parmjit
Dismore, Mr. Andrew
Dobbin, Jim
Dobson, rh Frank
Donohoe, Mr. Brian H.
Doran, Mr. Frank
Dowd, Jim
Drew, Mr. David
Eagle, Angela
Eagle, Maria
Efford, Clive
Ellman, Mrs. Louise
Engel, Natascha
Ennis, Jeff
Farrelly, Paul
Field, rh Mr. Frank
Fiello, Mr. Robert
Flint, Caroline
Flynn, Paul
Follett, Barbara
Foster, Michael Jabez *(Hastings and Rye)*
Francis, Dr. Hywel
Gardiner, Barry
George, rh Mr. Bruce
Gerrard, Mr. Neil
Gibson, Dr. Ian
Godsiff, Mr. Roger
Goggins, Paul
Goodman, Helen
Griffith, Nia
Griffiths, Nigel
Grogan, Mr. John
Gwynne, Andrew
Hall, Mr. Mike
Hall, Patrick
Harman, rh Ms Harriet
Harris, Mr. Tom
Healey, John
Hendrick, Mr. Mark
Hepburn, Mr. Stephen
Heppell, Mr. John
Hesford, Stephen
Heyes, David
Hill, rh Keith
Hodgson, Mrs. Sharon
Hood, Mr. Jimmy
Hopkins, Kelvin
Howarth, rh Mr. George
Howells, Dr. Kim
Hughes, rh Beverley
Humble, Mrs. Joan
Iddon, Dr. Brian
Illsley, Mr. Eric
Ingram, rh Mr. Adam
Irranca-Davies, Huw
Jackson, Glenda
James, Mrs. Siân C.
Johnson, rh Alan
Johnson, Ms Diana R.
Jones, Helen
Jones, Mr. Martyn
Joyce, Mr. Eric
Kaufman, rh Sir Gerald
Keeble, Ms Sally
Keeley, Barbara
Keen, Alan
Keen, Ann
Kemp, Mr. Fraser
Kennedy, rh Jane
Khabra, Mr. Piara S.
Khan, Mr. Sadiq
Kidney, Mr. David
Knight, Jim
Kumar, Dr. Ashok
Lazarowicz, Mark
Lepper, David
Levitt, Tom
Lewis, Mr. Ivan
Love, Mr. Andrew
Lucas, Ian
Mactaggart, Fiona
Mahmood, Mr. Khalid
Malik, Mr. Shahid
Mallaber, Judy
Mann, John
Marris, Rob
Marsden, Mr. Gordon
Marshall, Mr. David
Martlew, Mr. Eric
McAvoy, rh Mr. Thomas
McCabe, Steve
McCarthy, Kerry
McCartney, rh Mr. Ian
McDonagh, Siobhain
McFadden, Mr. Pat
McFall, rh Mr. John
McGovern, Mr. Jim
McGuire, Mrs. Anne
McIsaac, Shona
McKechin, Ann
McKenna, Rosemary
McNulty, Mr. Tony
Meale, Mr. Alan
Merron, Gillian
Michael, rh Alun
Milburn, rh Mr. Alan
Miliband, Edward
Miller, Andrew
Moffat, Anne

Moffatt, Laura
Mole, Chris
Moon, Mrs. Madeleine
Morden, Jessica
Morgan, Julie
Morley, Mr. Elliot
Mountford, Kali
Mudie, Mr. George
Mullin, Mr. Chris
Munn, Meg
Murphy, Mr. Denis
Murphy, Mr. Jim
Murphy, rh Mr. Paul
Naysmith, Dr. Doug
Norris, Dan
O'Brien, Mr. Mike
Olner, Mr. Bill
Owen, Albert
Palmer, Dr. Nick
Pearson, Ian
Plaskitt, Mr. James
Pound, Stephen
Prentice, Bridget
Prentice, Mr. Gordon
Primarolo, rh Dawn
Prosser, Gwyn
Purchase, Mr. Ken
Purnell, James
Rammell, Bill
Raynsford, rh Mr. Nick
Reed, Mr. Andy
Reed, Mr. Jamie
Riordan, Mrs. Linda
Robertson, John
Rooney, Mr. Terry
Roy, Mr. Frank
Ruane, Chris
Ruddock, Joan
Russell, Christine
Ryan, Joan
Salter, Martin
Sarwar, Mr. Mohammad
Seabeck, Alison
Shaw, Jonathan
Sheerman, Mr. Barry
Sheridan, Jim
Simon, Mr. Siôn
Singh, Mr. Marsha
Skinner, Mr. Dennis
Slaughter, Mr. Andrew
Smith, rh Mr. Andrew
Smith, Ms Angela C. *(Sheffield, Hillsborough)*
Smith, Angela E. *(Basildon)*
Smith, Geraldine
Smith, rh Jacqui
Snelgrove, Anne
Soulsby, Sir Peter
Southworth, Helen
Spellar, rh Mr. John
Starkey, Dr. Phyllis
Stewart, Ian
Stoate, Dr. Howard
Strang, rh Dr. Gavin
Straw, rh Mr. Jack
Stringer, Graham
Sutcliffe, Mr. Gerry
Taylor, Ms Dari
Taylor, David
Tipping, Paddy
Touhig, Mr. Don
Trickett, Jon
Truswell, Mr. Paul
Turner, Mr. Neil
Twigg, Derek
Ussher, Kitty
Waltho, Lynda
Watson, Mr. Tom
Watts, Mr. Dave
Whitehead, Dr. Alan
Wicks, Malcolm
Williams, rh Mr. Alan
Wills, Mr. Michael
Winnick, Mr. David
Wood, Mike
Woodward, Mr. Shaun
Woolas, Mr. Phil
Wright, Mr. Anthony
Wright, David
Wright, Mr. Iain
Wright, Dr. Tony
Wyatt, Derek

Tellers for the Noes:
Mr. Michael Foster and Liz Blackman

Question accordingly negatived.

Amendment agreed to.

Amendments made: No. 47, in page 8, line 20 [Clause 14], leave out 'subsection (2)' and insert 'this section'.

No. 48, in page 8, line 22, leave out 'subsection (2)' and insert 'this section—

(a) the "30-day period" has the meaning given by section 13(7); and

(b) '.

No. 49, in page 8, line 24, at end insert—

'(5) For the purpose of calculating the 40-day period in a case where a recommendation is made under subsection (2B) by a committee of either House but the recommendation is rejected by that House under subsection (2D), no account shall be taken of any day between the day on which the recommendation was made and the day on which the recommendation was rejected.'.—*[Mr. McFadden.]*

Clause 15

AFFIRMATIVE RESOLUTION PROCEDURE

Amendments made: No. 50, in page 8, line 31 [Clause 15], at end insert—

'(2A) However, a committee of either House charged with reporting on the draft order may, at any time after the expiry of the 30-day period and before the expiry of the 40-day period, recommend under this subsection that no further proceedings be taken in relation to the draft order.

(2B) A recommendation under subsection (2A) may be made only if the committee considers that—

(a) the provision made by the draft order does not serve the purpose specified in section (Power to remove or reduce burdens)(2), (Power to promote regulatory principles)(2) or (Power to implement Law Commission recommendations)(2) (as the case may be);

(b) any relevant condition in section 3(2) is not satisfied in relation to any provision of the draft order referred to in section 3(1); or

(c) the condition in section 3(4) is not satisfied in relation to any provision of the draft order referred to in section 3(3).

(2C) Where a recommendation is made by a committee of either House under subsection (2A) in relation to a draft order, no proceedings may be taken in relation to the draft order in that House under subsection (2) unless the recommendation is, in the same Session, rejected by resolution of that House.'.

No. 51, in page 8, line 34, leave out 'subsection (2)' and insert 'this section—

(a) the "30-day period" has the meaning given by section 13(7); and

(b) '.

No. 52, in page 8, line 34, at end insert—

'(5) For the purpose of calculating the 40-day period in a case where a recommendation is made under subsection (2A) by a committee of either House but the recommendation is rejected by that House under subsection (2C), no account shall be taken of any day between the day on which the recommendation was made and the day on which the recommendation was rejected.'.—*[Mr. McFadden.]*

Clause 16

SUPER-AFFIRMATIVE RESOLUTION PROCEDURE

Amendments made: No. 53, in page 9, line 5 [Clause 16], leave out from 'statement' to end of line 6 and insert—

'(a) stating whether any representations were made under subsection (2)(a); and

(b) if any representations were so made, giving details of them.'.

No. 54, in page 9, line 8, after subsection (4) insert—

'(4A) However, a committee of either House charged with reporting on the draft order may, at any time after the laying of a statement under subsection (3) and before the draft order is approved by that House under subsection (4), recommend under this subsection that no further proceedings be taken in relation to the draft order.

(4B) A recommendation under subsection (4A) may be made only if the committee considers that—

(a) the provision made by the draft order does not serve the purpose specified in section (Power to remove or reduce burdens)(2), (Power to promote regulatory principles)(2) or (Power to implement Law Commission recommendations)(2) (as the case may be);

(b) any relevant condition in section 3(2) is not satisfied in relation to any provision of the draft order referred to in section 3(1); or

(c) the condition in section 3(4) is not satisfied in relation to any provision of the draft order referred to in section 3(3).

(4C) Where a recommendation is made by a committee of either House under subsection (4A) in relation to a draft order, no proceedings may be taken in relation to the draft order in that House under subsection (4) unless the recommendation is, in the same Session, rejected by resolution of that House.'.

No. 55, in page 9, line 18 [Clause 16], after subsection (6) insert—

'(6A) However, a committee of either House charged with reporting on the revised draft order may, at any time after the revised draft order is laid under subsection (5) and before it is approved by that House under subsection (6), recommend under this subsection that no further proceedings be taken in relation to the revised draft order.

(6B) A recommendation under subsection (6A) may be made only if the committee considers that—

(a) the provision made by the revised draft order does not serve the purpose specified in section (Power to remove or reduce burdens)(2), (Power to promote regulatory principles)(2) or (Power to implement Law Commission recommendations)(2) (as the case may be);

(b) any relevant condition in section 3(2) is not satisfied in relation to any provision of the revised draft order referred to in section 3(1); or

(c) the condition in section 3(4) is not satisfied in relation to any provision of the revised draft order referred to in section 3(3).

(6C) Where a recommendation is made by a committee of either House under subsection (6A) in relation to a revised draft order, no proceedings may be taken in relation to the revised draft order in that House under subsection (6) unless the recommendation is, in the same Session, rejected by resolution of that House.'.—*[Mr. McFadden.]*

Clause 18

COMBINATION WITH POWERS UNDER EUROPEAN COMMUNITIES ACT 1972

Amendments made: No. 56, in page 9, line 30 [Clause 18], leave out 'section 1' and insert 'this Part'.

No. 57, in page 9, line 35 [Clause 18], leave out 'section 1' and insert 'this Part'.—*[Mr. McFadden.]*

Clause 19

INTERPRETATION OF PART 1

Amendments made: No. 58, in page 9 [Clause 19], leave out line 40.

No. 59, in page 10, line 7 [Clause 19], leave out 'section 1(4)' and insert

'section (Power to implement Law Commission recommendations)(3)'.—*[Mr. McFadden.]*

Clause 21

CODE OF PRACTICE

Amendments made: No. 82, in page 10, line 24 [Clause 21], after 'must' insert

', except in a case where subsection (2A) applies,'.

No. 83, in page 10, line 25 [Clause 21], leave out 'the exercise of' and insert

'determining any general policy or principles by reference to which the person exercises'.

No. 84, in page 10, line 25 [Clause 21], at end insert—

'(2A) Any person exercising a regulatory function to which this section applies which is a function of setting standards or giving guidance generally in relation to the exercise of other regulatory functions must have regard to the code in the exercise of the function.'.

No. 85, in page 10, line 26 [Clause 21], leave out

'duty in subsection (2) is'

and insert

'duties in subsections (2) and (2A) are'.

No. 86, in page 10, line 28 [Clause 21], leave out subsection (4).—*[Mr. McFadden.]*

Clause 22

CODE OF PRACTICE: PROCEDURE

Amendment made: No. 87, in page 11, line 9 [Clause 22], leave out subsections (5) to (7) and insert—

'(4A) Where the draft laid before Parliament under subsection (4) is approved by resolution of each House of Parliament, the Minister may issue the code (or revised code).

(4B) A code (or revised code) issued under subsection (4A) shall come into force on such date as the Minister may by order made by statutory instrument appoint.'.—*[Mr. McFadden.]*

Clause 24

"REGULATORY FUNCTIONS"

Amendment made: No. 60, in page 12, line 17, leave out Clause 24. —*[Mr. McFadden.]*

Clause 26

EEA AGREEMENT AND EEA STATE

Amendment made: No. 88, in page 13, line 25 [Clause 26], leave out from beginning to '[The date' in line 26 and insert

'modified or supplemented from time to time.'.—*[Mr. McFadden.]*

Clause 29

COMBINATION OF POWERS

Amendments made: No. 89, in page 16, line 16 [Clause 29], at the end insert—

'(aa) the instrument so far as containing that provision is by virtue of any enactment required to be laid before Parliament after being made and to be approved by resolution of each House of Parliament in order to come into or remain in force;'.

No. 90, in page 16, line 17 [Clause 29], after 'paragraph (a)' insert 'or (aa)'.

No. 91, in page 16, line 20 [Clause 29], leave out from 'made' to the end of line 22.

No. 92, in page 16, line 23 [Clause 29], after 'instrument' insert

'or a draft of the instrument'.

No. 93, in page 16, line 24 [Clause 29], after 'required' insert 'at any time'.

No. 94, in page 16 [Clause 29], leave out line 25.

No. 95, in page 16, line 35 [Clause 29], at end insert—

'(ba) in a case where the condition in sub-paragraph (2)(aa) above is satisfied, the instrument is not required to be laid before Parliament after being made (and accordingly any requirement that the instrument be approved by each House of Parliament in order for it to come into or remain in force does not apply); and'.

No. 96, in page 17, line 13 [Clause 29], after 'instrument' insert

'or a draft of the instrument'

No. 97, in page 17, line 14 [Clause 29], after 'required' insert 'at any time'.

No. 98, in page 17 [Clause 29], leave out line 15.

No. 99, in page 17, line 37 [Clause 29], leave out '10(2)' and insert '11'.—*[Mr. McFadden.]*

Clause 31

CONSEQUENTIAL AMENDMENTS

Amendment made: No. 61, in page 18, line 33 [Clause 31], leave out 'section 1' and insert

'section (Power to remove or reduce burdens) or (Power to promote regulatory principles)'. —*[Mr. McFadden.]*

Clause 32

GENERAL INTERPRETATION

Amendment made: No. 62, in page 18, line 40 [Clause 32], at end insert—

'"regulatory function" means—

(a) a function under any enactment of imposing requirements, restrictions or conditions, or setting standards or giving guidance, in relation to any activity;

(b) a function which relates to the securing of compliance with, or the enforcement of, requirements, restrictions, conditions, standards or guidance which under or by virtue of any enactment relate to any activity, but does not include any function of conducting criminal or civil proceedings.

(2) In subsection (1), in the definition of "regulatory function"—

(a) the references to a function include a function exercisable by or on behalf of the Crown;

(b) the references to an activity include—

(i) providing any goods or services;

(ii) employing or offering employment to any person.'.—*[Mr. McFadden.]*

Clause 34

EXTENT

Amendments made: No. 63, in page 19, line 2 [Clause 34], leave out from 'under' to the end of the line and insert

'Part 1 which amends or repeals any enactment'.

No. 64, in page 19, line 4 [Clause 34], leave out 'legislation' and insert 'enactment'.—*[Mr. McFadden.]*

Title

Amendment made: No. 65, in title, line 1, leave out 'reforming legislation' and insert

'removing or reducing burdens resulting from legislation, promoting regulatory principles'.—*[Mr. McFadden.]*

Order for Third Reading read.

9.39 pm

Hilary Armstrong: I beg to move, That the Bill be now read the Third time.

Let me begin by thanking a number of colleagues and others in the House. First, I must thank my ministerial colleagues the Parliamentary Secretaries to the Cabinet Office. I am sorry that one of them did not have a chance to demonstrate his skilful mastery of his brief, but my hon. Friend the Member for Wolverhampton, South-East (Mr. McFadden) demonstrated effectively his ability to master a complicated brief in a very short time. I thank the Under-Secretary of State for Constitutional Affairs, my hon. Friend the Member for Lewisham, East (Bridget Prentice), for her expertise in dealing with the Law Commission aspect of the Bill. I also thank my hon. Friend the Member for East Renfrewshire (Mr. Murphy), who is now Minister for Employment and Welfare Reform, but who did so much of the work that produced the Bill in the form in which it has been debated over the past two days.

I am grateful for the constructive advice given by a number of Key Committees and their Chairs during the last few months on how best to frame the order-making powers in part 1, and on the parliamentary procedures for scrutiny of draft orders. I am particularly grateful to my hon. Friend the Member for Ellesmere Port and Neston (Andrew Miller), to the right hon. Member for East Yorkshire (Mr. Knight), and to my hon. Friends the Members for Cannock Chase (Dr. Wright) and for Hendon (Mr. Dismore).

We have engaged in a lively and interesting debate over the past two days. Despite all the votes, I believe that there has been an advance that most Members throughout the House have recognised. We have sought to achieve a sensible balance between producing a Bill with the power to deliver better regulation—in which respect I confess we were ambitious—and ensuring that Parliament would play a full and constructive role in scrutinising proposals so that we could secure a better regulation agenda overall.

Mr. John Redwood (Wokingham) (Con): Well over a year ago, before the election, the Prime Minister made a fine speech about the importance of deregulation to his Government's plans. What will the Minister deregulate once the Bill has been passed?

Hilary Armstrong: I am sure the right hon. Gentleman knows that the Bill is only part of the Government's wide-ranging deregulation agenda. I look forward to working with him on a raft of measures in the public and private sectors to bring about much more effective operation. Perhaps he would like to share some of his ideas with me.

Mr. Redwood *rose—*

Hilary Armstrong: Not tonight. We have plenty of time, and I want to allow others to contribute to this debate.

I am sorry that the right hon. Gentleman was not present earlier, but as was said a number of times today, the Bill does not stand in isolation, nor can we allow ourselves to consider it in a narrow way. It is part of a much wider Government agenda for cutting red tape in the public sector, businesses, charities and the voluntary sector. As part of that wide agenda, the Government are measuring the cost of all administrative burdens. The outcome of that work, and the concerted push across Departments for better regulation, will be reflected in concrete simplification plans from each Department which will be published this year. Attentive Members will be aware that that was announced in the Budget.

The challenge for the United Kingdom and all western countries is to drive up productivity and maintain competitiveness in the face of rising global competition. Essential to meeting that challenge is a regulatory regime that satisfies the needs of the public while imposing the smallest possible extra burden on businesses.

Sir Patrick Cormack (South Staffordshire) (Con): This rhetoric is music to my ears, but may we hear just one example from the right hon. Lady—whom I greatly admire—of what the country will be rid of as a result of the Bill?

Hilary Armstrong: One idea that I have spent some time on, and which I will look at again in much more detail when I do not have to spend so much time on complex legislation such as this, is bringing inspectorates together. That will ease the burden on a range of public sector organisations and enhance the impact of these measures on the citizen.

Essential to meeting the challenge to which I referred earlier is a regulatory regime that meets the needs of the public, while adding the lowest possible burden to businesses. Let us think for a moment about that challenge. Today, Asia's manufacturing output is greater than Europe's. Its share of world consumption has risen from some 10 per cent. to nearly 30 per cent. in the past 20 years. In the next five years, China's economy will overtake Germany's, which is now the EU's largest economy. China's exports to the EU have grown by 100 per cent. in just the past three years. China and India are now turning out more engineers, computer scientists and university graduates—4 million a year—than the EU and the USA combined. As we all know, the gap in productivity and competitiveness between the USA and the EU is widening, not narrowing in the way that it should.

Mr. Chope: Will the right hon. Lady give way?

Hilary Armstrong: The hon. Gentleman will understand that there are many potential gains that we can deliver if we maintain this agenda. Regulatory costs are estimated to be between 10 and 12 per cent. of gross domestic product, and the administrative and paperwork costs make up perhaps a third of that figure. As for measuring the administrative costs of regulation, as we are now doing on an even more ambitious scale, the Dutch Government discovered that they were 3.6 per cent. of GDP.

Mr. Chope *rose—*

Hilary Armstrong: Reducing those costs by a quarter over five years, as the Dutch are doing, could save us up to 1 per cent. of GDP. That is exactly the sort of approach that we should seek to adopt.

Mr. Speaker: I call Mr. Heald.

Mr. Heald This Bill—

Mr. Chope: I am very grateful to the right hon. Lady for giving way to me, Mr. Speaker. You were obviously surprised by her generosity, but I am not. How is what she just said consistent with the concession that the Parliamentary Secretary, Cabinet Office, the hon. Member for Wolverhampton, South-East (Mr. McFadden) made earlier today? He said that new clause 19 would enable overall burdens to be increased.

Hilary Armstrong: As the hon. Gentleman knows, we believe that, used properly, these provisions will reduce burdens. But as my hon. Friend the Member for Wolverhampton, South-East said, different sorts of burdens might arise.

Mr. Desmond Swayne (New Forest, West) (Con): Bigger ones.

Hilary Armstrong: If the hon. Gentleman is patient, I will explain. Regulation itself is not a bad thing; it is the manner in which it is imposed that is the problem. *[Interruption.]* If the hon. Gentleman will have a little patience, I will deal with that point now.

The Government's better regulation agenda is designed to reduce burdens without reducing the effectiveness of regulation or its outcomes, so we are not going to stop introducing new regulations when they are needed. The Government make no apologies for continuing to regulate to improve standards in public services, to promote competition, to ensure fairness at work, to help industry and to provide protection for consumers and the environment. Indeed, one of my right hon. Friends said to me earlier, "I hope that we're not so against regulation that we're going to send children back to work up chimneys again." Of course we are not.

The order-making powers in part 1 are intended to take their place among the number of mechanisms designed to turn the aims of better regulation into reality for the end user on the ground—for those in business who create wealth and jobs in our economy, and those in our public services, voluntary and charitable organisations who improve the lives of our citizens.

The World Bank survey published in September 2005 rated the UK second in the EU and ninth in the world for best business conditions. That and other independent reports show that the UK is doing well,

[Hilary Armstrong]

but as I have said, the challenge from global economic development is huge. We must ensure that the UK remains competitive.

The order-making powers in part 1 will not be the appropriate or even the necessary mechanism for every better regulation initiative. In many instances, however, they will provide real tools, where appropriate, for Departments to pursue their ambitious plans for removing unnecessary regulatory burdens without having to fight for precious time on the Floor of this House.

The order-making powers as defined by the amended Bill are more fit for purpose than the powers in the Regulatory Reform Act 2001 have proved to be.

Mr. Edward Garnier (Harborough) (Con): Will the Minister give way?

Hilary Armstrong: If the hon. and learned Gentleman will forgive me, I must make progress, as we are nearly out of time.

In broad terms, that is because the rationale for using the better regulation powers will be outcome-focused on reducing costs or on removing obstacles to productivity, profitability or efficiency. They will not be limited by a very tight definition of legal "burdens"—a matter that I know that the House has explored in some depth.

The better regulation initiatives that this order-making power will allow us to deliver include the consolidation of legislation to make it easier to understand and work with, and the reduction or removal of administrative burdens such as form filling or requirements to give information. I am anxious to make progress, so I shall not list the initiatives' effect on many other matters covered in the debate over the past two days.

Mr. Garnier: Will the Minister give way?

Hilary Armstrong: No. Other hon. Members who have been here all day want me to get on with my remarks so that they can make a contribution.

We also need to enshrine it in statute that regulators, as defined and specified by order, must have regard to the statutory code of practice issued under this Bill. The concordat will be based on the Better Regulation Commission's five principles of good regulation. In the round, such initiatives should allow us to remove what business and others tell us time and again are unnecessary obstacles to their efficiency.

I had intended to say quite a lot about parliamentary procedure, but again, I shall cut that down. We have had a good and full debate on that, and the Government have made it clear that although we want to find an approach that does not place too much emphasis on our perception of how Parliament should act, we do not want to avoid the responsibility that Ministers must face in terms of how they behave. We have sought to get the balance right. We have listened carefully to what the House has said, and I have no doubt that we shall return to the matter.

Sir Robert Smith: Will the Minister give way?

Hilary Armstrong: I am sorry, but I must get on.

I want hon. Members to bear in mind the fact that the Government have a responsibility to ensure that the UK stands its ground in an increasingly dynamic and competitive global economy, and that regulation does not prevent our public servants and voluntary workers from serving our citizens. This Bill will allow Government to do that by providing mechanisms to deliver real and meaningful cuts in red tape on business, charities and voluntary organisations.

I want to leave hon. Members in no doubt that this Bill is needed. Business needs it, and is telling us so very loudly. Our dedicated public servants need it too, as do our hard-working voluntary and charity workers. It is an essential tool to maintain our competitiveness, safeguard our economic prosperity, reduce burdens on public services and improve the lives of all our citizens.

I commend the Bill to the House.

9.54 pm

Mr. Heald: I welcome the Minister to her new responsibilities. It is good to see her escape at last from the confines of the Whips Office, and we look forward to hearing her speak regularly. I join her in her thanks to the Select Committee Chairmen and all who have taken part in the discussions.

The Bill was a mess at the beginning. It was not even the Bill on which the Government consulted. The proposals on which they consulted were very different. There has been a constant battle to try to get a Bill that really tackles deregulation, because we certainly need one—my goodness, we do. With a Government who are passing 15 regulations a day and increasing the burdens on business, whose extra costs are £50 billion since 1997, we need a Bill—but not a bad one.

We struggled in Committee. I tabled all the amendments suggested by the Regulatory Reform Committee and many suggested by other Committees of the House. All were rejected; the then Minister used to described them as debating points. Recently, however, common sense has been brought to bear on the problems and there has been a climbdown. I welcome new clauses 19 and 20, but they came so late in the day that we have not been able to tackle all the problems with the provisions. We still have issues about how to tackle the problems of small business and how to filter Law Commission Bills so that the most controversial are properly debated. We still have issues about the procedures to be adopted to give the House a veto.

There are great time pressures tonight, so I cannot explain all the reasons why the Bill is not yet ready to become law, but I cannot stomach the idea that it should go to the other place with the approval of the Opposition.

Mr. Gummer: In the short time that my hon. Friend has been given, will he kindly tell the House what part of the Minister's speech had any relevance or reference to the Bill? Most of us were unable to link the speech to the Bill.

Mr. Heald: Like many Members on the Opposition Benches, my right hon. Friend has a proud record on deregulation. The Minister was talking about deregulation, but just as there can be no good regulation without the right culture, there can be no deregulation without the right sort of legislation, and the Bill has a long way to go.

Mr. Redwood: Did my hon. Friend find it as surprising as I did that after all those long debates, the Minister could not name one item that she would deregulate under the Bill? She said something about sorting out licensing that was not deregulatory, but she did not even seem to know about the Parliamentary Secretary's pledge to get rid of game licences. Does that mean that since yesterday, they have decided that they will no longer even get rid of game licences?

Mr. Heald: I will make one final point to show that the Bill is not good enough. The Department of Trade and Industry website shows new legislation proposed for the coming year. There are 40 pages of proposals. Nowhere in Government is there a similar website showing which measures will be deregulated. Until that happens, the Government will not solve the problems of their culture of regulation and burdens on business.

9.58 pm

Andrew Miller: I should like to spend just one minute thanking hon. Members, including the members of Select Committees, for taking the work that we have done on the Regulatory Reform Committee so seriously. In particular, I thank the Minister for Employment and Welfare Reform, my hon. Friend the Member for East Renfrewshire (Mr. Murphy), for the work that he did when he was the Minister with responsibility for the Bill, and I thank the new Minister, my hon. Friend the Member for Wolverhampton, South-East (Mr. McFadden) for the sympathetic way in which he has dealt with his new responsibility. We have made progress, but more steps are still necessary, and I urge Ministers to think carefully about the commitments that they have given during our proceedings over the past two days. I am certain that we will have a Bill that enables us to proceed productively, by deregulating in the way that all parties in the House want.

9.59 pm

Mr. Heath: This started off as a Bill with a benign intent, but it was nonsense, preposterous and deeply dangerous. It been marginally improved over the past two days, but there are still deep concerns about the way in which it will operate, deep concerns about its scope and deep concerns about the Government's inability to provide a proper veto. There is scarcely more than a caveat—

It being Ten o'clock MR. SPEAKER *put forthwith the Question already proposed from the Chair, pursuant to Order [15 May].*

The House divided: Ayes 259, Noes 213.

Division No. 241] **[10.00 pm**

AYES

Abbott, Ms Diane
Ainger, Nick
Ainsworth, rh Mr. Bob
Allen, Mr. Graham
Anderson, Mr. David
Anderson, Janet
Armstrong, rh Hilary
Atkins, Charlotte
Austin, Mr. Ian
Bailey, Mr. Adrian
Baird, Vera
Balls, Ed
Banks, Gordon
Barron, rh Mr. Kevin
Begg, Miss Anne
Benton, Mr. Joe
Berry, Roger
Betts, Mr. Clive
Blackman-Woods, Dr. Roberta
Blears, rh Hazel
Blizzard, Mr. Bob
Bradshaw, Mr. Ben
Brown, Lyn
Brown, rh Mr. Nicholas
Brown, Mr. Russell
Bryant, Chris
Buck, Ms Karen
Burgon, Colin
Burnham, Andy
Butler, Ms Dawn
Byers, rh Mr. Stephen
Byrne, Mr. Liam
Cairns, David
Campbell, Mr. Alan
Campbell, Mr. Ronnie
Chapman, Ben
Clapham, Mr. Michael
Clark, Ms Katy
Clark, Paul
Clarke, rh Mr. Tom
Clelland, Mr. David
Clwyd, rh Ann
Coaker, Mr. Vernon
Coffey, Ann
Cohen, Harry
Connarty, Michael
Cooper, Rosie
Cousins, Jim
Cruddas, Jon
Cryer, Mrs. Ann
Cummings, John
Cunningham, Mr. Jim
Cunningham, Tony
Curtis-Thomas, Mrs. Claire
Davidson, Mr. Ian
Dean, Mrs. Janet
Denham, rh Mr. John
Devine, Mr. Jim
Dhanda, Mr. Parmjit
Dismore, Mr. Andrew
Dobbin, Jim
Dobson, rh Frank
Donohoe, Mr. Brian H.
Doran, Mr. Frank
Dowd, Jim
Drew, Mr. David
Eagle, Angela
Eagle, Maria
Efford, Clive
Ellman, Mrs. Louise
Engel, Natascha
Ennis, Jeff
Farrelly, Paul
Fiello, Mr. Robert
Flint, Caroline
Flynn, Paul
Follett, Barbara
Foster, Michael Jabez *(Hastings and Rye)*
Francis, Dr. Hywel
Gardiner, Barry
George, rh Mr. Bruce
Gerrard, Mr. Neil
Gibson, Dr. Ian
Godsiff, Mr. Roger
Goggins, Paul
Goodman, Helen
Griffith, Nia
Griffiths, Nigel
Grogan, Mr. John
Gwynne, Andrew
Hall, Mr. Mike
Hall, Patrick
Hanson, Mr. David
Harman, rh Ms Harriet
Harris, Mr. Tom
Healey, John
Hendrick, Mr. Mark
Hepburn, Mr. Stephen
Heppell, Mr. John
Hesford, Stephen
Heyes, David
Hill, rh Keith
Hodgson, Mrs. Sharon
Hood, Mr. Jimmy
Howarth, rh Mr. George
Howells, Dr. Kim
Hughes, rh Beverley
Humble, Mrs. Joan
Iddon, Dr. Brian
Illsley, Mr. Eric
Ingram, rh Mr. Adam
Irranca-Davies, Huw
Jackson, Glenda
James, Mrs. Siân C.
Johnson, rh Alan
Johnson, Ms Diana R.
Jones, Helen
Jones, Mr. Martyn
Joyce, Mr. Eric
Kaufman, rh Sir Gerald
Keeble, Ms Sally
Keeley, Barbara
Keen, Alan
Keen, Ann
Kemp, Mr. Fraser
Kennedy, rh Jane
Khabra, Mr. Piara S.
Khan, Mr. Sadiq
Kidney, Mr. David
Knight, Jim
Lazarowicz, Mark
Lepper, David
Levitt, Tom
Lewis, Mr. Ivan
Linton, Martin
Love, Mr. Andrew
Lucas, Ian

Mactaggart, Fiona
Mahmood, Mr. Khalid
Malik, Mr. Shahid
Mallaber, Judy
Mann, John
Marris, Rob
Marsden, Mr. Gordon
Marshall, Mr. David
Martlew, Mr. Eric
McAvoy, rh Mr. Thomas
McCabe, Steve
McCarthy, Kerry
McCartney, rh Mr. Ian
McDonagh, Siobhain
MacDougall, Mr. John
McFadden, Mr. Pat
McFall, rh Mr. John
McGovern, Mr. Jim
McGuire, Mrs. Anne
McIsaac, Shona
McKechin, Ann
McKenna, Rosemary
McNulty, Mr. Tony
Meale, Mr. Alan
Merron, Gillian
Michael, rh Alun
Milburn, rh Mr. Alan
Miliband, Edward
Miller, Andrew
Moffat, Anne
Moffatt, Laura
Mole, Chris
Moon, Mrs. Madeleine
Morden, Jessica
Morgan, Julie
Morley, Mr. Elliot
Mountford, Kali
Mudie, Mr. George
Mullin, Mr. Chris
Munn, Meg
Murphy, Mr. Denis
Murphy, Mr. Jim
Murphy, rh Mr. Paul
Naysmith, Dr. Doug
Norris, Dan
O'Brien, Mr. Mike
Olner, Mr. Bill
Owen, Albert
Palmer, Dr. Nick
Pearson, Ian
Plaskitt, Mr. James
Pound, Stephen
Prentice, Bridget
Prentice, Mr. Gordon
Primarolo, rh Dawn
Prosser, Gwyn
Purchase, Mr. Ken
Purnell, James
Rammell, Bill
Raynsford, rh Mr. Nick
Reed, Mr. Andy
Reed, Mr. Jamie
Riordan, Mrs. Linda
Robertson, John
Rooney, Mr. Terry
Roy, Mr. Frank
Ruane, Chris
Ruddock, Joan
Russell, Christine
Ryan, Joan
Salter, Martin
Sarwar, Mr. Mohammad
Seabeck, Alison
Shaw, Jonathan
Sheerman, Mr. Barry
Sheridan, Jim
Simon, Mr. Siôn
Skinner, Mr. Dennis
Slaughter, Mr. Andrew
Smith, rh Mr. Andrew
Smith, Ms Angela C. *(Sheffield, Hillsborough)*
Smith, Angela E. *(Basildon)*
Smith, Geraldine
Smith, rh Jacqui
Snelgrove, Anne
Soulsby, Sir Peter
Southworth, Helen
Spellar, rh Mr. John
Starkey, Dr. Phyllis
Stewart, Ian
Stoate, Dr. Howard
Strang, rh Dr. Gavin
Straw, rh Mr. Jack
Stringer, Graham
Sutcliffe, Mr. Gerry
Taylor, Ms Dari
Taylor, David
Timms, Mr. Stephen
Tipping, Paddy
Touhig, Mr. Don
Trickett, Jon
Truswell, Mr. Paul
Turner, Mr. Neil
Twigg, Derek
Ussher, Kitty
Vaz, Keith
Waltho, Lynda
Watson, Mr. Tom
Watts, Mr. Dave
Whitehead, Dr. Alan
Wicks, Malcolm
Williams, rh Mr. Alan
Wills, Mr. Michael
Winnick, Mr. David
Wood, Mike
Woodward, Mr. Shaun
Woolas, Mr. Phil
Wright, Mr. Anthony
Wright, David
Wright, Mr. Iain
Wright, Dr. Tony
Wyatt, Derek

Tellers for the Ayes:
Mr. Michael Foster and Liz Blackman

NOES

Afriyie, Adam
Ainsworth, Mr. Peter
Alexander, Danny
Amess, Mr. David
Ancram, rh Mr. Michael
Atkinson, Mr. Peter
Baker, Norman
Baldry, Tony
Barker, Gregory
Baron, Mr. John
Barrett, John
Beith, rh Mr. Alan
Benyon, Mr. Richard
Beresford, Sir Paul
Binley, Mr. Brian
Blunt, Mr. Crispin
Bone, Mr. Peter
Boswell, Mr. Tim
Bottomley, Peter
Brady, Mr. Graham
Brake, Tom
Brazier, Mr. Julian
Brokenshire, James
Browne, Mr. Jeremy
Browning, Angela
Burns, Mr. Simon
Burrowes, Mr. David
Burstow, Mr. Paul
Burt, Alistair
Burt, Lorely
Butterfill, Sir John
Campbell, Mr. Gregory
Carmichael, Mr. Alistair
Carswell, Mr. Douglas
Cash, Mr. William
Chope, Mr. Christopher
Clappison, Mr. James
Clark, Greg
Clarke, rh Mr. Kenneth
Clegg, Mr. Nick
Clifton-Brown, Mr. Geoffrey
Corbyn, Jeremy
Cormack, Sir Patrick
Crabb, Mr. Stephen
Curry, rh Mr. David
Davey, Mr. Edward
Davies, David T.C
Davies, Philip
Djanogly, Mr. Jonathan
Dodds, Mr. Nigel
Dorrell, rh Mr. Stephen
Duncan Smith, rh Mr. Iain
Ellwood, Mr. Tobias
Evans, Mr. Nigel
Fabricant, Michael
Fallon, Mr. Michael
Farron, Tim
Featherstone, Lynne
Field, Mr. Mark
Foster, Mr. Don
Fox, Dr. Liam
Gale, Mr. Roger
Garnier, Mr. Edward
Gauke, Mr. David
George, Andrew
Gibb, Mr. Nick
Gidley, Sandra
Gillan, Mrs. Cheryl
Goldsworthy, Julia
Goodman, Mr. Paul
Goodwill, Mr. Robert
Gove, Michael
Grayling, Chris
Green, Damian
Greening, Justine
Grieve, Mr. Dominic
Gummer, rh Mr. John
Hammond, Stephen
Hands, Mr. Greg
Harper, Mr. Mark
Harris, Dr. Evan
Harvey, Nick
Hayes, Mr. John
Heald, Mr. Oliver
Heath, Mr. David
Heathcoat-Amory, rh Mr. David
Hemming, John
Hendry, Charles
Herbert, Nick
Hermon, Lady
Hollobone, Mr. Philip
Holmes, Paul
Hopkins, Kelvin
Horam, Mr. John
Horwood, Martin
Hosie, Stewart
Howarth, David
Hughes, Simon
Huhne, Chris
Hunt, Mr. Jeremy
Hunter, Mark
Jack, rh Mr. Michael
Jackson, Mr. Stewart
Jenkin, Mr. Bernard
Jones, Mr. David
Kawczynski, Daniel
Kennedy, rh Mr. Charles
Kilfoyle, Mr. Peter
Kirkbride, Miss Julie
Knight, rh Mr. Greg
Kramer, Susan
Laing, Mrs. Eleanor
Lait, Mrs. Jacqui
Lansley, Mr. Andrew
Leech, Mr. John
Letwin, rh Mr. Oliver
Lewis, Dr. Julian
Lidington, Mr. David
Llwyd, Mr. Elfyn
Loughton, Tim
Luff, Peter
Mackay, rh Mr. Andrew
Maclean, rh David
Marshall-Andrews, Mr. Robert
Malins, Mr. Humfrey
Mates, rh Mr. Michael
Maude, rh Mr. Francis
May, rh Mrs. Theresa
McCrea, Dr. William
McDonnell, John
McIntosh, Miss Anne
McLoughlin, rh Mr. Patrick
Miller, Mrs. Maria
Milton, Anne
Mitchell, Mr. Andrew
Moore, Mr. Michael
Moss, Mr. Malcolm
Mundell, David
Murrison, Dr. Andrew
Newmark, Mr. Brooks
O'Brien, Mr. Stephen
Öpik, Lembit
Osborne, Mr. George
Ottaway, Richard
Paterson, Mr. Owen
Pelling, Mr. Andrew
Penning, Mike
Penrose, John
Price, Adam
Prisk, Mr. Mark
Pugh, John
Randall, Mr. John
Redwood, rh Mr. John

Reid, Mr. Alan
Rennie, Willie
Robertson, Hugh
Robertson, Mr. Laurence
Robinson, Mrs. Iris
Rogerson, Mr. Dan
Rowen, Paul
Ruffley, Mr. David
Russell, Bob
Salmond, Mr. Alex
Sanders, Mr. Adrian
Scott, Mr. Lee
Selous, Andrew
Shapps, Grant
Shepherd, Mr. Richard
Simmonds, Mark
Simpson, David
Smith, Sir Robert
Soames, Mr. Nicholas
Spelman, Mrs. Caroline
Spicer, Sir Michael
Spink, Bob
Steen, Mr. Anthony
Stunell, Andrew
Swayne, Mr. Desmond
Swinson, Jo
Swire, Mr. Hugo
Syms, Mr. Robert
Taylor, Matthew
Taylor, Dr. Richard
Teather, Sarah
Thurso, John
Turner, Mr. Andrew
Tyrie, Mr. Andrew
Vaizey, Mr. Edward
Vara, Mr. Shailesh
Viggers, Peter
Walker, Mr. Charles
Wallace, Mr. Ben
Wareing, Mr. Robert N.
Watkinson, Angela
Webb, Steve
Weir, Mr. Mike
Whittingdale, Mr. John
Widdecombe, rh Miss Ann
Wiggin, Bill
Willetts, Mr. David
Williams, Hywel
Williams, Mark
Williams, Mr. Roger
Williams, Stephen
Willis, Mr. Phil
Willott, Jenny
Wilshire, Mr. David
Wilson, Mr. Rob
Wilson, Sammy
Winterton, Ann
Wishart, Pete
Wright, Jeremy
Young, rh Sir George

Tellers for the Noes:
Mr. David Evennett and
Mr. Henry Bellingham

Question accordingly agreed to.
Bill read the Third time, and passed, with amendments.

THE SPEAKER'S ABSENCE

Ordered,

That the Speaker have leave of absence on Thursday 15th June to attend the National Service of Thanksgiving at St Paul's Cathedral to mark Her Majesty's eightieth birthday.—*[Mr. Roy.]*

PETITION

Council Tax

10.12 pm

Tom Brake (Carshalton and Wallington) (LD): I wish to present a petition from Clare Nunns that has been signed by 175 residents of Carshalton and Wallington. It concerns the IsItFair campaign to scrap the unfair council tax and replace it with a fairer system that is based on people's ability to pay.

The petition states:

The petitioners therefore request that the House of Commons votes to replace Council Tax with a fair and equitable tax that, without recourse to any supplementary benefit, takes into account ability to pay from disposable income. Such tax to be based on a system that is free from any geographically or politically motivated discrimination and that clearly identifies the fiscal and managerial responsibilities of all involved parties.

To lie upon the Table.

Bowel Cancer

Motion made, and Question proposed, That this House do now adjourn.—*[Mr. Roy.]*

10.13 pm

Dr. Ian Gibson (Norwich, North) (Lab): I am delighted to have the opportunity to talk about bowel cancer, because many members of the public and Members of the House have experience of members of their families, or perhaps themselves, having the prognostication of bowel cancer and know of its effects on their lives. We have a real opportunity in this country to make a difference on bowel cancer, which is often called colorectal cancer, but it is my contention that we are not doing that as quickly as, or to the extent that, we ought to be.

I do not want to go into the numbers, although we conventionally talk in such debates about the numbers of people who develop and die from a cancer. However, hon. Members can take it from me that the figure is up there in the thousands and thousands and that the problem is very serious indeed. The research that has gone on in this country and the United States will undoubtedly help us to tackle not only bowel cancer, but many other cancers. For example, in the United States, at the Johns Hopkins university in Baltimore, Bert Vogelstein has discovered something that is quite magnificent in the sense of what it tells us about the development of cancers. He has shown that five or seven individual events can take place, all of which are necessary to develop the full-blown cancer, which sadly can kill. The genetic changes that he has identified are an important illustration of what research can do. The interesting thing is that the order in which they happen is not A, B, C, D, E, F, G and so on, but A-C, E-F and so on in different individuals. As a *New Statesman* article next week will prove, that shows that cancer research is telling us much more about how cancers progress from one stage to the next. It is not that someone has it and everything else is inevitable. The research shows that early detection not only of a genetic event, but of other events as well, is important and can help to save lives. My contention is that we can save thousands of people's lives if we take the subject much more seriously.

Many people will say that bowel cancer is caused by diet and we can prevent it by taking care of what we eat. Lots is going on in that sector, but it is not the subject of the debate. We must have a process of screening individuals, and it is which individuals and when we screen them that is the subject of the debate going on not just in this country, but across the world.

We have been lucky with some of the research into bowel cancer because we can say things about the disease that we cannot say about other important cancers. The major screening programmes are for cervical cancer, breast cancer and bowel cancer, but bowel cancer is the only disease for which we have additional information about the stages that happen in the process. We have not quite reached that point with the other cancers.

How do we screen individuals? People can look at their stools and faeces—I cannot use rude words in the Chamber, but I hope that people know what stools and faeces are—for blood that might be present. They can do it themselves by taking the stool and faeces and passing it on to the experts to analyse whether blood has been exuded from the body. If it has been, further tests can be done. The faecal occult test—it sounds like a religious group—is used for men and women aged between 60 and 69. It is very effective in what it does, because the next stage illustrates what we can do with the result. However, we need to ask why 60 to 69—why not 70, 75, 80 and so on? That is true for many other screening technologies, including breast cancer.

If there is evidence that blood is exuded by an individual, the next process is flexible sigmoidoscopy, which has been used in pilot studies of people aged over 50. A small flexible tube, with a camera attached, is inserted through a person's rear passage. We would not all welcome that, but it does happen. I and others I know have been through that. It is quite exciting to lie there and look at one's insides—parts of our bodies that we have not seen before—on a screen. It is better done after lunch and dinner, of course, and certainly after breakfast. However, it is interesting what one can see.

It is possible to see lesions and polyps on the screen. Polyps are little structures that may have developed at a certain stage in someone's lifetime, perhaps over a period of eating certain foods, or whatever the factors are that induce their existence. When the doctor sees those structures, he gets the message. One can eliminate those polyps, which appear at an extremely early stage in the development of bowel cancer, and people can survive for many years if they do not develop the disease. Flexible sigmoidoscopy is an important procedure in identifying the early stages of bowel cancer.

The cancer can develop beyond that stage and, sadly, it has done so in most of the cases with which I am familiar, including that of my brother. Very little can be done, as the cancer has entered a different phase and spread to the liver. In such cases, even surgery will not extend someone's life by many years, so early detection is extremely important. Removal of the polyps is even more important, as mutations, changes and so on can be detected in those structures. Rectal insertion is not the only technology used to tackle the disease. New scanners have been developed that allow us to look at people's insides, so we can discover the polyps in their bowels without inserting an instrument in their rear passage.

We can argue about whether people should be screened at 50, 60, 69 and so on, but we need to consider the issue of take-up. Thankfully, the Government have introduced screening, but take-up is only 60 per cent. That is understandable, as people do not want to undergo such a test. Men, in particular, do not like such procedures or the effects on their bodies. The position is even worse for certain groups, where take-up is less than 60 per cent. Screening is not worth while if people do not use it. Recently, I received a paper from Warwick, De Montfort and Essex universities on take-up among black and ethnic communities. Before rectal insertion, a faecal occult blood test is necessary: people collect three samples over three days—goodness knows where they keep them, as they cannot be stored in a fridge with food—and send them for analysis. For various cultural reasons, black and ethnic communities do not like to

take that test. That is understandable—my researchers, who come from different cultural backgrounds, said that it was disgusting. The take-up among much of the multi-cultural community therefore falls below 60 per cent. to 30 per cent. and even lower. We await better tests, as many people are not taking up that test.

The national health service records the results of the tests, and flexible sigmoidoscopy is carried out. The problem of take-up has been tackled by Cancer BACUP, which has produced leaflets encouraging people to take the test. It has a great deal of experience of talking to people with breast and cervical cancer, urging them to take tests that can save their lives. However, low take-up is a huge dilemma, and I urge the Government to increase it. I do not think that we will ever achieve 100 per cent. take-up, but we can do better than 20 or 30 per cent. in certain communities. Indeed, we can do better than 60 per cent.

There is inequality in our society, and not just in black and ethnic groups. The politics of cancer in the United Kingdom is the politics of deprivation and the poverty of many people. Not only do they suffer more pollution and eat cheaper, poor quality food, but they do not take up the diagnostic tests. I run the all-party cancer group. Our conference this year, "Britain against Cancer", will be about the inequalities in our society, where certain groups of people who come from certain backgrounds do not take up the tests that are available.

I urge the Government to regard that as a priority and to do more about it. It is all right to say, "Eat more fruit. Eat more organic food," but as I know, the surge in the green vote in Norwich, which is all about eating organic fruit, involves the middle classes. On the working class estates in my constituency, people do not eat organic foods. They go to Lidl and buy food as cheaply as they can. The difference in the diseases that they get reflects the difference in lifestyle. We must take on the class problem and factors such as what people eat, where they live, the pollution that they encounter, and so on. I urge the Government to do more about that.

I know that the Department of Health is trying to do more and to induce people to be tested. The Department must speak much more to the relevant charities and groups. Bowel Cancer UK and Beating Bowel Cancer have great experience of talking to the population and thinking about the problems. We need a taskforce to encourage people to come forward and take the test.

What have the Government done? In no way am I suggesting that they have done nothing. They have, for example, set up various pilot schemes, which have been quite successful. In certain parts of the midlands they have saved around 250 lives. Saving 250 lives by testing for bowel cancer is pretty good news. We could make that 20,500 lives if we extended it to other parts of the country. There have been some delays in getting money into such programmes, but in April 2006, after a little flurry here and there, we managed to get £10 million for the first year of a bowel cancer screening programme, with the help of the national cancer screening programme. That is good, but what will happen in years 2 and 3?

At a Britain against Cancer conference, the then Minister spoke of a three-year programme tackling bowel cancer. There is some scepticism about that. I want to hear tonight, please, that years 2 and 3 will happen. We have a hub and a screening centre, but we promised that there would be five hubs and 13 screening centres across the country. It has been proven that the one existing hub and the screening that is going on can save lives, and we could save many more lives. There is very good news. It is a winner, and do we need winners in this area of health! Does the Minister agree?

When people die of bowel cancer, I find it difficult not to wonder why the disease was not diagnosed sooner, why the treatment was not effective, why the polyp was not removed and so on, and why their lives were not saved. That is a challenge for the Government. We need to discuss how we will raise awareness, engage the charities, get leaflets out, engage with the communities and at what level, to make sure they know that there is good news and that the technology for dealing with the disease is improving.

We need to know where the programme will happen. I will love it when it is rolled out in Norwich and Great Yarmouth—everything happens there eventually—and the pilots seem to have been effective.

We need to know whether the Government have estimated how many lives might be saved, and I wonder whether the NHS can find the extra money. It was said that some £35 million would be found over three years, but will that happen? When will we know that the money is in place for years 2 and 3?

We must consider the capacity issues. What about the personnel who will conduct the tests? We need nurse specialists to look after patients, cancer doctors, pharmacists and stoma nurses. I do not think that people will not respond because of the nature of the cancer.

I want to hear from the Minister tonight that the programme will happen over the next three years, the three years after that and the three years after that, because it is a win-win situation. If the programme is successful in bowel cancer, progress will be made on prostate cancer, because there will be discoveries in that field, too—there will be discoveries across the spectrum of cancers over the next few years. We can show in this country that the best treatment for any particular cancer comes from early screening.

10.31 pm

The Parliamentary Under-Secretary of State for Health (Mr. Ivan Lewis): I begin by congratulating my hon. Friend the Member for Norwich, North (Dr. Gibson) on securing this important Adjournment debate on what all hon. Members regard as an extremely important issue. I am not sure whether I thank him for going into so much detail in describing the nature of the condition and some of the treatment, but he brought the matter to life and revealed the reality of what many individuals go through at a very stressful time in their lives.

I want to put the matter in context before responding directly to some of my hon. Friend's specific questions. Bowel cancer is the second largest cancer killer in England, accounting for more than 14,000 deaths a year. Around 28,000 bowel cancers a year are diagnosed, and, sadly, the disease has historically poor survival rates. It can be difficult to recognise bowel

[Mr. Ivan Lewis]

cancer, as symptoms are often not reported at an early stage and can be similar to less serious conditions, which is why we need, as my hon. Friend has said, a proper national screening programme.

Research undertaken in Nottingham and Denmark in the 1980s showed that screening men and women for bowel cancer using the faecal occult blood test could reduce the mortality rate from bowel cancer by 15 per cent. in those screened, and an independently evaluated pilot in Warwickshire and Scotland showed that that research can be replicated in a national health service setting. Based on the final evaluation report of the pilot and a formal options appraisal, we announced that the NHS bowel cancer programme would begin screening men and women aged 60 to 69 from April 2006.

I can confirm that the bowel cancer screening programme is definitely being rolled out over the next three years, as confirmed in the White Paper, "Our health, our care, our say", which was published in January. The programme is one of the first national bowel cancer screening programmes in Europe, and the first cancer screening programme in England to involve men as well as women.

My hon. Friend will be pleased to hear that we have always intended to have a three-year phased roll-out of this substantial new national programme. However, we cannot put an entire screening programme in place in a single year. We estimate that around £10 million will be spent on the first year of the programme. Funding decisions have not yet been made for future years, but we are committed to ensuring that the necessary funding is available to see through the full implementation of the programme.

Mr. Russell Brown (Dumfries and Galloway) (Lab): I share the admiration expressed by my hon. Friend the Member for Norwich, North for what the Government have done. I also appreciate that the health service is a devolved issue in Scotland, and we all want to see a standard service across the country. The screening programme in Scotland will not begin until March next year, which is some 11 months late. However, it covers an age range of 50 to 74, which is far more significant than that covered in England. I hope that as we progress through the three-year programme we will start to extend the age range that is covered.

Mr. Lewis: My hon. Friend makes an important point. As we progress through the three-year period and the screening programme develops, we will keep that under review and look to learn from our Scottish colleagues.

It is probably useful for both my hon. Friends to be aware that 100,000 testing kits have been ordered from the supplier for the purposes of the necessary screening programme. We estimate that between 100,000 and 120,000 men and women will be screened by the programme by March 2007. We believe that a very innovative model has been developed for our national bowel screening programme. For example, men and women will be sent a testing kit to complete in the privacy of their own homes. My hon. Friend referred to the importance of dignity and sensitivity in the way that we handle this. We believe that about 2 per cent. of those who take the faecal occult blood—FOB—test will be positive and will be invited for a full colonoscopy. It is likely that about one in 10 of those will be found to have bowel cancer. It is probable that a further four out of 10 will be found to have polyps that can be treated to prevent the possibility of bowel cancer developing at all.

When fully rolled out, the programme is expected to detect around 3,000 bowel cancers a year. As my hon. Friend said, five programme hubs across England will invite men and women to participate in the programme, sending out FOB testing kits, interpreting the kits and sending out results. There will then be 90 to 100 local screening centres providing endoscopy services for the 2 per cent. of men and women who have a positive FOB test result. The pilot in Rugby will continue to run to the end of March 2007. The first of the five programme hubs will also be established in Rugby because of the substantial experience and expertise gained through the pilot. That programme hub will start by inviting men and women in Wolverhampton to participate in the screening programme. It will eventually cover the west midlands and north-west England. NHS cancer screening programmes are currently assessing where the other programme hubs will be located, and announcements will be made as soon as possible. We heard my hon. Friend's bid for his own part of the world, which would be expected in the course of such a debate.

We intend that by March 2007, all five programme hubs will be established and around 14 local screening centres will be operating. Last August, strategic health authorities were asked to bid for their local endoscopy units to become local screening centres as part of the first wave of the programme in 2006-07. Similar exercises will take place for the second wave in 2007-08 and the third wave in 2008-09. It is up to SHAs to decide where local screening centres should be located for the benefit of their own populations. In particular, SHAs need to take into account the efficiency of their service for patients with bowel cancer symptoms to ensure that those are not affected by the local introduction of bowel screening.

Preparations for the roll-out of the programme have been going on for some years. As my hon. Friend said, training in the necessary bowel scoping is vital to the diagnosis of bowel cancer. A national training programme has been established to train specialist staff to carry out vital procedures for diagnosing bowel cancer. Based on current trends and definitions, the training programme is projected to develop training for 1,573 specialists by 2006-07.

Dr. Gibson: Will my hon. Friend say something about how we are going to increase awareness in people about having this particular test, because unless they think that it is going to preserve their life, they will not undertake it?

Mr. Lewis: I will come to that in the moment.

I want to spend a couple of minutes on research, because I know that my hon. Friend rightly has a long-established track record in being concerned about

that. I can assure him that as we roll out the bowel screening programme nationally, it will be fully evaluated. We are also looking at flexible sigmoidoscopy, which is another potential way of screening for bowel cancer using a flexible bowel scope. Based on the promising results of a Cancer Research UK trial, we are funding a demonstration study at St. Mark's hospital, and inviting men and women aged 58 to be screened. The study is costing £300,000 and is expected to report in two years.

My hon. Friend has just asked me about communications. We established a bowel cancer communications group in 2005 with representatives from some of the organisations that he mentioned earlier, including Cancer Research UK, Bowel Cancer UK, Beating Bowel Cancer, Cancer BACUP and the Men's Health Forum. I would like to pay tribute to those colleagues in the stakeholder groups for their hard work and support in taking this forward. The communications group is considering all aspects of communications, including reaching ethnic minority communities—my hon. Friend also raised that issue—as well as people from deprived areas and hard-to-reach groups. Bowel cancer screening leaflets, which will be sent out with each invitation, will be translated into a number of languages, as happens now in breast and cervical screening. Lessons are also being learned on how to reach these groups from the existing breast and cervical screening programmes and from the bowel cancer screening pilot.

The screening programme will save thousands of lives, but we are also taking further steps to tackle the disease. As my hon. Friend said, poor diet is associated with bowel cancer, and our five-a-day programme is promoting the increased consumption of fruit and vegetables. Early detection other than through screening is also important. That is why we are working with professionals and key stakeholders to develop awareness programmes. We are also looking at decision-supporting tools to aid GPs in referring patients appropriately.

On the treatment side, we are funding a multi-disciplinary training programme in a precision technique called total mesorectal excision, which results in lower rates of recurrence of cancer and the reduced need for long-term colostomy. The National Institute for Health and Clinical Excellence published updated guidance in "Improving Outcomes in Colorectal Cancer" in June 2004, and it has published appraisals on the use of five drugs for the treatment of advanced bowel cancer.

I hope that I have demonstrated to my hon. Friends that the Government are fully committed to tackling cancer, and to the full implementation of the national health service bowel cancer programme. Bowel cancer is a serious condition that acutely affects not only the individuals concerned but their families and loved ones. It is time that we took the issue seriously and understood the potential consequences to individuals and to society of this horrendous disease. The Government can be proud of their record in putting in place a national screening programme for the first time. However, we cannot afford to be complacent. One life lost to the disease is one too many, and we have a solemn duty to do everything that we can to ensure that we detect the condition and treat it quickly, so that people do not have to suffer the horrendous consequences that have, sadly, led to deaths of far too many people in our society over the years.

I congratulate my hon. Friend on securing this Adjournment debate and shining a light on this important issue. Some people might find it difficult to talk about, but it is extremely important that parliamentarians consider the issue, and I am delighted that he has asked the Government to account for themselves tonight—

The motion having been made after Ten o'clock, and the debate having continued for half an hour, MR. SPEAKER *adjourned the House without Question put, pursuant to the Standing Order.*

Adjourned at seventeen minutes to Eleven o'clock.

House of Commons

Wednesday 17 May 2006

The House met at half-past Eleven o'clock

PRAYERS

[MR. SPEAKER *in the Chair*]

Oral Answers to Questions

DEPUTY PRIME MINISTER

The Deputy Prime Minister was asked—

Departmental Staff

1. **Mr. Rob Wilson** (Reading, East) (Con): How many staff will be working in his new office. [71279]

The Deputy Prime Minister (Mr. John Prescott): As the House will be aware, that very much depends on the role of the Deputy Prime Minister, which varies under different Prime Ministers and Governments. I will have the support of a private office, a secretariat and the Cabinet Office, as is relevant to my role. The Prime Minister today announced the responsibilities that are being given to me in my role as Deputy Prime Minister. Those details are available in the Library of the House.

"I think the Prime Minister felt that I was able to play a role—a more central role—in Government than I could have done when I had a huge Department to run, and was deeply involved in the day-to-day activities of a Department. If I was to play a more central role then I think it was understandable that I would be removed from front-line administration of one of Whitehall's largest Departments and that is what happened."

That is not my description of the Deputy Prime Minister's role; it is Lord Heseltine's description when he appeared before a Committee of this House in 1996. I think that it is right and I endorse his interpretation of the role.

Mr. Wilson: I thank the Deputy Prime Minister for that, but I am not sure that he answered the question that I laid before him. What steps will he take to ensure that staff working under him are not subject to sexual harassment or bullying?

The Deputy Prime Minister: Staff work to the civil service code. It is their responsibility, and that of the Cabinet Office, to implement that.

Anne Snelgrove (South Swindon) (Lab): My right hon. Friend will know that many in the Labour party and the country are very proud of the role that he has played as Deputy Prime Minister. We are pleased to hear that his Cabinet Office responsibilities—*[Interruption.]*

Mr. Speaker: Order. There is too much noise in the Chamber. Remember this; I am always able to go from one question to another if I get this behaviour. That would mean that there would be no supplementary questions and that Front-Bench Members would be denied an opportunity to ask questions.

Anne Snelgrove: Thank you, Mr. Speaker. As I was saying, there is a great deal of pride in the party and the country about the role that the Deputy Prime Minister has played. In particular, we are pleased to hear that his responsibilities have now been defined. Perhaps he could tell us how many of his staff will be responsible for the extended responsibilities that he is taking on.

The Deputy Prime Minister: I thank my hon. Friend for her supportive remarks; any more would be very welcome today. Let me make it absolutely clear that those responsibilities are both international and domestic and include Cabinet Committees, far more of them than is the case with any other Deputy Prime Minister. The support role and the numbers are being worked out. Obviously, until that has been concluded, we are not able to give a precise answer.

Mr. Oliver Heald (North-East Hertfordshire) (Con): Is not the blunt truth that the Deputy Prime Minister's principal role is, as his party chairman said, as a political broker—a sort of marriage guidance counsellor between No. 10 and No. 11? Will he assure us that the civil servants in his office will not be dragged into those squabbles, and should not the Labour party being paying the bill?

The Deputy Prime Minister: I recommend that the hon. Gentleman read the Select Committee reports from when Lord Heseltine was giving evidence on the definition of the Deputy Prime Minister's role. It was made absolutely clear that civil servants were used as cheerleaders under his office. That had to be changed. It is not the intention to use civil servants in that way. Let me be clear that the office that Lord Heseltine defined is exactly the one I accepted. He also said in his evidence that he chaired a number of Cabinet Committees. That is true, but I will be chairing two or three times as many as he did. He also said:

"I have the responsibility for the presentation of Government policy".

Within two years, we had a majority of 169—it does not sound as though his presentation worked too well.

DUCHY OF LANCASTER

The Chancellor of the Duchy of Lancaster was asked—

Regulation

2. **Gordon Banks** (Ochil and South Perthshire) (Lab): What steps she plans to take to take to contribute to lifting the burden of regulation on business and industry. [71280]

The Parliamentary Secretary, Cabinet Office (Mr. Pat McFadden): The Government are committed to a radical agenda of regulatory reform. In the March 2005 Budget, they announced a programme to lift the burden of regulation. They have engaged with business and industry and are undertaking measures to reduce unnecessary and burdensome regulation. Last but by no means least, we are legislating to make it easier to reduce unnecessary or outdated regulatory burdens on business, charities and the voluntary sector.

Gordon Banks: I thank my hon. Friend for that response and welcome him to his new position, in which I am sure that he has experienced great joy in the past few days. In my constituency of Ochil and South Perthshire in Scotland, a number of businesses are creaking under the burden of regulation. Is he being bold enough in his attempts to address that?

Mr. McFadden: I thank my hon. Friend for his question. The strong and stable economy that we have enjoyed in recent years is of course essential to business growth and business health. In addition, all Government Departments have been asked to produce a plan to cut unnecessary red tape by the time of the pre-Budget report later this year. However, businesses in my hon. Friend's constituency and, indeed, throughout the country will want to know why the Conservative party voted against the Third Reading of the Legislative and Regulatory Reform Bill yesterday. Conservative Members say that they want to reduce the burden of regulation, but when it came to action, they voted against the Bill.

Mr. William Cash (Stone) (Con): The Minister has walked into a bit of a trap, if I may say so. Given the vast amount of European over-regulation that accumulates as burdens on business, will he explain why his Bill does not include an express override of the European Communities (Amendment) Act 1993 so that the judiciary can ensure that we do not have the burdens on business that European legislation provides?

Mr. McFadden: The hon. Gentleman must face up to the fact of our membership of the European Union, however much he dislikes it. He will also be aware that the Bill to which I referred contains measures to enable Departments not to gold-plate European directives when they are introduced in this country.

Lynda Waltho (Stourbridge) (Lab): One of the problems that I find when I visit businesses in Stourbridge is complaints about the number of regulators with which they must deal. What are the Government doing to simply the process?

Mr. McFadden: My hon. Friend might be aware that as a result of the Hampton review, over the next three years, 31 existing national regulators will be consolidated into seven.

Mr. Jonathan Djanogly (Huntingdon) (Con): With an average of 3,800 regulations now being imposed on British business a year, will the Minister tell us how many he proposes to abolish next year?

Mr. McFadden: Given the way in which the hon. Gentleman's party voted last night, he, by his actions, is making that process more difficult. However, happily, the Bill was passed, which will mean that when Departments come up with their simplification plans by the time of the pre-Budget report, we will have an Act in place that will make it much easier to remove outdated and unnecessary burdens on business, charities and the voluntary sector.

Ms Angela C. Smith (Sheffield, Hillsborough) (Lab): One of the complaints that I get from businesses in my constituency is about the alleged gold-plating of EU legislation. What are the Government doing about that?

Mr. McFadden: Business is rightly concerned about that. My colleagues in the Department of Trade and Industry are taking action to reduce the problem. I am happy to tell my hon. Friend that the Bill that was passed last night makes it easier to address the problem of gold-plating, so that when we have an agreement on a new directive in Europe, the problem will not be added to through the way in which that is implemented in this country.

DEPUTY PRIME MINISTER

The Deputy Prime Minister was asked—

Pensions

3. **Mr. Tim Boswell** (Daventry) (Con): What role he has in the formulation of public sector pension policy. [71281]

The Deputy Prime Minister (Mr. John Prescott): As well as being involved in recent discussions and the Cabinet Committee on the development of pension policy this week, hon. Members will be very aware that I have been closely involved in discussions on the local government pension funds. As the Prime Minister has made clear, there are some very tough decisions to be made and difficult negotiations to be undertaken, and I will be heavily involved in them. I am, of course, aware of the need for fair and affordable pensions for public sector workers. The matter affects all Government Departments, and I shall continue to seek the best way forward across the Government as a whole.

Mr. Boswell: I thank the Deputy Prime Minister for his reply. While I am sure that the House will understand his interest in safeguarding his personal financial affairs towards a time when he is perhaps less active than he has been, will he meanwhile examine the whole spectrum of national occupational pensions policy? Public sector pensioners can continue to enjoy a retirement age that is protected at 60, yet yesterday's news from a major clearing bank indicated that there are still significant and systemic cutbacks in the private sector. Does he really feel that that is fair? Is there not a two-tier—

Mr. Speaker: Order. I call the Deputy Prime Minister.

The Deputy Prime Minister: The hon. Gentleman makes a reasonable point about the difficulties in pension policies and the range of considerable differences between the different pension policies within the public and the private sector. We will try to iron out those difficulties, come to an agreement and, I hope, achieve consensus with the Opposition as well as the other parties involved.

I think that the hon. Gentleman was a Pensions Minister in the last Conservative Government; certainly, at one stage he was their spokesman on pensions. I will not take any lectures about pensions after 18 years of a Tory Government, who put millions of our pensioners into poverty, took away their fuel payments and brought about the most disastrous conditions. It took this Government to introduce pension credit, with today's pensioners better off than any other generation of pensioners. Some 2 million pensioners have been lifted out of poverty. We will not take any lectures from Tories about the pensioners in this country.

Mr. George Howarth (Knowsley, North and Sefton, East) (Lab): I welcome my right hon. Friend's commitment to settlements that are both fair and affordable. Does he agree that the principle established in some schemes, whereby the scheme for new entrants is separate from the one for those already employed, is one useful way forward?

The Deputy Prime Minister: My right hon. Friend is right. The new negotiations have sought to differentiate between those entering a pension fund and those already in it. It is causing a bit of a concern, and it is a matter of some controversy. We will have to find answers to those difficulties. We face a range of differences, not only in Departments, but in the pensions for which they are responsible. I will do my best to see whether we can find common agreement, looking at all ways of getting a fair pension fund. However, I notice that the Opposition have stated that they would renegotiate the local government pension fund, or those that will be negotiated by my right hon. Friend the Secretary of State for Trade and Industry. Perhaps they could make their position clear on that.

Mr. Oliver Heald (North-East Hertfordshire) (Con): If the right hon. Gentleman wants lectures about pensions, he should talk to the right hon. Member for Birkenhead (Mr. Field), who has made it very clear that when Labour came to office we had some of the best pensions provision in Europe and now we have some of the worst. What can the Deputy Prime Minister say about fairness to pensioners who pay the council tax and whose tax bills have rocketed by £250 this year when the architect of that disaster loses his job, yet still has three homes, two Jags and a fancy office in Whitehall?

The Deputy Prime Minister: For the record—though the hon. Gentleman would not know much about the record—I have one house and one car, which is 10 years old. I suspect that most Conservative Members have got much more than that.

With regard to pensions, we should be concerned about asking the pensioners themselves what they think about 2 million of them being forced into poverty conditions and not having enough money to heat their homes. They are the people to make judgments. The hon. Gentleman talks about private pension funds and what my right hon. Friend said, but we had to introduce the Pension Protection Fund and provide £400 million to help those who had failed to get what they deserved from their private pension funds.

Paddy Tipping (Sherwood) (Lab): The Deputy Prime Minister has had a long-standing involvement with the local government pension scheme. Will he use that experience in his new role to ensure that there is a common and united approach towards public sector pensions across government?

The Deputy Prime Minister: My hon. Friend is aware that we have had a number of discussions in the past 12 months while I have been involved in the negotiations on a new local government pension scheme. He is right that there are differences in that fund and, indeed, that there is discrimination. Women are denied the possibility of having a fair pension fund, and we have had to make changes to it. Those orders are before the House. They will make things better, but the negotiations continue, as he knows. We want a fair and affordable pension scheme. That is the Government's aim and that is what we are negotiating.

Ministerial Responsibilities

4. **Mr. David Evennett** (Bexleyheath and Crayford) (Con): What policy responsibilities he will have in his new role. [71282]

The Deputy Prime Minister (Mr. John Prescott): The Prime Minister has asked me to oversee and co-ordinate Government policy across the full range of the domestic policy agenda. To help achieve these objectives, I will chair nine Cabinet Committees including domestic affairs, which has wide-ranging responsibilities for delivering the Government's priorities. I will also actively deputise for the Prime Minister on several other Committees of which he is the chair.

I will be bringing Departments together to find solutions to improve the effectiveness of policy development across government. I will also be working with the Foreign Secretary, the Secretary of State for the Environment, Food and Rural Affairs and other Departments across government to deliver the post-Kyoto environmental agenda, in particular ensuring that we deliver on our domestic environmental objectives.

The Prime Minister has also requested me to develop my role internationally, particularly in relation to China through my chairmanship of the China task force, and to take ministerial responsibility for the British-Irish Council, which I will chair in London on 2 June. The full text of the letter that I have received from the Prime Minister about my new role has been deposited in the Library.

Mr. Evennett: I thank the Deputy Prime Minister for that reply; Conservative Members certainly find it most interesting. What confidence can my constituents have in his policy co-ordination, given the disastrous mess he made of the cross-departmental Thames Gateway project? My constituents wonder how he can justify a full salary for his job.

The Deputy Prime Minister: I certainly reject what the hon. Gentleman says about the Thames Gateway. For the first time, we are seeing major housing, infrastructure and community development there. There have also been many developments in many other communities, and we have notified the House about them. I will be judged on the basis of my record, rather than the hon. Gentleman's rhetoric. As to my salary, I have already pointed out that I am doing far more than Lord Heseltine—*[Interruption.]* I thought the argument was that my salary should be cut simply because I am doing less work, yet no complaints were made about Lord Heseltine at the time. I am doing far more work than he did and fully justifying my salary. The Prime Minister has given me an important job to do and I am getting on with it.

Ms Dari Taylor (Stockton, South) (Lab): Renewal, neighbourhood renewal, regeneration and social housing have always been central to the Deputy Prime Minister's delivery in the House and the country. In his new role, may I ask whether he is still going to have a hands-on role in these areas? *[Laughter.]*

Mr. Speaker: Order.

The Deputy Prime Minister: It sounds like a sixth-form public school rally. Yes, I can tell my hon. Friend that we will continue to play an active part in those matters. One of the Cabinet Committees that I will be involved with is housing and planning, which is important in meeting the housing needs of this country. I noticed that there was a great deal of laughing about my proposal to—*[Interruption.]*

Mr. Speaker: Order. I ask the House to quieten down again. With all the noise in the Chamber, hon. Members are making the situation difficult for me as Speaker. I ask for the House's help and co-operation. *[Interruption.]* Order. We can do without the Minister for the Cabinet Office, the right hon. Member for North-West Durham (Hilary Armstrong), throwing in her tuppence worth.

The Deputy Prime Minister: I was happy to have been involved with a Department that doubled the resources going into housing and made a real contribution to improving our housing stock for more than 1.5 million people. Yesterday I attended the launch of the £60,000 house, which many people said could not be done. It is one of the best things that we have done, offering great opportunities for first-time buyers and the Government are responsible for it.

Mr. David Heath (Somerton and Frome) (LD): Among the many important jobs that the Deputy Prime Minister is going to continue to engage in, does he retain any responsibility for standards of conduct and propriety in local government?

The Deputy Prime Minister: That is the responsibility of the Department for Communities and Local Government.

DUCHY OF LANCASTER

The Chancellor of the Duchy of Lancaster was asked—

Charities

5. **Mr. Lee Scott** (Ilford, North) (Con): If she will make a statement on the Government's proposals for reform of charities law. [71283]

8. **Mr. Charles Walker** (Broxbourne) (Con): What plans she has to meet the Charity Commission to discuss implementation of the Charities Bill. [71286]

The Parliamentary Secretary, Cabinet Office (Edward Miliband): The Charities Bill has been widely welcomed for the way it improves and modernises charity law. It has completed its passage in the House of Lords and will return to the House as soon as parliamentary time allows. I will meet the chair and chief executive of the Charity Commission on Monday 22 May to discuss a number of matters of mutual interest, including the Charities Bill.

Mr. Scott: Will the Minister look further into the burden of VAT on charities as part of his work?

Edward Miliband: I know that the hon. Gentleman worked hard in the charities industry before entering the House, and he is a doughty fighter for charities in his own constituency. On the issue of irrecoverable VAT, it would cost £500 million to return all that VAT to charities. Two reviews have looked at the question of whether there is a way of doing so for some charities and not others, but they have not found a solution. The Government have done a huge amount of work on charities' tax position, and there has been a £400 million increase in the amount that they receive under Gift Aid since we introduced reforms. That is just one of the things that the Government are doing to help the charitable sector.

Mr. Walker: I welcome the Minister to the Dispatch Box, but what is he going to do about the awful practice of chugging? Basically, £8 of every £10 goes to organisations that put hired muggers on the street to make people part with their hard-earned cash in the belief that it will go to good charities when, in fact, it goes to the organisations that have won the contract.

Edward Miliband: The hon. Gentleman asked a characteristically robust question. Everyone in the House wants to encourage charitable giving, including donations through face-to-face collections. The Charities Bill makes a difference, as it regulates the practice of collecting on the street through the Charity Commission and a system of licensing by local authorities.

Mr. Jim Devine (Livingston) (Lab): I, too, welcome my hon. Friend to his new post—it is a well-deserved appointment. Does he agree it is a matter of concern that people who collect for charities in supermarkets, licensed premises and restaurants sometimes produce a badge that has not been registered with the Charity Commission? What steps are he and the Government taking to improve licensing?

Edward Miliband: I thank my hon. Friend, both for his welcome and for his question. The Charities Bill will make a difference to face-to-face and street collecting. It applies less to the small collections that everyone in the House welcomes than to collections in supermarkets and elsewhere, which will be regulated for the first time.

Margaret Moran (Luton, South) (Lab): Is my hon. Friend aware that in my real life before coming to the House I was chief executive of a registered social landlord? We were a registered charity, and were subject to regulation by no fewer than five organisations, including the slow-moving Charity Commission. Will he undertake to look at the over-regulation of registered social landlords so that we can make progress on the provision of more social housing, which the Government rightly support and promote?

Edward Miliband: I agree with my hon. Friend about the important role that housing associations and registered social landlords play in the supply of housing, and I promise to look at the issues that she raised. The Bill modernises the Charity Commission in several important ways. It will streamline the organisation and, I hope, help charities to deliver the services that we want them to deliver.

DEPUTY PRIME MINISTER

The Deputy Prime Minister was asked—

Climate Change

6. **Mr. Bob Blizzard** (Waveney) (Lab): What plans he has to visit Latin America to discuss the post-Kyoto climate change agenda. [71284]

The Deputy Prime Minister (Mr. John Prescott): My hon. Friend may be aware that I have visited a number of Latin American countries over the past few years, and I have held discussions with the presidents of Brazil, Argentina and Mexico. I have also held discussions with the presidents of Venezuela and Colombia. Most notably, I held a number of meetings with President Cardoso of Brazil during the Kyoto negotiations. More recently, in March this year, I welcomed President Lula of Brazil during his state visit to the United Kingdom. I have an invitation to return to Brazil and I would of course be happy to visit, should my right hon. Friend the Prime Minister ask me to do so.

Mr. Blizzard: In his role representing the country internationally, may I encourage my right hon. Friend to visit more Latin American countries? Given our policies on common agricultural policy reform and fair trade, we are their best EU partner, but we need to follow through so that they are aware of that. Instead, President Chirac visits them, even though he spends a great deal of time trying to block the reforms that would benefit them.

The Deputy Prime Minister: I agree with a great deal of what my hon. Friend said. The House is well aware of the work that he has undertaken as the chair of the all-party groups on Latin America and Brazil, and I am particularly grateful for the advice that they have given me before my visits to Brazil and Latin America. Those countries will play a major part in the forthcoming global negotiations on trade, climate change and, indeed, the CAP. We will do all that we can—I am sure that the Prime Minister himself will do so—to work directly with their leaders to achieve the solutions that will be good not only for the country and Latin America but for the world economy.

Mr. Andrew Robathan (Blaby) (Con): Does not the Deputy Prime Minister think that when he meets the leaders of Latin American countries, they will treat him with the same degree of ridicule as does the House?

Mr. Speaker: Order. I call Greg Hands.

DUCHY OF LANCASTER

The Chancellor of the Duchy of Lancaster was asked—

Ministerial Code

7. **Mr. Greg Hands** (Hammersmith and Fulham) (Con): What her Department's role is in monitoring compliance with the ministerial code. [71285]

The Minister for the Cabinet Office (Hilary Armstrong): The ministerial code was reissued in July 2005, taking account of comments made by the Public Administration Committee and the Committee on Standards in Public Life. Section 1 of the ministerial code sets out Ministers' responsibilities in relation to the code.

Mr. Hands: The Government make provisions for the enforcement of standards and ethics at most levels of government, from parish councillors all the way up. Why is it that under the ministerial code, the only people not subject to independent outside scrutiny are Government Ministers?

Hilary Armstrong: The hon. Gentleman is a new Member of the House. He may not remember that under previous Administrations, there was no ministerial code. *[Interruption.]* There was no ministerial code, as such. There were questions about Ministers' behaviour, but they were not published and nobody knew what those questions were until 1992. In 1997 we published the ministerial code. As from 23 March, Sir John Bourn

has been appointed the independent adviser on Ministers' interests. This, too, is an innovation, and Sir John will provide advice to Ministers and Permanent Secretaries on the handling of Ministers' private interests, as set out in section 5 of the ministerial code.

PRIME MINISTER

The Prime Minister was asked—

Engagements

Q1. [71294] **Mr. Piara S. Khabra** (Ealing, Southall) (Lab): If he will list his official engagements for Wednesday 17 May.

The Prime Minister (Mr. Tony Blair): Before I list my engagements, I am sure the whole House will join me in sending our condolences to the families of Private Joseva Lewaicei and Private Adam Morris, who were killed in Iraq on Saturday. We owe them a great debt of gratitude and we pay tribute to their dedication and their courage in the service of their country.

This morning I had meetings with ministerial colleagues and others. In addition to my duties in the House, I will have further such meetings later today.

Mr. Khabra: Does the Prime Minister agree that the Human Rights Act 1998 imposes an enormous duty on the state to protect its citizens against terrorism and crime? In the light of this clear duty, does he also agree that in making decisions in such cases, judges ought to be aware of the wider interests of the public, and that human rights lobbyists should have a better understanding of their role in society?

The Prime Minister: I agree with my hon. Friend, but it is important to emphasise that because it incorporates the European convention on human rights, the Human Rights Act allows for a balance between the rights of the individual and the wider collective rights of society. If that balance is interpreted wrongly, we must look at that. It is always open to the House to decide that we will legislate, irrespective of the Human Rights Act. It is perfectly possible, both under the European convention and under the Human Rights Act, for that balance to be more sensible. Most people would agree, for example, that if someone is inciting hatred and inciting people to kill others in this country, it is absurd if we cannot return them to their own country.

Mr. David Cameron (Witney) (Con): On behalf of the Opposition, may I add our sympathies to what the Prime Minister said about the soldiers who gave their lives in Iraq? Our thoughts should be with their families for what they have done on our behalf.

Two weeks ago the Prime Minister said that automatic deportation would apply to any foreign national

"convicted of an imprisonable offence".—[*Official Report*, 3 May 2006; Vol. 445, c. 960.]

Last week he said it would apply to those actually imprisoned. This week the Home Secretary said that automatic deportation would now apply only to foreign nationals serving a "significant" jail term. Which is it?

The Prime Minister: It is exactly as I explained when I first answered the right hon. Gentleman. It applies only to people who have gone to prison, which is why we are talking about foreign prisoners. If, for example, someone is sent to prison for a very short space of time and they have been in this country for a long period of time, then the presumption of automatic deportation would not apply, but in the vast bulk of cases, as has been explained, there will be an automatic presumption to deport, and the vast bulk of those people will, indeed, be deported. In my view, those people should be deported, irrespective of any claim that they have that the country to which they are returning may not be safe. That is why it is important that we consider legislating, if necessary, to ensure that such an automatic presumption applies.

Mr. Cameron: We have gone from "all prisoners" to "all significant prisoners", and now we have got the "vast bulk"—the Prime Minister is making it up as he goes along. That is an example of a Government in complete paralysis. Let me give him another example: he has said that the Human Rights Act 1998 has led to an abuse of common sense and that he will review it, and a few moments ago he said that perhaps the House of Commons will legislate. Three years ago, however, in January 2003, he announced a review of the operation of the Act—what happened to that review?

The Prime Minister: It was precisely because we believed it important to rebalance the system that we introduced, for example, the Proceeds of Crime Act 2002, which allowed us to take money off those suspected of being involved in drug dealing. It was for precisely that reason that we introduced the antisocial behaviour legislation. And it was for precisely that reason that we introduced the Criminal Justice Act 2003, which allowed us to impose mandatory minimum sentences on people carrying illegal firearms. What those things have in common is that the Conservative party either opposed them or refused to vote for them. Yes; we will make sure that our human rights legislation does not get in the way of commonsense legislation to protect our country. However, when we have tried to legislate to toughen up the law, the Liberal Democrats have opposed all the measures and the right hon. Gentleman has opposed most of them.

Mr. Cameron: We have been telling the Prime Minister about the problems with the Human Rights Act for years. He keeps announcing reviews, but nothing ever happens. I asked him about the 1998 Act, but he did not say a word about it, so let me give him another example of Government in paralysis. The head of the civil service has said that the immigration and nationality directorate has been "performing particularly well", yet the head of enforcement and removals at that directorate says that he has not got the faintest idea of how many people are in Britain illegally. When the head of enforcement and removals

was asked how many illegal asylum seekers were not removed, he said that he did not know. When he was asked how many people have been told to leave the country by his department, he said that he simply could not say. Does the Prime Minister agree that after nine years in charge that is just unacceptable?

The Prime Minister:

"There are no official estimates of the number of illegal immigrants into the United Kingdom. By its very nature, illegal immigration is difficult to measure and any estimates would be highly speculative—[*Official Report*, 20 April 1995; Vol. 258, c. 328.]

Mr. George Osborne (Tatton) (Con): The right hon. Gentleman is quoting Michael Howard.

The Prime Minister: Yes, exactly—Michael Howard. Let me tell the right hon. Gentleman about the current situation in our asylum system: the number of unfounded claims is down; since 1997, the number of asylum seekers is down; all asylum seekers are now fingerprinted and issued with identity cards; and there are now three times as many removals as there were in 1997.

The right hon. Gentleman is right that it is necessary to control illegal immigration better, and there are two things that we need to do. First, we need to introduce electronic borders, which we have introduced for some 26 routes and which we need to roll out across the entire country. Secondly, we need identity cards both for foreign nationals and for British nationals. If we want to track people coming in and out of our country and to know the identity of people who are here, then that is what we have to do. The truth is that the right hon. Gentleman is not prepared to support any of that. His spokesman has said that there have been 43 Criminal Justice Acts and that not one of them has done anything to help. Let me say what is in those Acts, including the Criminal Justice Act 2003, which the right hon. Gentleman voted against: the early removal scheme that would allow foreign national prisoners to be deported at the halfway point in their sentence; tougher sentences for murder and sexual and violent crimes; measures to tackle jury-nobbling; allowing hearsay evidence in court; a five-year minimum custodial sentence for unauthorised possession of firearms; and everything to do with antisocial behaviour. So when we introduce the next load of measures to help to deal with this problem, perhaps the right hon. Gentleman will support them.

Mr. Cameron: I can sum up the Prime Minister's performance in one word—rattled. If the problem is the system he has inherited rather than the Ministers he has put in place, why did he sack his Home Secretary last week? Whether it is deporting dangerous criminals, sorting out the mess of the Human Rights Act, or dealing with illegal immigration, this is a Government in paralysis. The Prime Minister made the criminal justice system a top priority, yet he said this week that it is the Department that is

"most distant from what reasonable people want".

Why, after four Home Secretaries, 43 pieces of legislation, and nine years, should anyone believe that he is the right man to sort it out?

The Prime Minister: For the simple reason that, as I have just pointed out to the right hon. Gentleman in stating the facts on asylum and immigration and on the criminal justice legislation, there are changes that have made a real difference. But yes, I agree that we have to do much more. That is precisely why we need the new measures such as identity cards and border controls that allow us to do something about it.

If we are comparing records on crime, let me just say to the right hon. Gentleman that under this Government, according to the British crime survey, overall crime is down, domestic burglary and vehicle theft are down, and police numbers are at a record high. When he was in the Home Office and the Conservatives were in office, crime doubled. I do not say that we have got everything right—of course not; we have got to do far more. What I do say, however, is that every time the tough measures that the right hon. Gentleman goes out and tells the media he wants are introduced here, they are opposed by him and his party. Next time we introduce them, perhaps he will put his vote where his mouth is.

Barbara Keeley (Worsley) (Lab): A recent report on levels of disposable income showed that this Government's policies on tax and benefits are helping to boost the income of poorer households. In my constituency, that means up to £40 a week for two out of five pensioners and up to £50 a week extra for a third of working-age households with children. Although all work on equality is important, does my right hon. Friend agree that this work on reducing household income inequality is one of our most important goals?

The Prime Minister: My hon. Friend is right. It is important, therefore, that we continue with the measures that have seen big rises of, I think, 25 per cent. in real terms in child benefit and in the working families tax credit, which has helped many families to get into work and ensured that they have a decent living income. Somewhere in the region of 2 million pensioners have been lifted out of acute hardship. That has been achieved by a combination of measures—helping with fuel poverty, as well as the pension credit. It is important to realise that, even though there are still too many people in our country living in poverty, the situation is a world away from where it was in 1997.

Sir Menzies Campbell (North-East Fife) (LD): May I associate myself and my right hon. and hon. Friends with the expressions of condolence and sympathy for those who have died and been injured in Iraq? May I ask the Prime Minister this: will British forces have been withdrawn from Iraq at the time when he leaves office?

The Prime Minister: British forces should remain in Iraq until the job is done. Incidentally, they are there in Iraq—this is important to emphasise—and have been there for three years with full United Nations authority and with the consent of the first-ever democratically elected Iraqi Government. They are doing a magnificent job there. We owe them a huge debt of gratitude. That country wants its democracy to work, and that is why it is important that they stay until the Iraqi forces are capable of engaging with their own security themselves.

Sir Menzies Campbell: By the time the Prime Minister leaves office, will Guantanamo Bay, which the Attorney-General has described as unacceptable, have been closed down?

The Prime Minister: It might not surprise the right hon. and learned Gentleman to learn that I am not personally responsible for closing Guantanamo Bay. I agree that it is an anomaly that should be closed; I have said that all along. However, it is important to recognise that in Iraq and Afghanistan we are fighting a battle against the same forces of terrorism that want to disrupt our way of life here and to kill people. This is a global struggle, and it is right that Britain stand firm with its allies in engaging in that struggle and defeating the enemies of democracy and freedom.

Jim Sheridan (Paisley and Renfrewshire, North) (Lab): My right hon. Friend might be aware of the recent decision by the Law Lords to limit the amount of compensation for workers suffering from asbestos-related diseases and to their families. That decision will be devastating for thousands of workers and families throughout the United Kingdom. Will my right hon. Friend, or the appropriate Minister, agree to meet a small delegation of like-minded colleagues to explore the options for dealing with this outrageous decision taken by people who do not live in the real world?

The Prime Minister: I understand my hon. Friend's concern, and I would be very happy to meet him and his delegation to discuss the matter.

Q2. [71295] **Mr. Mike Weir** (Angus) (SNP): Given that the Prime Minister has decided to bounce the country into building new nuclear power stations even before his sham of an energy review has reported, and before we have found any solution to the problem of disposing of historic, let alone new, nuclear waste, are the Scottish communities that figured in the last Nirex report now back in the frame as possible nuclear dumps? Will this be the Prime Minister's legacy to Scotland?

The Prime Minister: Obviously, we have to dispose of the existing nuclear waste in any event. However, if we are to address the energy security needs of the United Kingdom—including Scotland—we have to be prepared to take the necessary decisions to ensure that we do not end up entirely dependent on foreign imports of gas. That would not be sensible, in my view. I do not believe that nuclear power is the sole answer. Of course renewables are important, as are energy efficiency and carbon sequestration. All the measures that we are taking will assist us, but we have to debate very seriously whether we need to replace nuclear power stations to guarantee the future energy needs of this country; otherwise, we would be engaging in a collective dereliction of our duty.

Mr. Robert Flello (Stoke-on-Trent, South) (Lab): I understand that my right hon. Friend is meeting a delegation from the hospice movement later today. Will he bear in mind the essential and excellent work done by the Treetops hospice in my constituency, run by the Donna Louise Trust? Perhaps he could find time in his busy schedule to meet representatives of that hospice, preferably in the hospice.

The Prime Minister: I pay tribute to the work of the Treetops hospice in my hon. Friend's constituency. I also understand the concern across the hospice movement about the changes in relation to lottery funding and other issues. I am meeting people from the movement today, and I hope that the Government will be in a position to say what we can do to try to meet those concerns as soon as possible.

Mr. David Cameron (Witney) (Con): In January, I asked the Prime Minister to consider setting interim targets to ensure that we met the goal of getting treatment to all sufferers of HIV/AIDS by 2010. At the time, he said that that would be difficult because other countries needed to take action as well. Will he confirm that the Government are now supporting the campaign to set interim targets? Now that we have domestic consensus on the issue, will he tell the House what progress is being made internationally?

The Prime Minister: The whole point is that this needs to be done on an international basis, as I am sure the right hon. Gentleman would accept. I think that there is to be a meeting at the United Nations shortly, and we need to try to agree how we should stage the delivery of as near as possible universal access to HIV/AIDS treatment by 2010. The whole purpose of what we are trying to do is to ensure not only that our money will help to deliver that target but that there is a co-ordinated effort right across the international community. Fortunately, the auspices for that are reasonably good.

Mr. Cameron: I welcome that reply, but the point is to try to set an interim target for 2008, to give us a better prospect of hitting the overall target in 2010. Does the Prime Minister agree that one of the real challenges is to help children with HIV, who need access to specialist paediatric drugs? At present, there is little demand for such drugs in the west, but there is a big demand in Africa. What steps is the Prime Minister going to take to talk to the drugs companies to ensure wider provision of these vital treatments?

The Prime Minister: Again, what we are trying to do is to get the right buy-in from the pharmaceutical and drug companies, which are prepared to work with us to try to make sure that the treatments are available as cheaply as possible. Over the next few years, we are contributing in the region of £1.5 billion to tackle AIDS, TB and malaria, which is a huge commitment from this country, and rightly so. If we can set staging posts for universal access by 2010, we will do that. The important thing, however, is that that be done on a collective basis. It is important, too, that we do not forget the other two components involved in helping Africa, which are decisions that will be taken this year: first, the 20,000 peacekeepers that we need to have trained by the end of the year, which will be dramatically important in places such as Sudan; and secondly, the World Trade Organisation deal. That development package is of essential importance to the

future of Africa. The good thing that is happening now in the international community is that those issues are being considered together and not in isolation.

Mr. Khalid Mahmood (Birmingham, Perry Barr) (Lab): One of my right hon. Friend's predecessors, Harold Wilson, was a great advocate of HP sauce, produced in Aston. The company was taken over last year by Heinz, which is now threatening the livelihood of 120 workers in Aston, Birmingham. In relation to the discussions that I am having with Heinz directors, will my right hon. Friend give a commitment to the House that he will provide the support that those workers need to ensure that those manufacturing jobs are retained, which the area deserves?

The Prime Minister: I pay tribute to the Heinz workers in my hon. Friend's constituency and in many others constituencies in the country. I will give any support that I can to my hon. Friend in his efforts to preserve their jobs.

Q3. [71296] **Mr. Richard Spring** (West Suffolk) (Con): Given the universal opposition in Suffolk and elsewhere, including from the police authority and the police themselves, will the Prime Minister instruct his new Home Secretary to put a stop at once to the uncosted, unwelcome and completely undesirable regionalisation of our police force?

The Prime Minister: There must be a proper process of examination, I am afraid, to make sure that we get the most effective police services in our country. It is generally accepted that it is right to review the service boundaries for all the reasons that we know. As I have repeated often in the House, the reason for doing that arises from a report by Her Majesty's inspectorate of constabulary which said that it was necessary to conduct that review. However, I know that my right hon. Friend the Home Secretary will take account of the representations made to him.

Mr. Mike Hall (Weaver Vale) (Lab): This morning, our right hon. Friend the Chancellor of the Exchequer and my hon. Friend the Member for Ellesmere Port and Neston (Andrew Miller) are at the Vauxhall plant trying to persuade the owners to make the necessary investment in the company so that the next generation of Vauxhall Motors can be built in Ellesmere Port. Will my right hon. Friend use his good offices to make sure that the Government do everything that they can to help that process?

The Prime Minister: First, the announcement of the loss of jobs at Ellesmere Port is deeply disappointing. I commit the Government and the Northwest Regional Development Agency to work with the company and the trade unions to support those facing redundancy. As my hon. Friend rightly implies, the key campaign is to get the new Astra model built at Ellesmere Port. The Chancellor and the Secretary of State for Trade and Industry are at Ellesmere Port today, and I will seek an early opportunity to talk to GM's chief executive, Rick Wagoner, to put the case for Ellesmere Port and to offer any UK Government assistance that is appropriate. The work force there are magnificent, they do a great job, I know that they would be worthy of securing the new Astra model, and I very much hope that they do so.

Q4. [71297] **Mr. John Maples** (Stratford-on-Avon) (Con): The Prime Minister says that our forces in Iraq are doing a wonderful job, and, of course, they are—we all acknowledge that. However, the Saddam Hussein regime was overthrown three years ago, yet the violence is getting worse all the time, even in the south of the country. Our forces are often the target of terrorist attacks, and the very presence of coalition forces is used by terrorists as an excuse for their appalling violence. Would not a timetable for an orderly withdrawal of coalition forces, say, over the next 12 months, force the Iraqi Government and Iraqi citizens to come to terms with this problem and take control of their own destiny?

The Prime Minister: The hon. Gentleman put his finger on it when he said that the presence of coalition forces was being used as an excuse by the terrorist groups. It is important to understand that the Iraqi Government which I hope will be formed in the next few days will be, for the first time, a genuine unity Government. In other words, they will include as part of a coalition across all the different groups in the country representatives of the Shi'a, Sunni and Kurdish people. If that Government are in place, obviously the whole of Iraq can take a more benign path and escape from its current difficulties.

The purpose of both the militia in the south of the country and those who are still fighting, along with the al-Qaeda people, in the centre and the north is to stop that democratic Government functioning. I think that we must work with the new Government once they have been formed. Of course it has always been our strategy to withdraw when the Iraqis wish us to do so—when they are capable of handling their security themselves. We need to sit down with the new Government once they have been formed, and work out how we can ensure that the rest of the build-up of the Iraqi forces takes place so that of course, in time, we can withdraw. That is the very purpose of what we are trying to do.

It is important to realise one thing, however. The purpose of these groups—who know perfectly well that our desire is not to stay there, but to leave once the job is done—is to prevent the country from securing a broad coalition of unity across all the groups so that Iraq can be governed properly. In my view, it is the Iraqi Government who are the key to determination of the timetable, not the terrorist groups.

Patrick Hall (Bedford) (Lab): I have to tell my right hon. Friend that many of my constituents who hear the clamour and speculation about his future are concerned about when it is time to move on. They want to know if and when they will be able to move on, and move out of inadequate accommodation into decent, affordable, quality homes in the Bedford area. Does my right hon. Friend recognise their concerns, and does he agree that increasing the availability and quantity of decent homes is one of the key and serious tasks of this Labour Government?

The Prime Minister: My hon. Friend is completely right. If I may say so, that is another example of the decisions that must be made for the long-term future of the country. It is really no use people complaining about the affordability of housing in the south if they then say that no new homes should be built and there should be no development. That development will happen in a planned way, but it would be of great assistance, frankly, if the opposition parties agreed that we will have to build more homes in the south if we are to relieve the pressure on housing and allow families—particularly younger families—to get their feet on the first rungs of the housing ladder.

If we add that to the measures that encourage brownfield development, the affordable house—the £60,000 house launched by my right hon. Friend the Deputy Prime Minister—and other measures such as shared equity, and put all those measures together in a proper package, we shall be able to deal with the problem. But we must be prepared to make the tough decision to say that we will need to build homes in the south.

Rev. Ian Paisley (North Antrim) (DUP): The Prime Minister will be aware that the Assembly met on Monday. He may not be aware that at that meeting, every Member of the Assembly stood for one minute's silence in memory of the young Ballymena man, Michael McIlveen, who has been grievously murdered. Today his family are laying his body to rest, and I suggest that our thoughts and prayers should be with them.

Does the Prime Minister know that there is a strange significance to this particular murder? Those who are charged cross the religious divide: they are Protestants and Roman Catholics. That seems to me a very strange thing. I feel that the Prime Minister should help the police at this time. The chief of police in Ballymena has made a statement saying that the situation may change, and that Protestants could be attacked in the same way. In order to prevent any retaliation, will the Prime Minister back the police by giving them the men who are needed to do the job, which is a very difficult job to do?

The Prime Minister: First, I endorse what the right hon. Gentleman has said, and join him in sending our condolences to the family of the young boy who was murdered. I also thank him for the responsible way in which he personally has handled the issue. It is very significant that there was a minute's silence that stretched right across the community in the Assembly. Yes, I will certainly give the police every support in the work that they do.

Mark Durkan (Foyle) (SDLP): Further to that reply, on reading the messages left at the McIlveen family home and at the scene of the attack, I was struck by the fact that young people were not only sharing their grief and shock, but were desperate also to share hope. The sight of so many young people in Celtic and Rangers jerseys emblazoned with Michael's nickname has been a great comfort to his family. Should it not also be a spur to all politicians and an inspiration to older generations, who have tolerated, excused or indulged sectarianism for too long?

The Prime Minister: I agree totally with what my hon. Friend says; he is absolutely right. Of course, the very best and most significant thing that could be done to demonstrate that people are working across the communities is if we can get devolved government back up and working again in Northern Ireland, with everybody committed to exclusively peaceful and democratic means. What my hon. Friend is saying is the future of Northern Ireland; what that appalling murder represents is, hopefully, the past.

Q5. [71298] **Pete Wishart** (Perth and North Perthshire) (SNP): Will the Prime Minister take this opportunity to reassure his Labour colleagues that it will be he who will lead the Scottish election campaign next year, and from the front; that it will be his face that will appear on all the literature; and that he will take full advantage of his personal popularity to put the case for new nuclear build? If he does that, he will have my overwhelming support and that of my hon. Friends.

The Prime Minister: It is very kind of the hon. Gentleman to give me that ringing endorsement. One thing that I and my colleagues will be pointing out is that, as I understand it, the Scottish National party manifesto for the Scottish Parliament says that it would introduce an independence Bill in the first 100 days. Is that right?

Pete Wishart *indicated assent.*

The Prime Minister: Well, we will certainly be making a very great deal of that between now and the Scottish elections.

Water Shortages

12.32 pm

Mr. Peter Ainsworth (East Surrey) (Con) (Urgent Question): To ask the Secretary of State for Environment, Food and Rural Affairs an urgent question on water shortages. *[Interruption.]*

The Minister for Climate Change and the Environment (Ian Pearson) *rose—*

Mr. Speaker: Order. Will hon. Members leave the Chamber quietly? The business of the House still continues.

Ian Pearson: The UK has seen below average rainfall for 19 months. In particular, the south-east has been much drier than during the notable drought of1974 to 1976. The Environment Agency believes that the drought in the south-east has the potential to be the worst for 100 years. Water planning is based on the principle that each water company has a water resource plan looking ahead 25 years. Water companies also have a drought plan setting out how they will continue to meet their duties during a water shortage.

I recognise the public concern about leakage rates. Ofwat, the economic regulator, sets targets for leakage and over the past 10 years, leakage rates have reduced by 30 per cent. However, there is more to be done, particularly by some companies. Since privatisation, water companies have invested £55 billion in water and sewerage assets, and more than £3.5 billion in 2004-05 alone.

As the House will be aware, water companies in the south-east have introduced hosepipe and sprinkler bans to manage the drought situation. The recent decision to approve the Sutton and East Surrey Water drought order application is the next step beyond a hosepipe ban. I am considering the independent inspector's reports following the hearings on the drought order applications made by Southern Water and Mid Kent Water.

Mr. Ainsworth: May I begin by congratulating the hon. Gentleman on his new post and by thanking him for that statement? The Opposition do not blame the Government for the weather, even though some of my colleagues would like us to. Many of us will remember the last Labour Minister for drought, who rapidly became the Minister for floods, so we accept that these things are indeed unpredictable, and we recognise that most of the water supply problems that we face, particularly in the south-east, are mainly the result of below average winter rainfall.

However, I remind the Minister of a statement that the Labour party made before the 1997 general election:

"Labour is determined to see significant improvements in the way the water industry serves local people, contributes to its communities and looks after the environment."

Nine years on, that looks like another failed ambition. Many people are bemused and angered by the fact that in Britain in the 21st century they face restrictions on their water use and the threat of standpipes.

Does the Minister agree that the task of urging people to use water wisely is not helped by the fact that the water industry loses more than 3.5 billion litres of water a day in leaks? Is he completely satisfied that all water companies are addressing the pressing issue of renewing our water supply infrastructure with the sense of urgency and the use of technology that people have a right to expect? Does he accept that it is reasonable for people to ask why they should do their bit, if the water companies do not seem to be doing theirs? Is he satisfied that a sufficiently robust sanctions regime is in place to prevent and control leaks, especially given that Thames Water has missed its target for fixing leaks for five years in a row now?

Does the Minister agree with Ken Livingstone, who yesterday said that compulsory metering was "inevitable"? If so, over what time frame does he think that those meters should be introduced? How does he square that with the statement made before the 1997 general election that

"Labour is opposed to forcing people to install water meters"?

Is that still Labour policy? If not, and the Government are considering compulsory water metering, what measures is he considering to ensure that poorer families and vulnerable groups are not penalised by a compulsory metering regime?

What is the Government's policy on the construction of new reservoirs in the south-east? Is it not the height of folly, and seriously irresponsible, for the Government to press ahead with plans for millions of new homes in the south-east, an area already suffering from water stress, without having first put in place the infrastructure to support them? We all accept the need for more affordable housing, but nobody—least of all the people who would move into the new homes—would thank the Government if they were subjected to regular restrictions on their water use. Will the Government therefore support the Bill introduced yesterday by my right hon. Friend the Member for Suffolk, Coastal (Mr. Gummer), which would require an assessment of the adequacy of water supplies to be made before the construction of new homes or commercial developments?

What plans do the Government have in place to ensure that supply matches demand, if we have another dry winter next year? Do the Government have any plans in that regard? What action do the Government have in mind to support those businesses that are likely to suffer from the consequences of drought orders? What assessment has the Minister made of the number of businesses that may face closure as a result of the restrictions he has sanctioned? What discussions has he had with major sporting venues, such as Wimbledon, Lords, race courses and golf courses about the likely impact on them of the imposition of drought orders?

We do not blame the Government for the weather, but we and the public will certainly hold them to account if they fail to take all action necessary to avert the worst effects of water shortage this year and in the future.

Ian Pearson: I thank the hon. Gentleman for his words of welcome. I do indeed follow an illustrious predecessor in Denis Howell, who was the Member of Parliament for Small Heath. I am also responsible for floods, and if I am as successful in encouraging rainfall as he was, I will be delighted.

[Ian Pearson]

I welcome the realism shown by the hon. Member for East Surrey (Mr. Ainsworth). The situation is principally the result of below average rainfall for 19 months, so groundwater levels are very low. Although reservoir levels in the south-east are not that bad, more than 70 per cent. of the area's water comes from groundwater, and the Environment Agency's recent report shows those levels to be very low.

The Government recognise that there are too many leaks and we also believe that some water companies need to up their game. However, Sutton and East Surrey Water has met its leakage targets and the headline figures for 2004-05 show a reduction in leakage rates from 2003-04. All but three water companies met their leakage targets.

I note what the hon. Gentleman said about compulsory metering, which is not Government policy but which clearly has environmental benefits. The evidence suggests that it reduces domestic consumption by about 10 per cent., so it is worth serious consideration. All of us have to do our bit, water companies and consumers in the south-east alike. We need to think about the simple things, such as ensuring that the tap is turned off when we brush out teeth and that washing machines are fully loaded. Collectively, simple measures like that can have a major effect.

The hon. Gentleman asked about new reservoirs. He will know that five new reservoirs are planned for the south-east, and that three others in the area are to be expanded. The region's particular geography means that, traditionally, it has relied on groundwater far more than other parts of the UK. Reservoirs can be part of the solution in the south-east, but they will never be the whole solution and especially not in the short term, as of course the normal planning procedures apply. That is why we have drought orders.

The hon. Gentleman raised an important point to do with new housing developments in the south-east, and I shall explain how the system works. Water companies produce 25-year water resource plans that take account of future housing need, where that is clearly defined, and I am informed that the plans currently take account of 900,000 extra houses in the south-east. The regulator has to agree investment plans with the individual companies, based on the water resource forecasts. Those investment plans have been agreed up to 2010, but the next review of water prices and investment plans begins in 2009 and will take account of all housing development planned up to that year.

Lastly, the hon. Gentleman asked various questions about the impact on businesses and sporting venues. I emphasise that so far we have granted one drought order, and we expect the company concerned to implement it proportionately and sensitively. We do not know how long the present situation will last, but it is in everyone's interest to take action now. If there is a message to people in the south-east, it is that they should use water wisely in the current circumstances.

Paddy Tipping (Sherwood) (Lab): This year, water and sewerage charges are up 5.5 per cent on last year. The Minister was reluctant to name poor performers, but will he have discussions with Ofwat about the performance of Thames Water, and of Severn Trent Water, the company that serves his constituency? Will he ensure that customers, who are paying substantially more this year, get a decent and improved service?

Ian Pearson: I shall certainly meet the regulator regularly, as it is important to ensure that customers get a fair a deal. That is what Ofwat is about. The fact that Thames Water has consistently missed its leakage targets for a long time is a serious problem that I intend to discuss with the company and the regulator.

Chris Huhne (Eastleigh) (LD): As the hon. Member for East Surrey (Mr. Ainsworth) has already said, this is a weather issue so the Opposition would be ill-advised to hold the Government solely account for that. As the Minister said, there have been many months—he said 19; my information was 17—of below average rainfall in the south-east. Has he reached an assessment of whether that involves a change in the trend or is it in the normal run of weather events? The Department is responsible for assessing the impact of climate change, so in the light of possible climate change and of what appears to be a recurring pattern of extremely dry summers in the south-east, is it time to reassess the five extra reservoirs already planned for the area?

The hon. Member for East Surrey quoted from the Labour manifesto of 1997. Is the Minister happy that Ofwat has required adequate investment? In some companies, for example Southern Water, leakage is still running at 27 per cent. after nine years. That is unacceptable and requires rather greater urgency from the Government and the companies than seems so far to have been exhibited.

As many as 20 years ago plans for a national water grid were mooted. Are they being reconsidered in the context of current drought orders, hosepipe bans and water shortages? We know that water metering has a clear impact in reducing use. Not only has Ken Livingstone backed water metering, as the hon. Member for East Surrey mentioned, but a possibly even more authoritative body, the Consumer Council for Water, has backed compulsory metering in affected parts of the south-east. Will the Government consider, not a general plan for metering, but at least a plan for metering in affected areas?

The Minister mentioned the Government's commitment to extra house building in the south-east: 580,000 houses over the next 20 years. Is not it time to recognise that the infrastructural needs of that housing have not been put in place ahead of the new build? We have had new build and we are still suffering not merely water shortages but considerable problems with drainage and sewerage, which are another aspect of the water companies' responsibilities. Will the Minister tell us whether the Department will seriously consider putting a block on development in the most affected areas until it is clear that the infrastructure is in place? Finally, does the Minister agree with the Mayor of London's turning down a planning request for a desalination plant that would ease some of the difficulties in the area?

Ian Pearson: On climate change, I am informed by experts that droughts tend to go in cycles, but I do not think anybody knows what the full impact of climate

change is likely to be on our environment and whether we are likely to see more sudden occurrences of drought or floods. We need to keep the situation under close review.

In the planning framework, water resource plans are based on looking at the worst drought scenario in 1993-94 and assuming that, with hosepipe and non-essential usage bans, a month's supply would be left. That equates to a one in a hundred years occurrence. Unfortunately, it seems that there is a prospect of such an occurrence this summer. We all hope that that will not be the case but we cannot guarantee it.

I have already answered the questions about leakage and metering, but I emphasise that more can be done about leakages. There is an economic leakage rate, but it is important that we set leakage targets and that they are met by water companies. Where they are not met we want to know why and, ultimately, the regulator will use the powers at his discretion.

There has been an increase in metering, which covers about 27 per cent. of the total household population. It has been rising in recent years and I expect that trend to continue, but we should not force meters on people—certainly not unless there is a water scarcity. There are clear environmental benefits from introducing water metering, and we as a Government need to look at how those benefits can be realised.

I have already commented on the infrastructure needs of housing development in the south-east. I believe that that is being taken into account in the 25-year planning process, but I will undertake to look into that again, just to ensure that I am personally assured that those plans adequately reflect new-build commitments. It is important we are joined up as a Government, and I will endeavour to ensure that that happens.

Lastly, the idea of a national water grid has been bandied around for at least 40 years. It is not a very environmentally friendly measure, given that water is a pretty bulky supply and the energy requirements needed to pump water around parts of the country, let alone the excavation costs that would be required, make its use prohibitive and a non-starter, but the idea resurfaces from time to time. I do not get any sense that water companies are planning on that basis, but they have done some significant work over the past 10 years to improve regional grids, so that they can co-operate and share scarce water resources, which has been very beneficial.

Mr. Michael Howard (Folkestone and Hythe) (Con): My constituency is not only subject to a hosepipe ban but is in the process of being subjected to compulsory water metering, so why will the Minister not recognise the facts and accept that the Labour party has now abandoned the pledge in respect of compulsory water metering that it gave prior to the 1997 election? Does he agree that more needs to be done to help those who are least well off to meet their water charges, particularly under a metering regime, both by introducing additional measures and by giving greater publicity to the water efficiency measures that are already in place?

Ian Pearson: I am certainly very aware of the fact that there is compulsory metering in the right hon. and learned Gentleman's constituency, because of the water scarcity there. Certainly, the water company believes that that is a win-win situation for the consumer: less water will be used overall, because people will be more careful in monitoring their water usage, and that will reduce customers' bills in turn as well. That is one way in which water can be more affordable, but a range of Government support measures are available at the moment, and we certainly want to ensure that he encourages his constituents to take advantage of them.

Dr. Phyllis Starkey (Milton Keynes, South-West) (Lab): Could the Minister confirm that new house building accounts for only 1 per cent. of the housing stock and that, although we need to ensure that new houses are water efficient, it is much more effective to concentrate on the existing housing stock and to encourage its increased water efficiency? Will he look again at measures to encourage people to upgrade the water efficiency of their houses? Does he agree that it is perfectly possible to meet housing need in the south-east and still respect the need to improve water efficiency?

Ian Pearson: My hon. Friend makes a very good point. It is absolutely right to say that the vast majority of the housing stock for 2030 is already in place in the United Kingdom and that new-build plans account for only a tiny fraction of the potential additional water usage in the future. We need to focus on water efficiency in households, just as we need to focus more on energy efficiency. There is a range of ways in which consumers can use water more wisely—for example, with dual-flush toilets. The simple fact is that new house development will be far more water and energy-efficient than the current housing stock. The more that we can do to bring the current housing stock up to the best environmental standards for both health and water efficiency reasons, the better for all concerned.

Mr. Andrew Mackay (Bracknell) (Con): Even so, does the Minister accept that my constituents will find it inconceivable that the water companies can cope with the huge number of extra houses being foisted on the south-east when they cannot cope at all with the current drought? No one will believe him.

Ian Pearson: In that case, I hope that the right hon. Gentleman can explain the situation better to his constituents, because there is a clear difference between a short-term drought and the long-term planning of water resources. We need to ensure that that long-term planning is effective and takes account of new housing development, but we also need to consider water saving measures as well and to use water wisely. His constituents need to use water wisely, but they need not be afraid that new housing development will cause them massive water problems in the future, because I am confident that the planning system can fully take into account future housing needs.

Kelvin Hopkins (Luton, North) (Lab): I welcome my hon. Friend to his new post.

Reports suggest that leakages in Britain are among the worst in Europe, and perhaps only two countries, one of which is Bulgaria, have a worse record. Is that

[Kelvin Hopkins]

not simply a consequence of a failure to invest by the water industry over a long period? Is it not a direct consequence of the Tories' privatisation of the water sector? Have not the private companies been simply sweating—I use that word advisedly—the assets built up over generations of public investment before they were privatised? Is it not time that the state again took a direct role in water supply, to guarantee sufficient and secure water provision for the future?

Ian Pearson: My hon. Friend and I must agree to disagree on some of that, but we do agree that there have been decades of under-investment in the water industry, stemming back way before privatisation, because the public sector was not that good at investing in long-term infrastructure in the water industry. One of the problems with the public sector is that there are always more pressing investment needs—whether schools or hospitals—than long-term improvements to sewerage pipes and the water supply. The simple fact is that, since privatisation, there has been £55 billion-worth of investment, primarily funded by the water companies, which has led to a major improvement. Most of the water companies have made significant reductions in leakage rates. More can be done, but we must still face the fact that we were one of the first countries in the world to introduce water and sewerage systems, so our system is older than anyone else's and it is still in need of repair and further investment, which will come from the water companies as part of their future investment plans.

Mrs. Jacqui Lait (Beckenham) (Con): Could the Minister confirm that he said that, if the current weather pattern continues, London and the south-east face standpipes in 100 days? In those circumstances, can he tell us what discussions he is already having with the water companies about ensuring that the vulnerable have access to water and that those people who live in the 24-hour economy can get water from standpipes whenever they need it?

Ian Pearson: No, I cannot confirm what the hon. Lady says, but I can quote the best assessment available from the Environment Agency:

> "An exceptionally hot and dry summer like 1976 would give extremely low reservoir levels by the autumn, with a risk of standpipes in London. It should be possible for Thames Water to avoid standpipes, but much depends on the effectiveness of demand management measures".

That is the situation at the moment. We do not know what the weather patterns will be over the next few months. The Met Office forecasts pretty much average rainfall for this summer, but if we get a summer like 1976, there are likely to be difficulties. However, it would be unwise to say that we will have standpipes in a certain number of days, because that simply is not the case judged from where we stand today.

Richard Ottaway (Croydon, South) (Con): Does the Minister accept that there is widespread concern in my constituency, which is bang in the middle of the Sutton and East Surrey Water catchment area, over the imposition of a drought order? He says that he has asked the company to apply the order sensitively. Will he explain how one applies a drought order sensitively? Does he not accept that if, say, a car wash is still allowed to operate, people who drive past it will say, "Well, if that's operating, why on earth should I cut down on my consumption at home?"?

Ian Pearson: I appreciate the difficulties that some of the hon. Gentleman's constituents may face as a result of the drought order. That is why I looked very carefully at the inspectors' report, talked to the Environment Agency and had a conversation with the company last week to convince myself that the order was absolutely necessary. I am afraid that it is. If we are to protect essential supplies to consumers, and particularly to vulnerable consumers, we need to allow the company to take action. However, we need to be clear—I have been clear in what I have said to the company—that we want to see the maximum water saving for the minimum impact on the consumer. That has got to be the objective and I am sure that that is how the company will want to apply the order in these circumstances.

Tom Brake (Carshalton and Wallington) (LD): I should declare an interest as a Sutton and East Surrey consumer. Does the Minister believe that customers should benefit from a discount in their Bills for the reduction in service?

Ian Pearson: No, I am afraid that I do not. Our water system is based specifically on ensuring that we have long-term plans, but those are not long-term plans to prevent there ever being a water shortage. Arranging for there never to be a water shortage would require such a huge capital investment that people's water bills would be enormous. We have to expect water shortages because of adverse weather conditions in certain circumstances. I am afraid that, although the situation is difficult for consumers who cannot water their gardens and who are being encouraged to be more water-efficient, it is right that they should look to take those measures and they should not really expect to see a reduction in their Bills as a result.

Mr. Greg Hands (Hammersmith and Fulham) (Con): Exactly five years ago—*[Interruption.]*

Mr. Speaker: Order. I will decide when the statement finishes. The Under-Secretary of State for Environment, Food and Rural Affairs, the hon. Member for Exeter (Mr. Bradshaw) should not get impatient. The one thing that you need in Parliament is patience.

Mr. Hands: Exactly five years ago, TV images of the foot and mouth crisis had a negative impact on tourism in this country. If TV images of standpipes and people approaching them with buckets were to be beamed across the world, the likely effect on visitors to this country could be dire. What meetings has the Minister had with representatives of London and south-east tourism, and the conference and hotel industry in recent days?

Ian Pearson: I have not had any specific meetings with the tourism industry in London. I have been rather

focused on other matters. In granting a drought order—other orders that have gone through the inspectors' inquiries are under consideration in the south-east—we are trying to take early action to prevent the possibility of having to use standpipes in the future if the drought conditions persist. It is surely right to take early, prompt action now. The message to consumers in the south-east to use water responsibly could make sure that we do not need to take more extreme measures at a later date.

Andrew Selous (South-West Bedfordshire) (Con): South-West Bedfordshire, which currently has water restrictions, is due to have the largest number of houses built in it out of anywhere in the south-east. Anglian Water has told me—contrary to what the Minister has just said to the House—that funding for local water infrastructure will come only in 2010, but the new houses will be being built from 2009 onwards. Anglian Water needs to know that information now. Is that not a failure of joined-up government?

Ian Pearson: I take the hon. Gentleman's point seriously. My understanding of the situation is that the regulator has agreed investment plans with water companies up to 2010 at the moment. There are long-term water resource plans that go to 2030. Funding for 2010 onwards will be taken into account during the next price review. However, I undertake to look into the situation. I get the sense that the House has some concerns about whether planning is being effectively addressed in water resource plans. If I can make any further information available to comfort the House on this matter, I will certainly want to do so.

Tim Loughton (East Worthing and Shoreham) (Con): I welcome the Minister's late conversion to the benefits of privatisation, but my constituents and their gardens are going to be thirsty if they have to wait for action until a price review in 2009. He said, quite rightly, that consumers can do much to save water themselves. So, why is it that, on a water company's website, I can buy a large plastic tub with a lid on the top and a hole in the bottom, called a composter, at the heavily subsidised rate of £8.99, but on the same website a plastic tub with a lid on the top and a tap on the bottom, called a water butt, costs £34.99? Surely we should be doing more to promote the subsidised use of water butts in the current drought situation. The water companies claim that there is a national shortage of water butts. Can we get our priorities right and make sure that my constituents who want to save water have the means to do it at an affordable rate?

Ian Pearson: I have not seen the website that the hon. Gentleman referred to, but I am certainly aware that water butts in the south-east have been in short supply for a considerable time. The key message is that people need to save water and to use water sensibly. If that happens, I am sure that we can avoid the need for more extreme measures. Nobody wants to see standpipes in the streets. That is the purpose of the water order for Sutton and East Surrey. We will continue to look at further applications from water companies. As I said, the order of the day is early action now, more work on leakage from the companies, and more attention from consumers to the need to save water.

European Communities (Deregulation)

1.7 pm

Mr. Henry Bellingham (North-West Norfolk) (Con): I beg to move,

That leave be given to bring in a Bill to make provision in respect of the effect on persons and businesses of regulations made under section 2 of the European Communities Act 1972.

I declare my interest in the Register of Members' Interests. One of the constantly recurring complaints from British business concerns EU regulations. Of course, most businesses greatly resent the very existence of many of those regulations, but most of all they condemn the peculiar British habit of gold-plating EU directives. Her Majesty's Government transpose the directives into our law so that they end up being tougher, more complicated and less business-friendly than elsewhere in the EU. The other big complaint is the open-ended lifespan of many of the directives. Time and again, business tells Members that what was relevant 10 years ago is now often out of date, yet the directives remain in place, so why not time limit the directives with sunset clauses?

That is why my Bill has two key aims: first, to outlaw gold-plating by giving businesses and individuals the right to launch a challenge in the courts, and, secondly, to ensure that directives can be challenged if they do not contain a sunset clause. I pay tribute to the entrepreneur, Sir Paul Judge, who has put a great deal of effort and work into the Bill, and also to my hon. Friends the Members for Cities of London and Westminster (Mr. Field) and for Huntingdon (Mr. Djanogly), who introduced similar Bills in the last Parliament.

In a few minutes, I will outline to the House some further details about the Bill, but I just want to say a word or two about the current context that business is facing. Anyone listening to the Chancellor's recent Budget statement would have heard an upbeat assessment of UK plc. We heard a great deal about inflation, growth, interest rates and employment. However, whatever the Chancellor said in his Budget statement, dark storm clouds are gathering over the UK economy. The recent trade figures were atrocious. Indeed, trade in goods showed a quarterly deficit of £18.9 billion, which was the worst since records began in 1697. I am struggling to remember who was on the throne in 1697, although I sure that my hon. Friend the Member for South Staffordshire (Sir Patrick Cormack) will know—was it William of Orange? That was a long time ago and the figures are disgraceful.

Our competitive position is under threat. Indeed, in the World Economic Forum's competitiveness league tables, the UK has fallen from fourth in 1998 to 13th today. According to the CBI, we are experiencing the lowest level of business investment since records began. Spending on research and development is falling and there is a skills crisis, with 5 million people having no qualifications at all.

The phenomenon of falling productivity growth is one of the key reasons behind our worsening competitive position. Our productivity grew at an annual average rate of 2.5 per cent. between 1992 and 1997, but has now slowed to 1.6 per cent. over the past

[Mr. Henry Bellingham]

six years, which is in line with the rate in the eurozone, but way below that of America and many other economies.

One of the main drivers for the dark set of clouds that is gathering is excessive regulation. Indeed, the British Chambers of Commerce has a burdens barometer. When I last looked at it, the combined total cost of regulation since 1997, excluding the minimum wage, came to £50.27 billion. Much of that regulation comes from the EU. Indeed, Her Majesty's Government's Better Regulation Task Force estimated that the EU was responsible for roughly 40 per cent. of all regulations affecting business. The relentless tide of EU regulations is getting worse, and despite what the Chancellor says and despite the Lisbon agenda, the situation is bleak.

I entirely accept that there are other drivers of regulation that affects business, including the Government's policy agenda. We have administrative creep in this country and government is growing larger by the week and the compensation culture is exploding. However, the biggest driver of all is gold-plating, although it is the most avoidable of all, too. As I mentioned briefly, gold-plating occurs when implementation in this country goes beyond the minimum necessary to comply with an EU directive. It can involve extending the scope of a directive by adding to its substantive requirements, or substituting wider UK legal terms for those in the directive. It can involve not taking advantage of derogations, or providing for sanctions, enforcement mechanisms and matters that go beyond the minimum needed, such as the burden of proof. Such things happen time and time again.

Let me give two quick examples. The Government implemented the EU part-time workers directive through the Part-time Workers (Prevention of Less Favourable Treatment) Regulations 2000. The EU directive stated that part-time workers must have the same rights as full-time workers, but left member states to decide how to implement the requirement. The UK regulations include a provision that UK firms must issue part-time workers who query their terms and conditions with a written statement setting out all reasons within 14 days. The British Chambers of Commerce argued that that was a classic example of gold-plating.

A further such example was discussed the other day. The artists' resale rights directive or, to give its French title, the droit de suite regulations, give living artists—it will eventually cover dead artists as well—a right to a percentage of revenue when their works are sold. The British Government said that they would oppose it, but unfortunately, the regulations got into the hands of an especially weak Department of Trade and Industry Minister in another place. The Minister spectacularly over-regulated, and instead of implementing the directive to the letter and sticking to what it strictly required, he ensured that the threshold for a work of art was not €3,000, but €1,000, thus drawing into the net huge numbers of extra businesses and items and completely contradicting the Prime Minister's and the Government's earlier campaign in Brussels to try to get the directive rejected.

Such gold-plating happens all the time, so what can be done about it? A Bill could be introduced to challenge gold-plating itself. My Bill would achieve that by introducing a right for businesses, individuals and public bodies to seek a declaration by the courts that UK regulations enacted under section 2 of the European Communities Act 1972 were ineffective to the extent that their provisions went beyond the basic minimum requirement under Community law. That would apply if the UK regulations contained extra and burdensome clauses beyond the requirements of Community law. Secondly, it would apply if other member states had not implemented certain provisions, and, thirdly, if other member states had implemented such provisions in a less burdensome way. Additionally, and importantly, similar legal challenges could be made under the Bill if the EU directive did not contain a sunset clause or specific cut-off date.

My Bill would force policy makers and civil servants to monitor closely what was happening in other member states. Above all else, it would help to change the whole culture of Whitehall and make that much more business-friendly. Rather than the UK habitually being the toughest and most pedantic implementer of EU regulations, we would thus actually move at the pace of the most dynamic and least regulated UK economy. That explains why the Bill is needed. It is not some back-of-an-envelope, here-today-gone-tomorrow, kite-flying ten-minute Bill, but a measure that is vital to the health and future of UK businesses.

The Bill has third-party endorsement. The Federation of Small Businesses says:

"This constructive Bill carries the support of the Federation of Small Businesses."

The Bill has the support of the British Chambers of Commerce, which says:

"The BCC believes that the measures contained in this Bill will go some way towards improving the regulatory culture in the UK".

It has the support of the Forum of Private Business, which says:

"This Bill will allow gold-plated regulations to be challenged and overturned ... This is fantastic news for smaller businesses".

The Bill also has all-party support and I commend it to the House.

Question put and agreed to.

Bill ordered to be brought in by Mr. Henry Bellingham, Sir Malcolm Rifkind, Mr. David Heathcoat-Amory, Adam Afriyie, Mr. Edward Davey, Mr. Philip Dunne, Mr. Mark Field, Mr. Nick Hurd, Miss Julie Kirkbride, Mr. Shailesh Vara, Angela Watkinson and Mr. Tim Yeo.

European Communities (Deregulation)

Mr. Henry Bellingham accordingly presented a Bill to make provision in respect of the effect on persons and businesses of regulations made under section 2 of the European Communities Act 1972: And the same was read the First time; and ordered to be read a Second time on Friday 20 October, and to be printed [Bill 183].

Orders of the Day

Northern Ireland (Miscellaneous Provisions) Bill

As amended in the Committee and the Standing Committee, considered.

New Clause 1

SUSTAINABLE DEVELOPMENT

'(1) A public authority must, in exercising its functions, act in the way it considers best calculated to contribute to the achievement of sustainable development in Northern Ireland, except to the extent that it considers that any such action is not reasonably practicable in all the circumstances of the case.

(2) For this purpose—

(a) a public authority must have regard to any strategy or guidance relating to sustainable development issued by the Department of the Environment, and

(b) a public authority other than a Northern Ireland department must have regard to any guidance relating to sustainable development issued by a Northern Ireland department other than the Department of the Environment.

(3) In this section "public authority" means—

(a) a Northern Ireland department,

(b) a district council in Northern Ireland, and

(c) any other person designated for the purposes of this section by order made by the Office of the First Minister and deputy First Minister.

(4) The power to make an order under subsection (3)(c) is exercisable by statutory rule for the purposes of the Statutory Rules (Northern Ireland) Order 1979 (S.I. 1979/1573 (N.I. 12)).

(5) Such an order may not be made unless a draft of the order has been laid before, and approved by a resolution of, the Northern Ireland Assembly.'. —*[Mr. Hanson.]*

Brought up, and read the First time.

1.18 pm

The Minister of State, Northern Ireland Office (Mr. David Hanson): I beg to move, That the clause be read a Second time.

Mr. Speaker: With this it will be convenient to discuss Government amendment No. 1.

Mr. Hanson: I hope that the new clause and amendment will find favour in the House because they will establish a statutory duty for sustainable development on public authorities in Northern Ireland. They will ensure that public authorities act in a manner that best contributes to the objectives of sustainable development. You may be aware, Mr. Speaker, that on 9 May my right hon. Friend the Secretary of State launched the Northern Ireland sustainable development strategy, which in itself establishes a framework and focus for tackling the challenges that lie ahead on sustainable development and environmental protection, to provide a better future for future generations in Northern Ireland.

It is self-evident that global warming is a continuing problem, and the Government and the people of Northern Ireland and the rest of the United Kingdom need to support measures that tackle the problem and make our communities more sustainable. There are certainly measures that we can take which will help to achieve those objectives and aims. Without a doubt, we need to look not only at our own lives, but at our public bodies and institutions to see how we can deliver a strategy to help us make more responsible choices on sustainable development. We need to take account of long-term sustainability. The Government are committed to that, and we need to ensure that we take a lead on that in government so that we meet sustainable objectives and set a framework to encourage others, particularly public bodies, to do so as well.

The new clause gives a power to the Secretary of State to put a statutory duty on public authorities. It sends a strong signal from the Government that we are serious about tackling global warming, encouraging sustainable development and making those objectives a reality, not just in government, but in other public bodies in Northern Ireland. The policy will allow for the transfer from the Department of the Environment to the Office of the First Minister and Deputy First Minister the ability to set sustainable targets. I shortly expect to consult further on what those targets and objectives should be.

Lady Hermon (North Down) (UUP): The Minister will be well aware that, in his home nation of Wales, the National Assembly has a statutory duty to promote sustainable development. Given that he has referred to the First Minister and Deputy First Minister of the Northern Ireland Assembly having the power to designate other public authorities, and in the light of his good wishes for the re-establishment—one hopes—of the real Northern Ireland Assembly, why is there no provision for the Assembly to have the duty that there is in Wales to promote sustainable development?

Mr. Hanson: The hon. Lady is accurate. The National Assembly for Wales has a statutory duty on that basis. My right hon. Friend the Secretary of State has shown, from the Government's perspective, that we wish to promote sustainable development. Subsection (3) allows for "public authority" to mean

"any other person designated for the purposes of this section by order made by the Office of the First Minister and deputy First Minister."

The Northern Ireland Assembly can consider that. The Government have tried to set down objectives for local authorities and other public bodies. We have left open the opportunity for other persons to be designated. If the Assembly wants to have a statutory authority, it can examine those matters and discuss them with the Northern Ireland team.

I commend the new clause and hope that it receives the support of hon. Members on both sides of the House.

Mark Durkan (Foyle) (SDLP): I offer a broad welcome to the new clause. There is strong support in the community for the active commitment that the Secretary of State in particular is showing to moving the sustainable development agenda forward. It is clear that the new clause spins out of the sustainable development strategy launched last week. The Government are moving quickly to translate their commitments into legislation. That is welcome. I note that that contrasts with the Government's long-standing

[Mark Durkan]

commitment to consider issues such as the powers of the Northern Ireland Human Rights Commission. They are still reluctant to address such things in the Bill, yet something new can quickly spin into it. Perhaps the Minister will address that.

Some of the details could be fine-tuned, in particular when it comes to putting things into practice. Hon. Members might know from what I have said before that I am not sure that putting sustainable development and its co-ordination into the Office of the First Minister and Deputy First Minister is the best way of ensuring that the necessary co-ordination takes place. There is already a clutter of responsibilities in that Department that are not easy to manage in terms of co-ordination and liaison. This could add to the difficulties.

My experience of the Office of the First Minister and Deputy First Minister working with other Departments is that things can be cross-cutting, but they do not achieve the benefits of cross-cutting co-ordination. I hope that there is enough room for us to revisit that so that the Assembly and a restored Executive can make the best, most competent and most appropriate provisions for a rigorous approach to sustainable development by Government and non-governmental bodies.

Mr. Nigel Dodds (Belfast, North) (DUP): I agree with the hon. Member for Foyle (Mark Durkan). Generally speaking, the new clause is uncontentious and will be broadly welcomed, but I want to tease out some details.

Sustainable development is new to the Bill and was not discussed on Second Reading or in Committee. One of the difficulties of a miscellaneous provisions Bill is that we might have to deal with things that come almost out of nowhere and at any stage, whether it is in Committee or on Report. Nevertheless, sustainable development and the aims for public authorities are laudable.

Subsection (1) states:

"A public authority must, in exercising its functions, act in the way it considers best calculated to contribute to the achievement of sustainable development...except to the extent"

this is what concerns me—

"that it considers that any such action is not reasonably practicable in all the circumstances of the case."

As we know, a get-out clause is always written in for such matters. What examples does the Minister have in mind? What circumstances could a public authority use as a means of avoiding action that it might otherwise take?

Mr. Hanson: Perhaps I can help the hon. Gentleman. The new clause is a framework clause to give the Secretary of State the power to set guidance for local authorities. It is the intention of the Secretary of State, via the Office of the First Minister and Deputy First Minister and myself, as the Minister responsible, to consult on a range of things to do with the implementation of the new clause in due course. There will be an opportunity for the specific targets and responsibilities of local authorities, and for the Secretary of State's relationship, to be determined.

Mr. Dodds: I am grateful to the Minister. He refers to something that I was going to explore: the purpose of the new clause. He talks of giving the Secretary of State certain powers. Perhaps he can clarify that. Is it not the case that, under the terms of the new clause, public authorities, whether they are Northern Ireland Departments or district councils, will immediately be subject to the duty? It does not require a further order by the Secretary of State. The powers that he is taking relate to introducing an Order in Council to allow the Office of the First Minister and Deputy First Minister to designate other bodies. That is significant because, when the new clause passes into law and receives Royal Assent, Northern Ireland Departments and local authorities will be subject to its provisions from that time forward, without the need for any further action. That is a major innovation .

1.30 pm

To my knowledge, there has not been much discussion in the council of which I am a member in Belfast about the duty and obligation that will be imposed. I would be grateful if the Minister would say what discussions have taken place with local authorities in Northern Ireland on that issue. What will the cost implications be for local authorities? What assessment has been made of that? We are all aware that all this is important, but clearly there are costs involved and it is important that we understand that, too.

Today we may pass legislation that is entirely laudable in its objectives, but people may come to us afterwards and say, "We could have done with a lot more discussion about what it will mean in practice." I invite the Minister to address some of those issues.

Mr. Alan Reid (Argyll and Bute) (LD): We certainly support new clause 1 and amendment No. 1. Sustainable development is clearly an important aim for public authorities and we support the Government placing a duty on public authorities to achieve sustainable development. I want to raise a similar issue. Are the Government considering placing a duty on public bodies to promote the shared future agenda? It is now over a year since the Government published their framework document, "A Shared Future". Although that document was strong on vision and principles, it was light on policy specifics. At that time, the Government made commitments to publish the first in a series of shared future action plans in the autumn of 2005. That is now well overdue. Although the Government have freely used the concept of the shared future in speeches, there seems to be a lack of specifics. Surely that should be a priority for public bodies in Northern Ireland. Perhaps the Minister can explain what the Government's intentions are on the shared future agenda.

Mr. Hanson: I am grateful for the broad welcome for the measure from hon. Members on both sides of the House. As I said, on 9 May, the Secretary of State outlined his vision of a sustainable development strategy for Northern Ireland. That backs up the Government's £59 million package of measures to help to support a range of initiatives on sustainable development in Northern Ireland. The principle today is that we give the Secretary of State a power to place that duty on local councils.

As I indicated in an intervention, I inherited the post of Deputy First Minister and First Minister a week ago following the internal reshuffle in Northern Ireland. It is our intention to look at how we can consult on the issues that the hon. Member for Belfast, North (Mr. Dodds) mentioned—the practicalities and what the duty means in practice. We want to ensure that we encourage local authorities and other public bodies to act in a sustainable way. That will include looking at recycling, energy conservation and a range of issues to help to build a sustainable Northern Ireland. I accept fully that there may in due course be cost implications. In due course, duties may be placed. It is my intention and that of colleagues, following the Secretary of State's announcement, to look at the issue of guidance and what the provision means in practice, and to issue that for consultation with local authorities as part of examining the matter in more detail.

Dr. William McCrea (South Antrim) (DUP): Can the Minister clarify subsection (1) of new clause 1, which states "A public authority must"—there is an imperative—

"in exercising its functions, act in the way it considers best calculated to contribute to the achievement of sustainable development",

There is a must and then there is a broad brush. They can do little, they can do much. It is as they believe best. Is that what this is about?

Mr. Hanson: That is a similar point to the one that was made by the hon. Member for Belfast, North. I intend in broad terms today to get the support of the House for a sustainable development strategy for Northern Ireland and for the measure to place a duty on local authorities to contribute to that. Having inherited this post some seven days ago, I want to consult on how that duty will operate in practice, what the relationship is and what the targets are. I want to examine that in detail so that we can get collective ownership of those targets, for the reasons that the hon. Gentleman mentioned.

I hope that it will be of help to the hon. Gentleman when I say that the Northern Ireland Local Government Association has been an active stakeholder and participant in helping to draw up the strategy that the Secretary of State launched on 9 May. The councils' living more sustainably working group has also been involved in the consultations to get us where we are. However, more guidance is needed. Today, I hope that the House will support the principle of sustainable development generally.

The Government take the whole question of the shared future programme and the "A Shared Future" document extremely seriously. I hope that the hon. Member for Argyll and Bute (Mr. Reid) knows that the Secretary of State in the past fortnight has relaunched that document. It is our intention, while we hold office in the direct rule Administration, to ensure not only that are we advocates for a shared future in Northern Ireland as a whole but that we look in detail at how to implement "A Shared Future" in government in Northern Ireland.

With the mini re-shuffle in Northern Ireland, I assumed responsibility for "A Shared Future" some eight days ago. I intend as part of the ministerial team to look at how, in what I hope will be the short time I hold this post in the Assembly, to drive forward that agenda to meet our objectives. We may disagree on this, but I believe that we cannot legislate for "A Shared Future" in that way but that we need to examine how we can put it into practice in due course. I will look at the strategy and take that on board. I am happy to discuss with the hon. Gentleman outside this place his party's views on that matter, as I am with any others, but the whole ministerial team is committed to ensuring that "A Shared Future" operates in practice.

The hon. Member for North Down (Lady Hermon) is right that Wales has Executive power vested in the National Assembly. As I have said, the new clause will allow for further public authorities to be designated for the purposes of the duty. I reconfirm that it is open to the Northern Ireland Assembly in due course to make those requests accordingly. I hope that the Assembly has an early opportunity to do that. I hope that hon. Members can support the new clause. I take on board the points that have been made, but hope that hon. Members will support it and await the guidance in due course.

Dr. Alasdair McDonnell (Belfast, South) (SDLP): I congratulate the Minister on his elevation to the post of First Minister. I hope that he brings the poise, charm and personality that he has shown in the past 12 months to that office, too.

Like my colleagues, I welcome the commitment to sustainable development but the biggest difficulty for me is the deep concern at the measure coming suddenly at us and perhaps us not having time to think it through. The biggest offenders in opposing or obstructing sustainable development in Northern Ireland are Government Departments, particularly the old Department of the Environment, which is now split up into the department of environment, the department of regional development and the department of social development. Will this legislation do anything to ensure that Government Departments, particularly the department of regional development, will use recycled building materials in Government contracts? Until now, Government have refused to allow recycled materials in Government contracts.

Mr. Hanson: I am grateful to my hon. Friend for his kind comments. I think that that is the nicest thing he has said to me all year and it is only the fifth month of the year, so we are doing quite well. From my perspective and that of the Government, the key objective of the Secretary of State in requesting this power and in promoting sustainable development is to examine the issues in terms of not just public bodies outside central Government but central Government themselves.

My hon. Friend made a suggestion with regard to recycled building materials. I am sure that such issues can be examined by Government Departments. We intend simply to put at the heart of government the question of sustainable development, including a range of measures on which central Government will work on over the next few weeks and months until the Assembly, I hope, takes on such responsibilities. We will use guidance and examination to encourage other public bodies to undertake such activity. Without commenting on specific proposals, I can tell my hon. Friend the Member for Belfast, South (Dr. McDonnell)

[Mr. Hanson]

that there is a central Government drive to create sustainability in central Government and other public bodies. We are open to suggestions as to how we achieve that, but it is imperative that we undertake such a drive. For the reasons that I have outlined, I commend the new clause and amendment to the House.

Question put and agreed to.

Clause read a Second time, and added to the Bill.

New Clause 3

CONDITIONS FOR DEVOLVING POLICING AND JUSTICE MATTERS

'(1) Amend section 4 of the 1998 Act (transferred, excepted and reserved matters) as follows.

(2) In subsection (2), for "subsection (3)" substitute "subsections (2A) and (3)".

(3) After subsection (2) insert—

"(2A) The Secretary of State shall not lay before Parliament under subsection (2) the draft of an Order amending Schedule 3 so that a devolved policing and justice matter ceases to be a reserved matter unless—

(a) a motion for a resolution praying that the matter should cease to be a reserved matter is tabled by the First Minister and the deputy First Minister acting jointly; and

(b) the resolution is passed by the Assembly with the support of a majority of the members voting on the motion, a majority of the designated Nationalists voting and a majority of the designated Unionists voting."

(4) In subsection (3), for "the draft of an Order before Parliament under subsection (2)" substitute "before Parliament under subsection (2) the draft of any other Order".

(5) After subsection (5) insert—

"(6) In this section "devolved policing and justice matter" means a matter falling within a description specified in—

(a) any of paragraphs 9 to 12, 14A to 15A and 17 of Schedule 3; or

(b) any other provision of that Schedule designated for this purpose by an order made by the Secretary of State."

(6) In this Part "the 1998 Act" means the Northern Ireland Act 1998 (c. 47).'. —*[Mr. Hanson.]*

Brought up, and read the First time.

Mr. Hanson: I beg to move, That the clause be read a Second time.

Madam Deputy Speaker (Sylvia Heal): With this it will be convenient to discuss the following: Government amendments Nos. 2 to 8.

Amendment No. 24, in schedule 2, page 23, line 32 at end insert

'provided that they have first secured the consent of the nominating officer of the political party to which each member belongs.'.

Amendment No. 14, in page 23, line 34 leave out from 'passed' to end of line 38 and insert 'with cross-community support'.

Amendment No. 26, in page 23, line 39 at end insert—

'(5) Standing orders may make further provision for the nomination and election referred to in subsections (3) and (4).'.

Amendment No. 27, in page 24, line 19 at end insert—

'or

'(d) he is dismissed by the nominating officer whose consent was required for his nomination under subsection (3) (or that officer's successor) and the Presiding Officer is notified of his dismissal.'.

Amendment No. 30, in page 24, line 25 at end insert—

'(10A) Where—

(a) relevant Ministerial offices have been filled by applying sub-paragraph 10(b); and

(b) a relevant Ministerial office is filled by a member of a different political party

all Northern Ireland Ministers shall cease to hold office and their Ministerial offices shall be filled by applying subsections (2) to (6) of section 18 within a period specified by standing orders.

(12) But where—

(a) a relevant minister was dismissed by the nominating officer who nominated him (or his successor); and

(b) the nominating officer of that party refuses to consent to the nomination by the First Minister and Deputy First Minister of every member of his party within a period specified in standing orders,

sub-paragraph (10A) shall not apply.'.

Government amendment No. 9

Amendment No. 15, in page 26, line 29 leave out from 'passed' to end of line 33 and insert 'with cross-community support'.

Government amendments Nos. 10 to 12.

Mr. Hanson: The Government new clause and amendments were tabled after our helpful discussions in Committee and on Second Reading and they deal with issues relating to the devolution of policing and justice functions. I shall speak first to new clause 3, then consider Government amendments Nos. 5, 6, 8, 9 and 11, which make related and consequential changes.

It has always been the Government's position that policing and justice can be devolved on a sustainable basis only with broad cross-community support. We have put in place a triple lock, as the Assembly must wish to have devolution, the Secretary of State must wish to agree it on behalf of the Government, and the House of Commons must approve it. Consistent with that position, it is our view that the support of the majority of sections of the community in Northern Ireland is essential if the devolution of policing and justice is to succeed. The amendments give legal effect to that position. New subsection (2A) inserted into section 4 of the Northern Ireland Act 1998 by new clause 3(3) accordingly provides that the Secretary of State shall not introduce an order to devolve policing and justice unless a number of caveats are in place.

First, the Assembly motion asking the Secretary of State to do that must be tabled by the First and Deputy First Ministers acting jointly. Secondly, that motion should receive support in the Assembly from a majority of designated Unionists and a majority of designated nationalists. Having listened to the discussion, it is self-evident that unless the Assembly has that support it is not worth considering forcing devolution on it. The

fact that under the amendments the First and Deputy First Ministers would have to introduce a proposal shows that a majority of community support is necessary. We want a majority of nationalists and designated Unionists to support it, too. New clause 5 (5) introduces a drafting change to that effect.

On Government amendments Nos. 2, 3, 4, 7 and 10, as my right hon. Friend the Secretary of State and I have made it clear during the passage of the Bill that it is the Government's intention to ensure that the Assembly has the greatest possible flexibility to determine the departmental models to oversee policing and justice.

Lady Hermon: Will the Minister clarify what precisely is meant by the triple lock? He referred to a cross-community vote in the Assembly, agreement by the Secretary of State and approval by Parliament. However, new clause 3 imposes another triple lock: the First and Deputy First Ministers act jointly, then a resolution is passed by the Assembly with cross-community support, then an order is laid before the House. What is the Secretary of State's role in that arrangement? Is it part of the triple lock or is it redefined, so that he is substituted by the First and Deputy First Ministers?

1.45 pm

Mr. Hanson: If the hon. Lady wishes to be pedantic, perhaps it is a quadruple lock. The Secretary of State and I seek a situation in which devolution of policing and criminal justice takes place following a cross-community vote among nationalists and Unionists in the Assembly in support of the proposal, which is then considered by my right hon. Friend or his successor, who agrees to recommend it as Government policy to the House of Commons, which must support it before it can take place. That is a triple lock. The hon. Lady wishes to make it a quadruple lock because there is a two-part assessment when the Assembly reaches its decision. However, I put it in the following terms: the Assembly; the Secretary of State; the House of Commons.

Sir Patrick Cormack (South Staffordshire) (Con): What happens if a designated Unionist does a back flip? Is he redesignated as another sort of Unionist, or does he remain a designated Unionist with his original label? I refer to current events.

Mr. Hanson: Current events are obviously extremely important and my esteemed colleague Eileen Bell, the Speaker of the Assembly, has sought legal advice on the matter. Lest I confuse any lawyers who are looking at the issue, it is best to allow that legal advice to be given so that Eileen Bell can make her judgment in due course.

Lembit Öpik (Montgomeryshire) (LD): The Minister will know that I have long been concerned about triple and quadruple locks because they can be manipulated, as the hon. Member for South Staffordshire (Sir Patrick Cormack) suggested. The Minister assured us in previous proceedings on the Bill that he would consult the parties about their preferred mechanism of election. Has he done so?

Mr. Hanson: Again, the purpose of the measure is quite simple. However we describe it, it is a simple process. The Assembly must submit a request to the Secretary of State asking for the devolution of policing. The Secretary of State must agree—presumably, that will involve discussion with Cabinet colleagues because he must make an assessment or political judgment as to whether he wishes to recommend it—and he must make a recommendation at the Dispatch Box to the House of Commons, which must support it before it can take place. That is a simple, straightforward process, as the Assembly, the Secretary of State and the House of Commons must secure approval for the proposal. I am certainly happy with our position, which I discussed with individuals when considering whether to table the amendments. I have tried to facilitate a procedure so that, should the Assembly wish to do so, it can advance the proposal in due course.

Mark Durkan: Does the Minister accept that talk of triple and quadruple locks involves double-speak? In the past, whenever the Democratic Unionist party referred to the triple lock that it says that it achieved in the comprehensive agreement, it meant that it could control whether or not there was movement on the devolution of justice and policing. It would be able to control the form of the Department and the appointment of Ministers. That triple lock is different from the triple lock outlined by the Minister.

Mr. Hanson: I hope that my hon. Friend accepts that we are at a stage where the Assembly does not formally constitute an Executive. There will not necessarily be movement towards that framework in the foreseeable future, so we will put in place such a framework. Neither he nor I know whether any movement towards devolved criminal justice and policing will take place before or after a further Assembly election. I cannot even envisage a situation in which I know who will be the First and Deputy First Ministers or which will be the majority parties in the Assembly when a decision is made to effect the devolution of criminal justice and policing.

Mark Durkan: Does that mean that further legislation on the matter might be needed?

Mr. Hanson: No. I am trying to put in place a framework so that when the Assembly wishes to do so, it can request devolution of criminal justice and policing. With due respect to my hon. Friend, he is over-complicating matters that are simple. I hope that, as ever, he will trust my judgment and relax.

Lady Hermon: May I convey to the Minister a point of reference? His colleague, the Secretary of State for Northern Ireland, gave evidence to the Northern Ireland Affairs Committee almost exactly a week ago, in which he referred to the triple lock on the devolution of policing and justice. He stated:

"It requires across community votes in the Assembly"—

that is precisely what he said. He went on to say that

"it then requires a Secretary of State to agree it, and Parliament to approve the necessary legislation."

[Lady Hermon]

At no stage was there any reference to the First and Deputy First Ministers acting jointly. *[Interruption.]* With great respect to those who are making comments from a sedentary position, they will get their opportunity later. Will the Minister elaborate? Did the Secretary of State know last week, when he gave evidence live to the Northern Ireland Affairs Committee, that there was a fourth element, or has the definition been changed within the week? As usual, the Northern Ireland Office moves with great speed on these matters.

Mr. Hanson: The hon. Lady will know that there was discussion of these matters in Committee and the Government have reflected on that. The new clause to allow the First Minister and Deputy First Minister to propose that change is important, but it does not change the balance of the argument. It would be strange if the Assembly voted to devolve criminal justice and policing, but the First Minister and Deputy First Minister were against it, as they will presumably be the leaders of the largest parties in the Assembly.

We have tabled the amendments and new clauses to support the wish of the Assembly for such devolution. I say again to all hon. Members that the Assembly must decide, the Secretary of State must agree and the House of Commons must support that process. That may happen at some point when the Assembly forms its Executive.

I shall make progress. During the passage of the Bill, my right hon. Friend the Secretary of State and I have made clear the Government's intention to make possible a range of departmental models for devolution of policing and criminal justice. Amendments Nos. 2, 3, 4, 7 and 10 support that objective. We discussed the Northern Ireland Act 1998 in detail in Committee and we considered a range of models in the Act for the devolution of policing and criminal justice. Section 16 of the 1998 Act permits the Assembly to create various forms of departmental responsibility. We have sought to broaden that choice through consultation on the Bill.

As hon. Members may recall, during the debate in the Committee of the whole House on 20 April, my hon. Friend the Member for Foyle (Mark Durkan) suggested that, notwithstanding the provisions of the Bill, there was at least one further model that had not been considered—a department of policing and justice that might be in the charge of a single Minister elected on a cross-community resolution of the Assembly, rather than appointed under the d'Hondt process.

I am pleased to tell my hon. Friend that his words of wisdom have been listened to by the Government and we have tabled an amendment which, I hope, meets the objectives that he set in the debate on 20 April. He will know, therefore, that on occasion the Government act in a comradely fashion with his party. I cannot help him on every occasion, but when I can I am pleased to do so, and I will labour the point to keep him on his toes. Amendment No. 3 provides for the new model. Amendments Nos. 2, 10 and 7 reflect that addition.

Amendments Nos. 14 and 15 were tabled by the Liberal Democrats. In Committee, I undertook to reflect on the points made by the hon. Member for Solihull (Lorely Burt) at the time. The Government's view is that a department of policing and justice with joint or rotating Ministers would bear a strong similarity to the office of the First Minister and Deputy First Minister, and correspondingly the requirement for cross-community support for those Ministers, set out in the Bill, reflects that for the First Minister and Deputy First Minister.

On reflection, I have concerns that that is a move away from the requirement for parallel consent from both sides of the community. Having considered the matter in detail, I have concluded that that support for any nomination for ministerial appointment to a department with devolved policing and justice functions that makes use of one of the models provided for in the Bill should continue to be required to secure parallel consent. This may disappoint the hon. Member for Montgomeryshire (Lembit Öpik), but it is important that we keep to the original principles.

As drafted, the Bill requires Ministers under the alternative models for the department of policing and justice to be nominated by the First Minister and Deputy First Minister, and for their nomination to be approved by the Assembly with the support of a majority of Members. The amendments give effect to that, on the basis of the 50:50:50 model.

The amendments tabled by my hon. Friend the Member for Foyle would remove the responsibility for nomination and subsequent dismissal from the First Minister and Deputy First Minister and put it in the hands of party nominating officers. I do not believe that to be workable or consistent. I am sorry that I cannot help my hon. Friend on this occasion and I ask him to withdraw the amendments, given that I have been able to help him in other respects during consideration of the Bill.

I hope that Members in all parts of the House will recognise that the amendments are the result of amendments tabled but not debated, discussion in Committee and representations made to me from all parts of the House relating to the devolution of criminal justice and policing. I commend the Government new clauses and amendments to the House and ask Liberal Democrat and Social Democratic and Labour party Members to recognise that I have moved some way and to withdraw their amendments accordingly.

Lembit Öpik: I listened with interest to the Minister and accept that he has provided us with a clear exposition of where he stands. He rightly highlighted the issues that we address in our amendments Nos. 14 and 15. The amendments were tabled in Committee, and in his reply the Minister said that he would reflect on them and discuss with political parties whether they wanted some flexibility in the voting arrangements. We appreciate that there has not been much time between Committee and Report for such discussions, but we re-tabled the amendments to give the Minister an opportunity to update the House. He has given his view, but I infer that he has not explicitly spoken with the parties.

I remind the Minister of his words. He said in Committee:

> "I am reasonably flexible in the matter. Although 50:50:50 was our original choice, the amendment would mean that there were two methods."

He is right about that. He continued:

"I have not discussed the election of a criminal justice Minister with any of the parties in Northern Ireland to take their views about what would be acceptable to the Assembly, but I am reasonably content to look into that possibility."—[*Official Report*, 20 April 2006; Vol. 445, c. 297.]

It is a small gripe, but I believe that, the Government having imposed the timetable on us, the Minister was obliged to undertake some consultation, and I am disappointed that he has not done so.

Mr. Hanson: We have been in discussion with parties on various issues. I hope that the hon. Gentleman will understand that there is a range of issues before political parties in Northern Ireland. The Bill is not necessarily at the forefront of everyone's mind, given the issues relating to the restoration of the Assembly. I am happy to discuss the matter with the parties, as I have said before. We have had some general consultations, I have reflected seriously on the matter and I hope the hon. Gentleman will accept my good faith.

Lembit Öpik: We differ on the judgment about the electoral system, but I shall not repeat the argument because the Minister has made it clear that he will not accept our suggestions, which is fair enough. We will not push our amendment to a vote on that issue, which simply involves a difference of view. My point concerns the process. The Minister knows about the frustrations when the Government impose and do not consult. Without being too heavy on him, I wish that the Government would be more assiduous in going through the consultation process after they have inferred in this Chamber that they will do so. I hope that the Minister will take that point on board, notwithstanding the difference of view on specific amendments.

2 pm

New clause 3 seems to insist that the devolution of policing and justice functions can occur only when the motion before the Assembly is laid jointly by the First Minister and the Deputy First Minister. That makes sense for the reasons that the Minister has outlined, as does the requirement that the motion should be approved by a majority within the Assembly as a whole.

The rest of the amendments seem to be largely technical. In his response to our brief debate, I hope that the Minister will clarify my concern about Government amendments Nos. 4 and 6. Does the consequence of those amendments limit the ability of the political parties to decide the shape of any department of policing and justice, and do those amendments mean that there can be only one department that incorporates policing and justice functions?

Mr. Hanson: I assure the hon. Gentleman that the Assembly has full flexibility to determine which model it uses. All I am trying to do is provide the broadest possible menu, to which I have added one additional option with the help of my hon. Friend the Member for Foyle.

Lembit Öpik: The Minister's intervention is helpful, because the record will show that those amendments do not prohibit the setting up of separate departments for policing and for justice, if that is what the Assembly wants to do. I have no reason to think that the Assembly wants to do that, but it would be in keeping with the spirit of giving the Assembly the right to organise its devolved processes not to preclude that option. I thank the Minister for that clarification.

The SDLP amendments seem to make sense. One might think that it goes without saying that the First Minister and Deputy First Minister would not nominate a person for ministerial office if that person's political party did not want them to take up that position. Given the history of politics in Northern Ireland, however, we know that anything is possible. I look forward to further clarification from the SDLP spokesman, whoever he may be, but I am sympathetic to the common-sense position adopted in the amendments because, as we all know from painful experience, when it comes to some matters relating to Northern Ireland legislation, sense is not common.

Mark Durkan: I will raise our concerns about new clause 3 and some of the Government amendments and our support for some of the other Government amendments, but first I shall speak in favour of our amendments Nos. 24, 26, 27 and 30. Furthermore, we will lend our support to Liberal Democrat amendments Nos. 14 and 15, at least in terms of this debate.

Our amendments aim to address a fundamental unfairness in the legislation. The starting point for understanding our amendments is the Northern Ireland Act 1998, which implemented the d'Hondt system in the Good Friday agreement. Under the 1998 Act, the nominating officer of each party, who is usually the party leader, appoints Ministers, and they have the power to fire those Ministers, unless, of course, the Assembly chooses to exclude Ministers from office for particular reasons.

By contrast, under the system in the Bill, the First Minister and Deputy First Minister would choose the justice Ministers. If they wanted to do so, they could nominate a member of another party, perhaps even against the wishes of that party's leader, which happens from time to time in politics. In southern Irish politics, there is the famous example of Charlie Haughey appointing a member of the Fianna Fail parliamentary party to be European Commissioner to force a by-election to convenience himself.

Mr. Peter Robinson (Belfast, East) (DUP): There was also the Speaker in the previous Assembly.

Mark Durkan: As the hon. Gentleman has said, that also happened in the previous Assembly with the post of Speaker, when issues went on inside a particular party. On that occasion, Caesar did in Brutus, but such events have occurred for calculated reasons.

We must remember that the Bill provides that a ministerial appointment will count against the party whose member is appointed a Minister for the purposes of the d'Hondt system. The parties would therefore be denied their own legitimate and proper choice under the d'Hondt system by virtue of the First

[Mark Durkan]

Minister and Deputy First Minister perhaps selecting somebody from another party without the agreement of that party or that party's leader through the use of the parallel consent mechanism. That is fundamentally unfair, and it goes against the grain of the Good Friday agreement in terms of inclusion and the choices that rest with parties. It is a return to the principle of parties not being able to vet or veto each other's appointments.

Amendment No. 24 seeks to address that matter by stating that the First Minister and Deputy First Minister may nominate a person for the justice portfolio only with the consent of that party's nominating officer. So, contrary to what the Minister has said, we are not in the business of denying the First Minister and Deputy First Minister any role in the matter. We say that the First Minister and Deputy First Minister should only be able to nominate for the police and justice portfolio with the consent of a party's nominating officer, given that that party's d'Hondt quota will be affected and that its ranking of choice under d'Hondt will be materially affected.

Amendments Nos. 24, 26, 27 and 30 apply only to joint Ministers, as they are currently drafted. However, I contend that the same approach should logically apply to rotating Ministers, for which the Bill provides, or, indeed, to a Minister elected with parallel consent, which is covered by the Government amendment that the Minister discussed earlier.

Amendment No. 26 makes a consequential amendment to allow the standing orders to permit the nomination and election of joint justice Ministers. That would be helpful to ensure clarity on procedure in the same way as the standing orders for the Assembly under the Northern Ireland Act 2006 provide helpful procedural clarity on, for instance, how to manage if two sets of people are proposed as joint Ministers.

Amendments Nos. 27 and 30 address the dismissal of a Minister. As has been said, Ministers appointed under the d'Hondt system are appointed by, and may be dismissed by, the leader of their party—the Assembly may also choose to exclude them. Under the Bill, the First Minister and Deputy First Minister have the sole power of dismissal, although holding ministerial office counts towards a party's d'Hondt entitlements. Even more significantly, the Bill is wide open for abuse, because it specifies that holding office as a junior Minister counts towards a party's entitlements under d'Hondt.

The First Minister and Deputy First Minister could appoint a member of another party, using the votes of their own parties under parallel consent to secure that appointment, only to dismiss them and vote in a member of one of their own parties instead after the d'Hondt system had been run for other ministerial offices.

Mr. Dodds: I am trying very hard to follow the hon. Gentleman's reasoning, which involves a lot of hypotheticals. As the hon. Gentleman deals with the minutiae of the mechanics of the appointment of a possible Minister, will he accept that the situation is surreal, because the prospect of the community having any confidence in the devolution of policing and justice powers in Northern Ireland is remote? We should consider the matter in that context.

Mark Durkan: The hon. Gentleman makes his point. That may well be so, but the fact is that we are faced with this Bill, which is asking us to arrange the furniture in what may be castles in the air. That is the nature of the legislative exercise that we are undertaking. The Minister has indicated on several occasions that some of this goes back to previous discussions—perhaps more of that anon.

Under the Bill as it stands, the First Minister and the Deputy First Minister, who would clearly be from Sinn Fein and the DUP on current numbers, can appoint somebody from another party. They can vote that person into office using their own votes under parallel consent against the wishes of that party, thereby altering its d'Hondt entitlements. They can then subsequently fire that Minister or those Ministers and replace them with somebody from their own party, and the party that originally lost out under d'Hondt still loses out. It gets fewer Ministers than it is entitled to under d'Hondt by virtue of the First and Deputy First Ministers using the power that the Bill gives them. That is fundamentally unfair. The problem with the Bill is that control is given solely to the parties of the First and Deputy First Ministers, not to the Assembly or to anybody else.

Mr. Peter Robinson: Let me try to clarify something. I understood the hon. Gentleman to have said that if the First and Deputy First Ministers were to appoint a member of another party without the approval of that party, that would use up one of their d'Hondt entitlements. Where does he see that?

Mark Durkan: If the hon. Gentleman reads the schedules, he will see the various permutations that are offered for joint Ministers, rotating Ministers or any other types of Minister, all of whom have to be appointed before d'Hondt can be run. Schedule 2 provides that the d'Hondt arithmetic will already count the holding of a justice ministerial office as the holding of a ministerial office. Under the M plus one formula, when d'Hondt is run, M will include a justice ministerial office already held whether under rotating junior and senior or joint ministerial offices. That means that if Sinn Fein and the DUP appoint their own party members as joint justice Ministers, they will lose their first entitlement under d'Hondt. I am surprised that the hon. Gentleman does not know that. I remember that when he asked the Minister on Second Reading whether it would count towards d'Hondt, the Minister was unable to provide the answer, but the schedules make it clear that it does.

It could well be that Sinn Fein and the DUP do not want to use up their first entitlements under d'Hondt by appointing members of their own parties to be joint or rotating justice Ministers. They may pull the stroke of trying to appoint people from other parties to those Ministries in order to preserve their own d'Hondt entitlements and reduce the d'Hondt ranking preferences of other parties, and then, at a subsequent date, use the powers in the Bill to dismiss those Ministers from other parties and replace them with members of their own parties, thereby securing more than their own d'Hondt entitlements and denying other parties their entitlements. That abuse is wide open and available under the Bill as it stands.

Mr. Gregory Campbell (East Londonderry) (DUP): Like other hon. Members, I have endeavoured to follow the hon. Gentleman's logic. Is it not all predicated upon a Member who has been nominated by the nominating officer of another party voluntarily indicating that he or she wishes to be nominated? That was not the position that the hon. Member for South Down (Mr. McGrady) took whenever he was nominated by his party leader but declined. If someone declined, the situation would not materialise.

Mark Durkan: The hon. Gentleman is wrong about that. Under the Bill as it stands, even with the new Government amendments, no consent whatsoever is required from the nominating officer of the party.

Mr. Campbell: I said consent from the Member nominated.

Mark Durkan: Indeed—the consent of the Member nominated. That applies on a standard basis under d'Hondt. The First and Deputy First Ministers from Sinn Fein and the DUP might well hope that they can inveigle Members from other parties to take such posts against the wishes and advice of their own parties. They can vote them into post, even against the votes of their own party, and still deny that party its entitlements under d'Hondt.

2.15 pm

Dr. McCrea: Is not the hon. Gentleman casting aspersions on his own Members? Is he afraid of them turning Turk and taking a post that he does not want them to have?

Mark Durkan: I am certainly not afraid of that. I have doubts and worries about other parties, given the rate at which the DUP has been able to inveigle defections and all sorts of disloyal activities in other parties. That is where I have my doubts. I would also note the Alliance party's occasional proclivities for running after a post that might happen to become available.

We need to ensure that nothing in the Bill creates new difficulties and unfairnesses. The Bill as it stands, even with the Government amendments, does create an unfairness. As things stand, the First and Deputy First Ministers can bring about a situation whereby their parties hold the first ministerial and deputy first ministerial offices and the justice ministerial office, as well as other ordinary ministerial offices, as though they did not hold the justice ministerial office. If the Government are serious in their intent to ensure that the justice ministerial post counts properly towards d'Hondt and does not materially affect or prejudice any party's d'Hondt entitlement, they should be prepared to accept amendments Nos. 27 and 30, which seek to rectify that possibility.

Amendment No. 27 would strike a compromise that is contrary to the Minister's suggestion that we are trying to strip the First and Deputy First Ministers of any role in the appointment of justice Ministers. It would provide that the nominating officer of a party can dismiss a justice Minister from his party, just as the party leader can for ministerial offices allocated under d'Hondt. By way of compromise, we would also allow the First Minister and Deputy First Minister to dismiss a justice Minister, even one of another party. However, amendment No. 30 would provide an important safeguard. If they dismiss a justice Minister and replace him with a Minister from a different political party from that of the outgoing justice Minister, d'Hondt has to be re-run for ordinary ministerial offices as well. That would build in a protection against abuse by removing the temptation for it—likewise, for example, if the Assembly or the First Minister and Deputy First Minister refused to support the replacement that a party leader would want where a vacancy arose because of the resignation or death of a justice Minister from that party.

I accept that it is important to guard against a party leader trying to abuse the system by then sacking his own justice Minister and refusing to allow the First Minister and Deputy First Minister to nominate anybody at all from their party so as to trigger a rerun of d'Hondt for all ministerial offices. I am seeking to prevent the temptation for abuse and tactical manoeuvres by the First and Deputy First Ministers and by party leaders.

Mr. Hanson: I would say to my hon. Friend—I mean this in the nicest possible way—that we are in danger of legislating for every single possibility. I am trying to put in place mechanisms for the devolution of police and criminal justice that have the broad support of the Assembly and provide an opportunity to appoint Ministers. He may be looking at this in too much detail.

Mark Durkan: In that case, I would ask the Minister why we are dealing with any of this legislation at all. We are dealing with issues of permutations. When other parties are insisting that they need safeguards and triple locks to protect them from all sorts of perils, is it not right that we who are here to legislate on these matters should ensure that we do that properly, so as to prevent unintended problems and contrary effects to those that the Government claim to intend?

We have tabled amendments that would avoid re-running d'Hondt on a tactical basis by parties. That would mean that the First Minister and Deputy First Minister could nominate a person from a different political party, without the inconvenience of re-running d'Hondt for ordinary ministerial offices. I ask the Government to reflect on our amendments, even if they do not accept them now. Perhaps they will consider introducing their own amendments elsewhere that would have a similar effect. They would protect the integrity of what the Government say that the Bill is trying to achieve, namely to provide arrangements for a menu of options from which to appoint justice Ministers without doing any damage to the basic architecture of the inclusion formula in the Northern Ireland Act 1998.

I also want to express our support for the Liberal Democrat amendments Nos. 14 and 15. They would make it clear that justice Ministers could be elected by cross-community consent, in contrast to the present requirement for parallel consent alone. The Good Friday agreement and the Northern Ireland Act 1998 provide for only two occasions on which parallel

[Mark Durkan]

consent alone is required: the election of the First Minister and Deputy First Minister, and in the context of the special equality procedure. We see no reason why that especially high threshold should be required solely in those circumstances.

We are obviously not content with the Government's new clause 3 and consequential amendments Nos. 5, 6, 8 and 9. Section 4 of the Northern Ireland Act already states that devolution of any additional functions cannot occur without prior Assembly cross-community support. However, new clause 3 proposes that additional requirements be introduced only for policing and justice. The First Minister and Deputy First Minister must pray that the matter be devolved, and a vote by parallel consent—and only by parallel consent—must also take place. For no good reason, that is being required here. But perhaps there is a bad reason, and perhaps this goes back to previous deals and understandings.

After the comprehensive agreement in 2004, the hon. Member for Belfast, East (Mr. Robinson) boasted:

"The Comprehensive Agreement is merely the core of the proposals which we have accepted but is also augmented by over a hundred clarificatory answers, notes and letters."

The Government have refused to publish those documents, despite their assurance to the House on 18 April that

"the talks will be genuinely all-party. Whatever happened in the past, and whatever the arguments about that are, given the distrust that has set in over the past couple of years, we cannot proceed without all-party, inclusive negotiations."—[*Official Report*, 18 April 2006; Vol. 445, c. 27.]

How inclusive are more than 100 side deals and secret understandings with the DUP and, presumably, Sinn Fein that the rest of us are not allowed to see? Are these proposals the by-product of them? There seem to be clear indications that that is the case. Martin McGuinness is on public record as saying that the whole issue of how the devolution of justice and policing was to be dealt with was all done and dusted in the negotiations in the run-up to the comprehensive agreement. Are we now seeing the result of all that doing and dusting here in the legislation? Is that why the Minister cannot accept even a straightforward amendment such as the one tabled by the hon. Member for Montgomeryshire (Lembit Öpik)?

Lembit Öpik: In the hon. Gentleman's opinion, would it be helpful if the Minister could give a categorical assurance, for the record, that no side deals were involved in the formulation of this element of the Bill and the Government's amendments to it?

Mark Durkan: It would be helpful and interesting if the Minister could do that. Whether it would be convincing is another matter.

Mr. Hanson: I hope that the hon. Gentleman will take this in the spirit in which it is intended: I have made no side deals on this matter.

Mark Durkan: I know exactly the spirit in which that was intended, and I take the Minister's assurance in exactly those terms.

Why will not the Government lay in the Library all the other commitments that they have given in this regard, so that the rest of us can at least see what they are and, if necessary, debate them in the Chamber? A member of the SDLP sought under the terms of the Freedom of Information Act 2000 to gain sight of the various side deals, many of which presumably affect strand 1 institutions and matters such as the devolution of justice and policing. However, we were denied sight of any of those documents on the ground that their disclosure might colour or jeopardise the Government's relationship with the Irish Republic. Yet they deal solely with strand 1 matters, which the DUP says that it is very good at safeguarding, saying that there is no Irish Government interest or input in them. We cannot have sight of any of the deals that were, according to Sinn Fein, done and dusted, and that obviously matter so much, according to the hon. Member for Belfast, East, on the ground that they affect the relationship with the Irish Government.

We as legislators have the right to know where all this is coming from, as well as wanting to see where it is all going to. The SDLP wants a process of equals, because that is the only way to build trust. It is the only way to make progress. That is why we ask the Government to live up to the commitment that they made to inclusive negotiations in Parliament this month, and to let all see all.

The Minister will be glad to hear that, by contrast, the SDLP is happy to support Government amendments Nos. 2, 3 and 7. These allow for the possibility of a single Minister to be elected by cross-community support and by parallel consent. That said, that might not be our preferred option for the appointment of a justice Minister. However, if the point of the Bill is to provide for a menu of options from which the parties may choose, that option should be included.

The reason for all this difficulty, and the reason why nearly all of us have been caught trying to put the cart before the horse, is that the Government have launched us into legislating for these options at a time when the parties have not been truly negotiating and debating them. That is why the Minister is having difficulty in presenting the Bill, and why the rest of us are having difficulty in presenting our amendments.

We say again, however—as we have in our support for the Liberal Democrat amendments Nos. 14 and 15—that the vote should involve either version of cross-community support, and not parallel consent alone. We also have difficulties with Government amendment No. 4, which limits to one the number of Departments that have joint, rotating or single cross-community elected Ministers. We do not want more joint Ministers in more Departments, but the Government have gone too far in removing the possibility that, if the Assembly decides on two separate Departments for justice and policing, there could be a single Minister in each Department, elected by cross-community support. Again, I must stress that we are not advocating two separate Departments, but that might be a choice that the Assembly wishes to make. If two Departments were created under d'Hondt, we do not see why the same should not be

done if the Assembly decided to have single Ministers in separate Departments voted in by cross-community support.

The Minister has stressed that he wants the legislation to go forward. We have some difficulties with it, but we are not going to create more difficulty for him or for anyone else. We ask that he considers carefully the points that we have made. I have answered his unfair misrepresentation of our amendments as having the effect of removing completely powers from the First and Deputy First Minister in respect of justice Ministers. We are trying to get a balance of responsibility and rights between parties, and between the First and Deputy First Minister. I therefore commend our amendments, and the spirit of them, to the Minister for further consideration.

2.30 pm

Mr. Peter Robinson: I bet that the hon. Member for Foyle (Mark Durkan) spends his leisure moments watching "The X Files" or perhaps "Trainspotting". He has taken us beyond what my hon. Friend the Member for Belfast, North (Mr. Dodds) described in terms of a situation that is difficult to comprehend, with an enabling Bill and the particulars of unforeseen circumstances. Instead, the hon. Member for Foyle was able to offer us a series of possibilities. I intervened on him to point out that the d'Hondt mechanism would not be affected in all circumstances, but given that he was able to go on at such length on matters that will not necessarily occur, I was afraid to intervene further to tell him what those circumstances might be, as he could have gone on for at least another half-hour.

The reality is that there are circumstances in which policing and justice can be devolved without d'Hondt being affected. If the trainspotter who prepared the script for the hon. Gentleman has not noticed that, however, I will not draw it to his attention until much later, even if he asks me. I will put it alongside the more than 100 understandings that we had. Perhaps he can get one of his colleagues to make a written request for it under freedom of information.

Mark Durkan: Does the hon. Gentleman accept that there are circumstances under which d'Hondt is clearly affected? Has he read the schedules?

Mr. Robinson: I do not need to read the schedules. It is clear from the Bill that there are circumstances in which d'Hondt would be affected. If the hon. Gentleman really believes, however, that the First Minister and Deputy First Minister will put the most important and powerful role in the land in the possession of a member of another political party, I am afraid that he has not been involved in the same kind of politics as me. No First Minister and Deputy First Minister are likely to hand over the role of policing and justice Minister to someone in an opposition party. That is just not real politics.

I welcome some of the amendments put tabled by the Government, especially new clause 3 and amendment No. 3, which are useful.

Mr. Eddie McGrady (South Down) (SDLP): On a point of clarification, the hon. Gentleman said that we were in fantasy land if we believed that the First Minister and Deputy First Minister would give a serious portfolio to the opposition. First, can he define whom the opposition are? Secondly, in parallel, would either a member of the First Minister's party or the Deputy First Minister's party—that is, a member of the DUP or Sinn Fein—be acceptable to him as a nominee for the justice Minister's position?

Mr. Robinson: I assume that the opposition parties would be those other than the parties taking the decision. The coalition referred to is mandatory, not voluntary. In the previous Executive, every party was in opposition to every other party. In the Assembly, Ministers voted against legislation brought forward by other Ministers. We had a bizarre set of circumstances.

Dr. McCrea: Before my hon. Friend moves on, may I suggest to him that SDLP Members should be assured that the possibility of a Sinn Fein member being accepted in such a post is far-fetched?

Mr. Robinson: I certainly concur with my hon. Friend. Indeed, the hon. Member for South Down (Mr. McGrady) will have heard me say, when the Bill was previously considered in the House, that I could not envisage that happening in my lifetime. I am always happy to be surprised about such matters, but the key issue is that the community must be satisfied. I do not believe that the community would be satisfied if people who are associated with those who are involved in terrorism, and who have a history of such involvement, were responsible for policing and justice.

The bizarre nature of the debate has become even more difficult because of the decision by the party of the hon. Member for North Down (Lady Hermon) to enter into a formal relationship with a party that speaks for an illegal organisation. I am sure that she supports her leader in his decisions, but I know that the community that I represent cannot understand the Ulster Unionist party's decision to have a formal relationship with the party that speaks for the Ulster Volunteer Force.

Sammy Wilson (East Antrim) (DUP): Does my hon. Friend accept that, to be fair to the hon. Lady, she is on record, two days before—

Madam Deputy Speaker: Order. We are now going rather wide of the debate on the amendment.

Mr. Robinson: It is actually a critical issue, because the way that policing and justice powers will be devolved to Northern Ireland will put such powers in the hands of the Assembly, where there is now a mountain to climb. The criterion that we have consistently adopted is that we could not be in government with those who are linked to parties involved in paramilitary and criminal activity. Out of the blue, the hon. Lady's party has decided to put itself in that position, having condemned Sinn Fein—*[Interruption.]* I will give way to her if she wants to speak on the issue.

Lady Hermon: That is enormously kind and generous of the hon. Gentleman. He and his colleagues will know that I do not, unlike them, hold a dual mandate. I am not a Member of the Assembly, but only of this House. I was not a party to the decision taken by my colleagues in the Assembly. That decision caused me deep distress. However, having said that, I believe, having had a long conversation last night with my party leader, Sir Reg Empey, that this might allow him an opportunity to exercise leverage on loyalist paramilitaries. It was perfectly obvious that the Northern Ireland Office has no strategy to bring about loyalist decommissioning. If Sir Reg is able to establish now a policy to bring about loyalist decommissioning and prevent any more murders, such as that of Lisa Dorrian in my constituency, that would be worth while. Apart from that, I am deeply distressed by the decision of my party colleagues.

Madam Deputy Speaker: Order. Can we now speak more in generalities than specifics? I accept what the hon. Lady has said, but perhaps we can now continue with the debate.

Mr. Robinson: I thank the hon. Lady for making her personal position clear, and I know that when she has the opportunity to speak to her party leader she will remind him that that was not the reason that he has given publicly for his decision. It was a self-serving reason—or at least he thought that it was—as he thought that his party would get an additional ministerial post. However, he will find that that might not work out as he expected.

To return to new clause 3, policing and justice issues are of such importance that if they are to be devolved to a Northern Ireland Assembly, it is imperative that there is not just general support in the Assembly but, as under the previous legislation, cross-community support.

According to the definition of cross-community support in the earlier legislation, 40 per cent. of votes from one section of the community would have been sufficient. Policing and justice powers could have been devolved even if the majority of the Unionist community, for instance, did not support it. The Government new clause and amendments remedy that in two ways.

The first relates to the parallel methods of securing cross-community support in the Assembly. That support can be secured through an overall majority of Assembly Members, no fewer than 50 per cent. being from the Unionist community and no fewer than 50 per cent. being from the nationalist community. Alternatively, it can be secured through an overall majority, at least 40 per cent. being from either the Unionist or the nationalist community. In new clause 3, the Government specify the former method. There must be an overall majority, and a majority of both nationalists and Unionists. That should ensure real cross-community support: substantial support for the devolution of policing and justice powers in both communities, rather than a majority in one community and a minority in the other. The Government have made a sensible decision, establishing at least one lock for the Northern Ireland community.

The second lock relates to the First and Deputy First Ministers. In practical terms, it would be absurd to provide for circumstances in which the Assembly might decide to devolve policing and justice powers without their consent. The Government have provided for practical circumstances, and for the further lock that my colleagues and I requested. In the comprehensive agreement proposals published by the Government, it was accepted not just by Her Majesty's Government but by the Government of the Irish Republic, and I assume that Sinn Fein approved of it as well—although I cannot say for certain, because we were not speaking to Sinn Fein.

When I mentioned the desirability of this further lock to the Minister on Second Reading and also, I believe, in Committee, he responded that no mischief had been intended by its omission. We attributed its absence to a drafting blip. I am glad that that has now been remedied, and that both those locks are in the Bill.

It is true that there are two further locks, but they are not locks on which the Northern Ireland community would rely on very strongly. The fact that the Secretary of State must give his approval will not engender a great deal of trust and enthusiasm in the Unionist community nor will the need for the approval of the House, which has passed much legislation that has not been supported by the overwhelming majority of people in Northern Ireland. Those two locks may be important to the Government and the House, but they are not as important to the people of Northern Ireland as the first two locks. The first two locks are to the advantage of Unionist and nationalist alike. No Assembly Member need fear that anything will be foisted on the Assembly before the community is ready, and before the Assembly is ready to take its responsibilities. It would be wrong to put such important powers in the hands of an Assembly that was not ready to accept them. I trust that no nationalist or Unionist will dispute what the Government have done, but essentially we are talking about two double locks rather than a quadruple lock.

My second point is that because policing is such an important issue, it may be said to have an important context even before the devolution of policing and justice powers. My right hon. Friend the Member for North Antrim (Rev. Ian Paisley) is quoted as having said at the weekend that it was imperative for those who are part of an Executive in Northern Ireland to give their support to policing in Northern Ireland. The point has also been laboured—if he will forgive me for saying so—by the shadow Secretary of State, the hon. Member for Aylesbury (Mr. Lidington). Whenever he has explained what is necessary, he has specified that essential requirement.

2.45 pm

It is hard for anyone who reads about democracy in the text books to believe that someone could be part of an Executive, part of the Government of a country, without supporting the law enforcement agency of that country. It is still harder to believe that a member of an Executive would not support, and in many cases would not even recognise, the courts. That is not a proposition that anyone could seriously contemplate. Anyone who wants to be part of Government in Northern Ireland

must be determined to urge people to give evidence to the police if they witness events, to contact the police if they are in need, and to encourage the police to operate freely in their areas. That is essential.

My right hon. Friend the Member for North Antrim rightly said that merely joining a police force would not be seen as giving support to the police, and that simply signing up to the devolution powers would certainly not be seen as such. Tangible support will consist of Assembly Members' urging those over whom they have influence to support the police, join the police, give evidence to the police and ask the police to go into their areas.

Sammy Wilson: That condition has pertained since 1998, but has not yet been met by members of Sinn Fein. It is entirely wrong for the Secretary of State to describe it as a new condition.

Mr. Robinson: I have not heard the Secretary of State say that, and if he believes it to be a new condition, I am surprised that he has not been better briefed. My colleagues and I have often mentioned the issue in the House, so there is nothing new about it.

We are now reaching a stage at which we want to make very clear the particulars of what giving support to the police, and to our judicial system, means in Northern Ireland. I trust that those with aspirations to be in Government recognise that it would be inconsistent with that position to be part of an organisation that does not recognise the courts, and will not recognise or support the police. Even worse, a policy document from Sinn Fein that we received fairly recently did not merely suggest that Sinn Fein did not support the police, but argued that its members should go out and protest against them actively. There is a long road to travel.

I think that that demonstrates how difficult it will be for people to come to terms with the devolution of policing and justice powers, and why it will be necessary for Sinn Fein in particular to convince the community in Northern Ireland that it supports law and order and wants the police to be able to operate freely in all parts of Northern Ireland.

Dr. McCrea: As my hon. Friend will know, reports from the Independent Monitoring Commission and from those on the ground acknowledge the existence of a continuing serious threat from the Continuity IRA and the Real IRA. Does he accept that anyone holding ministerial office in any Executive will have to support the police force in the execution of its duty, and support the forces of law and order in the defeat of terrorism? Terrorism has been the scourge of Northern Ireland for so many years that we cannot be ambivalent about the future.

Mr. Robinson: I do indeed accept that. Difficult decisions would have to be made if Sinn Fein did support the police. It would have to be asked whether the community were confident that policing and justice powers had been devolved, and whether Sinn Fein should have any role in that. I cannot envisage such circumstances, but my hon. Friend tempts me to consider what situation Sinn Fein might face. It might well face the situation faced by a Minister in the Republic—in the Home Office, or whatever it was called in those days—who, having been in the Provisional IRA, had to line up some of his former colleagues who had continued in the war after he had taken up his democratic position, and have them shot. There would be hard decisions for any member of Sinn Fein to take in those circumstances, but I must point out to my hon. Friend that I cannot envisage them arising immediately.

Rev. Ian Paisley (North Antrim) (DUP): Is it not a fact that Mr. De Valera had to do the same with his own people? Did not the first Prime Minister of the Irish Republic make a statement in which he said that there cannot be two police forces or two armies? He said that one police force—the police force of the state—was to be recognised, and that all others were to be rejected, and that if they were not rejected by the people, they, as the Government, would reject them and remove them.

Mr. Robinson: My right hon. Friend is correct, and that is the position that the Government of the Irish Republic adopt to this day. Indeed, it is one reason that the Justice Minister of the Irish Republic, Michael McDowell, gave for not countenancing Sinn Fein's participation in government. He said that, while they retain a link with the Provisional IRA, one could not have two armies in the Irish Republic. However, there is a certain hypocrisy on the part of the Irish Republic, in that they are expecting us to do something that they are not prepared to do.

The intervention of my right hon. Friend the Member for North Antrim (Rev. Ian Paisley) reminds me of *The Irish Times* article by Dermot Ahern, which was immensely insulting to the community in Northern Ireland. In essence, he said that these principles can be applied to us, but that they certainly cannot be applied in the Irish Republic. The attitude was, "Anything is good enough for those people up there." The general attitude adopted by the Irish Republic's foreign affairs Minister seemed to be, "We cannot have Sinn Fein in government, but those people up there should have them because they do not have a normal society." They could not allow Sinn Fein to have any responsibility for policing but, of course, we can. However, if we are coming out of conflict, the need for stable institutions is all the greater. It is all the more important for people to have confidence in our security forces, the police and the justice system.

So policing is a critical issue, which is why the Minister, in providing these enabling powers, should not get carried away with the prospect of their being taken up immediately. His offer might lie on the table for some time. That said, I do welcome the further option that he provides in amendment No. 3, which allows the First Minister and Deputy First Minister to create a policing and justice department—set up by their nominee—if the proposal is supported by a cross-community vote in the Assembly. That is another option; however, no one knows whether that or any of the other options will be taken up. The hon. Member for Foyle (Mark Durkan) could well be right: a new idea might arise in the weeks, months and years before this event comes about, and the Government may well have to come back with more legislation.

[Mr. Peter Robinson]

I would be more content if the Government focused on what is possible, rather than on what is practically impossible at the moment. I welcome the prospect of the Northern Ireland Assembly being brought out of suspension, if events go as well as the Government and my colleagues and I hope. Although the Assembly created under the 2006 legislation is not running, it is certainly up. I trust that the position of the Social, Democratic and Labour party—which is willing to participate, to discuss these issues and to put them before the Government—will be taken on board, because it is largely the same as that adopted by me and my colleagues. We do not want to be part of a talking shop. That said, we do want to talk about these issues and to reach agreement on them, but we will point out to the Government that if an agreement is reached, they must ensure that the wishes of the elected representatives in Northern Ireland are implemented in respect not just of the issues before us, but of wider issues.

Mr. Dodds: I want to make one or two brief points. We have discussed a wide range of issues in some detail. The hon. Member for Foyle (Mark Durkan) painted various scenarios in convoluted detail, some of which were extremely hypothetical, and which may or may not come about. He painted an unhappy picture of extreme deviousness and lack of trust—not that that is uncommon, perhaps, in politics. If such safeguards as he described have to be implemented, that suggests that the devolution of policing and justice will never come about. He referred, in the context of appointing a Speaker, to Caesar doing in Brutus, although today we perhaps have Cleopatra in the Chair of the Northern Ireland Assembly. It appears that, in the process of deciding who should occupy the Chair, there would be a complete blood-bath.

That does not bear thinking about, but we should all be reassured by the fact that the scenario that we are contemplating today is extremely unlikely. My hon. Friend the Member for Belfast, East (Mr. Robinson) said that it is not likely to happen in his lifetime, and I agree that it is extremely unlikely that the circumstances will be such that the people of Northern Ireland will be sufficiently confident to contemplate allowing a party such as Sinn Fein—or, indeed, the Progressive Unionist party—anywhere near justice and policing in Northern Ireland. We must bear that point in mind during this debate.

Mark Durkan: The hon. Gentleman says that it will be a long time before the community in Northern Ireland contemplates Sinn Fein's being involved in policing and justice. Does he think that that is true even if a Sinn Fein representative were serving as Deputy First Minister?

Mr. Dodds: The hon. Gentleman raises a point that perhaps gets to the core of this issue. As has been pointed out, we have emphasised in recent days that support for law and order and the police must be demonstrated not just by joining the Policing Board. We must remember that Sinn Fein joined the Northern Ireland Executive while they were quite prepared to undermine democracy and government. Signing up to the Executive did not make them democrats, and signing up to the Policing Board does not make them supporters of the police. Before they can be considered fit for office—be it in policing and justice, or any in other position—they must support all aspects of policing and urge people to give information to the police. They must also do so in a credible way, instead of simply issuing a statement that enables them to clear a particular hurdle. I hope that that is clear.

I am somewhat concerned by the attitude that Ministers from the Prime Minister downward are adopting on this issue. They seem to be saying that this is a new precondition, but it is not. If someone is committed to exclusively peaceful and democratic means and says that there has to be a complete end to criminality, ipso facto, they have to support police. If they are against criminality but do not support the police, in effect, they are saying, "We'll organise the stamping out of criminality, through the structures and organisations that we have in place." That is unacceptable in a democratic society, and it is certainly an unacceptable view for any party that aspires to be in government.

Mark Durkan: I thank the hon. Gentleman for giving way and I hope that he can help us further. He pointed out that the hon. Member for Belfast, East (Mr. Robinson) said earlier that we might not see devolution of justice and policing in his lifetime, particularly if there is a Sinn Fein Minister. However, the hon. Gentleman did not say the same about the prospect of a Sinn Fein member becoming Deputy First Minister. He also said that he could not see a First Minister and Deputy First Minister appointing anybody other than people from their own parties. So will the hon. Member for Belfast, North (Mr. Dodds) please clarify the relationship between the First Minister and Deputy First Minister and the devolution of policing and justice in that regard?

Mr. Dodds: I thank the hon. Gentleman for his question, but my hon. Friend made it clear that when he was talking about who would be First Minister and Deputy First Minister, he was doing so in the context of the legislation before us and the various scenarios that might arise. He also made it clear, as has our party, that the prospects of reaching that situation, in which we would consider proposals for the Northern Ireland Assembly on the issue of devolution of policing and justice, are remote. In fact, they are so remote that it is difficult to envisage when it might happen.

As for the holding of ministerial office, the Secretary of State for Northern Ireland and the Prime Minister has said that parties that want to take part in the government of Northern Ireland should support the policing, but that those are matters for the medium term and which must be worked on or must happen—as if we can somehow expect that to happen in due course, in parallel with the Executive being up and running. That will not wash.

3 pm

My hon. Friend mentioned the remarks by Dermot Ahern, the Irish Foreign Minister. It is completely unacceptable for him to tell people in Northern Ireland that he would not share power with Sinn Fein in the

Republic because it does not support the Garda Siochana, but that it is acceptable for it to be in government in Northern Ireland because we have been in a conflict situation. Our people, our constituents, our kith and kin have been murdered and butchered by the people who Dermot Ahern says are acceptable as Government Ministers, and they still do not support the police. What sort of message does that send to the people of Northern Ireland?

Dermot Ahern said in effect that it was acceptable for Sinn Fein not to support the police because all the recommendations of the Patten report have not been implemented. He was pressed on which recommendations he meant, and he said that Sinn Fein had not signed up. I am sure that the SDLP was not very grateful for those comments. It was diplomatic in its response, in public, but I am sure that it has let the Irish Government know how it feels.

In those remarks, Dermot Ahern effectively told Sinn Fein, "It's okay, you don't have to sign up to policing and justice, or give your support to the police. We accept your position of being in government but not supporting the police." That is a very dangerous situation, and the Government should be aware that this is a matter of fundamental importance to all the people of Northern Ireland. That is why the decision, in that context, of the Ulster Unionist party to embrace the PUP as a formal part of its party structure in the Assembly has such incredible implications for the political process in Northern Ireland. I welcome what the hon. Member for North Down (Lady Hermon) has put on record today, but the reason that her party leader gave her in private conversation is not the reason he gave publicly at the time, or in the Assembly. He said that he had done it purely as a power grab, to grab an extra ministry. In fact, if he had waited, he would not have needed to do that at all. He has got all the pain, with no gain whatever.

Rev. Ian Paisley: Does my hon. Friend agree that we are getting into dangerous territory? The Government are bypassing the conditions that were laid down by the Prime Minister in this very House. A statement has been issued by the Secretary of State for Northern Ireland that the UUP's decision to subsume Mr. Ervine was "a surprise", but a matter for the parties. I do not know what he means by that. What parties? He also said that Sinn Fein was in a "much stronger position" to be on the Executive since the IRA had decommissioned. He said:

"The UVF have not ended their paramilitary campaign...They are still involved in criminality in a big way and all of those things are things which the IRA have promised to deliver on and is delivering on."

That is giving a green light to two parties to keep on their way. They cannot do what the Prime Minister said that they would do and still be in government and appoint people to office.

Mr. Dodds: I am grateful to my right hon. Friend for drawing the House's attention to those significant remarks by the Secretary of State today. Is it not amazing that the Secretary of State can reveal that, in his estimation, Sinn Fein is more qualified for government—or is nearer to being qualified—than the UUP, with its formal links to the PUP? Who would have thought that that would happen? Reg Empey and the UUP will have to grapple with that issue. They have added considerable volatility to the situation, as we approach whatever deadline may be arriving.

There will be no double standards from this party. We have made our position clear on the entry into government of parties associated with terrorism and violence. I would have hoped that having made an issue of IRA decommissioning, Reg Empey would have taken that same position consistently, but sadly those hopes have been dashed.

Mr. Jeffrey M. Donaldson (Lagan Valley) (DUP): Is my hon. Friend aware that one of his constituents, Mr. Raymond McCord, whose son was murdered by the UVF, met the leader of the UUP on Monday morning? Before that meeting, another UUP Assembly Member, Mr. Copeland from East Belfast, made an offer to Mr. McCord of the use of an office if he would keep quiet and not criticise the decision. The UUP is now into bribing victims. Is my hon. Friend also aware that Mr. McCord was informed by Sir Reg Empey that David Ervine was the third MLA that he had approached about signing up to their group, the other two having rejected—

Madam Deputy Speaker: Order. Hon. Members should relate their remarks to the new clause.

Mr. Dodds: Thank you, Madam Deputy Speaker. In considering the clauses, which relate to the conditions under which policing and justice powers may be devolved to the Northern Ireland Assembly at some point in the future, it is important and relevant to consider the parties involved and the conditions that they have to meet. In that context, the Secretary of State's comments today, referred to by my right hon. Friend, are significant. The point made by my hon. Friend the Member for Lagan Valley (Mr. Donaldson) is also significant. I know Raymond McCord, he is one of my constituents and I have spoken to him on many occasions. I am aware of the hurt and the pain that he and his family have gone through as the result of the death of his son at the hands of the UVF, and many other people have been in touch with our party to express their utter revulsion at the latest development with the UUP. The suggestion that the UUP, through Mr. Copeland, would attempt to bribe Mr. McCord into silence adds another dimension of revulsion, and it poses serious questions about the judgment of that party.

Dr. Alasdair McDonnell: I hesitate to waste time, but I wish to set the record straight. Mr. Raymond McCord is one of my constituents: he lives on Purdysburn hill, near Newtownbreda. The hon. Member for Lagan Valley (Mr. Donaldson) has misled the Chamber.

Madam Deputy Speaker: Order. Perhaps the hon. Gentleman should think carefully about the words that he has just used. He may wish to reframe his remarks.

Dr. McDonnell: I withdraw what I said.

Madam Deputy Speaker: I hope that hon. Members will be a little more precise in their remarks about the new clause.

Mr. Dodds: For the vast bulk of the time, Mr. McCord has been a constituent in Belfast, North. Certainly, his son was murdered while he was living there.

In conclusion, these new clauses touch on wider political issues. As I said in my intervention on the hon. Member for Foyle, we could spend a long time on minutiae and mechanics and lose the context of what we are discussing. The latter part of the debate has focused on the real political issues at stake. There has been much talk about locks, triple locks, and quadruple locks. Some people will be on the side of the locksmiths and will try to build in safeguards, while others will be on the side of those who want to pick the lock and sneak into Government by the back door.

We are on the side of the locksmiths and are building in safeguards. I am glad that the new clause means that we will have, not the triple lock that my party called for originally, but a quadruple lock. That quadruple lock requires the approval of the Secretary of State and this House, and the 50:50:50 approval of the Northern Ireland Assembly. I welcome that, for precisely the reason that the leader of the SDLP does not—it changes the Belfast agreement. Moreover, the First Minister and the Deputy First Minister have to agree before any proposal can be brought forward.

Sir Patrick Cormack: I had not intended to take part in the debate, but I have listened with considerable interest to speeches that have been rather longer than were originally promised. I completely understand that and you, Madam Deputy Speaker, have been very generous in allowing a wide-ranging debate on the new clause. I hope that it does not sound patronising if I say that I think that you have been right to do so. Events have taken place in the Province this week that cast a shadow, and hon. Members were bound to refer to them. I thank you very much for allowing them to do so.

I support the new clause because, in essence, it is impeccable. The Government are saying that in no circumstances should matters of policing and justice be devolved unless there is a credible and virtually unanimous wish across the Province, encapsulated by the agreement of the First Minister, the Deputy First Minister and the nationalist and Unionist communities, that that should happen. All of that is right, and I applaud the Minister for bringing the new clause forward.

I listened with mounting perplexity to the long speech from the leader of the SDLP, which certainly deserves to earn him a doctorate in Machiavellian studies. He set out so many conditions and preconditions, and anticipated so many difficulties, that the Minister was right to resist his blandishments.

The hon. Member for North Down (Lady Hermon) referred earlier to last week's appearance by Secretary of State before the Northern Ireland Affairs Committee. It is always an interesting session when he comes before the Committee, and last week was no exception. He always treats the Committee with total courtesy, and is an extremely effective witness, but he did rather equivocate last week.

One after another, hon. Members asked whether the acceptance of the rule of law and support for the police should not be preconditions of participation in government. The transcript shows that the Secretary of State did not give an unequivocal and binding answer, yet the new clause contains just such a commitment—[*Interruption.*] It would be nice to have the attention of all those from the Province.

The new clause says that matters of policing and justice cannot be devolved without the agreement about which there has been much discussion and which the DUP support very strongly. On the other hand, it makes it clear that people will be allowed into government and positions of executive responsibility who do not accept the rule of law or support the policing of the Province.

That is a remarkable and frankly indefensible paradox, and I beg the Minister to talk to the Secretary of State about it. There will be an opportunity to debate the matter in greater detail later this afternoon, although I shall not necessarily take part. That is why I making some relevant remarks now.

3.15 pm

We cannot cherry-pick in the way that is proposed if we are to have a proper and credible Assembly in Northern Ireland, with an Executive who can command widespread and lasting support. To establish proper normality in the Province, we must remember what government means, and insist absolutely that it is upheld by those who participate in it. People cannot uphold government if they do not uphold the rule of law, and they cannot do that unless they uphold those who are given responsibility for keeping the peace.

I hope that the debate will lead to a bit of a rethink, and that the Secretary of State will give us an absolute assurance that cherry-picking will end. I hope that a welcome will be extended to people who change their views and foreswear criminality. It is impossible to forget, but there must be a willingness to draw a line in respect of the past. The absolute requirement, however, is that the people, with executive responsibility in government sign up to the rule of law, absolutely and completely. That must be accepted totally if matters to do with justice and policing are ever to be devolved.

Until such matters are devolved, we will not have a proper devolved Government in the Province. That is why it is essential that we move towards the acceptance that I have described. The Government are right to insist on the preconditions in new clause 3, and I applaud them for bringing that provision forward, but I also implore them to accept the logic of the argument implicit in it. There can be no fudge over the next six months that causes us to land up with an Assembly that has built-in obsolescence from the day of its first meeting.

I am one of those who are concerned about the future of the Province of Northern Ireland. We want it to be treated with the same degree of respect as Wales, Scotland and England, and to enjoy the same degree of normality that obtains in those countries. That is why we must insist that there can be no fudge in this matter. That is crucially important.

I support what the Minister is asking the House to agree to this afternoon, and I do so without any equivocation whatsoever. However, the Government must be equally unequivocal in the demands that they make on those who would aspire to Government in the Province.

Dr. McCrea: The heading for the new clause is "Conditions for devolving policing and justice matters". My colleagues who have spoken in the debate have made it abundantly clear that, for us, there can be no new conditions. The conditions for the devolution of policing and justice matters are also the conditions for a devolved Government, which are, as we have said so many times before, that there must be not only a complete and absolute end to terrorism with a renunciation of terrorism and all acts of terrorism, but a complete and final turning away from criminal activities and a renunciation of them. That includes those who still live on the rewards of crime. We do not close our hearts and minds to a fact that many people have forgotten: £20 million is still in the hands of the Provisionals. We cannot allow people to continue to live on the fruit of their past criminal activity.

We are making no new conditions for the devolution of policing and justice matters; the conditions for any democratic society are that everyone must uphold the rule of law and support those who exercise it in the Province on behalf of Her Majesty and Her Majesty's Government. There can be no fuel laundering, no money laundering, no extortion, no intimidation and no continuation of the wide range of criminal activity that the Provisional IRA and Sinn Fein-IRA have so successfully carried out for so many years. We demand an absolute end to such activity. I want to make it clear that this is not a new condition laid down by the Democratic Unionist party; it is a statement of our position right from the beginning. We shall not change our principles for the Government or anyone else; we shall not sacrifice the principles of a democratic society.

Sir Nicholas Winterton (Macclesfield) (Con): I say with pride that I am delighted that my hon. Friend has allowed me to intervene. For many years, I have taken an active and positive interest in Northern Ireland. Does he accept that the views expressed by my hon. Friend the Member for South Staffordshire (Sir Patrick Cormack), as Chairman of the Northern Ireland Committee, were absolutely right? There can be no devolved Government unless all parties in Northern Ireland accept the rule of law and recognise the police and justice in the Province. Without that, there can be no meaningful devolved Government in Northern Ireland who will encourage the involvement of all its peoples.

Dr. McCrea: I thank my hon. Friend for his remarks. For many years, both he and his good wife, the hon. Member for Congleton (Ann Winterton), have indeed had the interests of Northern Ireland at heart. I wholeheartedly agree that the hon. Member for South Staffordshire (Sir Patrick Cormack) exactly set out the principles of democracy, but I do not accept that terrorists should hold up devolved Government in Northern Ireland. The Social Democratic and Labour party should have the imagination and vision to join the rest of us in a devolved, cross-community Government who ostracise those who carry on criminal and terrorist activity.

We have constantly suggested to the SDLP that there could be a voluntary coalition among true democrats in Northern Ireland. That would give great heart to the people of Northern Ireland and would be a positive way forward. If the SDLP ties itself to the likes of Sinn Fein-IRA, it will be tying itself to a broken stick. Sinn Fein-IRA have proved that they are not democrats working in accordance with the principles of democracy—they are not, therefore, meeting the conditions.

The rest of us—the people of Northern Ireland—should not be tied by criminals and terrorists. True democrats should stand shoulder to shoulder, side by side, and give the people hope and a visionary way forward that will give us a good devolved Government who are not undermined by the constant threat of whether their members will be involved in terrorist atrocity or whether another stash of arms will be found. We need stable government, and the conditions for devolving policing and justice matters are the same as those that will establish truly acceptable, democratic devolved government in Northern Ireland.

We in the DUP want to see that day; we want it for the good of the people of Northern Ireland, but there is one price that we will not pay. We are not willing to undermine the principles of democracy. If we do that, the foundations will be rotten and, as I have said so many times, a house built on sand will surely fall when the day of testing comes. My Saviour set out that principle when he talked about the house built on sand. The house that will withstand every test is the house built on rock. Our foundation must be the rock of democracy and we will accept nothing less. We must have those conditions, which is why I am happy to support everything that my right hon. and hon. Friends have said in the debate. I trust that the Secretary of State will get the message. We are not moving one iota from the principles we have set out in the past.

Mr. Hanson: We have debated the new clause for about an hour and 45 minutes, but I think that there is an element of consensus among Members. The issues set out in the amendments have received a welcome from DUP Members—the right hon. Member for North Antrim (Rev. Ian Paisley) and the hon. Member for Belfast, North (Mr. Dodds). The Chairman of the Northern Ireland Committee, the hon. Member for South Staffordshire (Sir Patrick Cormack) welcomed the principal Government amendments and there has been no opposition to them from my hon. Friend the Member for Foyle (Mark Durkan). There is a general consensus that our amendments will help to secure support in due course for the devolution of policing and criminal justice in Northern Ireland.

Mark Durkan: Will the Minister take a correction? I do not want to cause problems or difficulties, but we certainly do not support the Government's principal amendment.

Mr. Hanson: Perhaps I was too hopeful of the circumstances, but there has been an element of consensus in today's debate. At times, given the number

[Mr. Hanson]

of times that locks have been mentioned, I feel that I am in the possession of more locks than Chubb at the moment, but we make progress.

The principle behind all this remains the same as the principle that I elucidated in my opening comments: can we get a position whereby the Assembly has the opportunity to consider whether it wishes policing and criminal justice to be devolved? I believe that the amendments provide an opportunity for rational consideration, which gives the opportunity for cross-community support and empowers to the First Minister and the Deputy First Minister to propose that support to ensure that the Assembly has its full consideration. Again, I am in danger of repeating myself, but my right hon. Friend the Secretary of State for Northern Ireland, or his successor, must then agree to that proposal and would bring it to the House for its endorsement.

I fully accept that all the points mentioned by the hon. Members for South Antrim (Dr. McCrea), for Belfast, East, for Belfast, North, for South Staffordshire and, indeed, others have pointed to the fact that there is still a range of difficulties that relate to the conditions being right for the process to commence, but I do not know whether or not that will happen in the lifetime of the hon. Member for Belfast, East. I wish I knew how long he will live; I am sure that he will have a long and happy life. However, the key conditions are there to allow that mechanism to begin when that confidence is in place.

3.30 pm

I recognise that there are many difficulties and I am in danger of straying into discussing later amendments on the rule of law, which I am happy to debate now, and there are real issues about the definitions. We have tabled further amendments for later in consideration, but I repeat what I have said in the House previously: the Government, my right hon. Friend the Secretary of State and I wish to see Sinn Fein sign up to policing and to support policing operations in Northern Ireland. That is a key element in building the confidence that hon. Members wish to see, and I certainly urge those hon. Members from Sinn Fein who are not in the House today to consider that proposal in considering these matters in the House and elsewhere. It is important that they support the police for reasons that are self-evident to every hon. Member who sits in the House today.

Sir Patrick Cormack: Rather than being a key element, should not the Minister use the words "absolute requirement"?

Mr. Hanson: We will debate these matters in due course. If the hon. Gentleman, who holds the distinguished position of Chairman of the Select Committee on Northern Ireland Affairs, looks, as I know that he has done, at the pledge of office that is in place for Ministers, he will see that the very points that he makes are intrinsic in that. [HON. MEMBERS: "They are not."] Let me finish the point. As my right hon. Friend the Secretary of State has done, I have also said that, as part of the discussions on the way forward for the Assembly, the question of discussion on the pledge of office is open for consideration, and a strengthening of that pledge of office could be considered in due course by the Assembly and by the Government.

Mr. Dodds: Is that it?

Mr. Hanson: I simply say that I recognise the concerns that hon. Members have raised today. We will have an opportunity later to discuss those concerns in more detail, and I am in danger of drifting into issues that are important in relation to these clauses but are subject to further amendment later in the day.

Rev. Ian Paisley: I am very interested in what the Minister has said. I should like him to tell the House, and to read it out, where the police are mentioned in the undertaking that he says that the new Ministers all had to take.

Mr. Hanson: Perhaps I can help the right hon. Gentleman. The pledge of office that all Ministers must affirm in the Assembly before taking up posts already requires a commitment to non-violence and exclusively peaceful and democratic means. Amendments made in 2003 to the Northern Ireland Act 1998 facilitate the consideration of the Independent Monitoring Commission's recommendations and provides safeguards where Ministers and parties fail to observe the pledge of office. As I have said, the pledge of office, as currently constituted, provides for adherence to exclusively peaceful and democratic means. As we have already made clear, if the parties want to change the pledge of office and they can agree on a form of words in the context of an agreement on a package of other strand 1 issues, I am certainly willing to take those matters forward.

Sir Patrick Cormack: I am trying to be helpful. What I should like is a pledge that says, "I unreservedly uphold the rule of law and give my total and absolute support to those who are commissioned to protect the public in the police."

Mr. Hanson: Again, we are in danger of going into debates that we will have later—I am happy to do that—but as I said in Committee, the principle of supporting policing and the rule of law is something that I wish to uphold. I wish to see that happen, and I have no problem with that. However, as I have said during the course of the debate, it is possible for a Minister to have disagreements with the police and there is a whole range of circumstances in which a Minister could exercise judgment in those disagreements. I agree with the substance of what hon. Members are saying, but it is difficult to put things in the form that the later amendments do. We are in danger of having a debate about later amendments and I do not wish to incur your wrath, Mr. Deputy Speaker.

Sammy Wilson: Does the Minister accept that we are not talking about having disagreements with the police? We are talking about a party that discourages people from having any contact with the police or giving the police any evidence or support to tackle crime. That is totally different.

Mr. Hanson: I want that full support for the police to be visualised in an operational way by support from all parties for policing. I want Sinn Fein to take places on the Policing Board, as does the Under-Secretary, my hon. Friend the Member for Wythenshawe and Sale, East (Paul Goggins). I want to see that support. However, there are specific reasons why the Government cannot accept the phraseology of later amendments.

I want to refocus the debate on the fact that there is an element of consensus among Members here today. I welcome the welcome of my hon. Friend the Member for Foyle for the proposals that I have made in response to the concerns that he put to me in Committee. However—I mean this in the nicest possible way—there is a danger that the amendments that he has tabled will mean that we will not just micro-manage some of the circumstances, but micro-micro-manage them. I understand and have some sympathy with what he has said, in that everything that he has mentioned in support of his amendments is accurate and relates to things that could occur. However, I am trying to envisage circumstances in which they would. What I am saying is genuinely intended to help him. He talked about d'Hondt. It is true that a justice Minister counts as a d'Hondt post, but if a Minister resigns or is dismissed and a new Minister is appointed, d'Hondt would be run again. The Bill already provides for that. So, the First Minister and Deputy First Minister cannot gain extra seats by dismissing Ministers from other parties in the way that he has suggested.

Again, I understand the possibilities but, as even the hon. Members for Belfast, East and for Belfast, North recognised, we are discussing things that may or may not ever occur. I accept that they could occur and that everything that my hon. Friend the Member for Foyle said is possible. I will certainly reflect on those things. If other parties feel that we need to micro-micro-manage those issues, I am happy to reflect on those points in another place. I am trying to put in place a broad framework that will mean that devolution can take place and we have the mechanisms in place to put in the locks to which we have all referred. Although we can certainly adopt the principles of what has been said, I do not necessarily wish to micro-manage at that level of detail the possibilities that exist, but if other parties wish to do so I am happy to reflect on those points.

Mark Durkan: I just want to correct the Minister. If a vacancy arises by dismissal, resignation or some other means in the Justice Ministry, as created under the Bill, it is not the case that there is an automatic re-run of d'Hondt—because, after all, the appointments are not d'Hondt appointments—any more than if a Minister resigns under d'Hondt or a party resigns on bloc under d'Hondt that forces a total rerun of d'Hondt. It does not.

Mr. Hanson: I am grateful to my hon. Friend for his contribution, but my understanding, and that of my officials who are concerned with this matter, is as I have just outlined to the House. His understanding appears to be different. There are issues on which we fundamentally disagree, but this is an issue on which I am just looking at the practicalities of the level of micro-management. I think that what I have said is the correct position; he may have a different interpretation. However, in both cases we are talking about situations that may occur in which, in effect, the First and Deputy First Ministers potentially would have to rat on their own parties as well. I am just looking at the mechanics of all this and trying to envisage circumstances in which such a thing could happen. My hon. Friend's points undoubtedly have an element of validity, but I cannot envisage such circumstances. I would be grateful if he would not press his amendments to a Division. I will be happy to reflect on them with officials, and if other parties have views they can put them forward.

I do not wish to comment in detail on a matter that several hon. Members have mentioned in passing, but I will put a couple of points on the record. There has been discussion about the relationship between the PUP and UUP and the announcements that were made. As I said before you took the Chair, Mr. Deputy Speaker, the matter is subject to legal discussion regarding the Assembly Speaker's recognition of the UUP-PUP grouping as a party for Assembly purposes. She is likely to make a ruling later this week. I have heard what has been said about the political elements of the situation, but it would be inappropriate for me to comment in detail on the legality of the situation because that will be subject to the Speaker's ruling in the Assembly.

Given what has been said about the politics of any relationship, it is important that the Secretary of State has undertaken today to recognise the fact that the republican movement has taken steps. Admittedly, for some parties it has not gone far enough to move away from the violence that has occurred. Although there is more work to be done, the Independent Monitoring Commission reports indicate that the republican movement has taken serious steps to move away from criminality.

What the Secretary of State has said today emphasises the importance of loyalist paramilitaries undertaking to go down the same route. It is not acceptable for me or the Secretary of State that a situation exists in which there is officially no ceasefire from loyalist paramilitaries. I ask both loyalist paramilitaries and dissident republicans—the Continuity IRA and Real IRA, which were mentioned by the hon. Member for South Antrim—to abandon immediately their activities that lead to potential terrorism, threats and murder. That was the point that the Secretary of State was making. The relationships between political parties in the Assembly are a matter for those parties and the legal judgment of the Assembly Speaker.

Sir Patrick Cormack: I would like to put it on the record that when the Secretary of State came before the Northern Ireland Affairs Committee last week, no one was more rigorous in questioning him about loyalist paramilitaries and their nefarious deeds than the hon. Member for North Down (Lady Hermon).

Mr. Hanson: I pay tribute to the hon. Member for North Down (Lady Hermon) for the work that she has done. On individual cases, such as that of her constituent Lisa Dorrian, she has been relentless in her pursuit of not only justice, but condemnation, which is a key matter than she holds dear to her heart.

Dr. McCrea: There is not a potential threat from Continuity IRA or Real IRA. A bomb was primed in Londonderry and was headed, we believe, towards a police station. A bomb was being set in Lurgan. That was not a potential threat, but an active, real threat that terrorists were posing against the law-abiding people of Northern Ireland.

Mr. Hanson: I trust that the hon. Gentleman knows that I share his concern and condemnation. I also know that the bomb threats that occurred in the constituencies of my hon. Friend the Member for Foyle and the hon. Member for Upper Bann (David Simpson) were real and serious threats from dissident republicans. Again, to put the point into context in relation to the amendments, my right hon. Friend the Secretary of State was indicating that the republican movement has taken steps towards a more peaceful road. There is still work to be done, but there is clear intent and clear movement. The Secretary of State issued a challenge, with the words that the right hon. Member for North Antrim read to the House, to the dissident republican movement and the loyalist movement to take the same path.

Mr. Peter Robinson: The quotation that my right hon. Friend the Member for North Antrim (Rev. Ian Paisley) put on the record went beyond that. Does the Minister agree with the Secretary of State in his indication that Sinn Fein is now in a stronger position to be in an Executive than the Ulster Unionist party?

3.45 pm

Mr. Hanson: As the hon. Gentleman knows, I have been in the Chamber and have not been able to see the Secretary of State's words. It is my intention, and my view, that we should continue to welcome the movement by republicans towards a more peaceful road and that we should condemn the actions of dissident republicans and loyalist paramilitaries in the threat—potential, real or otherwise—that they pose to the community. I will not be satisfied in this post, and nor will my hon. Friend the Under-Secretary, who is responsible for security, until such time as we have a definitive ceasefire from the loyalists and the dissident republicans, and verification of that by the IMC in due course.

With the possible exception of my hon. Friend the Member for Foyle, there is an element of consensus on the Government amendments. I appreciate the welcome from the hon. Members for Belfast, East (Mr. Robinson) and for Belfast, North. I also appreciate my hon. Friend's welcome for the assistance that I gave him.

Lady Hermon: Will the Minister clear up one issue raised by the Secretary of State in evidence to the Northern Ireland Affairs Committee last week? In the context of the Bill, he said:

> "I think there will be rightly increased pressure on Sinn Fein to deliver their end in terms of commitments. That is to say, once the Bill has received Royal Assent there is then no reason for them not to move on policing, and I think they will."

What exactly did he mean by saying that Sinn Fein will move on to policing once the Bill receives Royal Assent?

Mr. Hanson: Again, there are two aspects of policy to consider. I believe that my right hon. Friend—and, potentially, Sinn Fein—want police and criminal justice devolved to the Assembly in due course. For that to happen, for the reasons that we all know, my right hon. Friend and I want Sinn Fein to be involved in supporting policing, because policing, criminal justice and the rule of law in the broader sense are central and essential to the democratic society in Northern Ireland, as they are elsewhere.

We should continue to encourage Sinn Fein to work towards playing its full part on the Policing Board and in supporting the police in their community. I recognise that we are not there yet, but I am very hopeful, as is my new colleague, my hon. Friend the Under-Secretary, that we will do that over time. Ultimately, I want devolution to take place, but I recognise, on all these matters, that it will only take place with the confidence of both sides of the community. I have put in place mechanisms in the amendments so that if Sinn Fein and others in the nationalist community sign up to policing and the conditions arise to devolve criminal justice and policing in due course, that will be done if the Assembly, along with the Secretary of the State and the House, want it.

Rev. Ian Paisley: What the people of Northern Ireland will wonder about is the Secretary of State's statement that the Ulster Unionist party is now in a weaker position than Sinn Fein. He knows very well that the IMC report was unequivocal in its condemnation of the Ulster Volunteer Force. Three paragraphs of the report spell out that it is a terrorist body and is engaged in terrorism. How, then, can he say that there is a difference between the activity of Sinn Fein and the activity of the UVF, and that because the official Unionist party has gone into a coalition with the UVF spokesman, it is in a weaker position? We cannot balance aspects of terrorism. Terrorism is terrorism. It is not possible to say that one part is a bit weaker than another. How do we get over that problem?

Mr. Hanson: If I may say so, the right hon. Gentleman has been entirely consistent in his condemnation of violence and terrorism. The points that he has made over the past few days have confirmed that consistency. I would simply say that my right hon. Friend the Secretary of State believes that the republican movement, in the broadest sense, is moving towards a more peaceful route, has been verified by the IMC to that effect and is undertaking moves that, I hope, will lead to the restoration of the Assembly. I have not seen his remarks, but my understanding of what he said today is that there needs to be the same movement from Continuity IRA and Real IRA, the dissident republicans, and there needs to be the same movement from those loyalist groups that are currently not on ceasefire and are undertaking activity that has led to the deaths of a number of individuals over the 12 months that I have held this office. I condemn all violence and all that paramilitary activity. I want to see an end to it, as I know do hon. Members on all sides of the House. The Government are working towards that end.

We have had a very wide debate. I go back to the amendments and the new clause that are before us. I think that there is the potential for reasonable consensus on these matters. I hope that we have given greater strength to the Assembly's powers to have cross-community support, that we have given extra models, which my hon. Friend the Member for Foyle has requested, and that we have put in place a mechanism that will ensure that if the Assembly wishes to devolve in due course, it has strong powers to do so. I commend my new clause and amendments to the House and I ask hon. Members not to press their amendments.

Question put and agreed to.

Clause read a Second time, and added to the Bill.

New Clause 2

CRIMINAL DAMAGE (COMPENSATION) (NORTHERN IRELAND) ORDER 1977 AMENDMENT

'After subsection 4(a) of the Criminal Damage (Compensation) (Northern Ireland) Order 1977 there is inserted—

"Any building to which Article 12 of the Rates (Capital Values, etc.) (Northern Ireland) Order 2006 applies.".'.—*[Mr. Dodds.]*

Brought up, and read the First time.

Mr. Dodds: I beg to move, That the clause be read a Second time.

The purpose of the new clause is to ensure that buildings to which article 12 of the Rates (Capital Values, etc.) (Northern Ireland) Order 2006 applies come under subsection 4, as opposed to subsection 5, of the Criminal Damage (Compensation) (Northern Ireland) Order 1977. Community halls, Orange halls, halls used by the Ancient Order of Hibernians and other types of hall recently gained exemption from rates in Northern Ireland. That move was widely welcomed throughout the community as beneficial for local communities. It relieved a major financial burden for those who run such halls on both sides of the community: on the Unionist side and on the nationalist side. Under the new clause, those halls would also be subject to subsection 4 of the criminal damage compensation provisions, rather than subsection 5. That would bring them into line with agricultural premises.

Other properties have to prove, for the purposes of getting compensation from the Northern Ireland Office, that three or more people were involved in an attack or commission of an offence that resulted in damage to premises, or the Chief Constable has to issue a certificate indicating that it was carried out by a proscribed organisation. Agricultural premises, on the other hand, are not subject to such stringent provisions. In that case, if the act is deemed to have been carried out maliciously or wantonly, that alone is the condition that applies and compensation is payable.

Through their recent derating provisions, the Government have recognised the valuable role played by the halls that we are talking about—community halls, Orange halls, halls used by those in the nationalist community. They provide an invaluable community resource. That applies to urban areas, but it is particularly applicable to rural areas. Lest we run away with the idea that the proposal would only benefit people who run those halls, many of them, like parish halls throughout the United Kingdom, are used for a wide range of purposes. In Northern Ireland, they are used by credit unions, community groups and youth services for a vast array of community activities, and their use has expanded a great deal in recent years. The removal of a large financial burden following the introduction of derating was welcomed in Northern Ireland, and I congratulate the Government on taking on board the proposal, which we pressed strongly in our discussions and negotiations with them.

Insurance is even more financially crippling for those halls than the rates levied on them. Orange halls often make their own provision, which is very costly, because many insurance companies refuse to offer cover for community halls, particularly Orange halls. The cover that is available is extremely expensive, because of the number and extent of sectarian attacks suffered by the halls and the problems that they face in obtaining compensation for such attacks. Sometimes, people seeking insurance for an Orange hall approached more than 30 different companies before finding one that provides cover, and even then at an exorbitant price. They sometimes have to pay four-figure sums for insurance that would cost £100 or £150 in Scotland and England, which is a massive difference. There have been dozens of sectarian attacks in recent years, particularly on Orange halls, which have suffered extensive damage and, in many cases, been razed to the ground. Those attacks are usually carried out in the dead of night, with few witnesses, and they deprive a local community of an invaluable resource.

Lady Hermon: I support very strongly the new clause tabled by the hon. Gentleman and his colleagues. He will have noticed that the Minister expressed support for the Government document, "A Shared Future". Would it not be helpful if the Government did not just talk the talk but walked the walk and supported the proposal, which usefully acknowledges the traditions and cultures not just of the Orange Order but of the Ancient Order of Hibernian?

Mr. Dodds: I very much welcome the hon. Lady's support. She is quite right. The case for the halls has been made, and the argument has been won, as evidenced by the fact that the Government decided exceptionally to introduce derating for the halls only a few months ago. The principle and precedent have been established: the new clause would simply remove a major financial burden that has an even greater impact than rates, so I hope that the Minister has it in his gift to respond positively to the proposal.

Mr. Peter Robinson: My hon. Friend is making a powerful case—one so compelling that no reasonable Minister could resist it. The fact that compensation is not paid after halls are destroyed makes them all the more a target. In the sectarian attacks that have taken place, there is the knowledge that the responsibility and the cost will be borne directly by the Orangemen or the Ancient Order of Hibernians concerned. That makes it much more attractive because the perpetrators know the pain that will result from the attack.

4 pm

Mr. Dodds: My hon. Friend has highlighted a significant aspect. Those who carry out the attacks see that they are hurting the Orange community directly. Those who attack other halls on the nationalist side are doing the same on that side. They are impacting directly on the community. That, as my hon. Friend points out, provides an incentive for further attacks. There is no greater incentive for the arsonists, vandals and hooligans who carry out the attacks than to see halls that they have attacked previously lying derelict and, in some cases, razed to the ground for months and in many cases years on end, as people struggle to get compensation from their insurers, if they have insurers, or from the Northern Ireland Office, which refuses to provide insurance. They have to resort to raising the funds themselves, which in many cases is virtually impossible.

The way that the system operates is an incentive for arsonists to go on attacking isolated halls. I should draw the attention of the House to the areas affected. I have a list of the arson attacks on Orange halls. I do not have a complete list of all the halls that have been attacked throughout Northern Ireland, but last year there were attacks on three Orange halls in County Tyrone, two in County Down, another one in County Tyrone, one in County Antrim, one in Armagh, two in Belfast and another one in Armagh. The attacks are widespread throughout the Province and are having a major impact on local communities.

Dr. McCrea: The list that my hon. Friend read out reflects the fact that the halls often represent a small, and in the local area a minority, community. Local people therefore are not able to pay for the rebuilding of the hall. My hon. Friend mentioned halls that were attacked in Tyrone. Those were isolated Protestant communities in a large nationalist or republican area. The attack on the hall was an attack on the culture of a small minority community.

Mr. Dodds: My hon. Friend is right. Halls that have been targeted—for example, in Castlederg, Strabane, Altnaveigh in Newry, and Whiterock in Belfast, near my constituency—are all situated in areas where the Protestant Unionist community is very much in the minority. That is a feature of the preponderance of attacks that have taken place, though it is not exclusively the case. They are seen as attacks on vulnerable communities, depriving them of what is for many of them their only local community resource.

I know that the Minister takes such matters very seriously. In recent months, he has spent a long time looking into issues in deprived Unionist areas in particular, and deprived areas generally. He has spoken to many people in local communities in Belfast and in rural areas. I know that he has heard directly from many organisations, community groups and individuals who make extensive use of Orange halls and other halls, and who have told him how important it is that those facilities continue to be made available for local communities in their areas.

The new clause is in line with the Government's recent derating of Orange halls, and it is all of a piece with the proposals announced by the Minister recently, when he said that he was in the business of trying to bring about regeneration and give confidence to deprived Unionist and loyalist areas. If the Government were to adopt the amendment, it would be seen as a positive step in not only Unionist communities, but nationalist communities.

The amendment would not cost the Government a considerable amount of money. They may say that we must not open the floodgates to large amounts of Government expenditure, but the fact that they have been prepared to move on the issue of the rates indicates that they recognise the issue.

The Minister followed through on his consultation process in those communities with a £33 million package, and something similar could be done to help communities in not only Belfast, but throughout Northern Ireland. The DUP welcomed that package, but we recognise that a lot of it was centred on deprived areas, particularly in Greater Belfast. We accept that the bulk of the most deprived areas are in Belfast, but we have also made the point that the process should not stop there and that more needs to be done for rural areas and the west of the Province. This is a tremendous opportunity for the Government to take that process forward and implement in a practical yet modest way a measure that would give a tremendous fillip to communities throughout Northern Ireland.

I urge the Minister to accept the amendment. It is clear that the current regulations, which require proof that a hall has been attacked unlawfully, maliciously and wantonly by three or more persons unlawfully, riotously or tumultuously assembled, or as a result of an act committed maliciously by a person acting on behalf of or in connection with an unlawful association, are often unworkable, because in a huge number of cases it is impossible to prove that those conditions were met. Such attacks often take place in the dead of night in isolated areas. Everyone in Northern Ireland knows that the motivation behind attacks on community halls is sectarian, yet obtaining compensation for such an attack can, even when it is done successfully, be tortuous and involve extremely costly insurance premiums.

Such premises should be categorised in the same way as agricultural premises, which have been categorised in Northern Ireland for the precise reasons that I have enunciated. Agricultural premises were targeted in the dead of night and, although everybody knew why it was happening, the matter could not be proved. Historically, the Government have recognised that certain types of buildings and premises deserve special categorisation, because they are in isolated areas and are difficult to protect and defend, and Unionist and nationalist halls across the community deserve to be placed in that category. I trust that the Minister will respond positively to the amendment.

Lembit Öpik: I want to add two thoughts to the remarks of the hon. Member for Belfast, North (Mr. Dodds). First, it seems that there is some justification for saying that in certain circumstances in which natural justice would point towards a compensation payout, such payouts have been prevented by the strictures outlined by the hon. Gentleman, North, because the conditions are difficult to prove. He cites the example of a rural and isolated

premises that might be subject to an arson attack. The same thing can happen in urban areas. Will the Minister outline his understanding of the extent to which this is a problem?

My second concern is that it looks as though an accident of circumstance can mean that an attack in two different situations will lead to very different outcomes as regards compensation, through no fault of the person making the compensation claim. What is the Minister's view of that apparent double standard? I know that he would agree that it is an unintended consequence of the Bill, but it strikes me that the new clause could resolve the disparity. It would be terribly undesirable were compensation not to be paid out in some situations. I hope that he can either accept the new clause or provide clarity about what the Government regard as the best course of action to ensure that those in rural and isolated areas, or those who cannot prove the nature of an attack, are not treated as second-class citizens.

Mr. Hanson: I thank the hon. Member for Belfast, North (Mr. Dodds) for tabling his new clause.

I start by utterly condemning any attacks or vandalism on Orange or Hibernian halls, or any other buildings used for meetings. Whether they are attacked as a matter of general vandalism or subject to an attack of a sectarian nature, that is unacceptable in a civilised society. I would urge, as would the Under-Secretary, my hon. Friend the Member for Wythenshawe and Sale, East (Paul Goggins), that any individuals who had information about such attacks should take it to the police, who may be able to undertake prosecution. Those who carry out such attacks should face the full force of the law—that is self-evident in a civilised society.

Let me say to the hon. Member for Belfast, North in particular that the current criminal damage legislation is an important means of supporting individuals and groups who have suffered material loss over the period of conflict in Northern Ireland. Now that we are moving, I hope, to a more normal society, such attacks, particularly the sectarian ones, should be reduced. That will in due course have obvious implications for current criminal damage arrangements generally.

The Criminal Damage (Compensation) (Northern Ireland) Order 1997 is particular to Northern Ireland. As we all know, that is because of the particular problems faced by Northern Ireland at that time. Such legislation does not exist in other parts of the United Kingdom. I want to reflect on the future of such compensation schemes, particularly in the context of a changing Northern Ireland and the Government's national approach to compensation. Of course, I recognise the great hurt and pain that can be caused, be it by a small act of vandalism causing a broken window or something much more serious in the shape of an arson attack on an entire building. The Police Service of Northern Ireland takes such criminal acts very seriously and will use the full weight of the law to prosecute the perpetrators.

Before turning to the new clause, I will respond to the hon. Member for Montgomeryshire (Lembit Öpik), who asked me about the nature and number of such attacks. I recently answered a parliamentary question—if it was not me, it was my hon. Friend the Minister with responsibility for security—which indicated that police figures show that over the past 15 years, attacks on Orange halls in particular have varied significantly. In 1997, there were 41 attacks; in 2004, there were six attacks; and the provisional figure for 2005 was higher than that for 2004. That information gives no specifics on the nature of the attack—it could be a broken window or a full arson attack on a building.

4.15 pm

The new clause seeks to change article 4 of the Criminal Damage (Compensation) (Northern Ireland) Order 1977, which was drafted to meet specific conditions relating to agricultural property, particularly the absence of a Chief Constable's certificate where the damage was caused by those acting on behalf of an illegal organisation, or the evidence of the involvement of three or more persons.

Claims for non-agricultural properties are covered under article 5 of the Criminal Damage (Compensation) (Northern Ireland) Order 1977 and, where its conditions are satisfied, claimants can obtain compensation for damage to such property. A Chief Constable's certificate, or proof of the involvement of three or more persons or of an illegal organisation, are generally required as proof of liability in respect of claims for compensation. Where there is evidence of damage caused by civil disorder, for example, Orange halls can make claims under the provisions of the order. When claims are not met under compensation arrangements, they should fall under commercial insurance arrangements in the normal way. We are dealing here with the question of whether we should give compensation to Orange halls on a par with that given to agricultural buildings when there is no Chief Constable's certificate and no evidence of the involvement of three or more persons.

The effect of the new clause would be to extend the category of properties falling under article 4, which was not intended for that purpose. The Government believe that, when a property is damaged and when there is no Chief Constable's certificate and no evidence of the involvement of three or more persons—when the circumstances do not meet the evidential requirement of the legislation covering criminal damage compensation—the normal route for seeking compensation, in Northern Ireland as in other parts of the United Kingdom, is through general property insurance.

I recognise that there can be difficulties in obtaining insurance, and I have discussed this issue with the hon. Member for Belfast, North. The Orange Order is a powerful organisation in the fabric of Northern Ireland, however, and it represents an awful lot of individuals and organisations. I would hope that it could use its power to raise these issues with the insurance companies.

I know that it will disappoint the hon. Gentleman that I am unable to accept his new clause today. The provisions relating to the specific circumstances of agricultural properties were made in 1977. There is an anomaly involved, as that is the only area that is covered. However, there is compensation available for circumstances involving collective discontent and disorder, and compensation can also be obtained with a Chief Constable's certificate or with evidence of the involvement of three or more people. I am unable to accept the new clause for those reasons.

Lady Hermon: If the Minister is not prepared to accept the new clause, will he consider an alternative that would make things easier for organisations such as the Ancient Order of Hibernians and, particularly, the Orange Order, which bears the brunt of these problems? Could not the Northern Ireland Office pay for CCTV cameras to be installed at the premises of such organisations, in order that they might gather the evidence themselves under the present scheme? Will the Minister agree to that?

Mr. Hanson: The hon. Lady will know that I have recently announced additional resources for CCTV cameras, and a competition for individual organisations to bid for such cameras. That is possible for any organisation to do, subject to their demonstrating that the cameras would be of benefit in the prevention of crime. In principle, there is nothing to preclude an organisation from bidding for CCTV cameras to cover Orange halls. I cannot, and nor would I wish to, fund CCTV cameras at every Orange hall site, because that would be an impractical way of implementing Government policy. However, in principle, there is nothing wrong with applications being made to that effect.

The hon. Member for Belfast, North mentioned the significant investment of £33 million in areas of deprivation, and we have also undertaken the derating of Orange halls, which has released significant resources to the organisation. I know that he and his party welcomed that move, having pressed for it. The Government supported that change, and considered it a positive move forward in releasing those resources to the Orange halls. I know that he will be disappointed that I cannot accept his new clause today, but I cannot. I have explained the reasons for my decision, and I hope that he will withdraw it on that basis.

Mr. Dodds: I have listened to the Minister's comments and I am disappointed that he does not feel able to accept the new clause or to take on board the suggestion made by the hon. Member for North Down (Lady Hermon) that he might at least provide such halls with the opportunity to try to claim compensation—as many of them do not have insurance—by gathering evidence from CCTV.

Mr. Hanson: I emphasise again that if the Chief Constable offers certification to the effect that the damage was caused by disorder or other associated means, and if three or more people were involved, criminal compensation can be claimed. The problem only exists if fewer people were involved.

Mr. Dodds: I understand that that is the legal position, which is precisely the problem. That is why we have tabled the new clause. While we understand that three or more people must be involved in an attack for compensation to be payable, the difficulty is proving that three or more people were involved. We are talking about buildings that have clearly been destroyed for sectarian reasons and as part of a wider campaign, as has been happening for decades in Northern Ireland. It was for precisely that reason that the Government introduced an exception for agricultural premises in section 4 of the 1997 order, to which the Minister referred. That accepted that, for certain types of premises, it would be difficult to provide proof.

My party's suggestion is that the same criteria should apply in relation to halls—primarily Orange halls, but also to nationalist halls such as the Ancient Order of Hibernians and others—so that they are not crippled in that way and that local communities are not deprived of an extremely valuable resource, in many cases for years and sometimes for ever. All hon. Members recognise the valuable and important role that such parish halls play in our communities up and down the land, day in and day out.

Lembit Öpik: In that context, does the hon. Gentleman agree that the Minister's position seems to step against normalisation, as he has created a double standard in relation to the burden of proof in some circumstances? I cannot see why the Minister is making such heavy weather of accepting a fairly common-sense proposal that provides proper and sensible protection in a way that cannot realistically be abused.

Mr. Dodds: I am grateful to the hon. Gentleman and I hope that his additional words, even at this late stage, will cause the Minister to think again. This short debate has illustrated a fairly strong consensus on the issue. Most people see the proposal as fairly modest. It is in line with Government policy, the recent announcement of a package of measures and the recent announcement on derating. It accepts that there are anomalies for certain types of premises. The proposal simply ensures that local communities will not be deprived.

Finally, the Minister asked whether the owners of such halls, and the Orange Order in particular, could go to the insurers and talk to them. No doubt the Minister will be aware—some of his colleagues should be, as the Orange Order has made this clear to Ministers in talks—that this matter has been the subject of years of discussion and negotiation with insurers. The trouble is that those discussions are not getting anywhere. As a result, halls up and down the land either cannot get insurance any more or any insurance that is available to them is so exorbitant that it simply cannot be obtained.

For those reasons, and in view of the expressions of support in the House, I shall press the new clause to a Division.

Question put, That the clause be read a Second time:—

The House divided: Ayes 199, Noes 271.

Division No. 243] **[4.24 pm**

AYES

Afriyie, Adam	Binley, Mr. Brian
Ainsworth, Mr. Peter	Bone, Mr. Peter
Alexander, Danny	Boswell, Mr. Tim
Amess, Mr. David	Brady, Mr. Graham
Ancram, rh Mr. Michael	Brake, Tom
Baron, Mr. John	Brazier, Mr. Julian
Beith, rh Mr. Alan	Brokenshire, James
Bellingham, Mr. Henry	Browne, Mr. Jeremy
Benyon, Mr. Richard	Burns, Mr. Simon
Bercow, John	Burrowes, Mr. David

Burt, Alistair
Burt, Lorely
Butterfill, Sir John
Cable, Dr. Vincent
Campbell, Mr. Gregory
Campbell, rh Sir Menzies
Carmichael, Mr. Alistair
Carswell, Mr. Douglas
Cash, Mr. William
Clappison, Mr. James
Clark, Greg
Clarke, rh Mr. Kenneth
Clegg, Mr. Nick
Clifton-Brown, Mr. Geoffrey
Cormack, Sir Patrick
Crabb, Mr. Stephen
Curry, rh Mr. David
Davies, David T.C. *(Monmouth)*
Davies, Philip
Djanogly, Mr. Jonathan
Dodds, Mr. Nigel
Donaldson, Mr. Jeffrey M.
Duncan Smith, rh Mr. Iain
Dunne, Mr. Philip
Durkan, Mark
Ellwood, Mr. Tobias
Evans, Mr. Nigel
Evennett, Mr. David
Fabricant, Michael
Fallon, Mr. Michael
Farron, Tim
Featherstone, Lynne
Field, Mr. Mark
Foster, Mr. Don
Fox, Dr. Liam
Francois, Mr. Mark
Garnier, Mr. Edward
Gauke, Mr. David
George, Andrew
Gibb, Mr. Nick
Gidley, Sandra
Gillan, Mrs. Cheryl
Goodman, Mr. Paul
Goodwill, Mr. Robert
Gove, Michael
Gray, Mr. James
Grayling, Chris
Green, Damian
Greening, Justine
Grieve, Mr. Dominic
Hammond, Mr. Philip
Hammond, Stephen
Hands, Mr. Greg
Harper, Mr. Mark
Harris, Dr. Evan
Harvey, Nick
Hayes, Mr. John
Heath, Mr. David
Heathcoat-Amory, rh Mr. David
Hemming, John
Herbert, Nick
Hoban, Mr. Mark
Hollobone, Mr. Philip
Holmes, Paul
Horam, Mr. John
Horwood, Martin
Howarth, David
Howarth, Mr. Gerald
Huhne, Chris
Hunt, Mr. Jeremy
Hunter, Mark
Jack, rh Mr. Michael
Jackson, Mr. Stewart
Jenkin, Mr. Bernard
Johnson, Mr. Boris
Jones, Mr. David
Kawczynski, Daniel
Kennedy, rh Mr. Charles
Kirkbride, Miss Julie
Knight, rh Mr. Greg
Kramer, Susan
Lait, Mrs. Jacqui
Lamb, Norman
Lansley, Mr. Andrew
Leech, Mr. John
Lewis, Dr. Julian
Lidington, Mr. David
Lilley, rh Mr. Peter
Loughton, Tim
Luff, Peter
Mackay, rh Mr. Andrew
MacNeil, Mr. Angus
Malins, Mr. Humfrey
Maples, Mr. John
Mates, rh Mr. Michael
May, rh Mrs. Theresa
McCrea, Dr. William
McDonnell, Dr. Alasdair
McGrady, Mr. Eddie
McIntosh, Miss Anne
McLoughlin, rh Mr. Patrick
Milton, Anne
Mitchell, Mr. Andrew
Moore, Mr. Michael
Moss, Mr. Malcolm
Mundell, David
Murrison, Dr. Andrew
Newmark, Mr. Brooks
O'Brien, Mr. Stephen
Oaten, Mr. Mark
Öpik, Lembit
Osborne, Mr. George
Ottaway, Richard
Paisley, rh Rev. Ian
Paterson, Mr. Owen
Pelling, Mr. Andrew
Penning, Mike
Penrose, John
Price, Adam
Prisk, Mr. Mark
Pugh, John
Randall, Mr. John
Redwood, rh Mr. John
Reid, Mr. Alan
Rennie, Willie
Rifkind, rh Sir Malcolm
Robathan, Mr. Andrew
Robertson, Hugh
Robertson, Mr. Laurence
Robinson, Mr. Peter
Rogerson, Mr. Dan
Russell, Bob
Sanders, Mr. Adrian
Scott, Mr. Lee
Selous, Andrew
Shapps, Grant
Simmonds, Mark
Simpson, David
Smith, Sir Robert
Soames, Mr. Nicholas
Spelman, Mrs. Caroline
Spink, Bob
Spring, Mr. Richard
Steen, Mr. Anthony
Stunell, Andrew
Swayne, Mr. Desmond
Swinson, Jo
Swire, Mr. Hugo
Syms, Mr. Robert
Taylor, Mr. Ian
Taylor, Dr. Richard
Teather, Sarah
Tredinnick, David
Turner, Mr. Andrew
Tyrie, Mr. Andrew
Vaizey, Mr. Edward
Vara, Mr. Shailesh
Viggers, Peter
Villiers, Mrs. Theresa
Walker, Mr. Charles
Wallace, Mr. Ben
Waterson, Mr. Nigel
Whittingdale, Mr. John
Widdecombe, rh Miss Ann
Wiggin, Bill
Willetts, Mr. David
Williams, Mark
Williams, Mr. Roger
Williams, Stephen
Willis, Mr. Phil
Willott, Jenny
Wilshire, Mr. David
Wilson, Mr. Rob
Wilson, Sammy
Winterton, Ann
Winterton, Sir Nicholas
Wishart, Pete
Wright, Jeremy
Young, rh Sir George

Tellers for the Ayes:
Lady Hermon and Mrs. Iris Robinson

NOES

Abbott, Ms Diane
Ainger, Nick
Ainsworth, rh Mr. Bob
Allen, Mr. Graham
Anderson, Mr. David
Anderson, Janet
Armstrong, rh Hilary
Atkins, Charlotte
Austin, Mr. Ian
Bailey, Mr. Adrian
Baird, Vera
Balls, Ed
Banks, Gordon
Barron, rh Mr. Kevin
Beckett, rh Margaret
Begg, Miss Anne
Bell, Sir Stuart
Benton, Mr. Joe
Berry, Roger
Betts, Mr. Clive
Blackman, Liz
Blackman-Woods, Dr. Roberta
Blizzard, Mr. Bob
Blunkett, rh Mr. David
Bradshaw, Mr. Ben
Brown, rh Mr. Gordon
Brown, Lyn
Brown, rh Mr. Nicholas
Bryant, Chris
Buck, Ms Karen
Burgon, Colin
Burnham, Andy
Butler, Ms Dawn
Byers, rh Mr. Stephen
Byrne, Mr. Liam
Cairns, David
Campbell, Mr. Alan
Campbell, Mr. Ronnie
Caton, Mr. Martin
Chapman, Ben
Clapham, Mr. Michael
Clark, Ms Katy
Clark, Paul
Clarke, rh Mr. Tom
Clelland, Mr. David
Clwyd, rh Ann
Coffey, Ann
Cohen, Harry
Connarty, Michael
Cooper, Rosie
Cooper, Yvette
Corbyn, Jeremy
Cousins, Jim
Creagh, Mary
Cruddas, Jon
Cryer, Mrs. Ann
Cummings, John
Cunningham, Mr. Jim
Davey, Mr. Edward
Denham, rh Mr. John
Devine, Mr. Jim
Dhanda, Mr. Parmjit
Dismore, Mr. Andrew
Dobson, rh Frank
Donohoe, Mr. Brian H.
Doran, Mr. Frank
Dowd, Jim
Drew, Mr. David
Eagle, Angela
Eagle, Maria
Efford, Clive
Elman, Mrs. Louise
Engel, Natascha
Ennis, Jeff
Farrelly, Paul
Field, rh Mr. Frank
Fisher, Mark
Fitzpatrick, Jim
Flello, Mr. Robert
Follett, Barbara
Foster, Mr. Michael *(Worcester)*
Francis, Dr. Hywel
Gardiner, Barry
George, rh Mr. Bruce
Gerrard, Mr. Neil
Gibson, Dr. Ian
Godsiff, Mr. Roger
Goggins, Paul
Goodman, Helen
Griffith, Nia
Griffiths, Nigel
Gwynne, Andrew
Hain, rh Mr. Peter
Hall, Mr. Mike
Hall, Patrick
Hanson, Mr. David
Harman, rh Ms Harriet

Harris, Mr. Tom
Healey, John
Hendrick, Mr. Mark
Hepburn, Mr. Stephen
Heppell, Mr. John
Hesford, Stephen
Heyes, David
Hill, rh Keith
Hillier, Meg
Hodge, rh Margaret
Hodgson, Mrs. Sharon
Hood, Mr. Jimmy
Hope, Phil
Hopkins, Kelvin
Howarth, rh Mr. George
Howells, Dr. Kim
Hughes, rh Beverley
Humble, Mrs. Joan
Hutton, rh Mr. John
Iddon, Dr. Brian
Illsley, Mr. Eric
Ingram, rh Mr. Adam
Irranca-Davies, Huw
Jackson, Glenda
James, Mrs. Siân C.
Johnson, rh Alan
Johnson, Ms Diana R.
Jones, Helen
Jones, Lynne
Jones, Mr. Martyn
Jowell, rh Tessa
Joyce, Mr. Eric
Kaufman, rh Sir Gerald
Keeble, Ms Sally
Keeley, Barbara
Keen, Alan
Keen, Ann
Kelly, rh Ruth
Kemp, Mr. Fraser
Kennedy, rh Jane
Khabra, Mr. Piara S.
Khan, Mr. Sadiq
Kidney, Mr. David
Kilfoyle, Mr. Peter
Knight, Jim
Ladyman, Dr. Stephen
Lammy, Mr. David
Lepper, David
Levitt, Tom
Lewis, Mr. Ivan
Linton, Martin
Love, Mr. Andrew
Lucas, Ian
MacDougall, Mr. John
Mactaggart, Fiona
Malik, Mr. Shahid
Mallaber, Judy
Mann, John
Marsden, Mr. Gordon
Marshall, Mr. David
Martlew, Mr. Eric
McAvoy, rh Mr. Thomas
McCabe, Steve
McCarthy, Kerry
McDonagh, Siobhain
McDonnell, John
McFall, rh Mr. John
McIsaac, Shona
McKechin, Ann
McKenna, Rosemary
McNulty, Mr. Tony
Meacher, rh Mr. Michael
Meale, Mr. Alan
Merron, Gillian
Michael, rh Alun
Milburn, rh Mr. Alan
Miliband, rh David
Miliband, Edward
Miller, Andrew
Moffat, Anne
Moffatt, Laura
Mole, Chris
Moon, Mrs. Madeleine
Moran, Margaret
Morden, Jessica
Morgan, Julie
Mountford, Kali
Mudie, Mr. George
Mullin, Mr. Chris
Munn, Meg
Murphy, Mr. Denis
Murphy, Mr. Jim
Naysmith, Dr. Doug
Norris, Dan
O'Brien, Mr. Mike
Olner, Mr. Bill
Owen, Albert
Palmer, Dr. Nick
Pearson, Ian
Plaskitt, Mr. James
Pound, Stephen
Prentice, Bridget
Prentice, Mr. Gordon
Prosser, Gwyn
Purnell, James
Rammell, Bill
Raynsford, rh Mr. Nick
Reed, Mr. Andy
Reed, Mr. Jamie
Reid, rh John
Riordan, Mrs. Linda
Robertson, John
Robinson, Mr. Geoffrey
Rooney, Mr. Terry
Ruane, Chris
Ruddock, Joan
Ryan, Joan
Salter, Martin
Sarwar, Mr. Mohammad
Seabeck, Alison
Shaw, Jonathan
Sheerman, Mr. Barry
Sheridan, Jim
Short, rh Clare
Simon, Mr. Siôn
Simpson, Alan
Singh, Mr. Marsha
Skinner, Mr. Dennis
Slaughter, Mr. Andrew
Smith, rh Mr. Andrew
Smith, Ms Angela C. *(Sheffield, Hillsborough)*
Smith, Angela E. *(Basildon)*
Smith, Geraldine
Smith, rh Jacqui
Sneigrove, Anne
Soulsby, Sir Peter
Southworth, Helen
Spellar, rh Mr. John
Starkey, Dr. Phyllis
Stewart, Ian
Stoate, Dr. Howard
Strang, rh Dr. Gavin
Straw, rh Mr. Jack
Stringer, Graham
Sutcliffe, Mr. Gerry
Tami, Mark
Taylor, Ms Dari
Thomas, Mr. Gareth
Thornberry, Emily
Timms, Mr. Stephen
Tipping, Paddy
Touhig, Mr. Don
Trickett, Jon
Truswell, Mr. Paul
Turner, Mr. Neil
Twigg, Derek
Ussher, Kitty
Vaz, Keith
Waltho, Lynda
Ward, Claire
Wareing, Mr. Robert N.
Watson, Mr. Tom
Watts, Mr. Dave
Whitehead, Dr. Alan
Wicks, Malcolm
Williams, rh Mr. Alan
Wills, Mr. Michael
Winnick, Mr. David
Winterton, Ms Rosie
Woolas, Mr. Phil
Wright, Mr. Anthony
Wright, David
Wright, Mr. Iain
Wright, Dr. Tony

Tellers for the Noes:
Tony Cunningham and Mr. Frank Roy

Question accordingly negatived.

New Clause 4

ANONYMOUS REGISTRATION: NORTHERN IRELAND

'After section 9 of the 1983 Act insert—

"9A Anonymous registration: Northern Ireland

(1) This section applies if an application for registration in a register of parliamentary electors of local government electors is made in accordance with the requirements for the purposes of section 10A(1)(a) below and is accompanied by—

(a) an application under this section made in accordance with prescribed requirements (an application for an anonymous entry),

(b) a declaration made in accordance with such requirements for the purposes of this section, and

(c) such evidence in support of the application for anonymous registration as may be prescribed.

(2) If the registration officer determines that the person is entitled to be registered, he must also determine whether the safety test is satisfied.

(3) If the registration officer determines that the safety test is satisfied—

(a) section 9(2) does not apply in relation to the person; and

(b) the person's entry in the register shall instead contain letters in the prescribed form and his electoral number.

(4) An entry containing the matters mentioned in subsection (3)(b) above is referred to in this Act as an anonymous entry.

(5) If an anonymous entry is made in respect of a person, the registration officer shall remove any other entry in the register for that person.

(6) If the registration officer does not determine that the safety test is satisfied, no entry is to be made in respect of him in the register (whether an anonymous entry or otherwise).

(7) Subsection (6) above does not affect—

(a) any other entry in the register for the person;

(b) the determination of any further application for registration which is made by the person (including an application which is treated as having been made by him by virtue of section 10A(2) below).

(8) Any communication sent by a registration officer or the returning officer for any election to a person who has an anonymous entry (A) must be sent in an envelope or other form of covering so as not to disclose to any other person that A has an anonymous entry.

(9) The safety test is satisfied if the safety of the applicant for an anonymous entry or that of any other person of the same household would be at risk if the register contains the name of the applicant or his qualifying address.

(10) In this section, "determines" means determines in accordance with regulation.

9B Removal of anonymous entry: Northern Ireland

(1) If a person has an anonymous entry in a register, his entitlement to remain in pursuance of the application for registration mentioned in section 9A(1) terminates—

(a) at the end of the period of 12 months beginning with the date when the entry in the register first takes effect, or

(b) if the declaration made for the purposes of section 9A is at the time when the declaration is cancelled.

(2) Subsection (1) above does not affect the application of any other provision of this Act or of the Representation of the People Act 1985 which has the effect that the person's entitlement to registration terminates before the expiry of the 12 month period mentioned in subsection (1) or before the cancellation of the declaration made for the purposes of section 9A.

(3) If a person's entitlement to remain registered terminates by virtue of subsection (1) above, the registration officer concerned shall remove his entry from the register, unless he is entitled to remain registered with an anonymous entry in pursuance of a further application for registration accompanied by a further application under section 9A."'.—*[Mr. Alan Reid.]*

Brought up, and read the First time.

Mr. Alan Reid: I beg to move, That the clause be read a Second time.

Mr. Deputy Speaker (Sir Alan Haselhurst): With this, it will be convenient to discuss the following amendments:

No. 17, in clause 3, page 2, line 29, leave out subsection (b) and insert—

'(b) the year 2015;

(c) every tenth year following 2015;'.

No. 18, in page 3, line 2, leave out '2010' and insert '2015'.

No. 19, in page 3, line 3, leave out '2010' and insert '2015'.

No. 20, in page 3, line 4, leave out paragraph (c).

Mr. Reid: New clause 4 replicates the provisions of section 10 of the Electoral Administration Act 2006, which introduces anonymous registration provisions in Great Britain but does not extend to Northern Ireland. However, the principal justifications for anonymous registration in Great Britain apply equally well in Northern Ireland.

In Great Britain, people who fear that their security, or that of their families, will be put at risk if their names appear on the register are allowed to apply to register anonymously. Given that the principles behind anonymous registration were debated at length in Committee, where there was widespread support for introducing it in Northern Ireland, I shall not repeat all the arguments today.

We have tabled the new clause to elicit from the Minister an explanation of why the Government treat Northern Ireland differently from the rest of the UK. The Government do not intend to use the Bill to introduce anonymous registration in Northern Ireland, but instead will do so means of an Order in Council. As a result, people there will not be able to take advantage of anonymous registration until much later than their counterparts in Great Britain. I hope that the Minister will answer a few questions about that.

Will there be a consultation in Northern Ireland before the Government introduce the secondary legislation here? Secondary legislation cannot be debated and amended by this House, so consultation is even more important than with primary legislation.

Do the Government have a proposed timetable for implementation of the provision? When do they intend to bring the Order in Council before the House? Will it be in place before the annual canvass planned for next year? That is important because, if it is not in place then, people who might want to register anonymously will be forced to make a choice. If they decide not to register, they will give up their right to vote, but if they remain fully on the register, they could put themselves or their families at risk. The next canvass is not due until 2010, but it could be as late as 2016 if the Secretary of State uses his power of veto.

Lembit Öpik: The Minister is likely to stand up and give the reasons why the Government are not willing to accept this common sense proposal, and we have just had a vote on a matter in which he showed no interest at all. He did not take the DUP's amendment at all seriously, but does my hon. Friend agree that the Minister would do a lot better if he showed some sympathy and empathy for what is being proposed?

Mr. Reid: I agree wholeheartedly. The Minister showed little sympathy for the earlier amendment. I hope that he will do better this time and at least answer my questions properly. People's right to vote is a key element of a democratic society, but they are also entitled to exercise that right in complete security and in a way that does not put at risk their lives, or the lives of their families.

The right to anonymous registration has been introduced in the rest of the UK. I do not see why it should not be introduced in Northern Ireland, especially given the all-party support that the proposal received in Committee. I look forward to hearing the Minister answer my questions.

4.45 pm

Mr. Laurence Robertson (Tewkesbury) (Con): I shall speak to amendments Nos. 17 to 20, aspects of which we discussed at earlier stages.

Accuracy of the register is extremely important. We expressed concerns about the abolition of the annual canvass in previous debates; today, we are discussing the same thing in a different way. We were concerned about the Secretary of State's ability to override the chief electoral officer and, indeed, the legislation. We are now looking at the matter slightly differently. Our amendments would ensure that a canvass took place in 2015 and every 10 years thereafter, so that even if one canvass was delayed, others would be carried out in those years.

We were a little concerned about the abolition of the annual canvass, but having discussed it with the former CEO, we understood some of the reasons. He felt that it would be better if he could deploy his resources on encouraging people to register rather than carrying out an annual canvass. I can appreciate both sides of the argument, but I am concerned that the Secretary of State could say that a canvass should never be carried out. It is important to hold a canvass every so often, as people move or slip through the net.

[Mr. Laurence Robertson]

I commend our amendments; they are innocuous and I am sure that the Government will see them in that way. I look forward to the Minister's response.

Mr. Hanson: I appreciate the way in which the hon. Members for Argyll and Bute (Mr. Reid) and for Tewkesbury (Mr. Robertson) made their proposals.

The Government and the hon. Member for Argyll and Bute have a common interest. It is our intention broadly to mirror the provisions on anonymous registration, for the reasons that we discussed in the Committee of the whole House some weeks ago. Anonymous registration is vital to protect individuals who feel threatened and we agree with it. The question is how to do it.

The new clause would replicate the provisions of the Electoral Administration Bill, and the reason I cannot accept the new clause is not that we are not on the same wavelength in respect of anonymous registration but because there are differences in the operation of electoral law in Northern Ireland. There are registration conditions and anti-fraud measures that do not apply to the rest of the United Kingdom, including, for example, proof of identity requirements at the polling station that are not necessary in Great Britain and which make anonymity more difficult to maintain. There is a range of reasons.

We shall introduce an Order in Council to give effect to the same principle that the hon. Gentleman wants to achieve, but in a Northern Ireland context. The proposals will be introduced later so that we can consider their implications for Northern Ireland, but the principle is exactly the same. I want anonymous registration in due course and we shall introduce the order after the consultation process. We hope that that will not be long after the scheme is introduced in Great Britain and that any difference in time scale will be a matter of only a few months. I hope that it will be only a few weeks, and that we can introduce the order quickly.

I appreciate that the hon. Gentleman does not support the whole idea of Orders in Council. I realise that they are not amendable and that that gives rise to difficulties, but on this occasion there are real reasons, which I have outlined, for an Order in Council. I do not expect that he will disagree with the content of the order because it will achieve his objectives, but in a Northern Ireland context.

I turn to the points made by the hon. Member for Tewkesbury (Mr. Robertson). If he looks at clause 3, as I know that he has done, he will see that the Government's clear intention is that there will be a canvass in 2010. The key point of his amendments is that, if the chief electoral officer believes that the canvass in 2010 is not necessary for him to meet the registration objectives that we have also set out in the legislation—for example, if he feels that a canvass would not improve the comprehensiveness or accuracy—and he believes that, for his own purposes, that the cost of that canvass is not justified, he can recommend to the Secretary of State that the 2010 canvass be cancelled.

Only if such a recommendation is made can the Secretary of State make an order to remove the requirement for a canvass to held in 2010. The Secretary of State cannot unilaterally cancel the canvass in 2010; he can only do so if the chief electoral officer makes a recommendation to that effect because the chief electoral officer, not the Secretary of State, believes that the canvass should be cancelled. Even if that were the case and the Secretary of State accepted the chief electoral officer's recommendation, it would be subject to approval by both the House and another place.

Canvasses are very resource-intensive in terms of both labour and money. It is only right that the chief electoral officer has the power to determine how his resources will be best deployed in determining whether or not a canvass is necessary in 2010. Indeed, the hon. Member for Tewkesbury will know that 2010 is only four years after the final annual canvass, which will take place very shortly. I hope that, with the assurance that the Secretary of State has a power only to accept a recommendation, the hon. Gentleman will not press any of his amendments and that the hon. Member for Argyll and Bute will withdraw the motion.

Mr. Reid: I was pleased to hear the Minister say that the Government are committed to the principle of introducing anonymous registration to Northern Ireland, that there would be a consultation process and that the legislation would come into effect either only a few weeks or, at most, a few months after the legislation for the rest of the United Kingdom. I was pleased about those assurances, in view of which I beg to ask leave to withdraw the motion.

Motion and clause, by leave, withdrawn.

New Clause 6

APPOINTMENT OF VISITOR FOR A CHILD WHO IS NOT BEING VISITED

'For Article 31(1) of the Children (Northern Ireland) Order SI No.755 (N.I. 2) substitute:

"(1) Where it appears to an authority in relation to any child whom the authority is accommodating under Article 21 for a continuous period of more than 3 months that it would be in the child's best interests for an independent person to be appointed to be his visitor for the purposes of this Article, the authority shall appoint such a visitor.

(1A) In ascertaining the child's best interest under 31(1) the authority must take into account the child's age and understanding about the appointment of an independent visitor subject to subsection (5).".'.—*[Lady Hermon.]*

Brought up, and read the First time.

Lady Hermon: I beg to move, That the clause be read a Second time.

I welcome the Under-Secretary of State for Northern Ireland, the hon. Member for Wythenshawe and Sale, East (Paul Goggins) to his new responsibilities in the Northern Ireland Office and pay tribute to his predecessor, the hon. Member for Sheffield, Hillsborough (Ms Smith), who worked extremely hard and was very well liked in Northern Ireland. We wish her well, and we also wish his other colleague, the Under-Secretary of State for Culture, Media and Sport, the hon. Member for St. Helens, South (Mr. Woodward), well in his new post.

The new Minister is most welcome to Northern Ireland. I hope that he enjoys it, is extremely successful and delivers all that I request, including accepting the new clause.

Since this is the Northern Ireland (Miscellaneous Provisions) Bill, I have an opportunity to introduce, under the heading of miscellaneous, a very important issue that has come to my attention for a certain reason in North Down. The new clause would amend the current wording of article 31 of the Children (Northern Ireland) Order 1995. If no next of kin or other family member has visited a child in care within 12 months, the relevant authority should certainly appoint an independent visitor to see to the needs and request of the young person who is in care.

I understand that the system of independent visitors has worked extremely well in Wales, but the practice has been very patchy in Northern Ireland, where some trusts appoint independent visitors, while others choose not to do so or leave doing so until the eleventh hour. The new clause would ensure that, if there had not been a visit to a child in care in a much shorter period of time—three months—an independent visitor would, of necessity, be appointed.

The matter came to my attention in my constituency for a very particular reason. The whole of Northern Ireland is serviced by one juvenile justice centre, which was opened recently. I pay tribute to—sadly—the late Martin Mogg, who led the way in many ways. He was very progressive in his thinking about modernising juvenile justice in Northern Ireland and I had the great good fortune of being first shown around the juvenile justice centre on the Rathgael road in Bangor by him. I knew at the time that he was ill, but I did not realise just how ill. I am sure that other hon. Members who knew him will wish to join me in paying tribute to his efforts to modernise juvenile justice in Northern Ireland.

I first visited the juvenile justice centre on Good Friday 2004. We are talking about young people who, allegedly, have committed serious offences in Northern Ireland, but who are juveniles. During the course of conversations with some of those young people—particularly the young women, who were being taught for the first time to iron clothes and the young men who were being taught how to make scrambled egg, if I remember correctly, and were delighted to have been given skills to cook, wash, iron and look after themselves—many of them expressed reservations about returning to their communities.

Those young people—particularly the young women—also gave me a clear impression of how they felt let down by the care system in Northern Ireland. That has remained with me in my conscience for two years. As I say, we have a vehicle to change things and to try to improve the care system in Northern Ireland for young people. It seems a terribly sad fact of life that young people who have gone into care—particularly young women—have ended up in the juvenile justice centre. We have let them down badly somewhere along the line.

I have not drafted the new clause with particular care, but I want to put it on the record that we definitely need a care system that is much more flexible in terms of independent visitors or advocates for young people who go into care for whatever reason—and there are always a variety of reasons. I do not wish those young people to end up in the juvenile justice centre. If the Minister cannot accept the wording of the new clause, I hope that he will give a clear commitment that the issue will be looked at seriously and promptly by the Northern Ireland Office and those who are responsible for juvenile justice in Northern Ireland..

Dr. Alasdair McDonnell: I welcome the opportunity to raise my concern about child welfare. There are many serious issues. Although I welcome the purpose and intent of my hon. Friend the Member for North Down (Lady Hermon) in proposing the new clause, I have some concerns. I would have preferred the new clause to have been additional to the current legislation, rather than something to be used instead of it. As I understand it—I am subject to correction if I am wrong—article 31(1) of the children order allows independent visitors to be appointed only for children who are in care. Children in care are defined by articles 25(1) and 27(2) as children under care orders. That means that independent visitors cannot be appointed for other children who are very much in need, but who are not fully in care or fully under care orders. Such children may nevertheless need and seek considerable assistance with finding a place to live. They are generally teenage children who are in transition to independent living, but not always. They are known as article 21 children. There is a serious defect because these children are very much in need of support. They are in a halfway house, or no-man's land, between care and independent living. The new clause would certainly go a long way towards addressing the problem.

5 pm

The new clause would delete article 31(1) and substitute the new wording, but that would create a new problem, because article 31(1) is essential for the protection of children in care. In fact, we need both provisions. We need visitors to be appointed to children in care, but I would claim that we also need visitors appointed to the many children who are not quite in care or under care orders, but at the boundaries. Such children need support as they move from being in care to independent living.

Mrs. Iris Robinson (Strangford) (DUP): Does the hon. Gentleman agree that the system fails badly to follow up how those young people are doing after they get out into the community? They are very vulnerable.

Dr. McDonnell: I thank the hon. Lady because I am making exactly the point that there is a transition phase. The follow-up is poor and, in many cases, weak. We have many problems in Northern Ireland with inadequate child care. The inadequacy is often driven by underfunding, which is being compounded at the moment by cuts at the education board level. I do not like to bring this matter to the feet of our new Under-Secretary of State for Northern Ireland, the hon. Member for Wythenshawe

[Dr. Alasdair McDonnell]

and Sale, East (Paul Goggins), immediately, because I would like to give him the opportunity to get to grips with the situation, but there is a serious problem. I welcome the new clause, but I would have preferred the new provision to be additional to article 31(1)—perhaps that is not possible at this stage—because we need to hold on to the existing article. I am in a dilemma about that, so I would like to hear his comments. We need to retain the old provision as well as adding the wording in the new clause.

Sir Patrick Cormack: I support the hon. Member for North Down (Lady Hermon), who moved new clause 6, and the hon. Member for Belfast, South (Dr. McDonnell), both of whom have a much more detailed knowledge of such matters than I. However, I know from representations that I have received and conversations that I have had in Belfast and elsewhere that there is considerable concern about the inadequacy of child care and supervision in the Province. The hon. Member for Strangford (Mrs. Robinson) outlined that in her intervention, too.

I, too, welcome the Under-Secretary of State for Northern Ireland, the hon. Member for Wythenshawe and Sale, East (Paul Goggins), to his new post. I am sure that his background will give him a real insight into the problems and sympathy with the situation. In his previous incarnation, he had a degree of responsibility for some of the most difficult young people in the United Kingdom, and I met him when he was acting in that capacity on at least one occasion. These young people need not soft treatment, but care and concern. No matter what offences they may have committed, they must have the chance of rehabilitation and hope, and I think that that is what the hon. Member for North Down is trying to achieve.

The hon. Lady indicated that the drafting of the new clause might not be absolutely acceptable at the moment, but she has put down a marker. I hope that the Minister will reply by indicating his concern and willingness to examine the situation. The care of young people in Northern Ireland is a matter that the Select Committee might want to address in a future inquiry because there is concern about it throughout the Province. With those few words of general support for the principle of the amendment, I hope that we will hear a positive response from the Dispatch Box.

David Simpson (Upper Bann) (DUP): I support the idea of having a visitor for young people. I have been involved in youth work for more than 20 years, and I recognise some of what the hon. Member for North Down (Lady Hermon) referred to. I remember visiting an organisation in the city of Belfast which dealt with young people from 11 up to 16. I visited one small apartment of a young lady of 15 years of age. She had a young baby in the corner in one of the prams. I was informed that that was her second child. Some of the young people had been used on the streets of Belfast by paramilitary organisations and some of them had got pregnant.

My hon. Friend the Member for Strangford (Mrs. Robinson) mentioned follow-up visits, which are important. Through that organisation, the young people were learning how to take care of basic domestic tasks, from ironing clothes through to handling money, including learning about computers so that they could keep basic accounts. Those were tremendous achievements, but the young people needed to be visited. Many of them had gone through traumatic times, not only because they were used on the streets, but because they were abused in homes by family members. We need to push for such support. Will the Minister give the new clause serious consideration and see whether there is something that he can do?

DEFERRED DIVISION

Mr. Deputy Speaker (Sir Alan Haselhurst): I am now to announce the result of a Division deferred on the question of a Joint Committee on Conventions.

On the motion on the Joint Committee on Conventions, the Ayes were 416, the Noes were 19, so the motion was agreed to.

[The Division List is published at the end of today's debates.]

Northern Ireland (Miscellaneous Provisions) Bill

Question again proposed, That the clause be read a Second time.

Sammy Wilson: I have no hesitation in supporting the new clause. The hon. Member for North Down (Lady Hermon) has identified an important problem. Youngsters who are taken into care in Northern Ireland face many disadvantages, which hon. Members mentioned, both when they leave care and when they are in it. Not least, they face disadvantages in getting an education.

Many youngsters have come from backgrounds in which their families have been disrupted and their lives have been in turmoil in their early years. They come into care with considerable educational disadvantages because they have not attended school regularly—perhaps because they have not been encouraged to attend, because they are persistent truants, or because they come from dysfunctional families. A recent ministerial response to me said that about 90 per cent. of such youngsters leave school without the basic qualifications that one would expect from schools in Northern Ireland.

I understand that the role of the visitor is to befriend youngsters and to act as an advocate on their behalf. I am not clear whether that would extend to the visitor acting as someone who can take up the problems that the youngster may have with school and act as an intermediary, or whether their role would be to identify some of the problems that the youngster faces with education, and then persuade someone else to intervene. The one thing I know is that we can no longer tolerate a situation in which so many youngsters, who already have an accumulation of disadvantages, are put out into the wide world at 17 with little or no support and without the basic educational skills that will enable them to get some stability back into their lives. If the new clause helps at least to move us in that direction, in all social conscience, we must accept it and progress in that direction.

The Parliamentary Under-Secretary of State for Northern Ireland (Paul Goggins): I thank the hon. Member for North Down (Lady Hermon) for her warm welcome and hon. Members on both sides of the House for the welcome they have offered to me in this debate and elsewhere in the past few days. In a gentle way this afternoon, the hon. Lady finally got her revenge. As a Home Office Minister for the past three years, I have taken a range of criminal justice legislation through the House. On the Floor of the House and in Committee, I have engaged in discussions with her on a range of issues. She often said, "If this is good enough for England and Wales, why is it not good enough for Northern Ireland?", to which I always replied sympathetically that that was a matter for Northern Ireland Ministers. Well, here we are.

The hon. Lady raises an important issue. The intention behind the new clause, which is clearly thoughtful and caring, is shared by hon. Members across the House. The Chair of the Select Committee, the hon. Member for South Staffordshire (Sir Patrick Cormack), alluded to my past. In the first 15 years of my working life, I worked with children as well as troubled children in care. I hope that some of what I learned then will inform my new responsibilities in Northern Ireland.

There is a debate about whether the responsibility placed on the trust to appoint an independent visitor should begin after three months or 12 months. Some may regard three months as too early, some may regard 12 months as too late. There is genuine discussion and reflection to be had. There is, however—I think that the hon. Lady recognised this—a technical difficulty with the new clause to which my hon. Friend the Member for Belfast, South (Dr. McDonnell) alluded. The provisions on independent visitors apply to all children, whether they are in voluntary accommodation or the subject of a care order. The inclusion of a reference to article 21 of the Children (Northern Ireland) Order 1995 would mean that the facility to appoint independent visitors applied only in relation to children in voluntary care. It would take away any requirement to appoint independent visitors for children who were the subject of care orders. That presents us with a difficulty.

I feel strongly—I sense from the discussion that right hon. and hon. Members agree—that there is a need to ensure that children in care in Northern Ireland have a stronger voice within the various discussions that we have. I was pleased on Sunday to host a fun day in the grounds of Hillsborough castle for the fostering network and to meet representatives of Voices of Young People in Care, who said some interesting things to me. They carried out some research as recently as last year that highlighted a number of the issues facing young people in care in Northern Ireland. They want more contact, where it is possible, with their family and friends. They want to have greater input in the decisions that affect them, as well as to highlight some of their difficulties in learning to trust and to engage with new people.

I was pleased, therefore, in coming to this new role, to find that the children and young people funding package that was launched by my right hon. Friend the Secretary of State in March contains an additional £660,000 to provide an independent advocacy and peer mentoring service for children in care across Northern Ireland. That package and the resource it brings will help us, along with other measures, to promote greater stability and continuity of care placements, which are so important.

Mrs. Iris Robinson: May I flag up an issue that is close to my heart? A lot of young vulnerable people in care homes are self-harmers. When they are released back into the community, they sometimes, sadly, become suicide statistics. We must look at the whole question around mental health provision. We must allow more money to be spent on those young adolescents who suffer mental illness following whatever traumas they have suffered throughout their young lives.

5.15 pm

Paul Goggins: I am grateful to the hon. Lady for raising the issue. In my first few days in post, I have seen submissions, reports and correspondence on suicide and self-harm. I hope to build on the work of my predecessor and address the problem for children in

[Paul Goggins]

care and more widely, because suicide and self-harm rates in Northern Ireland are worryingly high. I look forward to discussing that concern with her in future.

The hon. Member for East Antrim (Sammy Wilson) made an important point about the need for better educational outcomes for looked-after children. I hope that the packages that we are developing will help young people in care to have a greater say in the decisions that affect their lives and future. I intend shortly to consult on proposals to place the independent advocacy service on a statutory footing, which is a significant step forward, and I look forward to hon. Members' contributions and observations. It is important that the new service complements, and does not obstruct, other provisions for independent visitors and the personal advisers appointed when children leave care. I agree that it is important to follow through—we should not abandon children when they leave care.

Sir Patrick Cormack: In view of the widespread concern among Members on both sides of the House, will the hon. Gentleman give evidence on his new package of measures to the Select Committee so that we can look at them?

Paul Goggins: Who could resist such an invitation? I should be delighted to explain the package at an appropriate time. I repeat that it must be developed in consultation and discussion with professionals, children who have been in the care system, and hon. Members. In urging the hon. Member for North Down (Lady Hermon) to withdraw the motion, I pledge to make sure that she and other hon. Members are included in the consultation so that the solution commands broad consensus and will be of genuine benefit to looked-after children in Northern Ireland.

Dr. McCrea: Will the Minister confirm that his Department is already dealing with those issues and that its proposals will be introduced shortly? There is grave concern in the community that the problem should not be left to the long term, as we need active solutions on the ground.

Paul Goggins: I hesitate so early in my new post to give a specific time scale. Work is under way, and there is a £6 million package to promote fostering in Northern Ireland, which could transform the fostering network, recruit more foster carers, and give them better training and support. A series of measures will be introduced, and our debate has confirmed my view that the matter is urgent. We have a debt and obligation to looked-after children, and we must all fulfil it. In response to the hon. Member for South Staffordshire and other hon. Members, I will introduce proposals on a wider package as soon as possible.

Lady Hermon: I am grateful to the Minister for a typically thoughtful and full reply. I am glad that the traits that he demonstrated in his previous incarnation at the Home Office have been carried over to the Northern Ireland Office.

I welcome the announcement of increased advocacy arrangements for young people in care. In light of the views expressed by the hon. Member for Belfast, South (Dr. McDonnell) and the hon. Member for Strangford (Mrs. Robinson), who speaks on health matters for the Democratic Unionist party, it would be helpful if they volunteered to join Colin Reid—the National Society for the Prevention of Cruelty to Children policy adviser who has helped to advance a wide range of children's issues on behalf of the charity—and myself in an early cross-party meeting with the Minister and his officials before his grilling by the Northern Ireland Affairs Committee.

Paul Goggins: I confirm to the hon. Lady that I would be more than happy to do that, on a cross-party basis and with the advice of the voluntary sector, as she suggests.

Lady Hermon: I am grateful for that assurance and commitment given so early on by the Minister. With the consent, I am sure, of the hon. Member for Strangford and certainly that of the hon. Member for Belfast, South, may I say that we look forward to meeting the Minister very soon. I beg to ask leave to withdraw the motion.

Motion and clause, by leave, withdrawn.

New Clause 7

AMENDMENTS TO SECTION 30 OF THE 1998 ACT

'(1) Section 30 of the 1988 Act (exclusion of Ministers from office) is amended as follows.

(2) After paragraph (1)(b) insert—

"(c) because he is no longer committed to upholding the rule of law in Northern Ireland".

(3) After paragraph (2)(b) insert—

"(c) because it is no longer committed to upholding the rule of law in Northern Ireland".

(4) After paragraph (7)(d) insert—

"(e) is committed now and in the future to upholding the rule of law in Northern Ireland".'.—*[Mr. Laurence Robertson.]*

Brought up, and read the First time.

Mr. Laurence Robertson: I beg to move, That the clause be read a Second time.

Mr. Deputy Speaker: With this it will be convenient to discuss new clause 8—*Amendment to section 30 of the 1988 Act*—

'In Section 18 of the 1998 Act after subsection (8) insert—

"(8A) A Northern Ireland Minister shall not take up office until he has made a declaration before the Assembly pledging to uphold the rule of law."'.

Mr. Robertson: I add my welcome to the Minister. I hope he finds his time in the Northern Ireland Office fulfilling. I know that he will find it challenging and interesting. I look forward to working with him.

New clauses 7 and 8 revisit topics that we discussed in a slightly different context during earlier stages of the Bill. They refer to the requirement that Ministers in office uphold the rule of law, and that before they are appointed to office, they make a declaration before the Assembly pledging to uphold the rule of law. The new clauses add to sections 30 and 18 of the 1998 Act and the pledge of office.

On earlier amendments we debated support for the rule of law and for the police, so I do not intend to speak for too long, but as I did not take part in that debate, I hope I shall be allowed a few minutes to express my opinions. As has been said by various Members, we cannot allow a situation in Northern Ireland where Ministers are in control of the police, yet do not support the police. We cannot accept that situation or move towards it.

Last week I visited south Armagh. The people there, the Army and the police were clear that the situation had improved immeasurably, and I accept that it has. However, it may be useful to the House, especially to Members who may not visit Northern Ireland regularly, if I describe the situation there. The Army still accompanies the police when they go around south Armagh, particularly in Crossmaglen. The police are often refused service in shops. They are concerned about what will happen as the Army pulls out of the area. Criminality is continuing and, in the words of the people in the area, there is a long, long way to go before normality is reached.

Given that background, it is reasonable that we should ask any Minister who has the potential to be in control of the police, and of the other offices of Northern Ireland as well, to make a declaration before the Assembly pledging to uphold the rule of law. I do not see that there can be any objection to that requirement, other than one: there may be a party—Sinn Fein—that would object to that requirement. If we allow that party to get in the way of writing the requirement into the Bill, what does that say about the entire process?

We feel strongly about new clauses 7 and 8. Yes, there is a requirement in the Bill to pursue non-violent and democratic means, but the Bill, like the 1998 Act, should require the additional declaration before the Assembly pledging to uphold the rule of law. If that were the requirement, the constitutional and legitimate parties in Northern Ireland would find it much easier to move towards the full restoration of the Northern Ireland Assembly.

Mark Durkan Thank you, Mr. Deputy Speaker.

Mr. Deputy Speaker: Order. It would be extremely helpful to the Chair if the hon. Gentleman were to make a positive indication of wishing to contribute, because he might have lost his place.

Mark Durkan: New clauses 7 and 8 are better than the provisions that we examined in Committee, but we are still concerned on a couple of counts. On the new grounds for exclusion, the question whether people are committed to upholding the rule of law in Northern Ireland leaves a lot of room for interpretation. Earlier today, I mentioned the attitude of parties to the Parades Commission's rulings, to the performance of the police in enforcing such rulings and to the ensuing violence in the case of Whiterock. It is possible to question many parties other than Sinn Fein about their attitude to upholding the rule of law.

We now face the additional problem created by the step too far by the leader of the Ulster Unionist party in incorporating the leader of the political wing of the Ulster Volunteer Force into the UUP Assembly group. I assume that the Independent Monitoring Commission's examination of the activities of political parties in the Assembly would centre on the rights and roles in the Assembly of the new UUP Assembly group rather than distinctively or specifically the Progressive Unionist party, because the IMC has powers, which have not yet been activated, on the conduct and rights of parties in the Assembly. That is an additional complication, and, because we are all coming to terms with it and hoping that other people might resolve it for us, it would be dangerous to accept new clause 7.

New clause 8 proposes an addition to the pledge of office. As I have said, the SDLP is happy to consider in the context of a proper review of the agreement altering the pledge of office to include commitments on the rule of law or, indeed, the Police Service of Northern Ireland. In that context, new commitments could be made to people who participate in all the institutions or who exercise responsibility in all of the institutions. I originally drafted the pledge of office when we negotiated the agreement, and I was careful not to build in a commitment to all the institutions, because that would be unfair to Ministers who oppose the agreement—people should not have to sign up to the agreement to take office. Equally, we did not build in specific commitments at that stage in relation to policing and the rule of law. If the circumstances have changed, we could consider that matter, but it should be done in the context of a review agreed by the parties rather than by the House acting at its own behest.

Lembit Öpik: I find it hard to disagree with new clauses 7 and 8, but they are slightly meaningless. That is not because the hon. Member for Tewkesbury (Mr. Robertson) lacks meaning—he has made a profound and ongoing contribution to the peace process—but because, to put it bluntly, Britain's prisons are full of people who are innocent and who are willing to pledge to tell the truth and to uphold the rule of law. When I consider the recent history of Northern Ireland, I am not sure what we would achieve by including that additional pledge. If we listen to the testimony from various individuals in Northern Ireland, nobody robbed the Northern bank. Even if by some miracle the hon. Member for Tewkesbury succeeds, against all previous evidence, in convincing the Minister to listen, to be persuaded, to do some joined-up government and to accept the new clause, I still suspect that individuals may occasionally be economical with the truth.

5.30 pm

Mr. Hanson: Before the hon. Gentleman gets into the habit of saying that the Minister does not listen, will he consider the fact that I have tabled at least two amendments that reflect discussions that took place during previous debates in this House?

Lembit Öpik: I credit the Minister for showing signs of listening. He is doing quite well. As a general progress report, it is good to see that he is beginning to make up for nine years of parliamentary deafness by some of his colleagues, although there is some way to go yet. In parenthesis, I would say to him that the Liberal Democrats were provoked into supporting the new clause tabled by the DUP because he showed no willingness to show any empathy with a point that seemed utterly reasonable and which hon. Members made with sincerity. I do not want to have a go at the Minister—I think that he is a very nice man. I will be in his constituency in a few days' time, and I do not want him to be annoyed with me. [*Interruption.*] I shall let him know, but it is not perhaps terribly relevant to what we are discussing now.

If the hon. Member for Tewkesbury insists on pressing the new clause, I will have to vote for it in the same way that one would vote for motherhood and apple pie. I have issued a reality check about the likelihood of its making a difference. Hope springs eternal, but I think that it will take more than another pledge to bring things together in Northern Ireland.

Sir Patrick Cormack: It is good to have a Liberal Democrat who would be prepared to vote for motherhood and apple pie.

I rise briefly to support most strongly the new clause moved by my hon. Friend the Member for Tewkesbury (Mr. Robertson). I will not repeat what I said earlier this afternoon, the House will be relieved to hear, but I do believe very strongly that it is crucial that those who take a place in the Executive—let us hope that one can be formed—are utterly and publicly committed to upholding the rule of law.

My hon. Friend the Member for Tewkesbury referred to his visit to south Armagh. I was privileged to take the Northern Ireland Affairs Committee there last week, and everything that he says is absolutely true. Yes, there has been significant advance—nobody denies that—but one still has to travel in an armoured helicopter or an armoured vehicle, and in a convoy. We heard some pretty horrific tales of people being set upon and beaten up. We also heard tales of extraordinary courage—of young police officers who, despite suffering the most dreadful injuries, still returned to their posts wanting to serve in south Armagh because they do so love the countryside and the people. We are dealing with a very small number of evil people and a very large number of decent ones. It is crucial that there should be public and proclaimed commitment to the rule of law. That is all that my hon. Friend the Member for Tewkesbury is seeking to achieve.

I make one other point because my right hon. Friend the Member for Suffolk, Coastal (Mr. Gummer), who has himself taken a considerable interest in these matters over the years, has just come into the Chamber. When he and I entered this House in June 1970, almost 36 years ago, the Province was represented for the most part by Ulster Unionist party Members, who sat with us on what was in those days the Government side of the House and received the Whip. I might say that the right hon. Member for North Antrim (Rev. Ian Paisley) entered on the same day and sat in the same place.

I was deeply concerned earlier this week when I learned of the extraordinary arrangement between the Ulster Volunteer Force and the Ulster Unionist party. I can well understand the misgivings that the hon. Member for North Down (Lady Hermon) was courageous enough to proclaim in the House this afternoon. Let us hope that I am proved wrong, and that there is more to it than the official reason that was given immediately afterwards. Let us hope that what the hon. Lady heard last night turns out to be true. However, at the moment, it looks like a rather cynical manoeuvre, and it is one that I am deeply distressed about, having always had a profound respect for that party. It has had its ups and downs, but it has always been consistently and absolutely democratic and law abiding. To find it now put into the same category as Sinn Fein by the Secretary of State's statement today is very distressing. I think that that was very unfair on his part, but it is nevertheless distressing.

The hon. Member for Foyle (Mark Durkan) has his misgivings. He said that he was unhappy about the new clauses, but he went on to say that he was happy about a pledge to uphold the rule of law. He referred to the events of earlier this week, and it is those events that underline the need for everyone who is to play a constructive part in the Northern Ireland Assembly, particularly those in the Executive who will govern the Province, to make a public proclamation of their dedication to upholding the rule of law. I hope that it will not be necessary to vote on the new clause, because I hope that we shall have a good response from the Minister, but if it is necessary to go into the Lobby, I shall certainly support my hon. Friend the Member for Tewkesbury most strongly.

Sammy Wilson: The new clause is key to the likelihood of devolution being successfully implemented in Northern Ireland and to whatever devolved Government we set up being sustainable in the long run. It surprises me that there has already been resistance to it from the Government. Without a commitment by all those involved in the devolved Assembly in Northern Ireland, and in the Executive within it, to supporting the police and upholding the rule of law, we can be sure that it will not be long before a crisis hits the Assembly and it collapses again. We have already experienced that. The previous Assembly stumbled from one crisis to another, and it was quite clear why that was happening. Periodically, one of the parties involved in the Executive showed that it did not support the police not only through its words but through its activities. It is unthinkable that we could have a workable Executive in which there was no commitment to upholding the rule of law and supporting the police.

My party and I share some of the reservations that have been expressed about the wording of the new clause. Of course it is possible for someone to take a pledge to uphold the rule of law and then totally disregard it, or say that their interpretation of it was different. The Northern Ireland Act 1998 required Ministers to be committed to "exclusively peaceful" means. The Sinn Fein Members signed up to that, while at the same time running a spy ring from their office. Members of their party were also engaged in gun running and, on a regular basis, extortion, criminality and murder were being carried out by the very people with whom they were associated.

Mrs. Iris Robinson: I want to highlight the fact that there is no such thing as a good terrorist, whether they are members of the UVF or the IRA, or Muslim extremists. If they are terrorists, they are terrorists, and murder is murder. I also want to point out how far down the road Sinn Fein-IRA have gone within the ethnic minority communities. Last year, the Government gave £10,000 to a community group called WARN, which stands for the West Against Racism Network. I think that it is well named. It operates out of west Belfast, and had prepared a package for ethnic minorities coming into west Belfast. A leaflet that was part of the package said that the PSNI was an extension of the British state and had no support in west Belfast, so it would not be in the interest of any ethnic minority grouping to call the police for any reason at all.

Sammy Wilson: I thank my hon. Friend for her point, and I will deal with that issue later. She has highlighted an important part of what we mean by supporting the rule of law.

Despite reservations that we might have about the effectiveness of any additional pledge, we support the new clause for two reasons. First, it is at least a step in the right direction. It counters the wrong signals sent out by the Government at present. Members have already referred to the Secretary of State giving evidence to the Northern Ireland Affairs Committee last Thursday, which was an interesting session. During it, I put a simple question to him. I asked him whether it was

"possible for an executive to be set up in Northern Ireland, with ministers from Sinn Fein, even though Sinn Fein had not at that stage given their support for policing."

His answer was extremely disturbing. First, he said that he did not want to

"erect new hurdles to power sharing."

He went on to state:

"I do not want to make this"—

a commitment to supporting the police—

"a pre-condition, and it will not be made a pre-condition, for the restoration of the institutions".

What could be a clearer signal to those who not only do not support the police but, as the hon. Member for Strangford (Mrs. Robinson) has pointed out, actively discourage people from having anything to do with the police, even to the point that they seek to poison the minds of people who come to Northern Ireland from outside to get them into their way of thinking? Leaflets have been given to those who have come to west Belfast warning them not to go to the police station, not to report crimes to the police and not to go to the police station unaccompanied. What kind of message is that to send out?

The Secretary of State told the Northern Ireland Affairs Committee last week that he did not wish to erect a barrier to the setting up of the institutions. In this case, he did not want us to insist that Sinn Fein should desist from that kind of poisoning of people's minds. He went on to say that

"there is no question that it is unsustainable in the medium-term, let alone the long- term, for parties to seek to have ministers in an executive when they are not co-operating with the police even at the most basic level or at a local level".

What is the medium term? How long can a Minister stay in office while the kind of poison that I and my hon. Friend the Member for Strangford have described—about not co-operating with the police—is pumped out by activists on the street?

At the weekend I did a television interview with a Sinn Fein representative. During the interview, I asked her whether she and her organisation would advise someone who had witnessed or had evidence of a rape to go to the police. One would have thought that a woman who was asked about that kind of issue would respond, "Of course, such a violation should be immediately reported to the police, and anyone with information should go to the police." However, all I got was rhetoric about the police recruiting informers and gathering intelligence in republican areas. Even as a woman, that Sinn Fein representative could not say unequivocally "We want people to report rapes to the police, and to give evidence." Someone who wants to be a Minister in a Government and who still associates with a party which, collectively and in terms of its individual members, gives such advice to the public is not fit to be in Government, and a Government containing such people will not, in my view, be sustainable.

5.45 pm

Mr. Dodds: Does not the point become rather more telling when we consider that one of the responsibilities of the social development Minister—a post that this Minister currently holds here—relates to antisocial behaviour orders, under housing legislation? It would be possible for a devolved social development Minister to deal with antisocial behaviour legislation in a housing context while not being prepared to tell people to support the PSNI, the agency that might be involved in enforcing the legislation. Surely that is nonsense.

Sammy Wilson: It would also be possible for an Education Minister not to encourage the public to give evidence when schools had been attacked and windows broken. I think that the new clause is a step in the right direction.

I was perturbed by the Secretary of State's apparent acceptance that Sinn Fein had done all that it could. When I pressed him again, he said:

"I do not want a late pre-condition established on top of the absolutely correct demands that have been made of republicans that they decommission, that they end their paramilitary activity and they end their criminality."

It would seem that the Secretary of State is sending a signal to Sinn Fein, saying "You have done all these things, we are thankful, and we do not want to press you any further."

Let me make it clear that this is not a new precondition. It is not an attempt to create a hurdle. It is a long-standing requirement. It is what was meant by the reference in the pledge of office to being committed to entirely democratic and peaceful means. That must involve upholding and supporting the police, which has not been done. It is therefore important for us to send the right signal.

I take the point made by the hon. Member for Foyle (Mark Durkan). I believe that this argument has been weakened somewhat by the activities of one of the

[Sammy Wilson]

Unionist parties in Northern Ireland. At least in the House of Commons, even today, all who represent the Unionist tradition have made it clear that they envisage no role in Government for those who have been involved in terrorism.

Only last week, when the Secretary of State appeared before the Northern Ireland Affairs Committee, the hon. Member for North Down (Lady Hermon) put on record what the IMC report had said in paragraphs 2.30 and 2.31 about the activities of the Ulster Volunteer Force. I will not read it out now, because time is short. Two days later, the hon. Lady was completely undermined by her own party, which seemed to have ignored all that the IMC had said because, in terms of ministerial posts, it was in its interests to do so. That was the reason given. At the weekend I conducted an interview with one of the party's leading negotiators, and that was the only reason he gave. He did not say that it would help the UUP to persuade the UVF to give up its guns and its criminality; he simply said that it would give the party an extra position should an Executive be established.

I believe that that cynical exercise has, to an extent, undermined the position that the Unionists have adopted. I should make it clear, however, that we believe the same requirement should apply across the board. We cannot allow it to be weakened by the fact that some may have decided for cynical reasons to ally themselves with those whom the IMC has accused of being engaged in all kinds of criminal and terrorist activity.

This is an important new clause. The Government must stop being ambivalent toward the behaviour of Sinn Fein and its associates, and toward that of others involved in terrorist activity. It does not matter whether or not the Minister includes this test in the Bill: we will apply it to Sinn Fein. It would be much better to include that test in the Bill, however, so that the clear message is sent to terrorists and to Sinn Fein that the whole democratic body of the United Kingdom supports the test and requires that it is met. But we will make the judgment, and as we have made clear today, if Sinn Fein persists in its refusal to back law and order and the police, and persists in its refusal to encourage those who are influenced by it to support the police, it will not be regarded as fit for government and will not be included in the Executive.

The Minister is keen to have devolution in Northern Ireland by the end of November. The one way to ensure that that does not happen is to allow Sinn Fein to believe that it is not going to be pushed into doing the proper thing, the democratic thing, the right thing, which is to support the police, who will have to enforce the laws that they would wish to pass in an Executive.

Mr. Hanson: For the avoidance of any doubt, I say straight away to the hon. Member for East Antrim (Sammy Wilson) that I will not be ambivalent in my comments on support for policing. This Government, the Secretary of State, the Prime Minister, the Under-Secretary of State for Northern Ireland, my hon. Friend the Member for Wythenshawe and Sale, East (Paul Goggins) and I all believe that Sinn Fein should be involved in, sign up to and support policing, and that it should take its places on the Policing Board. I am not going to defend in this House a situation in which attacks on schools could occur, or in which individuals are not encouraged to go to the police to ensure that information about rapes is passed on. I make it clear to the hon. Member for East Antrim and others that the Government look forward to the day when Sinn Fein members take their place on the Policing Board and all citizens of Northern Ireland respect and support policing in the community and at large.

We share the aim of the hon. Member for Tewkesbury (Mr. Robertson)—

Dr. McCrea: Let us be clear: simply joining the Policing Board is not the test; the test is actively supporting the actions of the security forces as they establish democracy, the rule of law and the end of criminality in Northern Ireland.

Mr. Hanson: The hon. Gentleman knows that I share those objectives.

Dr. McCrea *indicated assent.*

Mr. Hanson: I believe that everybody has the right to support the rule of law in that way. My problem with the new clause tabled by the hon. Member for Tewkesbury relates to the ability to legislate according to it. First, it is important to put on the record that there is movement in the direction of travel that those who have spoken today want to see. In paragraph 2.19 of its 10th report, the Independent Monitoring Commission—an independent body, not the Government or a political party represented in this House—states:

"We believe that the leadership"

of Sinn Fein and of the IRA

"has accepted the need to engage in policing if it is to achieve its aim of devolution of policing and justice to an Assembly and Executive in Northern Ireland. It has not...yet determined how this might be delivered",

but it has said that it wishes to see that direction of travel.

Paragraph 2.13 of the report states:

"It remains our absolutely clear view that the PIRA leadership has committed itself to following a peaceful path."

I recognise that there is more work to be done, and in my role as Minister I will do all that I can to ensure that that it is done. The hon. Member for East Antrim said that there is a problem of definition with the new clause, and that is the nub of the matter. My hon. Friend the Member for Foyle (Mark Durkan) intimated as much, because we cannot define what the rule of law means or what support for it means. We know the direction of travel in broad terms, but I cannot define it in legislation.

Mr. Laurence Robertson: The Minister will be aware that the word most often used in law is "reasonable". It is not possible to define exactly what that means.

Mr. Hanson: I put my points to the House and that is one of the points that it is important to recognise. I draw the attention of hon. Members back to a point that I discussed earlier, which concerns the pledge of

office. The pledge of office in place at present ensures that all Ministers must affirm, before taking any post, a commitment to non-violence and exclusively peaceful and democratic means. The current pledge of office can also be affected by IMC recommendations—and that is an important point. For example, if a future IMC report determined that individuals or organisations were not acting in the spirit of the pledge of office, safeguards are in place so that action could be taken.

Sir Patrick Cormack: I have a high regard for the Minister, as he knows, but there are times when the Government have to behave with real firmness. We need the smack of firm Government. The Government must tell these people that unless they make such a pledge, there is no place for them in the Government of any part of the UK. If the Government do not do that, they will not achieve devolved Government in Northern Ireland—which we want them to achieve.

Mr. Hanson: I reciprocate the hon. Gentleman's sentiments, but he will understand that every hon. Member who has spoken today shares the same objective. I simply do not feel that legislating for it in the way proposed, with due respect to the hon. Member for Tewkesbury, would achieve that end or, for the reasons of definition mentioned by the hon. Member for East Antrim, be applicable.

Rev. Ian Paisley: The situation arose after those men had taken that pledge: they resorted to violence and some of them made statements justifying it. Why was nothing done then? The Government did not say that those men had to leave the Executive: they closed down the whole lot. I was accused of a sin and so were all the other Members, but those men were not.

Mr. Hanson: If the right hon. Gentleman is not happy with the current pledge of office and its operation—I take it from his comments that he is not—I have given a commitment previously, and I reaffirm it today, that we are happy to consider further legislation in due course on a stronger pledge of office, if such measures are produced by agreement as part of discussions of strand 1 issues. He will know that I am happy to discuss that and, in fact, I have sat across a table from his colleagues and raised the prospect with them.

For the avoidance of doubt, I confirm that the Government are committed to supporting the rule of law and the involvement of Sinn Fein and other interested parties in policing. That is essential, but the new clause would not assist in that process and I ask the hon. Member for Tewkesbury to withdraw it.

Mr. Laurence Robertson: Given the fact that we have to finish this debate in less than a minute, I do not have time to go through the various arguments that have been made. The new clause is not watertight, but no legislation is. However, as the hon. Member for East Antrim (Sammy Wilson) said, it would be a significant move in the right direction if we were to adopt it. I therefore have no option but to press the new clause to a vote.

Question put, That the clause be read a Second time:—

The House divided: Ayes 193, Noes 274.

Division No. 244] **[6.00 pm**

AYES

Afriyie, Adam	Gove, Michael
Ainsworth, Mr. Peter	Gray, Mr. James
Alexander, Danny	Grayling, Chris
Amess, Mr. David	Green, Damian
Ancram, rh Mr. Michael	Greening, Justine
Baldry, Tony	Grieve, Mr. Dominic
Baron, Mr. John	Gummer, rh Mr. John
Barrett, John	Hammond, Mr. Philip
Beith, rh Mr. Alan	Hammond, Stephen
Bellingham, Mr. Henry	Harper, Mr. Mark
Benyon, Mr. Richard	Harris, Dr. Evan
Bercow, John	Harvey, Nick
Binley, Mr. Brian	Heath, Mr. David
Blunt, Mr. Crispin	Heathcoat-Amory, rh Mr. David
Bone, Mr. Peter	Hemming, John
Boswell, Mr. Tim	Hendry, Charles
Brady, Mr. Graham	Herbert, Nick
Brazier, Mr. Julian	Hermon, Lady
Brokenshire, James	Hoban, Mr. Mark
Browne, Mr. Jeremy	Hollobone, Mr. Philip
Burns, Mr. Simon	Holmes, Paul
Burrowes, Mr. David	Horwood, Martin
Burt, Alistair	Howard, rh Mr. Michael
Burt, Lorely	Howarth, David
Butterfill, Sir John	Howarth, Mr. Gerald
Cable, Dr. Vincent	Hughes, Simon
Campbell, Mr. Gregory	Huhne, Chris
Campbell, rh Sir Menzies	Hunt, Mr. Jeremy
Carmichael, Mr. Alistair	Hunter, Mark
Carswell, Mr. Douglas	Jack, rh Mr. Michael
Cash, Mr. William	Jackson, Mr. Stewart
Clark, Greg	Jenkin, Mr. Bernard
Clarke, rh Mr. Kenneth	Jones, Mr. David
Clegg, Mr. Nick	Kawczynski, Daniel
Clifton-Brown, Mr. Geoffrey	Kennedy, rh Mr. Charles
Cormack, Sir Patrick	Kirkbride, Miss Julie
Crabb, Mr. Stephen	Knight, rh Mr. Greg
Curry, rh Mr. David	Kramer, Susan
Davies, David T.C. *(Monmouth)*	Lait, Mrs. Jacqui
Davies, Philip	Lamb, Norman
Davies, Mr. Quentin	Lansley, Mr. Andrew
Djanogly, Mr. Jonathan	Laws, Mr. David
Dodds, Mr. Nigel	Leech, Mr. John
Donaldson, Mr. Jeffrey M.	Letwin, rh Mr. Oliver
Duncan, Mr. Alan	Lewis, Dr. Julian
Duncan Smith, rh Mr. Iain	Lidington, Mr. David
Dunne, Mr. Philip	Lilley, rh Mr. Peter
Evans, Mr. Nigel	Llwyd, Mr. Elfyn
Fabricant, Michael	Loughton, Tim
Fallon, Mr. Michael	Luff, Peter
Farron, Tim	Mackay, rh Mr. Andrew
Featherstone, Lynne	Maclean, rh David
Field, Mr. Mark	Malins, Mr. Humfrey
Foster, Mr. Don	Maples, Mr. John
Fox, Dr. Liam	Mates, rh Mr. Michael
Francois, Mr. Mark	May, rh Mrs. Theresa
Garnier, Mr. Edward	McCrea, Dr. William
Gauke, Mr. David	McIntosh, Miss Anne
Gibb, Mr. Nick	McLoughlin, rh Mr. Patrick
Gidley, Sandra	Mercer, Patrick
Gillan, Mrs. Cheryl	Milton, Anne
Goldsworthy, Julia	Mitchell, Mr. Andrew
Goodman, Mr. Paul	Moore, Mr. Michael
Goodwill, Mr. Robert	Moss, Mr. Malcolm

Mundell, David
Murrison, Dr. Andrew
Newmark, Mr. Brooks
O'Brien, Mr. Stephen
Öpik, Lembit
Osborne, Mr. George
Ottaway, Richard
Paisley, rh Rev. Ian
Paterson, Mr. Owen
Pelling, Mr. Andrew
Penning, Mike
Penrose, John
Prisk, Mr. Mark
Pugh, John
Randall, Mr. John
Redwood, rh Mr. John
Reid, Mr. Alan
Rennie, Willie
Rifkind, rh Sir Malcolm
Robathan, Mr. Andrew
Robertson, Hugh
Robertson, Mr. Laurence
Robinson, Mr. Peter
Rogerson, Mr. Dan
Ruffley, Mr. David
Russell, Bob
Sanders, Mr. Adrian
Scott, Mr. Lee
Selous, Andrew
Shapps, Grant
Simmonds, Mark
Simpson, David
Smith, Sir Robert
Soames, Mr. Nicholas
Spelman, Mrs. Caroline
Spink, Bob
Spring, Mr. Richard
Stunell, Andrew
Swayne, Mr. Desmond
Swinson, Jo
Swire, Mr. Hugo
Syms, Mr. Robert
Taylor, Mr. Ian
Taylor, Matthew
Teather, Sarah
Turner, Mr. Andrew
Tyrie, Mr. Andrew
Vaizey, Mr. Edward
Vara, Mr. Shailesh
Villiers, Mrs. Theresa
Walker, Mr. Charles
Wallace, Mr. Ben
Waterson, Mr. Nigel
Webb, Steve
Whittingdale, Mr. John
Widdecombe, rh Miss Ann
Wiggin, Bill
Willetts, Mr. David
Williams, Mr. Roger
Williams, Stephen
Willis, Mr. Phil
Willott, Jenny
Wilson, Sammy
Wright, Jeremy
Young, rh Sir George

Tellers for the Ayes:
Mr. Tobias Ellwood and
Mr. David Evennett

NOES

Abbott, Ms Diane
Ainger, Nick
Ainsworth, rh Mr. Bob
Allen, Mr. Graham
Anderson, Mr. David
Anderson, Janet
Atkins, Charlotte
Austin, Mr. Ian
Bailey, Mr. Adrian
Baird, Vera
Balls, Ed
Banks, Gordon
Barron, rh Mr. Kevin
Bell, Sir Stuart
Benton, Mr. Joe
Berry, Roger
Betts, Mr. Clive
Blackman-Woods, Dr. Roberta
Blizzard, Mr. Bob
Blunkett, rh Mr. David
Bradshaw, Mr. Ben
Brennan, Kevin
Brown, Lyn
Brown, rh Mr. Nicholas
Bryant, Chris
Buck, Ms Karen
Burgon, Colin
Burnham, Andy
Butler, Ms Dawn
Byers, rh Mr. Stephen
Byrne, Mr. Liam
Cairns, David
Campbell, Mr. Alan
Campbell, Mr. Ronnie
Caton, Mr. Martin
Chapman, Ben
Clapham, Mr. Michael
Clark, Ms Katy
Clark, Paul
Clarke, rh Mr. Tom
Clelland, Mr. David
Clwyd, rh Ann
Coaker, Mr. Vernon
Coffey, Ann
Cohen, Harry
Connarty, Michael
Cooper, Rosie
Cooper, Yvette
Corbyn, Jeremy
Cousins, Jim
Creagh, Mary
Cruddas, Jon
Cryer, Mrs. Ann
Cummings, John
Cunningham, Mr. Jim
Cunningham, Tony
Davidson, Mr. Ian
Dean, Mrs. Janet
Denham, rh Mr. John
Devine, Mr. Jim
Dhanda, Mr. Parmjit
Dismore, Mr. Andrew
Dobson, rh Frank
Donohoe, Mr. Brian H.
Doran, Mr. Frank
Dowd, Jim
Drew, Mr. David
Dunwoody, Mrs. Gwyneth
Durkan, Mark
Eagle, Angela
Eagle, Maria
Efford, Clive
Ellman, Mrs. Louise
Engel, Natascha
Ennis, Jeff
Farrelly, Paul
Field, rh Mr. Frank
Fisher, Mark
Flello, Mr. Robert
Follett, Barbara
Foster, Mr. Michael *(Worcester)*
Francis, Dr. Hywel
Gardiner, Barry
George, rh Mr. Bruce
Gerrard, Mr. Neil
Gibson, Dr. Ian
Godsiff, Mr. Roger
Goggins, Paul
Goodman, Helen
Griffith, Nia
Griffiths, Nigel
Grogan, Mr. John
Gwynne, Andrew
Hain, rh Mr. Peter
Hall, Mr. Mike
Hall, Patrick
Hanson, Mr. David
Harman, rh Ms Harriet
Harris, Mr. Tom
Healey, John
Hendrick, Mr. Mark
Hepburn, Mr. Stephen
Heppell, Mr. John
Hesford, Stephen
Heyes, David
Hillier, Meg
Hodgson, Mrs. Sharon
Hood, Mr. Jimmy
Hope, Phil
Hopkins, Kelvin
Howarth, rh Mr. George
Howells, Dr. Kim
Hughes, rh Beverley
Humble, Mrs. Joan
Iddon, Dr. Brian
Ilsley, Mr. Eric
Ingram, rh Mr. Adam
Irranca-Davies, Huw
Jackson, Glenda
James, Mrs. Siân C.
Johnson, rh Alan
Johnson, Ms Diana R.
Jones, Helen
Jones, Lynne
Jones, Mr. Martyn
Jowell, rh Tessa
Joyce, Mr. Eric
Kaufman, rh Sir Gerald
Keeble, Ms Sally
Keeley, Barbara
Keen, Alan
Keen, Ann
Kelly, rh Ruth
Kemp, Mr. Fraser
Kennedy, rh Jane
Khabra, Mr. Piara S.
Khan, Mr. Sadiq
Kidney, Mr. David
Killoyle, Mr. Peter
Knight, Jim
Ladyman, Dr. Stephen
Lammy, Mr. David
Lepper, David
Levitt, Tom
Lewis, Mr. Ivan
Linton, Martin
Love, Mr. Andrew
Lucas, Ian
MacDougall, Mr. John
Mactaggart, Fiona
Mahmood, Mr. Khalid
Malik, Mr. Shahid
Mallaber, Judy
Mann, John
Marsden, Mr. Gordon
Marshall, Mr. David
Marshall-Andrews, Mr. Robert
Martlew, Mr. Eric
McAvoy, rh Mr. Thomas
McCabe, Steve
McCarthy, Kerry
McCartney, rh Mr. Ian
McDonagh, Siobhain
McDonnell, Dr. Alasdair
McDonnell, John
McFall, rh Mr. John
McGovern, Mr. Jim
McGrady, Mr. Eddie
McGuire, Mrs. Anne
McIsaac, Shona
McKechin, Ann
McKenna, Rosemary
McNulty, Mr. Tony
Meacher, rh Mr. Michael
Meale, Mr. Alan
Merron, Gillian
Michael, rh Alun
Milburn, rh Mr. Alan
Miliband, Edward
Miller, Andrew
Moffat, Anne
Moffatt, Laura
Mole, Chris
Moon, Mrs. Madeleine
Moran, Margaret
Morden, Jessica
Morgan, Julie
Morley, Mr. Elliot
Mountford, Kali
Mudie, Mr. George
Mullin, Mr. Chris
Munn, Meg
Murphy, Mr. Denis
Murphy, Mr. Jim
Naysmith, Dr. Doug
Norris, Dan
O'Brien, Mr. Mike
Olner, Mr. Bill
Owen, Albert
Palmer, Dr. Nick
Plaskitt, Mr. James
Pound, Stephen
Prentice, Bridget
Prentice, Mr. Gordon
Primarolo, rh Dawn
Prosser, Gwyn
Purnell, James
Rammell, Bill
Raynsford, rh Mr. Nick
Reed, Mr. Andy
Reed, Mr. Jamie
Reid, rh John
Riordan, Mrs. Linda

Robertson, John
Robinson, Mr. Geoffrey
Rooney, Mr. Terry
Roy, Mr. Frank
Ruane, Chris
Ruddock, Joan
Ryan, Joan
Salter, Martin
Sarwar, Mr. Mohammad
Seabeck, Alison
Sheerman, Mr. Barry
Sheridan, Jim
Short, rh Clare
Simon, Mr. Siôn
Singh, Mr. Marsha
Skinner, Mr. Dennis
Slaughter, Mr. Andrew
Smith, rh Mr. Andrew
Smith, Ms Angela C. *(Sheffield, Hillsborough)*
Smith, Angela E. *(Basildon)*
Smith, Geraldine
Smith, rh Jacqui
Snelgrove, Anne
Soulsby, Sir Peter
Southworth, Helen
Spellar, rh Mr. John
Starkey, Dr. Phyllis
Stewart, Ian
Stoate, Dr. Howard
Strang, rh Dr. Gavin
Straw, rh Mr. Jack
Stringer, Graham
Sutcliffe, Mr. Gerry
Tami, Mark
Taylor, Ms Dari
Thomas, Mr. Gareth
Thornberry, Emily
Timms, Mr. Stephen
Tipping, Paddy
Touhig, Mr. Don
Trickett, Jon
Truswell, Mr. Paul
Turner, Mr. Neil
Twigg, Derek
Ussher, Kitty
Waltho, Lynda
Ward, Claire
Wareing, Mr. Robert N.
Watson, Mr. Tom
Watts, Mr. Dave
Whitehead, Dr. Alan
Wicks, Malcolm
Williams, rh Mr. Alan
Wills, Mr. Michael
Winnick, Mr. David
Winterton, Ms Rosie
Woolas, Mr. Phil
Wright, Mr. Anthony
Wright, David
Wright, Mr. Iain
Wright, Dr. Tony

Tellers for the Noes:
Liz Blackman and Jonathan Shaw

Question accordingly negatived.

It being after Six o'clock, MR. DEPUTY SPEAKER *put forthwith the Questions necessary for the disposal of the business to be concluded at that hour, pursuant to Order [13 March].*

Clause 30

EXTENT

Amendment made: No. 1, in page 20, line 29, at end insert—

'(3) Section (Sustainable development) extends to Northern Ireland only.'—*[Huw Irranca-Davies.]*

Clause 16

DEPARTMENT WITH POLICING AND JUSTICE FUNCTIONS

Amendments made: No. 2, in page 12, line 30, after 'subsection' insert '(2A),'.

No. 3, in page 12, line 30, at end insert—

'(2A) The Act may provide for the department to be in the charge of a Northern Ireland Minister appointed by virtue of a nomination—

(a) made by the First Minister and the deputy First Minister acting jointly; and

(b) approved by a resolution of the Assembly passed with the support of a majority of the members voting on the motion for the resolution, a majority of the designated Nationalists voting and a majority of the designated Unionists voting.'.

No. 4, in page 12, line 40, at end insert—

'(4A) There must not, at any time, be more than one department in relation to which provision of the kind mentioned in any of subsections (2A), (3) and (4) is made by Act of the Assembly.'.

No. 5, in page 13, line 5, leave out from beginning to end of line 10 and insert—

'(b) immediately before the matter became a transferred matter, was a devolved policing and justice matter (within the meaning given by section 4(6)).'".

No. 6, in page 13, line 13, leave out subsection (3).—*[Huw Irranca-Davies.]*

Schedule 2

DEPARTMENT WITH POLICING AND JUSTICE FUNCTIONS

Amendments made: No. 7, in page 22, line 20, at end insert—

'PART A1

DEPARTMENT IN CHARGE OF MINISTER APPROVED BY RESOLUTION OF ASSEMBLY

Introduction

A1 (1) This Part of this Schedule has effect in relation to a Northern Ireland department—

(a) the functions of which consist wholly or mainly of devolved policing and justice functions; and

(b) in relation to which an Act of the Assembly provides, by virtue of section 21A(2A), for it to be in the charge of a Northern Ireland Minister (the "relevant Minister") appointed by virtue of a nomination—

(i) made by the First Minister and the deputy First Minister acting jointly; and

(ii) approved by a resolution of the Assembly passed with the support of a majority of the members voting on the motion for the resolution, a majority of the designated Nationalists voting and a majority of the designated Unionists voting.

(2) In this paragraph "devolved policing and justice function" has the same meaning as in section 21A (see subsection (6) of that section).

Section 18 not to apply to relevant Minister

A2 (1) Section 18 (Northern Ireland Ministers) shall not apply in relation to—

(a) the relevant Minister; or

(b) the Ministerial office held by the relevant Minister (the "relevant Ministerial office"),

and paragraph A3 shall apply instead.

(2) But the references to Ministerial offices in—

(a) subsection (1)(c) and (d) of section 18; and

(b) subsection (5) of that section (in the definition of M),

shall be taken to include the relevant Ministerial office.

Provisions relating to relevant Minister

A3 (1) Where any of the conditions in paragraphs (a) to (e) of section 18(1) is satisfied—

(a) the relevant Minister shall (if holding office at the time) cease to hold office; and

(b) the relevant Ministerial office shall be filled by applying sub-paragraphs (3) to (6) within a period specified in standing orders.

(2) The relevant Ministerial office shall be filled by applying sub-paragraphs (3) to (6) before section 18(2) to (6) is applied in relation to the other Ministerial offices.

(3) The First Minister and the deputy First Minister acting jointly shall nominate a member of the Assembly to hold the relevant Ministerial office.

(4) The nomination shall not take effect unless it is approved by a resolution of the Assembly passed with the support of—

(a) a majority of the members voting on the motion for the resolution;

(b) a majority of the designated Nationalists voting; and

(c) a majority of the designated Unionists voting.

(5) If—

(a) the nomination does not take effect within a period specified in standing orders; or

(b) the nominated person does not take up the office for which he has been nominated within that period,

a further nomination of a member of the Assembly shall be made under sub-paragraph (3).

(6) Sub-paragraphs (3) to (5) shall be applied as many times as may be necessary to secure that the relevant Ministerial office is filled.

(7) The holding of office as First Minister or deputy First Minister shall not prevent a person being nominated to hold the relevant Ministerial office.

(8) The relevant Minister shall not take up office until he has affirmed the terms of the pledge of office.

(9) The relevant Minister shall cease to hold office if—

(a) he resigns by notice in writing to the First Minister and the deputy First Minister;

(b) he ceases to be a member of the Assembly otherwise than by virtue of a dissolution; or

(c) he is dismissed by the First Minister and the deputy First Minister acting jointly and the Presiding Officer is notified of his dismissal.

(10) If the relevant Minister ceases to hold office at any time, otherwise than by virtue of sub-paragraph (1), the relevant Ministerial office shall be filled by applying sub-paragraphs (3) to (6) within a period specified in standing orders.

(11) Where—

(a) the Assembly has resolved under section 30(2) that a political party does not enjoy its confidence; and

(b) the party's period of exclusion under that provision has not come to an end,

no member of that party may be nominated under sub-paragraph (3).

(12) Where—

(a) the Secretary of State has given a direction under section 30A(5) in respect of a political party; and

(b) the party's period of exclusion under that provision has not come to an end,

no member of that party may be nominated under sub-paragraph (3).

(13) In this paragraph, a reference to a period of exclusion under any provision is, in the case of a period of exclusion under that provision which has been extended, a reference to that period as extended.'.

No. 8, in page 22, line 33, leave out 'subsections (6) and (7)' and insert 'subsection (6)'.

No. 9, in page 25, line 17, leave out 'subsections (6) and (7)' and insert 'subsection (6)'.

No. 10, in page 28, line 9, leave out '21A(3)' and insert '21A(2A), (3)'.—*[Huw Irranca-Davies.]*

Schedule 4

MINOR AND CONSEQUENTIAL AMENDMENTS

Amendments made: No. 11, in page 35, line 25, leave out from 'after' to end of line and insert '"section" insert "4(6),"'.

No. 12, in page 36, line 10, at end insert—

'Inquiries Act 2005 (c.12)

13A In section 30 (Northern Ireland inquiries), in subsection (6), for "subsection (3), (4) or (5)" substitute "any of subsections (3) to (5)".'—*[Huw Irranca-Davies.]*

Order for Third Reading read.

6.17 pm

Mr. Hanson: I beg to move, That the Bill be now read the Third time.

We have had a positive debate—*[Interruption.]*

Mr. Deputy Speaker (Sir Michael Lord): Order. If hon. Members are not staying for the debate, could they leave quickly and quietly?

Mr. Hanson: Over the course of its consideration, on Second Reading, in Committee—particularly given that there was a Committee of the whole House—and on Report, we have had a useful discussion about the principles of the Bill. I commend right hon. and hon. Members on their valuable contributions to today's debate. Contrary to assertions made by Members, the Government have listened to some of the points that have been made and have tabled amendments that have made a material difference to the nature of the Bill. As with every piece of legislation, it is not possible to accept every amendment or every point made in the debate. There will be differences between us, but I have moved on several points and I am pleased to see that those have been incorporated in the Third Reading of the Bill.

As right hon. and hon. Members will know, there is a clear path open to us now on Northern Ireland's political development to ensure that, as has been stated by the Prime Minister and the Taoiseach, by the end of 2006 we bring about clear political progress for the political organisations in Northern Ireland and for the benefit of the people of Northern Ireland. It is now for local politicians to take forward that task of devolution. I am pleased that we are meeting today, in the week that the Assembly reconvened following the passing of earlier legislation; that we have in place Assembly Members who are signed up again to take part in the Assembly; and that we had debates on the Floor of the Assembly this week, with participation from Members from across the Assembly. I believe, as do the Government, that the Assembly offers a better future for Northern Ireland. Now, through the Bill, we are in a position to take forward the possible next stages of devolution in Northern Ireland by devolving criminal justice and policing.

Given what has been said today, no one fails to accept that there are still major hurdles to overcome and that work must be done, not least to get the proper Executive-led Assembly back in place by November. Additionally, difficulties are self-evident to anyone who has been involved in our debates on the possible devolution of criminal justice and policing. However, the Bill sets a clear path before the House: devolution in October or November—I hope—at the very latest with the Executive back in place. At some point in the future, we will have the framework and opportunity for the devolution of criminal justice and policing. For the sake of having the discussion again, the famous triple—or perhaps now even quadruple—lock is in place whereby the Assembly, the Secretary of State and the Government must agree with the House of Commons if such devolution is to take place. In all essence, however, the framework is in place.

The framework is in place because, hopefully, no one can deny that there is progress towards a political

solution in Northern Ireland, however slow that might seem. The latest IMC report of 26 April states that the Provisional IRA leadership is committed to a peaceful path. There is work to be done and efforts to be undertaken, but we must realise that there is movement and that Northern Ireland today is unrecognisable from how it was at the height of the troubles in recent years.

The Bill makes progress on the devolution of policing and criminal justice, but it does much more than that. It takes forward the modernisation of our electoral system so that we will be brought in line, over a staged period, with the rest of the United Kingdom's electoral law on political party funding. It also modernises the electoral canvass and allows for the appointment and operation of the chief electoral officer. Again, it does so to put Northern Ireland in a fair frame of progress towards proper elections and electoral law.

The Bill also provides for an extension to the order-making power under the Northern Ireland Arms Decommissioning Act 1997 to facilitate the continued decommissioning of loyalist weapons. That issue has been a major bone of contention today, but I will press, along with hon. Members on both sides of the House, especially the hon. Member for North Down (Lady Hermon) and DUP Members, for the decommissioning of loyalist weapons. The Bill puts in place a framework to give us extra time, should we need it.

The Bill will also make important contributions to the existing criminal justice and policing regimes in Northern Ireland. It will give investigators and prosecutors new powers to tackle serious and organised crime. My hon. Friend the Under-Secretary, who is new to his position, will be taking forward those measures in due course to ensure that we do what we say we will do, namely, crack down on organised crime and criminality in Northern Ireland. We will continue to take the effective steps that have been seen over the past few weeks to tackle the cross-border smuggling of petrol and cigarettes, and other problems.

An issue close to the heart of the hon. Member for North Down is central to the Bill. The Bill provides corporation sole status to the office of the Chief Constable of the Police Service of Northern Ireland. I gave her an assurance that we would do that when we were considering the on-the-runs legislation in Committee and, following her representations, we have done so. We have responded to her concerns, so—dare I say?—the Government have listened. We have also responded to other points that members of that Committee raised, albeit not all of them.

There are several other key aspects of the Bill that we should consider. Only today I moved a new clause on sustainable development, which is now part of the Bill, to ensure that we protect our environment for our children and grandchildren. We have introduced important measures to safeguard the future of the environment and are giving legal status to the £59 million investment that my right hon. Friend the Secretary of State has brought forward to support sustainable development. That means, in real life, that we can use the £59 million to do important things for the people of Northern Ireland. That includes putting solar panels—this is part of my political domain—in new social build housing, with 600 panels this year and 600 next year, to help the environment. Those are the challenges on improving our environment.

The Bill also contains key provisions for a single wholesale electricity market, with opportunities for new investment, new efficiencies, new economies of scale and security of supply—the things that matter to the people on the island of Ireland as a whole, both north and south of the border. It is a pragmatic approach, welcomed by all hon. Members, to support the economic well-being of Northern Ireland in the future. The Bill achieves what it set out to achieve—it helps us to make progress on the devolution of policing; it modernises our election law; it provides support for sustainable development; and it looks at giving extra support to tackling crime. It is a good Bill.

On behalf of the ministerial team, I thank the many officials from the Northern Ireland Office and the devolved Executive, reporting to direct rule Ministers, for the time and effort that they put in over many weeks, months and, in some cases, years, to bring the clauses to fruition. A tremendous amount of work went on behind the scenes. As a Minister, it is important that I recognise that.

The Bill will add to the value of Northern Ireland and add strength to devolution. I commend it to the House.

6.26 pm

Mr. Laurence Robertson: By and large, we welcome the Bill, although we have tried to improve it in various ways. I thank the Minister for the way in which he introduced it and took it through Committee. It has been possible to explore it in great detail, and he was always willing to take interventions. It does credit to the House that we have analysed it in that way, in particular on the Floor of the House, which has been useful in part.

We have some concerns. We were worried about abolishing the annual canvass and tried to put a time scale on that so that there would be canvasses in 2015 at the latest and every 10 years after that. We were also a little concerned about the ability of the chief electoral officer, working with the Secretary of State, to cancel those canvasses, but we are where we are and we recognise the need to modernise the system. The important thing is that we have a full register of electors in Northern Ireland.

We were a bit concerned about the donations for political purposes, although we did not touch on that greatly. We would have liked a time limit on donations from the Republic of Ireland, but the Government turned that down. I regret that. We tabled an amendment to address that, but sadly we did not reach it because of the lack of time. However, those donations remain a concern, for obvious reasons.

The biggest issue covered by the Bill is the devolution of policing and justice. Although we have no objection to that in principle, we have discussed it at length and are worried that responsibility for it could fall into the

[Mr. Laurence Robertson]

wrong hands. I recognise that we have the double-double lock, the treble lock or the quadruple lock—or whatever it is—and that the Assembly does not have to accept responsibility for policing and justice. However, whether or not policing and justice are devolved, the points raised in connection with that are extremely important.

I spoke about my experiences in South Armagh, but did not get a chance to expand on those because of the 6 o'clock deadline. When I visited it last week—I was pleased that the Northern Ireland Affairs Committee also visited it last week, and that the Chairman confirmed that my experiences were his—it was stressed that there had been a huge improvement in the area. However, it can by no means be considered normal when the police cannot go out on their own. That is not acceptable in any part of the United Kingdom. Whether certain people in that area like it or not, it is part of the United Kingdom. One of the most alarming things was that the police told me that the MP for that area would not engage with them. That is unacceptable, especially when that person is a Member of the Assembly, could become a Minister, and could become the Minister with responsibility for the police. However, at this point that person will not engage with them. Moving on from that, we wanted to try to make it a little more secure that people holding office in Northern Ireland actually supported the rule of law.

The hon. Member for East Antrim (Sammy Wilson) mentioned that when he did a television programme and asked a Sinn Fein supporter whether they would report a crime, he gave as an example the crime of rape. If someone had such knowledge and did not report it, they would not be upholding the rule of law. It is not acceptable for such a person to sit in government. It is unfortunate that the Minister did not accept our amendments in that respect. We pressed them to the vote and did not win, but we made the point. It was not a watertight measure, but it would have moved the situation in the right direction.

Again, we have not discussed the electricity market in great detail on the Floor of the House, although we discussed it upstairs. My understanding—this is not a criticism; it has been a good start—is that the Bill does not create the wholesale electricity market, as it is headlined in the Bill. According to the discussions I have had with the authorities in Northern Ireland, it will provide the ability to coordinate the regulation of the market in Northern Ireland with the regulation of the market in the Republic of Ireland. That may be a useful step but, in order for consumers in Northern Ireland to get the full benefit of that, they need to go further and to have a true market covering the whole of Ireland and, indeed, possibly the whole of Ireland and the United Kingdom. A bigger market, especially if they can move towards a freer market, will lead to lower electricity prices.

I welcome the possibility of financial assistance for energy purposes, which is in clause 23, especially renewable energy. It is important that we develop renewable energy, first, because it is renewable and helps to reduce emissions of poisonous gases, and secondly, because it would provide security of supply. We have seen throughout the world a rather unsettled market in primary sources of energy. If we look at what is happening in certain areas of South America and at the behaviour of Russia on one or two occasions, it is clear that we need a more secure energy supply in this country.

I pay tribute to the answer that the Prime Minister gave during Prime Minister's questions today. He gave a balanced and positive view of energy policy. I hope that he has the courage to pursue that policy against the opposition of certain members of his own party. It is important that he does so. I give a word of warning on clause 23. In Great Britain, we have not developed renewable energy as well as we should. It still provides a very small percentage of the electricity that we use. If we are going to pursue that in Northern Ireland, we need to do more not only on energy conservation, but on the development of renewable energy. It is not being developed in this country quickly enough. I hope that we can use the Bill to study why that has not been the case and to move on renewable energy a little more quickly in Northern Ireland than we have in Great Britain.

I have made just a few observations; perhaps other hon. Members want to contribute. By and large, we welcome the Bill. There are not many of my colleagues here tonight, but they have contributed a great deal in Committee, particularly the Chairman of the Select Committee. I thank them for their help and support during the passage of the Bill.

6.35 pm

Mr. McGrady: Generally, my party welcomes the Bill, which is more miscellaneous than most of us expected. The Minister said that he has achieved what he set out to achieve, and that seems to have been his attitude every time that he saw a new draft or provision. None the less, the Bill usefully deals with the multitude of issues mentioned by the hon. Member for Tewkesbury (Mr. Robertson). Some of its provisions are essential, some are useful and some are convenient but, none the less, they all contribute to the whole.

On behalf of my party, may I pay tribute to Ministers who have moved on from the Northern Ireland Office, hopefully to greater things as a result of the fine training that we gave them and the multi-faceted experience that they gained? May I welcome to the Front Bench the new Ministers with whom we hope to do good business in the months ahead? The Bill is interesting, as it does not have a central theme and changes gear in each part. I was disappointed that we did not manage to debate some of our new clauses because of the 6 o'clock deadline. That is especially true of the new clause that deals with the powers of the Northern Ireland Human Rights Commission. Notwithstanding the lack of debate, perhaps the Minister can take on board our efforts to give the commission powers that are available to other human rights commissions, especially in the south of Ireland, so that it can act in accordance with European Union requirements on human rights. The Northern Ireland Human Rights Commission does not have investigatory powers to pursue people and papers.

Mr. Hanson: Given that we failed to reach new clause 9, may I give my hon. Friend an assurance that we seek to implement the results of our consultation on

the Northern Ireland Human Rights Commission at an appropriate time? His proposal may not have found favour today, but its broad principles should receive Government support in future.

Mr. McGrady: I thank the Minister for giving an undertaking, on the record, to pursue the matter with more urgency. I recall that the issue was to be examined six years ago.

Mr. Deputy Speaker: Order. I have been lenient with the hon. Gentleman, who has received more than he expected. We are now debating the contents of the Bill.

Mr. McGrady: Thank you, Mr. Deputy Speaker. There is no harm in making the attempt, but I accept your rap on the knuckles.

I thank the Minister not just for his intervention, but for the commitments, undertakings and reviews that he has promised in the months ahead. The atmosphere in Committee and throughout proceedings on the Bill is indicative of a new understanding or tolerance across the Floor of the House. I experienced it, too, when we debated the Northern Ireland Act 2006. A clear understanding of the needs and requirements of the two communities in Northern Ireland was given positive expression, and I hope that that will be translated substantively and directly to the new Assembly, which was reconvened on Monday and Tuesday this week. I am sure that it is appropriate to say in the House that we wish the Assembly a fair wind in dealing with the many difficult problems that it faces to enable people to move from entrenched positions so that they can accommodate one another. The contents of this and other Bills will assist that process. Hopefully, this will be the last such Bill to come before the House, because all the matters that it covers, with the exception of reserved matters, will be dealt with by an Executive of the Northern Ireland parties on behalf of the people of Northern Ireland.

Mr. Donaldson: I welcome the hon. Gentleman's comments about the new Assembly. I also welcome the participation of the SDLP in the proceedings of the Assembly earlier this week. Will he join me in expressing regret that one party—Sinn Fein—which absents itself from this House, was also absent on Tuesday from the debate on the economy? Is it not time that it ended its abstentionism?

Mr. Deputy Speaker: Order. I remind the hon. Member for South Down (Mr. McGrady) again that we are discussing precisely the contents of the Bill today.

Mr. McGrady: Thank you, Mr. Deputy Speaker. That saves me thinking of a suitable response to the last intervention. I shall simply say, "Noted and agreed."

Some of the comments made on Report disturbed me. It seemed as though certain parties were flagging up new pre-conditions for the effective devolution of policing and justice. Without going into detail because of the time factor, I urge the Government to do all in their power not to fall into the trap that they have fallen into repeatedly with demands from Sinn Fein and, with respect, demands from the Democratic Unionist party, which are pre-conditions to further progress. The whole thrust and ethos of making progress in Northern Ireland is that no party has a veto on progress over other parties. That has been neglected or severely damaged in the past two or three years.

Even today, a certain pre-condition seemed to be imposed by the DUP, which sounded to me like an everlasting ban on Sinn Fein being accepted into government. That sounded a negative note—the only negative note. I know the concerns that DUP Members have, because I have exactly the same concerns. We cannot have people in government who do not fully, honestly and openly support law and order. However, that should not be used in a dramatic way in terms of the purity of the situation.

It is difficult when one is dealing with human relationships and things evolve and change daily. We should not box ourselves in with pre-conditions. For instance, the Government allowed Sinn Fein to say that it would not join the Policing Board until the DUP agreed to the devolution of policing and justice. That is a crazy situation, in which we should not allow ourselves to be involved. We need openness to achieve progress in Northern Ireland. The Bill, with its various provisions covering elections, funding, donations and the matters that we discussed today regarding policing and justice, will contribute to a healthy debate in Northern Ireland. I hope that we can translate the very good atmosphere in the House today to the Floor of the Assembly. If we do, the hope of achieving full, lasting and proper devolution to Northern Ireland will be greatly enhanced.

6.43 pm

Lembit Öpik: When I think of the range of the Bill—sustainable development, policing and justice, criminal damage, registration of electors, children, commitment to the rule of law, powers of the Human Rights Commission, primacy in intelligence gathering, donations to political parties and so on—it is amazing that it is possible to be out of order on any of the subjects that we have covered, but we have even achieved that.

I noted the Minister's praise of his team. He has made some terrible mistakes by not listening more to the sage advice offered to him by Opposition parties. I know from personal experience how wonderful the Northern Ireland Office team is, and no doubt they support him superbly. I am sure that they agree that the Minister should have taken on some of our amendments, given their fine judgments on these matters.

The Minister has shown some signs of listening in the past few hours. If in some small way we have opened his ears to be more inclusive in his politics with regard to Northern Ireland, then the debate on Report and Third Reading will have been worthwhile.

The hon. Member for Tewkesbury (Mr. Robertson) highlighted some issues about which he is concerned. I broadly agree with him and share the same concerns, which I do not need to repeat.

[Lembit Öpik]

I remain concerned that there is a weakness in the 50:50:50 process in securing cross-community support, and I am worried that that will once again get in the way in the months ahead. I hope that the Minister will at least take on board and consider our points on that matter.

I am also concerned about the census. We have made a mistake by allowing such a preposterously long period in keeping the census up to date. All the good work and the enormous investment of time and money which has been carried out to make sure that we have the most accurate electoral register in the United Kingdom will fade away because of the length of time between electoral censuses. Once again, I hope that the Minister will reflect on that point, and if my rather gloomy prediction turns out to be right, perhaps the Government will revisit the enormously long period between censuses.

Finally, I recently saw a fine show in Majorca called, "Pirates"—I attended to help raise money for Great Ormond Street hospital. As I watched the show, I thought about how this Government plunder the goodwill of Northern Ireland politicians—some of us have covered this particular portfolio for almost a decade. They have stolen money from students by introducing a truly unpopular method of student support, and they have also threatened the Northern Irish people with enormous hikes in their utility bills in order to undo damage which was not caused by the citizens themselves.

If the politicians of Northern Ireland use this Bill and other legislation as a spur to restart the Stormont Assembly, then Northern Ireland will not have to endure the injustices that are endlessly meted out to them by the Government as a whole rather than by this particular Minister.

Mr. Hanson *indicated assent.*

Lembit Öpik: Look how quickly the Minister is willing to blame his colleagues as he seeks to protect himself.

There will be no hiding place if the Assembly is re-established. I respectfully point out once again that there is a powerful incentive for Northern Ireland politicians to regard this Bill, which will soon be enacted, and other legislation, as an opportunity to provide a firewall between the legislation that the Government will impose through Statutory Instrument Committees and the alternative legislation that Northern Ireland politicians are collectively likely to introduce in the Assembly. As the Bill passes into law, I hope that the DUP and others find it easier to work together, even with those parties that they still distrust and unquestionably dislike, because it is surely in the greater interests of the citizens whom they represent for those differences to be managed and Northern Ireland politics to be established on a devolutionary footing, which I hope and believe that we all want to see.

6.49 pm

Rev. Ian Paisley: Thank you, Mr. Deputy Speaker, for calling me for two minutes. I will try to keep my word, although I did not give it.

I was surprised by the remarks of the hon. Member for South Down (Mr. McGrady). He has been preaching for a very long time that we must all bow to the Anglo-Irish agreement, which he says is the great test. The Anglo-Irish agreement—[HON. MEMBERS: "The Belfast agreement."] Whatever one likes to call it—Good Friday, bad Friday or rotten Friday. I want to say to the House that this is where the government of Northern Ireland, and what we do, should be decided. It should not be decided by votes taken in the south of Ireland and then people scrambling out every time there is difficulty saying, "The whole of Ireland agreed to this." The whole of Ireland has nothing to do with it. This is the United Kingdom and we have a right to decide what we do.

We are making no pre-conditions. Everybody knows what I have said; I have been saying it for a long time. I have been castigated and kicked in this House, treated as a leper, refused admittance to Downing street for two years and six months, and so on and so forth, and I am still saying the same thing. The Prime Minister said the same thing from the Front Bench. If he wants to break his word to the people of Northern Ireland, we will not be breaking our word to the people who have voted for us.

We are in great difficulties because on Monday and Tuesday we discovered that the Ulster Unionist party had entered into an agreement with the Progressive Unionist party. Any Minister of this Government who is prepared to defend the PUP has only to read what the report that Government Ministers love to read—the Independent Monitoring Commission report—has said about it. All that I can say is that we have a tougher road to travel, and we had better remember that. I hope that this House will remember that, by passing this Bill without amendments that would have been useful to us in the battle to keep to democracy, it is really responsible for what happens.

I think that I have exceeded my time, Mr. Deputy Speaker. Thank you.

6.51 pm

Mr. Peter Robinson: I thank the Minister for the way in which he has led throughout the various stages of the passage of the Bill. I join other hon. Members in welcoming the two new Ministers who are sitting with him on the Front Bench. I hope that they have a profitable and enjoyable time in Northern Ireland. I also hope that they get an opportunity to get out and see its many beauties, most of which are confined to east Belfast—

Rev. Ian Paisley: The Giant's Causeway.

Dr. McCrea: South Antrim.

Mr. Robinson: Any other bids?

Let me go beyond the welcomes to say that I appreciate that the Government have made some amendments that improve the Bill. Should the circumstances ever arise whereby policing and justice powers can be devolved, my party, regardless of what any other party does, believes in the primacy of the electoral mandate. As a party, we are mandated to seek devolution for Northern Ireland. We want that

devolution to be stable, accountable, effective and efficient. Those were the principles that we enunciated for many years. I believe that we have moved towards that, making some progress along the way, but barriers still remain. The principal barrier has been Sinn Fein and its relationship with the IRA, to which it is inextricably linked. As a party that was entitled to be in government under existing legislation, it was clearly necessary that it met the standards of democracy, that it decommissioned all its weapons, and that it ensured that there was a complete and unalterable end to all of its paramilitary and criminal activity.

Those are all essentials for government. They are even more essential in relation to the devolution of policing and justice suggested in the Bill. When the last report by the Independent Monitoring Commission was published, we said openly in this House that some progress had been made, but that there were still grey areas and loose ends that needed to be addressed. So I am sure that the Minister will accept that many of us were shocked when a spanner was thrown into the works this week by the irrational decision of the Ulster Unionist party to embrace the Progressive Unionist party, whose members are the spokespersons for the UVF.

I knew instinctively that the hon. Member for North Down (Lady Hermon) would be opposed to that marriage, and that was confirmed during the debate. The relationship undermines her, however, and I regret these circumstances because there will now be a mountain to climb in regard to devolution unless these matters can be undone. We will await the ruling of the Speaker of the Northern Ireland Assembly on this, but the Speaker can rule in favour of the decision of the Ulster Unionist party Assembly group only if she believes that that group is a separate political party. The party's representatives indicated that they had formed a new political party. That is what the Speaker was instructed by the Ulster Unionist party's Assembly representatives—

Mr. Deputy Speaker: Order. I am not quite clear how the hon. Gentleman's remarks relate to the content of the Bill. Perhaps he could make that clear.

Mr. Robinson: The Bill covers a number of miscellaneous matters relating to the government of Northern Ireland and matters that will, in due course, be able to be devolved to the Government there. Unfortunately, that Government is less likely to be formed because of the situation that has developed in the Assembly. However, I want to give Front-Benchers some time to wind up the debate.

I will round off my remarks by saying that this issue must be addressed, because the conditions remain the same, whether we are talking about paramilitarism from a Unionist background or a nationalist background. We are not prepared to be in government with those who are linked to paramilitary organisations. It would be ironic if, in the months or years ahead, Sinn Fein and the republican movement were to be given a clean bill of health and the Government could proceed, only for the Ulster Unionist party to delay that process because of a relationship with a paramilitary organisation. Those issues have to be dealt with; they cannot be ducked.

This relationship has certainly not been formed for the altruistic purpose that the hon. Lady was told by the leader of her party, who was no doubt squirming when he said that the purpose was to try to take the UVF away from its paramilitary activities. The purpose was self-serving: it was to try to increase the number of Ministries that the Ulster Unionist party would get. That has not worked, and it will not work. Indeed, my party would have ensured that Sinn Fein would not have got a third Ministry. There were at least four strategies to ensure that that would not happen. The Ulster Unionist party was not robbing Sinn Fein of a Ministry. It thought that it was robbing the DUP, but it will find out that it has not.

Question put and agreed to.

Bill accordingly read the Third time, and passed, with amendments.

Draft Legal Services Bill (Joint Committee)

Motion made, and Question proposed,

That the Lords Message of 11th May relating to a Joint Committee of both Houses to consider and report on any draft Legal Services Bill presented to both Houses by a Minister of the Crown be now considered.

That this House concurs with the Lords that it is expedient that a Joint Committee of Lords and Commons be appointed to consider and report on any draft Legal Services Bill presented to both Houses by a Minister of the Crown, and that the Committee should report on the draft Bill by 25th July 2006.

That the Committee shall have power—

(i) to send for persons, papers and records;

(ii) to sit notwithstanding any adjournment of the House;

(iii) to report from time to time;

(iv) to appoint specialist advisers; and

(v) to adjourn from place to place within the United Kingdom.

That the quorum of the Committee shall be two; and

That Mr David Burrowes, Michael Jabez Foster, John Hemming, Stephen Hesford, Mr David Kidney and Emily Thornberry be members of the Committee.—*[Mr. Roy.]*

Mr. Geoffrey Clifton-Brown (Cotswold) (Con): Object.

Mr. Deputy Speaker (Sir Michael Lord): I understand that the hon. Gentleman has to make a speech.

Mr. Clifton-Brown: On a point of order, Mr. Deputy Speaker. Is this speech required on my objection to motion 3 on the Order Paper?

Mr. Deputy Speaker: The hon. Gentleman should indicate briefly why he wishes to object.

6.58 pm

Mr. Clifton-Brown: Thank you for your helpful guidance, Mr. Deputy Speaker.

This is a procedural motion of far-reaching constitutional importance that should be considered in much greater detail, rather than being put through on the nod in this way. We should have a full debate on the merits and demerits of the issue, and it is for that reason that I wish to object.

Question put:—

The House proceeded to a Division; but no Member being willing to act as Teller, MR. DEPUTY SPEAKER *declared that the Ayes had it.*

Question agreed to.

Rana Faruqui

Motion made, and Question proposed, That this House do now adjourn.—*[Mr. Roy.]*

7.2 pm

Mrs. Theresa May (Maidenhead) (Con): I am grateful to the Speaker for giving me this opportunity to raise the case of a daughter of a constituent. I want to speak about the brutal murder of Rana Faruqui, the handling of that case by Thames Valley police and the wider issues raised by it.

In 2003, Rana Faruqui was a bright, attractive, lively 35-year-old working in IT as a business analyst. At work, she met Stephen Griffiths. A relationship started. Stephen Griffiths moved into her home. Several incidents of domestic violence followed, the relationship faltered, and Stephen Griffiths left her home. After he left her home, several incidents of him stalking Rana Faruqui took place. On 21 July, Rana Faruqui reported by telephone to Thames Valley police that the brake pipes on her car had been cut. Three days later, on 24 July 2003, she went physically to Slough police station and spoke to the police about the fact that those brake pipes had been cut. That report passed from inbox to inbox, and from officer to officer, for 10 whole days. On Saturday 2 August 2003, Stephen Griffiths stabbed and brutally murdered Rana Faruqui.

I have absolutely no doubt that Thames Valley police failed Rana. They should have taken the issue of the cutting of the brake pipes more seriously. Sadly, Rana's family, having had to face the tragedy of her brutal murder, are left with the feeling that had Thames Valley police acted differently, she might be alive today.

I am very conscious that there has been a full investigation of the case by Thames Valley police, and that a misconduct hearing in relation to one senior officer is still due to take place. Despite parliamentary privilege I do not intend to name any individual officers, but I hope the Minister will agree that the bare facts that I have outlined raise a degree of concern about the handling of the issue by Thames Valley police. They raise wider issues as well, however, and it is on those that I wish to concentrate.

When Rana Faruqui's mother Carol came to see me with other members of her family, she was obviously distressed at what had happened to her daughter and at the suffering that the family had experienced following Rana's death, but she was also anxious to ensure that other families were not put through the same distress. She wanted to try to ensure that issues of domestic violence, and particularly of stalking, were taken more seriously by Thames Valley police, and that any lessons from the case were learnt not only by them but by police forces across the country.

I am grateful to the acting chief constable of Thames Valley police, Sara Thornton, for giving me information about what the force has done following the case. She has not only written to me, but taken the time and trouble to speak to me about it. As a result of my conversation with her, I hope to be able to visit one of the domestic violence units in the Thames Valley area. However, as I have said, I have absolutely no doubt that Rana was failed by Thames Valley police. That raises a number of issues about the approach that the force takes to domestic violence, and the attitude of officers to such violence.

In 2004-05, there were 14,793 cases of domestic violence in the Thames Valley area. That is an increase of about 15 per cent. on the number of cases in 2003-04. I am aware that since then the Government have introduced a Bill to deal with domestic violence, and that more recently the Home Office has issued guidance to police forces on the handling of domestic violence cases. The acting chief constable tells me that Thames Valley police has adopted a rather more rigorous approach of risk assessment

"in all domestic violence or 'stalker' type cases",

which are now

"reviewed and reassessed by specialist Domestic Violence Officers."

Investigation management is subject to strict timetables.

"Cases which fall within the risk assessment process are given added scrutiny in respect of 'follow-up' with the emphasis being on early intervention and positive action".

That is what is happening now, of course; it was not in operation when Rana Faruqui reported those incidents to the police.

It is important to stress that, by all accounts, Rana was not a shrinking violet who did not know what to do, and did not take action when the incidents happened. She did report them to the police. We all know that many cases of domestic violence are not reported to the police, but she did report those incidents, and the stalking incidents. I think she rightly expected appropriate action to be taken, but sadly it was not.

Despite the action that has now been taken by Thames Valley police, the case raises several issues. The first is the general attitude of the police to such cases. I want to separate the issues of domestic violence and stalking. As I have said, the Government have taken action on domestic violence issues through their Bill and the guidance that they have now issued to police forces, but I am not convinced that as much emphasis has been placed on the stalking issue, which I believe should be taken very seriously. I suspect and fear that a number of such incidents are not taken as seriously as they should be. In some cases, the police's attitude may well be, "It's just somebody who has broken up with her boyfriend, does not want him around and has rung the police to try to get rid of him", but in many others, that is not what is happening.

There are individuals out there like Stephen Griffiths. It subsequently emerged that although he could at times be very charming, he was also very manipulative and had had a number of broken relationships before he met Rana—relationships in which domestic violence incidents had occurred. So a pattern was being repeated but sadly, there was no evidence: no reporting of that pattern on which Thames Valley police could draw in assessing that case.

I have some questions for the Minister concerning the seriousness with which stalking is being addressed. Have the Government issued any guidance on dealing with stalking? What is the attitude taken by junior officers, in particular, when they first encounter such incidents? When a junior officer first deals with a

[Mrs. Theresa May]

reported stalking incident, it is crucial that they take it seriously. As I said earlier, Thames Valley police told me about the various steps that they have taken in dealing with domestic violence, such as risk assessment and the use of specialist domestic violence officers, but they kick in only if the initial report is taken seriously and treated seriously.

That leads me to the very real issue of the training our police officers, their understanding of such incidents and their recognition—or not—of their seriousness. I realise that the 14,793 domestic violence incidents that Thames Valley police had to deal with in 2004-05 is a large number. But in each case where it was shown that such violence had indeed taken place, there was a victim and someone who had acted in a criminal way against them. The police must take a serious approach to such cases.

I want to ask the Minister about the training of police officers in dealing with stalking. Stalking hits the headlines when it happens to a celebrity and such cases have been reported to the police, but it does not happen just to celebrities. Rana Faruqui was not a celebrity, but she was stalked by Stephen Griffiths, with tragic consequences. What are the police doing to ensure that sufficient training is given to officers, so that they understand the seriousness of such offences and behaviour, and that they recognise it and report it appropriately? They need to ensure that the action that has so far been taken can kick in, that proper risk assessment takes place, and that officers put the emphasis on early intervention, in order to ensure that the tragic consequences of Rana's case are not repeated.

I want also to ask about guidance from the Home Office itself and from the Association of Chief Police Officers. I hope that the lessons that the Thames Valley police have learned following this incident will be shared with other forces throughout the country. One problem that we have is that police forces often do not share information with each other in an effort to deal with such issues. There is no lack of good intent in that regard: it just happens; there is no culture of sharing information. I have always been of the view that, if someone finds a good way of dealing with a problem, they should share it, because doing so is to the benefit of everybody. There are lessons to be learned, and they should be shared with other forces.

Is the Home Office doing enough to deal with stalking? Is it introducing guidance and proper measures at police force level? As I said earlier, Rana's mother and the rest of her family are very keen that others should not have to go through the suffering that they have gone through, purely because no lessons are learned and no action is taken by Thames Valley or other forces. They have not just sat around or even just talked to me about it. Rana's sister went over to the US to investigate the action taken there, and she sent me an interesting set of papers about San Diego county, which has established a stalking strike force, a multi-disciplinary approach to the issue. An article by Wayne Maxey, a criminal investigator affiliated with the stalking unit of the San Diego's district attorney's office, describes it as

> "A multi-disciplinary approach...one in which both criminal justice and mental health approaches come together to address the problem."

The Americans find that approach most effective. The article continues:

> "The Strike Force strive to evaluate carefully each case and develop effective case management strategies."

I have here copies of security recommendations for stalking victims and the stalking strike force victim handbook—the information that is given to victims of stalking on what they can do to help to ensure their safety. The evidence from the strike force suggests the need for early intervention, to identify where there is a serious risk and to take appropriate action.

I am happy to share the information with the Minister. I would also be happy to meet him and share further details of the case that I am not able to share with him in the time available tonight. Rana Faruqui was brutally murdered, despite the fact that she had reported the incidents of stalking and—crucially, in my view—the cutting of the brake cables of her car to the police. Thames Valley did nothing about that report for 10 days, at the end of which she was dead. Thames Valley police failed Rana, and I want to ensure that nobody else is failed in that way, by Thames Valley or other forces; that the lessons from this case are learned by others; and that the police take cases of domestic violence and, crucially, stalking seriously. Such cases must not be dismissed as women reporting things that have not taken place or trying to get rid of a boyfriend who is being a bit difficult. When someone goes to the police, they must be treated properly and seriously. The police must recognise the danger that can ensue and take action accordingly. We owe it to Rana and her family to ensure that the lessons are learned.

Mr. Deputy Speaker (Sir Michael Lord): I must briefly interrupt the debate. I have to report an error in the number reported as having voted in the No Lobby in the deferred Division on the Joint Committee on Conventions. The number voting No was 20, not 19 as reported. The Clerk will arrange for the record to be corrected.

7.18 pm

The Parliamentary Under-Secretary of State for the Home Department (Mr. Vernon Coaker): I congratulate the right hon. Member for Maidenhead (Mrs. May) on securing this important debate, raising the issue of domestic violence and bringing such an appalling crime to the attention of the House. I also congratulate her on the tone of her speech, which was very moving in parts.

I know that the right hon. Lady has specific concerns about the police handling of domestic homicides, and about Thames Valley police force in particular. I am aware of the tragic circumstances of the death of Rana Faruqui, in August 2003. After suffering months of stalking and harassment from her ex-partner, including the brake pipes on her car being cut, she was fatally stabbed by him, while tending to her horses at her stables. I offer my sympathy to all who knew Miss Faruqui.

The terrifying facts of this case and other incidents of domestic violence demonstrate the importance of ensuring that the response to the needs of victims of domestic violence is handled earlier and effectively, to reduce the risk of incidents like this occurring, as the

right hon. Lady pointed out. She will appreciate that I have been advised that I cannot talk about the handling of individual cases, including this one, but I will outline the comprehensive improvements that have been made by the Thames Valley police force to its handling of domestic violence.

At the outset, I assure the right hon. Lady that I should, of course, be happy to meet her in my office to discuss matters that it is not possible to raise now. Stalking is one of those matters, and I look forward to her contacting me so that we can organise such a meeting.

In addition, I shall outline a wide range of measures that the Government have instigated through the national delivery plan for domestic violence. Sweeping changes in case handling have been made across the criminal justice system, including in the police, the Crown Prosecution Service and the courts. Those changes will aid victims and help to prevent cases such as those in the Thames Valley area and beyond. The plan also highlights action to ensure the early identification of victims and perpetrators. In addition, it offers focused support for victims and the better management of perpetrators.

This debate gives me an opportunity to say a few things. As a new Minister at the Home Office, I was shocked when I was briefed on the scale of the problem that we face. For instance, the House will be appalled to learn the following: that, on average, two women a week are killed in the UK by a male partner or former partner; that in 2003-04 nearly 40 per cent. of all female homicide victims were killed by their current or ex-partner, compared with about 5 per cent. of male homicide victims; that about one in four women and one in six men have been victims of domestic violence since the age of 16, although women are clearly likely to suffer greater injury and be classed as chronic victims; that 89 per cent. of those suffering four or more attacks are women, and that one incident is reported to the police every minute. Moreover, as the right hon. Member for Maidenhead noted, there were more than 14,000 such incidents in the Thames Valley area in 2004-05.

In addition to the human suffering that is caused by domestic violence, the costs to our economy are staggering. In 2001, domestic violence in England and Wales was estimated to cost a total of £23 billion, of which £3 billion was spent on public services and £2.7 billion was absorbed by employers and workers. The cost of human and emotional suffering was put at £17 billion. In addition, the criminal justice system spent £1 billion on domestic violence cases, and £300 million was spent by civil legal services.

In 90 per cent. of incidents involving domestic violence, children are in the same or the next room. Domestic violence also has worrying links to pregnancy: 30 per cent. of domestic violence starts during pregnancy, and existing violence often escalates. Domestic violence accounts for 17 per cent. of all violent crime in the UK. I am sure that the right hon. Member for Maidenhead probably knows those facts better than I do, but they are another reason why we should welcome the opportunity that this debate gives us to state them in the House.

Those statistics tell a terrible story, as is highlighted by the case at the heart of this debate, but that story is made far worse when we realise that behind each statistic is a life, and often many lives. Those lives are damaged and sometimes destroyed by the cruel and barbaric acts that are committed—and as a man I have to say this—mainly by men. I recognise that men and same-sex couples also experience domestic violence, but women are far more likely to experience physical or sexual violence at the hands of men.

However, I wish to reassure the House that the Government are facing up to our responsibilities, and I should like to outline some of the major steps that we are taking to respond to this most insidious of crimes in all parts of the country, including in the Thames Valley area. The Government take domestic violence very seriously, and that is why we have set up the inter-ministerial group on domestic violence. It is chaired by Baroness Scotland, and draws ministerial membership from across all the major Government Departments. The group performance manages the delivery plan and monitors its progress quarterly.

As the right hon. Lady noted, we passed the Domestic Violence, Crime and Victims Act 2004 in November of that year. The biggest overhaul of domestic violence legislation for 30 years, that Act gives tough new powers to the police and the courts to tackle offenders, while ensuring that victims get the support and protection that they need. We hope that that protection will help people across the country, including in the Thames Valley area.

The 2004 Act gives greater protection to victims and children, and encourages them to stand up for their right to live without fear of violence. The measures that it contains have been rolling out in stages since March 2005.

I turn now to the specific concerns about Thames Valley police expressed by the right hon. Lady. I should like to reassure the House that that force have initiated a fundamental overhaul of their policies and procedures in response to domestic violence cases. The Thames Valley police domestic violence project is nearing completion; the main changes have been implemented and the force is consolidating the improvements in its routine business. After some of the awful things that we have seen and that she highlighted, I hope that lessons have been learned and I trust that such initiatives offer some comfort and reassurance.

The improvements include the establishment of public protection units throughout Thames Valley police. Those specialist units focus on protecting communities from the most dangerous offenders and provide expertise in cases involving the most vulnerable members of our society. The force's existing domestic violence units have been incorporated in the public protection units and augmented with additional investment and resources. Specialist domestic violence officers now review all domestic violence incidents.

A comprehensive structured risk assessment process has been implemented. All operational officers have received training in identifying domestic violence cases and in the use of the risk indicator tool to assist their investigation and management of the case. Every case is assessed by a specialist domestic violence unit officer to ensure that high-risk cases are identified early—a point made by the right hon. Lady—and given added priority and resources.

[Mr. Vernon Coaker]

We need to ensure that action on stalking is included in those procedures. The right hon. Lady asked about guidance in such cases. The Association of Chief Police Officers has issued police forces with guidance on harassment, which includes stalking, so the right hon. Lady can be reassured about that issue.

The changes in the Thames Valley force are part of a much wider overhaul that has been instigated in all police forces. In November 2004, ACPO issued comprehensive guidance to all forces in England and Wales, including Thames Valley, about the investigation of domestic violence cases, including Thames Valley. The accompanying training programme covers identification and flagging of cases of domestic violence by the police; officer response at the scene of the incident to protect victims and to gather evidence; managing the investigation and building a prosecution case; protecting the victim as the case progresses through the criminal justice system; and how to engage effectively in multi-agency working. I was most interested in the information from America provided by a relative of the family about multi-agency working. Perhaps the right hon. Lady and I could discuss that further when we meet. The police alone cannot tackle domestic violence; it requires a partnership response, although I am very aware that turning those words into reality is something else again.

Mrs. May: Before I comment on that point, I apologise to the Minister for not welcoming him to his new post in the Home Office.

The San Diego experience is one of the interesting points that I should like to discuss with the Minister. The scheme was set up on a voluntary basis and has managed to get around many of the administrative barriers that can get in the way of a multi-agency approach, which then fails to operate properly, as the Minister said.

Mr. Coaker: I thank the right hon. Lady for her welcome. We can certainly discuss the issue she raises. I am well aware that bureaucracy sometimes gets in the way of service delivery and in cases such as these we need to make sure that what we say in an office translates into reality on the ground for people who suffer, or may suffer, domestic violence.

The training programme that I outlined is a major initiative in each police force area, including Thames Valley, and a target has been set to ensure that every operational officer in every police force in England and Wales will be a graduate of the programme by 2008. To complement it, every new recruit in every force will be trained about domestic violence as part of their mandatory training, as they have been since April 2005. Again, Thames Valley is obviously included in that programme. Such training is crucial to changing the culture—changing awareness and attitudes. All those things are important and will take longer than a training programme, but the programme is vital none the less.

I welcome the fact that my hon. Friend the Member for Slough (Fiona Mactaggart) is present in the Chamber. She has also taken a keen interest in these matters, including when she was a Home Office Minister, and we are building on much of the work in which she was involved.

Every police force in England and Wales now also has a domestic violence co-ordinator—so the Thames Valley police will have such a co-ordinator as well. That illustrates the fact that the Government and the police recognise that domestic violence is a serious crime that needs to be policed rigorously and effectively, but our commitment to tackling domestic violence does not stop there. To ensure that we capitalise on the improved policing policy, the Crown Prosecution Service has also created a domestic violence training pack for all its prosecutors. It, too, has set a target of having all prosecutors trained on the programme by 2008 and every CPS area, including Thames Valley, now has a domestic violence co-ordinator.

Last year, to strengthen the role of the criminal justice system further, the Government announced the development of 25 specialist domestic violence court systems, which will be in place by April 2006—so they are obviously just in place. There will now be at least one specialist domestic violence court area in every region of the country—obviously, including the Thames valley. In this context, specialist courts are not just about the practice of courts and their procedures; neither are they about tangible changes being made to existing courthouses: it is an approach that situates the court system and the criminal justice system as part of a community-wide response to domestic violence. Clearly, such arrangements may cover parts of the Thames Valley area.

I congratulate the right hon. Member for Maidenhead on initiating the debate. I am very happy to meet her to discuss what is clearly an issue of importance not just in the Thames Valley area but in the whole country and something about which we, as a country, need to do more. This was a terrible case; we must learn the lessons from it. Thames Valley police, as well as all other forces, have reviewed their procedures, and we must all hope that, in so far as possible, such tragedies are avoided in the future. I thank the right hon. Lady again for raising the issue; I am sure that we all need to do something more about it.

The motion having been made after Seven o'clock, and debate having continued for half an hour, MR. DEPUTY SPEAKER *adjourned the House without Question put, pursuant to the Standing Order.*

Adjourned at twenty-nine minutes to Eight o'clock.

Deferred Division

CONVENTIONS (JOINT COMMITTEE)

That the Lords Message [25 April] relating to Conventions be now considered.

That this House concurs with the Lords in the said Resolution;

That, accepting the primacy of the House of Commons, a Select Committee of 11 Members be appointed to join with a Committee appointed by the House of Lords as the Joint Committee on Conventions, to consider the practicality of codifying the key conventions on the relationship between the two Houses of Parliament which affect the consideration of legislation, in particular.

(A) The Salisbury-Addison convention that the Lords does not vote against measures included in the governing party's Manifesto;

(B) conventions on secondary legislation;

(C) the convention that Government business in the Lords should be considered in reasonable time;

(D) conventions governing the exchange of amendments to legislation between the two Houses; and that the Committee should report by Friday 21 July 2006;

That the Committee should have power—

(i) To send for persons, papers and records;

(ii) to sit notwithstanding any adjournment of the House;

(iii) to report from time to time;

(iv) to appoint specialist advisers;

(v) to adjourn from place to place within the United Kingdom; and

That Mr. Russell Brown, Mr. Wayne David, Mr. George Howarth, Simon Hughes, Sarah McCarthy-Fry, Andrew Miller, Sir Malcolm Rifkind, Mr. John Spellar, Ms Gisela Stuart, Mr. Andrew Tyrie and Sir Nicholas Winterton be Members of the Committee.

The House divided: Ayes 416, Noes 20.

Division No. 242]

AYES

Abbott, Ms Diane
Afriyie, Adam
Ainger, Nick
Ainsworth, rh Mr. Bob
Ainsworth, Mr. Peter
Alexander, Danny
Allen, Mr. Graham
Amess, Mr. David
Ancram, rh Mr. Michael
Anderson, Mr. David
Anderson, Janet
Armstrong, rh Hilary
Atkins, Charlotte
Austin, Mr. Ian
Bailey, Mr. Adrian
Baird, Vera
Baldry, Tony
Balls, Ed
Banks, Gordon
Barker, Gregory
Baron, Mr. John
Barrett, John
Beckett, rh Margaret
Begg, Miss Anne
Beith, rh Mr. Alan
Bellingham, Mr. Henry
Benton, Mr. Joe
Benyon, Mr. Richard
Berry, Roger
Betts, Mr. Clive
Binley, Mr. Brian
Blackman, Liz
Blackman-Woods, Dr. Roberta
Blair, rh Mr. Tony
Blears, rh Hazel
Blizzard, Mr. Bob
Blunkett, rh Mr. David
Blunt, Mr. Crispin
Boswell, Mr. Tim
Bottomley, Peter
Bradshaw, Mr. Ben
Brady, Mr. Graham
Brake, Tom
Brazier, Mr. Julian
Brokenshire, James
Brown, Lyn
Brown, rh Mr. Nicholas
Browne, Mr. Jeremy
Browning, Angela
Bryant, Chris
Buck, Ms Karen
Burgon, Colin
Burnham, Andy
Burns, Mr. Simon
Burrowes, Mr. David
Burt, Lorely
Butler, Ms Dawn
Butterfill, Sir John
Byers, rh Mr. Stephen
Byrne, Mr. Liam
Cable, Dr. Vincent
Cairns, David
Cameron, rh Mr. David
Campbell, Mr. Alan
Campbell, Mr. Gregory
Campbell, rh Sir Menzies
Carmichael, Mr. Alistair
Caton, Mr. Martin
Chapman, Ben
Clapham, Mr. Michael
Clappison, Mr. James
Clark, Greg
Clark, Ms Katy
Clarke, rh Mr. Tom
Clegg, Mr. Nick
Clifton-Brown, Mr. Geoffrey
Clwyd, rh Ann
Coaker, Mr. Vernon
Coffey, Ann
Cohen, Harry
Cooper, Rosie
Corbyn, Jeremy
Cormack, Sir Patrick
Cousins, Jim
Crabb, Mr. Stephen
Creagh, Mary
Cruddas, Jon
Cryer, Mrs. Ann
Cummings, John
Cunningham, Mr. Jim
Cunningham, Tony
Curry, rh Mr. David
Davidson, Mr. Ian
Davies, Philip
Davies, Mr. Quentin
Devine, Mr. Jim
Dhanda, Mr. Parmjit
Dismore, Mr. Andrew
Djanogly, Mr. Jonathan
Dodds, Mr. Nigel
Donaldson, Mr. Jeffrey M.
Donohoe, Mr. Brian H.
Dowd, Jim
Drew, Mr. David
Duncan, Mr. Alan
Durkan, Mark
Eagle, Angela
Eagle, Maria
Efford, Clive
Ellman, Mrs. Louise
Engel, Natascha
Ennis, Jeff
Evennett, Mr. David
Fabricant, Michael
Farron, Tim
Featherstone, Lynne
Field, rh Mr. Frank
Field, Mr. Mark
Fiello, Mr. Robert
Follett, Barbara
Foster, Mr. Don
Foster, Mr. Michael *(Worcester)*
Francois, Mr. Mark
Gardiner, Barry
Garnier, Mr. Edward
Gauke, Mr. David
George, Andrew
Gerrard, Mr. Neil
Gibb, Mr. Nick
Gibson, Dr. Ian
Gidley, Sandra
Gillan, Mrs. Cheryl
Goggins, Paul
Goldsworthy, Julia
Goodman, Helen
Goodman, Mr. Paul
Goodwill, Mr. Robert
Gove, Michael
Gray, Mr. James
Grayling, Chris
Green, Damian
Greening, Justine
Grieve, Mr. Dominic
Griffith, Nia
Griffiths, Nigel
Grogan, Mr. John
Gummer, rh Mr. John
Gwynne, Andrew
Hain, rh Mr. Peter
Hall, Mr. Mike
Hall, Patrick
Hammond, Mr. Philip
Hammond, Stephen
Hanson, Mr. David
Harman, rh Ms Harriet
Harper, Mr. Mark
Harris, Dr. Evan
Harris, Mr. Tom
Harvey, Nick
Healey, John
Heath, Mr. David
Hemming, John
Hendrick, Mr. Mark
Hendry, Charles
Heppell, Mr. John
Herbert, Nick
Hermon, Lady
Hesford, Stephen
Heyes, David
Hill, rh Keith
Hillier, Meg
Hoban, Mr. Mark
Hollobone, Mr. Philip
Holmes, Paul
Hood, Mr. Jimmy
Hope, Phil
Hopkins, Kelvin
Horam, Mr. John
Howard, rh Mr. Michael
Howarth, rh Mr. George
Howells, Dr. Kim
Hughes, rh Beverley
Hughes, Simon
Huhne, Chris
Humble, Mrs. Joan
Hunt, Mr. Jeremy
Hunter, Mark
Hutton, rh Mr. John
Iddon, Dr. Brian
Illsley, Mr. Eric
Irranca-Davies, Huw
Jack, rh Mr. Michael
Jackson, Mr. Stewart
Johnson, rh Alan
Johnson, Ms Diana R.
Jones, Helen
Jones, Mr. Martyn
Jowell, rh Tessa
Joyce, Mr. Eric
Kaufman, rh Sir Gerald
Keeley, Barbara

Kelly, rh Ruth
Kemp, Mr. Fraser
Kennedy, rh Mr. Charles
Kennedy, rh Jane
Khabra, Mr. Piara S.
Khan, Mr. Sadiq
Kidney, Mr. David
Kirkbride, Miss Julie
Knight, Jim
Kramer, Susan
Ladyman, Dr. Stephen
Lait, Mrs. Jacqui
Lamb, Norman
Laws, Mr. David
Lazarowicz, Mark
Lepper, David
Letwin, rh Mr. Oliver
Levitt, Tom
Lewis, Mr. Ivan
Lewis, Dr. Julian
Lilley, rh Mr. Peter
Loughton, Tim
Love, Mr. Andrew
Lucas, Ian
MacDougall, Mr. John
Mackay, rh Mr. Andrew
Mactaggart, Fiona
Mahmood, Mr. Khalid
Malik, Mr. Shahid
Malins, Mr. Humfrey
Mallaber, Judy
Marris, Rob
Marsden, Mr. Gordon
Marshall, Mr. David
Martlew, Mr. Eric
May, rh Mrs. Theresa
McCabe, Steve
McCarthy, Kelly
McCartney, rh Mr. Ian
McCrea, Dr. William
McDonagh, Siobhain
McDonnell, Dr. Alasdair
McDonnell, John
McFadden, Mr. Pat
McFall, rh Mr. John
McGovern, Mr. Jim
McGrady, Mr. Eddie
McGuire, Mrs. Anne
McIntosh, Miss Anne
McIsaac, Shona
McKechin, Ann
McKenna, Rosemary
McNulty, Mr. Tony
Meale, Mr. Alan
Merron, Gillian
Michael, rh Alun
Milburn, rh Mr. Alan
Miliband, Edward
Miller, Mrs. Maria
Milton, Anne
Mitchell, Mr. Andrew
Moffat, Anne
Moffatt, Laura
Mole, Chris
Moon, Mrs. Madeleine
Moore, Mr. Michael
Moran, Margaret
Morden, Jessica
Morgan, Julie
Moss, Mr. Malcolm
Mountford, Kali
Mundell, David
Munn, Meg
Murphy, Mr. Denis
Murphy, Mr. Jim
Murrison, Dr. Andrew
Naysmith, Dr. Doug
Newmark, Mr. Brooks
Norris, Dan
O'Brien, Mr. Mike
O'Brien, Mr. Stephen
Oliver, Mr. Bill
Öpik, Lembit
Osborne, Mr. George
Ottaway, Richard
Owen, Albert
Paisley, rh Rev. Ian
Palmer, Dr. Nick
Pearson, Ian
Penning, Mike
Penrose, John
Pickles, Mr. Eric
Plaskitt, Mr. James
Pound, Stephen
Prentice, Bridget
Prentice, Mr. Gordon
Prosser, Gwyn
Pugh, John
Purchase, Mr. Ken
Randall, Mr. John
Reed, Mr. Andy
Reed, Mr. Jamie
Reid, Mr. Alan
Rennie, Willie
Rifkind, rh Sir Malcolm
Riordan, Mrs. Linda
Robathan, Mr. Andrew
Robertson, Hugh
Robertson, John
Robinson, Mrs. Iris
Robinson, Mr. Peter
Rogerson, Mr. Dan
Rowen, Paul
Roy, Mr. Frank
Ruane, Chris
Ruddock, Joan
Ruffley, Mr. David
Russell, Bob
Russell, Christine
Ryan, Joan
Salter, Martin
Sanders, Mr. Adrian
Sarwar, Mr. Mohammad
Scott, Mr. Lee
Seabeck, Alison
Selous, Andrew
Shapps, Grant
Shaw, Jonathan
Sheerman, Mr. Barry
Sheridan, Jim
Simon, Mr. Siôn
Simpson, Alan
Simpson, David
Singh, Mr. Marsha
Skinner, Mr. Dennis
Slaughter, Mr. Andrew
Smith, rh Mr. Andrew
Smith, Ms Angela C. *(Sheffield, Hillsborough)*
Smith, Angela E. *(Basildon)*
Smith, Geraldine
Smith, rh Jacqui
Smith, Sir Robert
Snelgrove, Anne
Soulsby, Sir Peter
Southworth, Helen
Spellar, rh Mr. John
Spink, Bob
Spring, Mr. Richard
Starkey, Dr. Phyllis
Steen, Mr. Anthony
Stewart, Ian
Stoate, Dr. Howard
Strang, rh Dr. Gavin
Straw, rh Mr. Jack
Stringer, Graham
Stunell, Andrew
Sutcliffe, Mr. Gerry
Swayne, Mr. Desmond
Swinson, Jo
Swire, Mr. Hugo
Syms, Mr. Robert
Tami, Mark
Tapsell, Sir Peter
Taylor, Ms Dari
Teather, Sarah
Thomas, Mr. Gareth
Thornberry, Emily
Timms, Mr. Stephen
Tipping, Paddy
Touhig, Mr. Don
Tredinnick, David
Trickett, Jon
Truswell, Mr. Paul
Turner, Mr. Andrew
Turner, Mr. Neil
Twigg, Derek
Tyrie, Mr. Andrew
Ussher, Kitty
Vaizey, Mr. Edward
Vara, Mr. Shailesh
Vaz, Keith
Viggers, Peter
Villiers, Mrs. Theresa
Walker, Mr. Charles
Wallace, Mr. Ben
Waltho, Lynda
Ward, Claire
Wareing, Mr. Robert N.
Watkinson, Angela
Watts, Mr. Dave
Webb, Steve
Whitehead, Dr. Alan
Wicks, Malcolm
Wiggin, Bill
Willetts, Mr. David
Williams, rh Mr. Alan
Williams, Hywel
Williams, Mark
Williams, Mr. Roger
Williams, Stephen
Willis, Mr. Phil
Willott, Jenny
Wilson, Mr. Rob
Wilson, Sammy
Winnick, Mr. David
Winterton, Sir Nicholas
Winterton, Ms Rosie
Woolas, Mr. Phil
Wright, Mr. Anthony
Wright, David
Wright, Mr. Iain
Wright, Jeremy
Wright, Dr. Tony
Wyatt, Derek
Young, rh Sir George

NOES

Bercow, John
Bone, Mr. Peter
Cash, Mr. William
Chope, Mr. Christopher
Dunne, Mr. Philip
Fallon, Mr. Michael
Hands, Mr. Greg
Hosie, Stewart
Howarth, Mr. Gerald
Jenkin, Mr. Bernard
Kawczynski, Daniel
Knight, rh Mr. Greg
Luff, Peter
MacNeil, Mr. Angus
Paterson, Mr. Owen
Redwood, rh Mr. John
Robertson, Angus
Robertson, Mr. Laurence
Salmond, Mr. Alex
Weir, Mr. Mike

Question accordingly agreed to.

House of Commons

Thursday 18 May 2006

The House met at half-past Ten o'clock

PRAYERS

[MR. SPEAKER *in the Chair*]

DEATH OF A MEMBER

Mr. Speaker: I regret to have to report to the House the death of the right hon. Eric Forth, Member for Bromley and Chislehurst. I am sure that hon. Members in all parts of the House will join me in mourning the loss of a colleague and in extending our sympathy to the right hon. Member's family and friends.

Oral Answers to Questions

ENVIRONMENT, FOOD AND RURAL AFFAIRS

The Secretary of State was asked—

England Rural Development Programme

1. **Mr. David Drew** (Stroud) (Lab/Co-op): What analysis his Department has undertaken in advance of setting out its preferred options for the England rural development programme 2007 to 2013; and if he will make a statement. [71660]

The Parliamentary Under-Secretary of State for Environment, Food and Rural Affairs (Barry Gardiner): The current consultation on the priorities for the next rural development programme for England has been informed by our extensive analysis of economic, environmental and social issues facing rural areas. We will use it to enhance the environment and countryside, to make agriculture and forestry more sustainable and to promote opportunities in rural areas for those who are disadvantaged. We will continue to develop the evidence base and work closely with all our partnership organisations to ensure that the new programme delivers on our priorities for the next seven years.

Mr. Drew: I add my condolences.

I welcome my hon. Friend to his new post. He has already shown a good grasp of biodiversity. Is it not a shame that the Government are apparently examining only one measure of animal welfare, although if they were to follow the lead of our territorial Governments and Assemblies in Scotland and Wales, they would be looking at more measures? Is it not wrong that that is one aspect of the cuts in rural funding, although several of us made it clear that that was not the right way to go? I hope that my hon. Friend will give some good news—

Mr. Speaker: Order.

Barry Gardiner: The Government recognise the importance of good animal health and welfare standards in the farming industry, but we are confident that farmers in England already achieve animal welfare standards that are in excess of the minimum legal requirements. That is a matter of good stock management and it makes sound business sense. We try to target scarce resources not towards existing good practice in that area, but to incentivise new ways of making agriculture more competitive and sustainable. We can use other measures in axis 1 to improve the skills base of people in the industry to ensure that we direct resources towards animal welfare.

Mr. Andrew Turner (Isle of Wight) (Con): May I express my deep condolences to Carroll and sympathy to Eric's family and friends, wherever they are?

The Minister's Department shares membership with the Department of Trade and Industry and Post Office Ltd. of a tripartite committee on the development of the rural post office network. Does he agree that many other Government Departments are sadly undermining the future of the post office network by, for example, removing the TV licence, taking benefit payments out of the network and threatening the future of the Post Office card account, and are thus driving people on to the roads to go out of their villages and into towns to access essential services? I know that £450 million is being—

Mr. Speaker: Order. We must cut down the questions. That question was far too long.

Barry Gardiner: The Government recognise that access to essential services through the post office network is critical for the countryside and people living in rural areas. However, we must recognise that the network is not being used as it once was by people in both urban and rural areas. Customers have voted with their feet. The loss to the network started long before 1993, the changes regarding the Post Office card account and the direct payment of benefits. If the Government are to act responsibly, they must ensure that they get the maximum benefit to people through services. However, they must examine new ways of delivering those services, such as through the internet, as the customer demands that we should. We need to meet customers' needs in the way in which they want us to.

Bill Wiggin (Leominster) (Con): I welcome the Minister to his new role. I think that the closest that he has come to farming in the past is Farm road, which is a small lane in his constituency.

Has the Minister read pages 33 and 34 of the consultation, which propose that animal welfare payments are excluded from the new programme? Has his Department failed to understand that that money could be used to improve animal welfare, as well as to

reduce the advantage of cheap imports from foreign countries that put a low value on animal welfare? Given that the programme in Scotland, Wales and Northern Ireland will support animal welfare, why is England being left behind?

Barry Gardiner: I thank the hon. Gentleman for his welcome to my new duties. If one were to consider a Minister having a farming constituency a sufficient condition of all going well in the countryside, rural communities would never have suffered the outbreaks of BSE and of salmonella in poultry that they experienced under Tory grandees. Let Ministers be judged on their actions, not on their provenance.

The hon. Gentleman failed to listen to my response to my hon. Friend the Member for Stroud (Mr. Drew). Far from excluding animal welfare from the rural development programme, we have specifically stated ways in which we can deliver on that agenda through training and access to skills under axis 1 and axis 3. After the Curry commission, the Government's clear focus is, rightly, on establishing environmental standards and stewardship at the heart of our efforts. That is the future of farming and farmers in this country.

Greenhouse Gases

2. **Mr. Graham Allen** (Nottingham, North) (Lab): If he will set targets for a reduction in carbon dioxide emissions from aircraft and ships which are not included in Government figures on greenhouse gas emissions. [71661]

The Minister for Climate Change and the Environment (Ian Pearson): Emissions from international aviation and maritime transport were not included in the 1997 Kyoto protocol. We are working at international level to limit or reduce those emissions. As part of that work, we want the aviation sector to be included in the European Union emissions trading scheme.

Mr. Allen: I am sure that the Minister is aware of the recent work done at Manchester university that shows that if international pollution from sources such as aviation and shipping is included in the calculation of emissions, the UK has made no reduction in carbon dioxide emissions since 1990. Will he commit to working with his European partners to establish an EU framework to reduce the emissions involved in international pollution? Does not that problem underline the fact that although all of us must do what we can as individuals to combat environmental pollution, ultimately the answer lies at international level and in global agreements?

Ian Pearson: My hon. Friend is entirely right. I am aware of the research conducted by Manchester university. The issue that he describes is the reason why the Government are so committed to taking action internationally. As I said, we want the aviation sector to be included in the EU ETS, and one of the achievements of the UK presidency last year was to get the Environment Council in December to agree that the Commission would make proposals this year on aviation's inclusion in the scheme. We shall continue to press the Commission on that.

Sir Nicholas Winterton (Macclesfield) (Con): I have met the Under-Secretary of State for Environment, Food and Rural Affairs, the hon. Member for Brent, North (Barry Gardiner), with a constituency company in the aerospace industry that is having problems with emissions. The company is Senior Aerospace and it is critical to the aerospace industry. Will the Minister for Climate Change and the Environment do me the courtesy of meeting me and my constituency company to discuss its future?

Ian Pearson: I shall be happy to meet the hon. Gentleman. The aerospace industry is critical to the north-west and the region that he represents. I recently had the opportunity to go round the Airbus factory in Toulouse, where I saw the new A380, which is being flown into Heathrow today. It is an enormous piece of engineering and a tribute to British expertise—for example, the Rolls-Royce engines are far more environmentally friendly than their predecessors. It is something of which we can be proud.

Patrick Hall (Bedford) (Lab): My hon. Friend will be aware that the aviation industry is widely reported to support the establishment of an emissions trading scheme within the EU, but he will also know that there is no prospect of replacing aviation kerosene with a low or zero-carbon fuel. There is therefore a danger that, under an emissions trading scheme, the aviation industry will simply purchase credits from other sectors that have succeeded in making cuts, without doing so itself. Does he agree that much greater pressure must be brought to bear to boost scientific research into aviation fuels and engines, so that the industry itself can contribute to significant cuts in the future?

Ian Pearson: I know that my hon. Friend takes a deep interest in these matters. He is right to say that more research into improving fuel technologies is needed. That work is happening now, but that does not detract from the fact that we want aviation to be included in the EU ETS and, as a Government, we shall continue to press for that.

Chris Huhne (Eastleigh) (LD): May I first express my condolences to the family of Eric Forth? It is shocking that someone who made such a lively and vigorous contribution to the proceedings of the House should be struck down in such a way. I will miss sparring with him, not least on the issues that we are discussing today, such as climate change.

Does the Minister agree that an 8 per cent. fall in revenue in four years against a 35 per cent. rise in the number of air passengers makes a mockery of air passenger duty, and that it should be restructured so as to be based on emissions to encourage full flights? Will the hon. Gentleman undertake to raise this matter with his colleagues, including the Chancellor of the Exchequer?

Does he agree that the issue is symptomatic of a failure properly to examine the potential environmental impact of green taxes across the board? Will he urge his Treasury colleagues to bring forward a comprehensive review of environmental tax incentives?

Ian Pearson: No, I cannot agree with the hon. Gentleman on green taxation policy. As a Government, we have made major improvements. We shall continue to review matters such as air passenger duty. We should not underestimate the achievements that have been made. The UK is one of the few countries that is on target to meet its Kyoto commitments. I am proud of that fact. The climate change programme that we published in March sets out a range of actions. We have set a direction of travel for the UK that is leading the world. We need now to continue to push internationally to get other countries to follow the same policies as those of the United Kingdom. That action is needed urgently if we are to tackle the greatest problem facing the planet in the long term.

Mr. Peter Ainsworth (East Surrey) (Con): The whole House has been shocked by the news about Eric Forth. I join with those who have sent condolences to his wife and family. He was a formidable parliamentarian and he will be greatly missed.

May I further illustrate the scale of the challenge that is posed by aviation emissions? Everyone knows that the problem at present is quite small, but statistics show that emissions are growing by about 12 per cent. a year. Assuming that we meet the 60 per cent. total emission reduction target by 2050, and using figures based on public transport forecasts and those of the Treasury, aviation emissions are on track to represent about 60 per cent. of the UK total by 2050. That calculation is supported by the Environment Audit Committee and by the Royal Commission on Environmental Pollution.

So far, the Government's position, first, has been to leave aviation emissions out of the calculations, which is clearly untenable. Secondly, they hope—we have heard about this again this morning—that aviation can be included in the troubled EU emissions trading scheme. If that proves impossible, is there a plan B?

Ian Pearson: I add my condolences to those expressed by the hon. Gentleman with respect to Eric Forth, who was widely respected in the House. I am sure that my right hon. Friend the Secretary of State will want to say something about that shortly.

The hon. Gentleman is right that we want to see aviation fuel as part of an emissions trading scheme. We need to take action on aviation fuel. That is why, through the United Nations framework convention on climate change and the International Civil Aviation Organisation, the United Kingdom is pushing to ensure that international action is taken. International industries need international solutions. That is why it is so important that we take this action. It is right that aviation fuel represents about only 5 per cent. of UK emissions, but the use of it is planned to increase. That is why we need to take urgent action. We need to commit ourselves internationally.

Single Farm Payments

3. **Tony Baldry** (Banbury) (Con): What representations he has made to the EU on extending the period of time to make single farm payments to farmers. [71662]

4. **Mr. Andrew Robathan** (Blaby) (Con): How many officials have been moved from his Department as a consequence of problems with single farm payments. [71663]

The Secretary of State for Environment, Food and Rural Affairs (David Miliband): Mr. Speaker, I hope that you will allow me to associate the entire ministerial team at the Department for Environment, Food and Rural Affairs with the shock and dismay expressed by Members on both sides of the House about the untimely death of Eric Forth. He was utterly committed not just to his constituency, but to the House of Commons, and he was an important example to us all.

Officials effectively applied for an extension for the payment deadline to the European Commission in April, but I am relieved to report to the House that, according to the latest figures, 87 per cent. of payments have now been disbursed to 76 per cent. of claimants. Four DEFRA Officials, including chief executive Mark Addison, have been temporarily loaned to the Rural Payments Agency for different periods to strengthen the agency's capacity to deal with the current problems associated with the single payment scheme.

Tony Baldry: We welcome the Secretary of State to his new post, but I hope that he appreciates that farmers began to feel unloved when we had three farm Ministers in five days. Why were part-payments not made to farmers in January and will they receive any compensation for the interest on their debts and borrowings? There is another mystery to resolve. In April, officials wrote to the European Commission asking for an extension but, at the same time, the previous Secretary of State told the House that all was well. Those two facts are irreconcilable, but perhaps he can try to reconcile them.

David Miliband: I thank the hon. Gentleman for his welcome. There was no technical reason why partial payments could not have been made in January, but all the advice that Ministers received was that the scheme was on track. When it became clear that it was off track we had to take emergency measures. I hope that farmers in his constituency have received partial payments, as 31,000 have been made. By the middle of April, it was appropriate to approach the European Commission—officials have done so, and we await a reply. Our priority is obviously to make sure that the payments are made. There are about 3,700 large claims that are still waiting to be made—the figure is down from the 5,000 a week ago—and a remaining 20 per cent. payment must be made to the 31,000 farmers who have received partial payments. Finally, there is the question of small claims of less than €1,000. More than half of the claimants in that category—about 40,000 or so—have received payment, but we want to make sure that the rest of them do so.

Mr. Robathan: As a farmer, I have dealings with the Rural Payments Agency and I can tell the new ministerial team that it is hopelessly bureaucratic, over-staffed and astonishingly inefficient. The debacle over the single farm payment has caused hardship for many farmers across the country, and they are in serious difficulty. The chief executive has been moved, my neighbour and friend, Lord Bach, has been sacked and, bizarrely, the previous Secretary of State was promoted. However, the whole organisation needs a shake-up. Will the new ministerial team look at the way in which the RPA functions and shake it up from top to bottom? As Ministers are new to the job, they have a good opportunity to make the agency work for the benefit of agriculture, the environment and the farming industry.

David Miliband: Given that our priority is to get the money out to farming communities, the last thing that we should do is give the organisation a great big shake. The priority is to get the money out properly, but it is right, as I said in my statement last week, to learn the lessons of the difficulties of 2005. I make no attempt to hide the difficulties that continue to challenge us in 2006, but I am determined, with the new chief executive, to ensure that we establish a dependable organisation with which farmers such as the hon. Gentleman can deal efficiently.

Mr. Roger Williams (Brecon and Radnorshire) (LD): I, too, welcome the Secretary of State to his new post, and I wish him good fortune with his wide-ranging responsibilities.

Indebtedness in British agriculture now stands at £9.3 billion, which is an increase of £8 million on the figure 12 months ago. Increased borrowing involves increased costs in interest rates and arrangement fees, which the industry can ill afford. English farmers are a special case, because almost every other European nation managed to make the payment at the beginning of the payment window. Will the Secretary of State make arrangements to meet the EU Commissioner soon to work out a special compensation scheme so that English farmers do not bear the cost of the Government's crass incompetence?

David Miliband: I am sure that the hon. Gentleman will be pleased to know that I shall be attending my first Agriculture Council on Monday—a treat reserved for the lucky few. I gather that it is a process designed to convince those of us of strong pro-European credentials that we could not be more right, and that the European Union is the most perfect organisation to deal with. I will meet the Commissioner on Monday. It is important that we give out a message from our Department that we are proud of the work of British farmers, that the British food that they produce is top quality, and that we are determined to work with them to support the environment in which they live and to ensure not only that the farming payments are made, but that the diversification that they have led over the past few years continues. For me, farmers are at the front line of the fight against climate change and we must ensure that they are supported in their activities.

Mr. Michael Jack (Fylde) (Con): In welcoming the Secretary of State to his new and ever-challenging post, may I remind him that the permanent secretary of his Department on Monday said about what happened in February with the Rural Payments Agency that when they came to press the button to pay the cheques, there was "a spurt" and then the system had "gummed up." Has the new Secretary of State asked why the system gummed up? If he has had an answer, can he share it with the House?

David Miliband: "Gummed up" is one of the more technical terms that I shall have to get used to in my briefings. The post-mortem on the difficulties will take place. The Hunter review is going through. We are determined to learn the lessons, but in the two meetings that I have had so far, my priority has been to make sure, first, that the partial payments go out to provide relief, and secondly, that we have a clear sense of priorities to tackle the outstanding claims. The fact that those 5,000 complex cases that I reported last week are now down to about 3,700 is a sign of progress made by the staff of the agency.

Mr. Denis MacShane (Rotherham) (Lab): On a more general philosophical point of good and efficient governance, why is no civil servant, with the rarest of rare exceptions, ever dismissed for incompetence?

David Miliband: The senior civil servant at the Rural Payments Agency did lose his job in this case.

Bill Wiggin (Leominster) (Con): Has he gone?

David Miliband: He certainly has gone. His replacement has done an excellent job and I look forward to putting the RPA on to a settled basis.

Mr. James Paice (South-East Cambridgeshire) (Con): I thank the Secretary of State for kind remarks about Eric Forth. Those of us who served with him in government understood his ability in that context and as a parliamentarian.

I welcome the Secretary of State to his new responsibility. He takes over at a time when the distrust of the Government by farmers is probably at its lowest ebb since 1947—*[Interruption.]* I am delighted that hon. Members take such pleasure in the distrust of the Government by farmers. The partial payments are welcome, though long overdue, and the Minister has just said that the 5,000-odd complex cases have been reduced to 3,700, which I am glad to hear, but those—they are all large farmers—have received nothing. Also, as the Secretary of State will know, by last Monday farmers were required to claim this year's for payment on their entitlements, even though the vast majority have not had their entitlements validated, so their difficulty in filling in an accurate form is obvious. As he has asked for the extension to the payment window, why does he not also ask for an extension to this year's claim date, as Poland has already done, so that those claims can be based on validated entitlements, otherwise he will face thousands of individual disputes next year about why claims have

been incorrectly submitted, based on false evidence and false information from the Rural Payments Agency?

David Miliband: I am sorry that there is confusion about the matter. Working with the National Farmers Union, among others, the deadline for submitting forms for 2006 has been extended to 31 May.

Mr. Paice: Not long enough.

David Miliband: The National Farmers Union—the hon. Gentleman can visit its website—said that that was an excellent development and is working with us to ensure that every farmer gets their form in. *[Interruption.]* The hon. Gentleman can come back for a second question, and I will give him a good answer.

Climate Change

5. **Martin Horwood** (Cheltenham) (LD): Whether he expects the UK to meet the deadline of 2 June to respond to the consultation by working group 1 of the fourth assessment report of the Intergovernmental Panel on Climate Change. [71665]

The Secretary of State for Environment, Food and Rural Affairs (David Miliband): Yes.

Martin Horwood: I share in the expressions of sympathy for the family of Eric Forth. Those of us who would argue with his politics on many occasions could never argue with the wit and intellect with which he put them forward.

I am pleased by the Minister's response and glad that he is going to meet that deadline. Given that we would probably be in sympathy with much of the content of our submission on the science of climate change, what pressure is he putting on the American Government to ensure that their submission will finally accept the consensus of scientific opinion on climate change?

David Miliband: I think that people way above my pay grade are putting the right sort of discussions on the table with the American Government. Our responsibility is to ensure that our contribution to the IPCC report, which gains its authority from the fact that it represents an international consensus on climate change, continues to establish an intellectual basis for the changes that we need to make. I have not read the report but I can tell the hon. Gentleman that all the indications that I have had from the IPCC suggest that the degree of alarm that we should feel about climate change is well justified.

Mr. Andy Reed (Loughborough) (Lab/Co-op): I am sure that my right hon. Friend is correct. The alarm that the report will cause should galvanise us all in this country, but without international action much of what we can achieve could be minimal. Only this week, I read that China is building another 48 airports. Taking that into account, together with the Americans not coming on board, it is clear that whatever we do will have minimal effect. Will he ensure that what comes out of this is a genuine commitment on the part of those other countries to make their contribution to tackling climate change? Otherwise, we will all be struggling with this concept, and the poorest in the world will feel the consequences first.

David Miliband: I know that my hon. Friend takes an interest in these issues. I hope that he will agree that a year or 18 months ago, people around the world, notably in the United States, were still debating whether climate change is happening. As a result, due in significant part to the leadership of the Government in the G8 and the EU presidency, we are moving from a debate about whether climate change is happening to what we do about it. I include the United States in that—notably many of the states of the US, which are keen to participate in international action. That is significant. I can confirm to my hon. Friend that it is clear from all the reading that I have done so far that there is an effort right across Government—not only from the top, with the Prime Minister and the new Foreign Secretary, but from my Department—to ensure that the international agenda remains absolutely central to what we do while not neglecting the fact that our domestic performance and international clout are linked.

Mr. Peter Ainsworth (East Surrey) (Con): I welcome the new Secretary of State to his post and wish him well. He joins the Department at an exciting and challenging time. I very much hope that we will be able to forge a constructive relationship. He will know that I think it important that we work together as much as possible in facing the threat of climate change.

May I suggest to the right hon. Gentleman that his first task should be to restore confidence in his own Department? There have been too many missed targets and too many arguments lost with other Departments. When it should be at the centre of our efforts to tackle climate change, DEFRA has found itself marginalised on the energy review and on the environmental impact of house building, undermined on the impacts of aviation and undermined by the Department of Trade and Industry in European discussions on carbon reduction. He says that there are people above his pay grade. Let him not be daunted by those people. Let him speak up for the things that DEFRA is charged with looking after and let him restore confidence in the Department. How is he going to set about doing that?

David Miliband: I am happy to respond to the challenge. I will speak up as necessary, both inside and outside Government. If we can forge a consensus and if the new model Conservative party wants to see the light, I welcome it to the consensus table.

Gregory Barker (Bexhill and Battle) (Con): We are there.

David Miliband: The hon. Gentleman says from a sedentary position that they are there. Coming from a party that has been outside the mainstream of politics for the past 15 years, I think that he has got a bit to learn.

Biomass

6. **Mr. Peter Bone** (Wellingborough) (Con): If he will make a statement on Government policy on the use of biomass to meet the UK's energy needs. [71666]

8. **Sir Peter Soulsby** (Leicester, South) (Lab): What steps the Government are taking to encourage the development of energy from biomass. [71668]

The Minister for Climate Change and the Environment (Ian Pearson): The Government acknowledge that biomass is an important contributor to renewable energy, with potential applications in heat, electricity, combined heat and power and transport. The Government's response to the biomass taskforce report was published on 27 April and sets out a range of actions to help realise optimum use of biomass as a resource.

Mr. Bone: I understand that a biomass plant needs between 40 and 50 large lorries to go in and out of the site each day with the raw material required to produce the biomass energy. Has the Minister made an assessment of the advantage to the environment of biomass as against the clear disadvantage of those lorry movements?

Ian Pearson: As the hon. Gentleman would expect, the Government regularly look at these issues, making cost-benefit analyses and evaluating different policy proposals. Biomass can play an important part in reaching our renewables targets. The biomass taskforce estimates it has the potential to supply 6 per cent. of our electricity needs by 2020. Only last week, I went round Talbott's in Stafford, which is a world leader in producing biomass power plant. A lot can be done with these resources, and it is important to look at the whole environmental picture, as the hon. Gentleman rightly says.

Sir Peter Soulsby: I thank my hon. Friend for his reply, and I welcome the Government's positive response to Sir Ben Gill's biomass taskforce. Does my hon. Friend agree that the Prime Minister's recent speech apparently embracing a new generation of nuclear power stations reinforces the vital need for DEFRA to address the widespread ignorance, both inside and outside the Government, of the potential of biomass to offer significant energy and carbon savings? Does he also acknowledge the need for his Department to demonstrate to colleagues in Government that biomass and other renewable sources, taken together, can provide a viable alternative to new nuclear power stations?

Ian Pearson: First, let us be clear about the Prime Minister's comments. He was referring to the fact that, if present policy remains unchanged, we shall become heavily dependent on imported gas, moving from being 80 to 90 per cent. self-reliant to being 80 to 90 per cent. dependent. He said that that meant that the replacement of nuclear power stations, along with a big push towards renewables and a step change in energy efficiency, engaging businesses and consumers, were all back on the agenda. The energy review is looking at all those issues and it will come up with a balanced result. Biomass can be part of the overall picture. Sir Ben Gill's report says that it has the potential to provide 6 per cent. of our energy needs by 2020, and that is very much to be welcomed. The figure is only 1 per cent. at the moment, so we have a long way to go if we are to achieve that, but important developments are taking place with biomass and biofuels that give us optimism for the future.

Mr. Gregory Campbell (East Londonderry) (DUP): May I, on behalf of my colleagues, associate myself with the sympathies that have been expressed on the passing of Eric Forth? He was a colourful character in more ways than one, and he will be sadly missed.

A few weeks ago, the energy and environment fund was established in Northern Ireland. Does the Minister think that it would be a good idea if a percentage of that fund, and of similar funds that might be established across the United Kingdom, were used to support and promote the development of biomass energy?

Ian Pearson: I know that the situation is different in Northern Ireland and that a lot of work has been done there on the production of short rotation coppice willow, for example. The hon. Gentleman will be aware that John Gilliland, a valued member of the Sustainable Development Commission, has pioneered this work on his farm in Derry. The hon. Gentleman is right to point out that funding is available in Northern Ireland, as it is in England, Wales and Scotland, and it is right that the Government should give this new technology every encouragement. I am sure that, as biomass becomes more established, the market for it will grow and welcome improvements in cost-efficiency will help the renewable energy market to prosper.

Mr. Eric Illsley (Barnsley, Central) (Lab): May I also associate myself with the remarks of other hon. Members about Eric Forth?

My hon. Friend the Minister makes all the right noises about biomass, but the complete opposite is happening on the ground. Hon. Members might have seen the hysterical scare stories in yesterday's newspapers about the amount of carbon dioxide being released from Drax power station. Up to April, however, the power station was co-firing coal with biomass up to a rate of 25 per cent. However, the regulations that were imposed from 1 April this year have reduced the biomass element of the co-firing to 15 per cent. Will my hon. Friend look again at those regulations, to see whether we can increase the levels permitted in co-firing, or move to complete biomass firing?

Ian Pearson: The Government have looked at co-firing recently, but as part of my new brief I am more than happy to look at it again. I pay tribute to the hard work of my predecessor, my hon. Friend the Member for Scunthorpe (Mr. Morley), who I know is widely respected on both sides of the House for the work that he has done in this area.

The important point to make about biomass is that energy crops have enormous benefits not just for

biomass projects for co-firing power stations and for biomass combined heat and power plant, but in terms of biofuels. A lot more can be done in that area. The renewable transport fuel obligation will be an important driver in encouraging the growth of bioenergy crops.

Dr. Alan Whitehead (Southampton, Test) (Lab): I am sure that my hon. Friend the Minister is aware of the level of biomass in the residual waste stream in industry and in the domestic sector. In addition to investigating rules on the level of biomass that may be engaged in co-firing, what investigation has he undertaken into the potential for existing power stations to co-fire biomass-rich material from the residual waste stream after it has been processed as a suitable fuel?

Ian Pearson: I take my hon. Friend's point. I understand that that was considered as part of the biomass taskforce report, but I will certainly look into his point; perhaps I may write to him on it.

Mr. John MacDougall (Glenrothes) (Lab): Does my hon. Friend agree that another by-product of biomass is the opportunity for high-energy-consuming industries to give themselves a longer-term future by considering biomass as an alternative energy source? That is the case in my constituency of Glenrothes, where Tullis Russell is trying to process such ideas. One of the main difficulties is gaining access to the national grid, which takes an extraordinary amount of time compared with the time it takes to get the initiative developed. Therefore, a gap exists, which is unhealthy and discouraging to the initiative taking place. Will he consider those points in due course?

Ian Pearson: There are a number of points about grid access and access charges that are important and which we are looking at as part of our future policy on biomass, but my hon. Friend is right to point out that there is a growing industry here and growing interest in biomass. There is also an interest from growers in growing energy crops, whether it be Miscanthus or short rotation coppice willow. We need to ensure that we can help to drive the market in those renewable energy projects. The introduction of new building regulations from April this year, as well as new procedures and tougher standards as part of that, can be helpful in getting more companies and public sector organisations to consider biomass energy part of their energy solutions.

Recycling

7. **Ann Winterton** (Congleton) (Con): What proportion of the waste collected under local authority recycling schemes was exported in the latest period for which figures are available. [71667]

The Parliamentary Under-Secretary of State for Environment, Food and Rural Affairs (Mr. Ben Bradshaw): As a former Deputy Leader of the House, I associate myself with the warm tributes paid to Eric Forth. The exchanges at business questions between Eric and my late friend and colleague Robin Cook were among the most memorable since I have been a Member of the House.

I have to tell the hon. Member for Congleton (Ann Winterton) that the figures she seeks are not available centrally. However, all exported waste must be of high quality and must be recycled at its destination. Those rules are strictly enforced by the Environment Agency.

Ann Winterton: Putting aside the issue of plastic waste and what the United Kingdom will do if the high demands made by China and the high prices paid change, as well as whether we will be able to cope with that, is the Minister not aware that the Environment Agency has reported that about half the 8 million tonnes of green-bin waste collected each year in the UK has been exported and that 500 tonnes have been shipped unsorted to Indonesia, which will be dumped in that country because it does not have adequate recycling facilities of its own? What will he do about that scandal and to reassure those of us in the UK who are keen on recycling?

Mr. Bradshaw: The hon. Lady is absolutely right about the challenge posed by plastics. As a country, however, we are increasing our domestic capacity to recycle plastics. Two big companies, Coca-Cola and Marks & Spencer, have recently introduced recycled plastics into their bottles and other packaging. On the export of waste, her figures are not quite right. The 50 per cent. figure that she quotes is an Environment Agency estimate relating to paper. She is right that there is a big foreign market for paper and plastics, which should not be derided—it is good that there are markets for recycled products, because it is better to use those than virgin products. The Environment Agency takes its responsibilities seriously and, as she probably also knows, is bringing several prosecutions on the issue to which she refers.

Gregory Barker (Bexhill and Battle) (Con): I also pay tribute to the former right hon. Member for Bromley and Chislehurst, who was a master of this House of Commons. If anyone deserves to be remembered as a true parliamentarian, it is Eric.

We still recycle far less than most other major European countries. In every year since Labour took office, the amount of waste produced by the nation has continued to grow. We have had endless short-term waste initiatives, but we still seem not to be making the substantial progress that we need. The Minister has recently taken over responsibility for this issue. Can he tell us something that we have not heard before about it?

Mr. Bradshaw: I can tell the hon. Gentleman something that I have said on several occasions that he obviously has not heard: recycling has trebled since this Government took over from the previous Government. The previous Government's figures were appalling. Our new waste strategy envisages a further doubling of recycling to 50 per cent. by 2020. That is a far better record than the Conservatives ever had.

Grocery Market

9. **Danny Alexander** (Inverness, Nairn, Badenoch and Strathspey) (LD): What discussions he has had with the Department of Trade and Industry regarding the Competition Commission investigation of the grocery market. [71669]

The Parliamentary Under-Secretary of State for Environment, Food and Rural Affairs (Mr. Ben Bradshaw): There have been several discussions among Ministers and with the Office of Fair Trading about this matter. Now that an inquiry has been announced, we will write to the Competition Commission to suggest that its investigation should include the impact of supermarket buyer power on the long-term viability of suppliers and producers in the UK. In the meantime, my right hon. Friend the new Secretary of State has written today to the supermarkets inviting them for talks on how we can improve further the sustainability of the food chain.

Danny Alexander: I am grateful to the Minister for that answer and to hear that his Department is taking action to draw to the attention of the OFT and Competition Commission the many complaints that farmers have made about the way in which supermarkets deal with their suppliers. Will he also make clear in his representations the importance that Members of the House attach to the role of small shops in rural communities and in larger centres such as Inverness, where the increasing dominance of supermarkets is having such a dramatic impact? If the Competition Commission can take action to protect and enhance the position of consumers, farmers and small shops, it will do a great deal to boost the sustainability of rural communities.

Mr. Bradshaw: I am grateful for the hon. Gentleman's welcome for my remarks. He is right that the Competition Commission is free to consider the impact on small shops, and I think that it has already indicated that the concern that he expressed will form part of its inquiry.

Mr. Eric Martlew (Carlisle) (Lab): Is the Minister aware that Tesco plans to build a second massive store in my constituency, which will destroy a local shopping area and create massive traffic congestion? When I expressed doubts about it, I was attacked by Tesco's propaganda machine. Is not the reality that Tesco is changing from a giant into a monster?

Mr. Bradshaw: I am sure that my hon. Friend is a big enough man to take on the Tesco propaganda machine. It would be improper for me to comment on an individual planning application, although I remind him that the Government have changed the planning guidance to make it more difficult to build out-of-town supermarkets of the type to which he refers. I was also pleased this week to see the major supermarkets, including Tesco, almost falling over each other in an attempt to prove their green credentials—not unrelated, I think, to the Government's recent publication of our new sustainable food and farming policy.

Mr. Elfyn Llwyd (Meirionnydd Nant Conwy) (PC): I associate myself fully with the remarks about the late Eric Forth. He was truly formidable in the House and a great parliamentarian. I am sure that he will be missed throughout the House.

I also associate myself with those who have welcomed the forthcoming report. Will the OFT's remit include thinking again about whether supermarkets should benefit from advantageous commercial rates? Currently they are favoured in comparison with those in the smaller sector in terms of the rate that they pay per sq ft.

Mr. Bradshaw: Those are issues for the Competition Commission. As I told the hon. Member for Inverness, Nairn, Badenoch and Strathspey (Danny Alexander), we in the Department have written to the commission expressing some of our concerns, but any Member or organisation is free to write to it suggesting matters that it should look into. It is important for the competition authorities to be independent and not part of Government.

Single Farm Payments

10. **Mr. Brooks Newmark** (Braintree) (Con): What proportion of single farm payments to farmers in Essex have been paid. [71670]

The Secretary of State for Environment, Food and Rural Affairs (David Miliband): As I explained earlier, the single payment scheme is being administered nationally, so information is not collected on claims from farmers in particular counties.

For the benefit of the hon. Gentleman, who was not present earlier, I can announce that by 15 May some 76 per cent. of the 120,000 claimants to the 2005 scheme had received just over 86 per cent. of the estimated available funds.

Mr. Newmark: I join others in paying tribute to Eric Forth. As a relatively new Member, I always appreciated Eric's experience, advice and guidance.

My constituent Mr. Christopher Hill is one of 5,000 farmers who have been notified by the Rural Payments Agency that they will not receive an 80 per cent. payment to alleviate short-term cashflow problems. Why have some farmers received their part-payments while others have not?

David Miliband: I do not want to be too hard on the hon. Gentleman, but I am sure that one piece of advice that Eric Forth would have given him would be to read written statements and attend the whole of Question Time. If he had read my written statement last week, he would have seen the explanation: there were 5,000 particularly complex cases in which partial payment was not possible, but we had given priority to ensuring that those cases were dealt with properly. If he had been here earlier, he would have heard me say that the number of cases is no longer 5,000, but is now 3,700. I am not sure whether Mr. Hill is among the remaining 1,300, but I assure the hon. Gentleman that sorting out those farmers' problems is the RPA's top priority.

Mr. David Curry (Skipton and Ripon) (Con): The Minister said earlier that he wished to draw conclusions from our recent problems.

David Miliband: Lessons.

Mr. Curry: Would an early lesson be that introducing the most complex scheme on offer in the shortest time on offer against a background of tens of thousands of new claimants, a reorganised administration and problems in the IT system represents a decision in search of a disaster? Will the Minister therefore undertake to establish a rule in his Department, now that he is in charge of it, ensuring that he will introduce no new scheme until he is absolutely certain that he is capable of delivering it and that the systems for that purpose have been tested and tried?

David Miliband: Since I have been a Minister I have had the good fortune to follow the right hon. Gentleman into a number of Departments. I believe that he has been a Minister in most of the Departments in which I have served, and he was a distinguished Minister in the Ministry of Agriculture, Fisheries and Food. The lesson that he has drawn is one that we will consider, among others that are put to us, during our reflections on the difficulties of 2005.

Carbon Dioxide Emissions

11. **David Tredinnick** (Bosworth) (Con): What steps he is taking to reduce UK food miles and their contribution to carbon dioxide emissions in the UK. [71671]

The Minister for Climate Change and the Environment (Ian Pearson): The food industry sustainability strategy, published last month, challenges the food industry to reduce the external costs associated with its domestic food transportation, including those arising from carbon emissions, by about 20 per cent. by 2012. An industry-led champions group, including other stakeholders, is being established to implement it.

David Tredinnick: That was a disappointing reply. Is it not a fact that the number of UK food miles has increased owing to the inexcusable chaos of single farm payments in the Department? Leicestershire farmers are struggling, at the mercy of their bank managers and unable even to pay for fertilisers to make their crops grow. Has that not increased the UK food miles problem? What is the Minister doing to help farmers to distribute UK food through farmers' markets such as the one in Hinckley and the new one that is being set up in Market Bosworth? What is the Department doing to help our farmers?

Ian Pearson: It is stretching a point to breaking-point to say that the single farm payment is responsible for the increase in food miles. We are trying to work closely with the industry to improve resource efficiency, which will enable us to address the food miles problem. Clearly, one issue is people driving to supermarkets and shops to buy their goods, but we must also consider the carbon dioxide emissions produced by HGVs. The more that we can improve efficiency, the better will be the impact on the environment. That is why the champions group has been set up, which we hope will help us to achieve our target of a 20 per cent. reduction by 2012.

Mr. Jim McGovern (Dundee, West) (Lab): May I, too, take this opportunity to offer my condolences to the friends and family of Eric Forth? Although I am one of the newer Members, I did not have to be here long to appreciate his formidable skill as a parliamentarian.

Does the Minister agree that, just as consumers nowadays choose, if they wish, the food that they buy according to information on the label such as fat content and calorie content, there may well be a case for also including food miles, so that they can make an even more informed choice?

Ian Pearson: I am not sure whether including food miles on the label would be that beneficial. When one reads on a label that the produce's country of origin is Kenya, and that produce is beans, one can draw one's own conclusions. I am very attracted to the idea that we should buy more local produce, and farmers' markets, to which reference has been made, are an extremely worthwhile initiative in that regard. The more that we can buy local and source local, the better will be the impact on the environment.

Single Farm Payments

12. **Mr. Henry Bellingham** (North-West Norfolk) (Con): When he next expects to meet representatives of the National Farmers Union to discuss single farm payments. [71672]

The Secretary of State for Environment, Food and Rural Affairs (David Miliband): During a visit to Hampshire last week, I met the president of the NFU and we discussed the single farm payment scheme, among other matters. The Minister with responsibility for sustainable farming and food, my noble Friend Lord Rooker—who will be an outstanding DEFRA Minister and a strong voice for the Department in the other place, as its Deputy Leader—will meet NFU representatives for the second time, on 24 May, as part of a regular series of meetings to discuss the single farm payment scheme.

Mr. Bellingham: I, too, would like to associate myself with the remarks about Eric Forth.

Is the Secretary of State aware that some of the returned addressed envelopes sent out by the RPA to various farmers had the wrong post office box number and postcode on them? Is he also aware that a batch of special delivery envelopes were delivered not to the RPA, but to a company called Intelligent Security Solutions? Come to think of it, it might have made a better job of sorting out the contents. Is he further aware that a rumour is going around that some of the RPA staff at Newcastle—

Mr. Speaker: Order. There have been about three supplementary questions already.

David Miliband: I think that the hon. Gentleman was just getting on to coals to Newcastle, Mr. Speaker, so I am sorry that I missed that. I do not know about the case that the hon. Gentleman mentions, but I will be very happy to look into it if he passes me the details.

Mr. Philip Dunne (Ludlow) (Con): I declare an interest in the single farm payment. The Secretary of State has given us updated figures today on the welcome progress that the RPA is finally achieving in making payments and part-payments. He has talked about those who have received nothing so far, but he has not mentioned the issue that the NFU is talking to me about: those who have received excess payments. I was told as recently as Tuesday of a farmer who was expecting to receive a cheque for £35,000, but who instead received one for £2.1 million. One can imagine his surprise and pleasure on opening his mail that day. Given this shambles, will the Secretary of State please update the House on the penalty regime? I know that the deadline has been extended and that farmers are now expected to get in next year's application forms by 31 May, but will the Secretary of State please extend it further until the shambles has been sorted out?

David Miliband: At the meeting that I had yesterday, it was reported that, of the 63,000 claims that have been made, 19 have been overpaid.

Recycling

13. **Mr. Andrew Love** (Edmonton) (Lab/Co-op): What steps he is planning to take to increase recycling of waste. [71673]

The Parliamentary Under-Secretary of State for Environment, Food and Rural Affairs (Mr. Ben Bradshaw): England's revised waste strategy will put forward a range of measures to build on recent improvements in recycling.

Mr. Love: Recently, and without any consultation, my local Tory authority sold off one of its two recycling centres to make a quick buck. It then received a direction from Ken Livingstone, the Mayor of London, but has continued to try to evade its environmental responsibilities. Does not that call for stronger planning powers to ensure proper recycling and respect for the environment on behalf of local people in my area?

Mr. Bradshaw: It may well do. I am sorry that my hon. Friend's local Conservative council has behaved in that way. The party pretends to be green, but it is hardly surprising that when it gets into office it is the old slash and burn Thatcherite Tory party, especially on waste and environmental issues. I will look at the matter he raises, and he is right to say that we need better strategic planning for waste infrastructure in London.

Business of the House

11.30 am

Mrs. Theresa May (Maidenhead) (Con): May I ask the Leader of the House to give us the business for the coming week?

The Leader of the House of Commons (Mr. Jack Straw): Before announcing the business for the week ahead, I wish to express my sorrow at the sudden death of the right hon. Member for Bromley and Chislehurst (Mr. Forth). The Conservative party has lost one of its stars and this House has lost a great parliamentarian. He brightened this place with his ties, his waistcoats and his love of country and western music, but above all with his personality. Eric served this Parliament with great distinction in many capacities, including on Committees, on the Speaker's Panel, in the Chamber and holding court in the Tea Room, offering advice to all comers, including myself—and very sage advice it was. But the House will recall particularly with great warmth Eric's weekly encounters with the late Robin Cook, when Robin was Leader of the House and Eric was the shadow Leader of the House. Each sharpened his wit on the other, to the great entertainment and elucidation of the rest of us. Our sympathies and prayers go to Eric's wife, Carroll, his three children, his friends and all his constituents.

The business for next week will be as follows:

MONDAY 22 MAY—Consideration in Committee and remaining stages of the Armed Forces Bill.

TUESDAY 23 MAY—Progress on remaining stages of the Education and Inspections Bill.

WEDNESDAY 24 MAY—Conclusion of remaining stages of the Education and Inspections Bill.

THURSDAY 25 MAY—Motion on the Whitsun recess Adjournment.

The provisional business for the week after the Whitsun recess will include:

MONDAY 5 JUNE—Second Reading of the NHS Redress Bill [*Lords*].

Mrs. May: I thank the Leader of the House for giving us the business for the coming week and I echo the sentiments he expressed about my late right hon. Friend the Member for Bromley and Chislehurst (Mr. Forth). It was with deep shock and sadness that I and my right hon. and hon. Friends learned this morning of Eric's untimely death. Eric was a former shadow Leader of the House and his skirmishes each week with the late Robin Cook became legendary. Eric was above all a great parliamentarian, who loved this place and all it stood for. Never a man to pull his punches and not always beloved of the Whips or, dare I say it, Front Benchers, he was a great asset to this House. More than that, many in this House across all parties have lost not only a great colleague, but a friend. The life of this House will be the lesser for his passing. It was a mark of the man and his personality, to which the Leader of the House alluded, that the staff of the Tea Room expressed their tremendous sadness this morning, too. He had been a friend to them, not just to Members of Parliament. We have lost a great parliamentarian and we all mourn his loss. Our thoughts and prayers are with his wife, Carroll, and his family, friends and constituents.

I am sure that the Leader of the House is aware of the importance of a good conclusion to the Doha round of world trade talks, not only for this country, but for the whole developing world. May we have a debate on world trade so that we can explore the Government's position and ensure that they are putting sufficient pressure for the right conclusion of this round of trade talks on the European Trade Commissioner?

This week, it has been announced that 573 jobs will be lost at NHS Direct, in addition to the thousands of jobs being lost in hospitals across the country. May we have a statement from the Secretary of State for Heath on the future of NHS Direct?

However, that is not the only part of the NHS that is suffering financial problems. For example, the Thames Valley strategic health authority already gets 21 per cent. less funding than the average, and it has admitted that that has resulted in fewer operations and less patient care. In a presentation to the board last week, the SHA's chief executive revealed that introducing a national standard tariff across the NHS would mean that it would cost Thames Valley PCTs £70 million extra a year to provide the same services—there would be no gain in activity or in the services provided. That is just one example, so it is little wonder that people ask where all the money has gone. Therefore, may we also have a debate on the future funding of NHS trusts and the impact of the standard tariff?

That is the NHS that the Health Secretary said had had its best year ever—where on earth has she been? But that is not the only area where the Government are in denial. The head of the civil service has said of the Immigration and Nationality Directorate's work on asylum that it has "been performing particularly well", and the Prime Minster wrote to the incoming Home Secretary advising him to "continue and accelerate" the success of the Government's immigration and asylum policies.

That is the same Home Office where only 16 per cent. of officials have confidence in senior management. The director of enforcement and renewals at the immigration and nationality directorate was asked by the Home Affairs Committee how many people were in Britain illegally. He said:

"I haven't the faintest idea".

When asked how many people had been removed when all their appeal processes had been exhausted, he said:

"We don't track individual cases".

Therefore, can we have a debate on the chaos in the Government's prisons and immigration polices?

Perhaps that is why, in a recent speech, the Prime Minister revealed that he was asking the Chancellor to examine how the Treasury could be involved in ensuring the protection and security of the public. When asked if that meant that the Home Secretary would have to refer to the Chancellor before making any decisions, the Downing street spokesman said:

"No. The Home Secretary and the Chancellor will have a normal relationship".

[Mrs. May]

Presumably, that will be in contrast to the relationship between the Chancellor and the Prime Minister. Up until now, the Chancellor has been the roadblock to reform, so can we have a debate in his future role in public sector reform?

Finally, in an article in the *Eastern Daily Press*, the sacked former Home Secretary said of the recent reshuffle:

"I thought the point was to give a clear sense of redirection for the Government but, in the end, it hasn't worked out like that."

So the former Home Secretary says that the Government lack direction, the Health Secretary is in denial, and the Home Office is in meltdown—no wonder this is a Government in paralysis.

Mr. Straw: I shall deal in turn with the points raised by the right hon. Lady. We are doing a great deal to apply pressure where that is required, as I can confirm from my five years as Foreign Secretary. We took the lead in the EU in pushing for an end to unacceptably high and restrictive subsidies to farmers across Europe. My right hon. Friend the Foreign Secretary used to be Secretary of State for Environment, Food and Rural Affairs and was in the lead in negotiating the deal on the future of the common agricultural policy.

In addition, we are also pushing the US and other key partners in the Doha round, and especially the much larger states from the non-aligned movement, such as India and Brazil. Those states must also make some movement, and especially in respect of non-agricultural market access. I assure the shadow Leader of the House that there will be an opportunity to debate these matters in the regular six-monthly debate due to take place just before the European Council in mid-June. That will be a full day's debate, and I hope that she and the rest of the House will take that opportunity to discuss the matters that she has raised and other key foreign policy issues coming up before the Council, such as Iraq, Iran and the funding of Hamas.

The right hon. Lady asks about the health service. She is not correct in claiming that thousands of people will lose their jobs under changes in NHS funding. She asks where the money has gone. It has gone, first, on dramatic increases in the number of clinical staff in the health service. Overall, there has been an increase of 85,000 in the total number of nurses in the health service, including an increase of nearly 3,000 in the health area covering her constituency.

Secondly, the money has gone on ensuring that nurses and other clinical staff are better paid. The number of nurses has increased by well over a quarter since 1997 and, alongside that, the pay of nurses, in real terms after inflation, has also increased by over a quarter.

Thirdly, the money has gone on new hospital buildings, to an astonishing degree, including in my constituency and in most constituencies in the country. Fourthly, it has gone on equipment. That is why there are difficulties with the health service—there always will be—but overall, on the question of whether the health service is doing the job for which the taxpayer is paying, yes it is, which is why levels of patient satisfaction are higher and why overall, on any measure, patients are receiving better care faster, and mortality and morbidity rates all show improvement.

The right hon. Lady asks about asylum and immigration. Asylum numbers are significantly lower than when we came into office in 1997. I have every reason to remember the catastrophic record of the right hon. and learned Member for Folkestone and Hythe (Mr. Howard), who had ordered a computer system, failed to finance it properly and, at a time when numbers of asylum seekers were rising, slashed by 1,200 the number of staff in the immigration and nationality department dealing with asylum seekers. On top of that, he had declared an amnesty in which 30,000 of those people were allowed to stay in the country without further proper inquiry.

Numbers are now down, and we have passed the tipping point where the numbers leaving the country are higher than the numbers applying to stay. We have reduced the time taken to process applications from 20 months to about two months.

On the number of illegal asylum seekers, the Prime Minister reminded the House yesterday of the following:

"'There are no official estimates of the number of illegal immigrants into the United Kingdom. By its very nature, illegal immigration is difficult to measure and any estimates would be highly speculative.'"—[*Official Report*, 17 May 2006; Vol. 446, c. 991.]

That is what the right hon. and learned Member for Folkestone and Hythe said in 1995. There are slightly better estimates these days, following work by Professor Salt for the research and information directorate of the Home Office, who estimated that the total number of people who are wholly illegal was between 310,000 and 500,000. Those are not asylum seekers; we know how many asylum seekers there are.

I am glad to see the shadow Home Secretary sitting next to the right hon. Lady. Whatever other promises he makes at the next election about how life will be so much better when he becomes Home Secretary—that every prisoner will become compliant, every criminal will stop committing crime and, probably much easier to achieve, that there will be no illegal immigrants because they will be scared off by the disaster of the Conservative Government—I strongly advise him not to claim that he will be able to produce an accurate estimate of the total number of illegal immigrants. That would be very unwise, as he knows. Why? Because people who are wholly illegally in this country, as in every other country, have escaped immigration control and thus, by definition, do not appear on any database. No country in the world has accurate figures for wholly illegal immigration: not the United States and not the country held up as having the greatest and most efficient system of law and order in Europe—if not the highest respect for human rights—namely, France. The French have hundreds of thousands of people who are "sans papiers." They do not know the numbers and they do not take much interest in them.

Anne Moffat (East Lothian) (Lab): I am sure that my right hon. Friend knows that the Government have done an awful lot to recognise the tremendous contribution of our war veterans. As we approach

veterans day, will he use his good offices to ensure that we reward the land army and the Bevin boys?

Mr. Straw: Yes, I will certainly use my good offices in that respect and talk immediately to my right hon. Friend the Secretary of State for Defence and the Minister with responsibility for veterans.

Mr. David Heath (Somerton and Frome) (LD): From these Benches, may we join the tributes to Eric Forth? Business questions was his natural stage, and one on which he always excelled. Even at his most provocative, he was never less than entertaining and never less than perceptive. No one was ever in any doubt what Eric Forth thought about anything, and behind the undoubted style there was real substance. He was an ornament to the House, and he will be sorely missed.

May we have an urgent debate on nuclear power in this country? It is clearly no good waiting for the results of the energy review, because the Prime Minister has transparently decided to pre-empt the results of that review. Therefore, given the reservations that have been expressed, quite openly, by a former Minister in the Department for Environment, Food and Rural Affairs and the fact that the Treasury has said that the costs are likely to be eye-wateringly large, is it not time that the whole House had an opportunity to debate the matter?

If and when orders are introduced for the regionalisation of police forces—given the difficulties that have been experienced over recent days in Wales, that may not happen—can they be brought before the whole House, so that all hon. Members have the opportunity to raise the issues that are relevant to our constituencies?

It was two weeks ago, I think, that the Government was reshuffled, but still no list of ministerial responsibilities is available. Can the Leader of the House sort that out? We apparently now know what the Deputy Prime Minister is doing, but it would be nice to see which Ministers feel that they have which responsibilities, so that we can perhaps hold them to account rather better than we would otherwise.

Lastly, may we have a debate on the Human Rights Act 1998? Two weeks ago, the problem was the then Home Secretary; now it seems that everything is down to the exercise of the Human Rights Act. Frankly, the Prime Minister has been saying some very silly things about that Act over recent weeks. Given that some of us believe that the finest achievement of the Leader of the House, when he was Home Secretary, was to introduce the Human Rights Act, may we have a debate to defend the reputation of that Act and of the right hon. Gentleman?

Mr. Straw: On nuclear power, I cannot promise when there will be a debate on the issue, but the energy review will be published and then, in due course, there will be a debate on this country's future energy needs, including the role that nuclear power should play. Let me point out to the hon. Gentleman that people forget that nuclear energy currently plays an extraordinarily important part in energy generation. It accounts for 75—*[Interruption]*—terra-watt hours. I am learning.

Mr. Richard Benyon (Newbury) (Con): Explain!

Mr. Straw: I am very happy to explain, but afterwards. That is 20 per cent. of total electricity generation. The hon. Member for Somerton and Frome (Mr. Heath) will know that, because of the decline in North sea production of gas in particular and oil, unless we take other steps to rebalance the generation of energy, including nuclear power, we will become quite unnecessarily reliant on overseas sources of energy. He will also know that the idea that renewables could possibly replace the loss of generating capacity from nuclear power is simply not the case. Even in a country such as Germany that has huge numbers of wind farms—far more than I think would ever be found acceptable here; its generation of electricity by wind is only a third of that generated by nuclear power in this country.

On the regionalisation of police forces, the orders will go through the House in the normal way. I cannot recall the procedure exactly, but I think that many of them will be taken upstairs. On the reorganisation of police forces, I know, as a former Home Secretary—everybody in the House knows it—there is simply no necessary connection between the efficiency of a police service, the degree to which the service is delivered at a local level and the overall size of the constabulary. Moreover, the current boundaries were in effect settled following the royal commission report on the police in the early 1960s. Forty years on is not too short a time to reconfigure police force boundaries to take account of the dramatic changes in our social structure in the meantime.

On a list of ministerial responsibilities, there are in the Library of the House and available on the website letters that my right hon. Friend the Prime Minister has sent to each departmental Minister setting out responsibilities. The detailed list of ministerial responsibilities will be published in the normal way. However, having watched oral questions every day since I became Leader of the House, I cannot say that the absence of the list has caused any difficulty whatsoever to either Ministers or Members.

On the Human Rights Act, the hon. Gentleman says that it was the finest thing that I ever did as Home Secretary. If he does not mind, I would like to say that it is one of the finest of a long list. Future historians of the Home Office may say that the finest thing that I ever did as Home Secretary was to survive four years.

Mr. Desmond Swayne (New Forest, West) (Con): We have been here four years since you got up.

Mr. Straw: Five.

There needs to be a proper debate about the Human Rights Act. That is what we are proposing. Following 11 September, the circumstances today are very different from those anticipated at the time of the passage of the Act. There are some who say that the Human Rights Act is a problem; there are others who say its interpretation is a problem. Let us not throw the baby out with the bathwater, but look sensibly—which is what the Prime Minister wants—at how the Act is working and whether it or its interpretation should be changed.

Mr. Chris Mullin (Sunderland, South) (Lab): Might we find time to debate the extent to which the tabloid virus is beginning to infect BBC television news? Has the Leader of the House noticed that newscasters increasingly no longer read news to camera, but walk around the studio like a couple of ham actors emoting? I think that it is called news with attitude. Did he notice that last night's 6 o'clock television news was cynically edited to delete the fact that the Prime Minister, in his reply to the right hon. Member for Witney (Mr. Cameron), quoted the right hon. and learned Member for Folkestone and Hythe (Mr. Howard)? That had to be reinstated—no doubt after complaints—in the 10 o'clock news bulletin. Does he agree that if the BBC cannot do better than that, it is going to have difficult, justifying its licence fee?

Mr. Straw: Editorial decisions of the BBC are for the BBC and, to make a serious point, cannot be for the House. However, I will make sure that my hon. Friend's remarks are passed on. On the issue of whether newscasters should prance around studios or sit at a desk and read the news—that is what it seems to me they are paid for, and paid too much—personally I prefer the latter to the former. On the issue of accuracy, all journalists, including those at the BBC, have a responsibility to ensure that quotations are attributed accurately.

Mr. John Horam (Orpington) (Con): As Eric Forth's neighbouring MP in Bromley, may I just say a few words in addition to the very fine tributes by the Leader of the House and the shadow Leader of the House? As they have said, he will be mainly remembered as a stout defender of the role of the House of Commons and a great House of Commons man. Not everyone in the House may realise, as I did as his neighbour, that, in many ways, he was an old softie at heart. The comments made by the shadow Leader of the House about the reaction in the Tea Room reinforced that. He was a very good neighbour to me and when I faced some difficulty in the last general election, he was the first to come and help out. He was there early in the morning, no nonsense, getting on with it and saying, "I will deliver anything you want." The House may like to know that, in Bromley, he was regarded with great affection, as well as great respect, for an outstanding independence of spirit. He will be greatly missed.

Mr. Straw: Allow me to say that we all share in the hon. Gentleman's tribute. As Eric's neighbour, he has good reason to know of the affection in which Eric was held by his constituents, as well as by the House.

Keith Vaz (Leicester, East) (Lab): May I associate myself fully with all the eloquent tributes that have been paid to the late Eric Forth? He will be greatly missed.

May we have a debate, as a matter of urgency, on the decision of the local health authority in Leicester to cut £161 million from the pathway project? Although I accept everything that the Leader of the House has said about the amount of money that has gone into the health service in Leicester, both the Secretary of State for Health, my right hon. Friend the Member for Leicester, West (Ms Hewitt) and I, in our last manifestos, specifically mentioned the amount of money to be spent on refurbishing our three hospitals. That is now going to be cut, which will mean that the hospitals cannot be refurbished. May we please have an urgent debate on this important issue?

Mr. Straw: My hon. Friend has put the position of the NHS in Leicester in context. There has been a significant improvement in funding in Leicestershire. The number of nurses is up 1,600 in the health authority area, there are nearly 700 more doctors, including 250 more consultants, and a lot of capital investment. I cannot promise him a debate on the Floor of the House, but there are many opportunities to raise the matter on the Adjournment, including in Westminster Hall, and I hope that he will take them. As his next-door neighbour, I am sure that the Secretary of State for Health is fully aware of the issue; indeed, I know that she is.

Mr. Peter Robinson (Belfast, East) (DUP): I associate myself with the many tributes to the late Eric Forth. He had a great love of and respect for this House and he will be missed by us all; especially those of us who sat within hearing range of his occasional sedentary comments.

May I give the Leader of the House an opportunity to distinguish himself above those who have previously held his office by addressing an issue that has yet to be satisfactorily addressed as far as the Northern Ireland Grand Committee is concerned? It appears that there are one or two Members—perhaps three—who are vetoing the idea of the Northern Ireland Grand Committee meeting in Northern Ireland. A meeting of the Grand Committee is being arranged. Will the Leader of the House use his influence to ensure that it takes place in the Province?

Mr. Straw: I will indeed use my good offices in that respect to see what can be done to ensure that there is a venue for the Grand Committee in Northern Ireland. I thank the hon. Gentleman and his colleagues for, as I understand it, attending the recent British-Irish Parliamentary Union. I accept the point that he makes and I will pursue it with my right hon. Friend the Secretary of State for Northern Ireland.

Ms Sally Keeble (Northampton, North) (Lab): May I also associate myself with the tributes to the late Mr. Forth?

May I ask my right hon. Friend about the case involving the death of a young boy in a secure training centre and the inability to raise that matter in the House because of a two-year delay in holding the inquest? There are indications now that the inquest may be put off until next year and there are unconfirmed reports of a further serious incident in a secure training centre. Will he look into the continuing lack of effective scrutiny in this place of that important subject?

Mr. Straw: Yes, and I understand the distress that has been caused to that young person's family, but also to my hon. Friend and her constituents more widely.

There is a problem about the procedure relating to coroners. There is a Coroners Bill, which I think is currently before the other place. It will not solve all the problems, but it should solve many. It will modernise the coroners system. I know from my experience as Home Secretary just how traumatic such cases can be and, of course, I will discuss the matter further with her.

Mr. Owen Paterson (North Shropshire) (Con): May I also associate myself with the previous comments about Eric Forth? He was a most independent-minded Member and a splendid example to us all.

I appreciate the fact that the new Leader of the House bothers to attend debates and statements. He came to the Opposition day health debate and noted my disgust that the Secretary of State for Health refuses to grapple with the situation in Shropshire in which early-stage breast cancer sufferers with Cheshire, Staffordshire or Welsh addresses can get Herceptin on the NHS paid out of their taxes, while those with a Shropshire address have to pay £47,000. I have raised the matter on several occasions at business questions. Will the Leader of the House please try to get the Secretary of State to come to the Chamber and answer questions directly, or, even better, effect a meeting between me and the Secretary of State? We now have the horror of breast cancer sufferers being camped out overnight at the primary care trust offices. The situation is dreadful and, in a civilised society such as ours, intolerable, so I would be most grateful if the new Leader of the House would intervene on it.

Mr. Straw: As the hon. Gentleman mentions, I was indeed present for the Opposition day debate on the health service. I listened carefully to the opening speeches made by the Opposition spokesman and by my right hon. Friend the Secretary of State for Health. The hon. Gentleman's criticisms of the way in which my right hon. Friend responded to the question are not justified. As I sat next to her, she tried to address the difficult issue. I understand the hon. Gentleman's concern and that of his constituents, and I think that there is about to be some clarification on Herceptin. However, if I am wrong about that, I will of course write to him and put a note about that in the Library.

Everyone in the House has to recognise that when new drugs are developed or are specific to not only conditions such as cancer, but certain stages of cancers, there will be fine judgments to be made about when and where they ought to be used. I think that that is the problem with respect to Herceptin, but that said, and although I think that the hon. Gentleman's criticism was uncalled for, I will discuss the matter further with my right hon. Friend the Secretary of State.

Mr. David Drew (Stroud) (Lab/Co-op): I do not know whether my right hon. Friend has been following with interest the demutualisation of Standard Life. If, like me, he is a member, he will have been inundated with pro-demutualisation material. The ballot makes a local authority stock transfer look positively balanced and objective. Is it not about time that having set standards for the asset lock, the House has the opportunity to debate such demutualisations so that there is balance in the way in which they are performed?

Mr. Straw: I do not think that I am a member of Standard Life—I am sure that I would know if I was—but I have been a member of other mutual societies, so I entirely recognise what my hon. Friend is saying. I accept, too, his case that there ought to be a better balance. I know of his distinguished record as a member of the Co-operative party, and I will raise the matter with my right hon. Friend the Secretary of State for Trade and Industry.

Sir Malcolm Rifkind (Kensington and Chelsea) (Con): I agree with what has been said about Eric Forth. He was an awkward customer and if he was here today, he would undoubtedly be the one person who would dissent from the otherwise unanimous enthusiasm for his achievements in the House.

Will the Leader of the House confirm that it is quite remarkable that a year after the general election, we have yet to have a debate on the Floor of the House about Iraq? That is a country in which British troops continue to die and it poses for the Government their greatest foreign policy dilemma, so, recognising that he will no longer have to reply to such a debate, will he show a little more enthusiasm about having one?

Mr. Straw: As a matter of fact, I was very enthusiastic about having such a debate. As I told the House last week, I was putting in requests to the former Leader of the House for a debate on Iraq, Iran and the middle east more generally. Iraq has been discussed on the Floor of the House on many occasions, although, as far as I recall, the right hon. and learned Gentleman is correct in saying that a formal debate on Iraq has not been flagged up over the past year. There will be an opportunity next week further to discuss Iraq in the context of the Armed Forces Bill. As I said in reply to the right hon. Member for Maidenhead (Mrs. May), there will be another opportunity to discuss it in the middle of June in the debate on the European Council. As Iraq will be before the Council, I believe that it will be entirely in order to debate it at length.

Rob Marris (Wolverhampton, South-West) (Lab): One of the biggest challenges facing the United Kingdom and the world is climate change. Under the UN framework convention on climate change, the UK has a commitment to mitigate emissions and make progress on adaptation—dealing with effects. The Government have a good and enviable record on mitigating emissions, but their record on dealing with effects and adapting to the inevitable climate change that is coming is, frankly, woeful. We have done almost nothing to adapt to the situation. Greenhouse gases and the greenhouse effect have been known about for more than 30 years and the European Union is to produce a Green Paper on the matter by the end of the year, but we are in danger of fiddling while the world burns. May we have a debate by the end of October, bearing in the mind the EU deadline, on dealing with the effects of climate change?

Mr. Straw: We have just had Environment questions, but I will do my best to ensure that there is a debate by the end of October—my hon. Friend seems to make a reasonable request. However, I resist his criticism of our record. I cannot recall any Government in the industrialised world who have been more in the lead on trying to tackle climate change than the British Government. Our right hon. Friend the Prime Minister put the matter right at the top of the G8 agenda, not because it was an easy subject or comfortable for other G8 partners, but precisely because the subject was difficult and he believed that all G8 partners needed to do more on climate change—he actually forced them to do so. I could give my hon. Friend all the numbers. He said that we have cut emissions. Our scheme reduced emissions by 1.5 million tonnes between 2002 and 2004. However, this is an international problem. Even if we were to abolish our emissions altogether, without international action by other parties, including, especially, the United States, China and India, we would be making only a marginal contribution. We are in the lead and the matter is a profound priority for the Government.

Mr. Peter Bone (Wellingborough) (Con): All Prime Ministers who have been in office for many years become worn out, start to make mistakes, blame other people, start to fire their senior colleagues and lose touch with reality. Would the Leader of the House favour rushing through legislation to put a maximum term limit on a Prime Minister of nine years?

Mr. Straw: No. That would be a bad career move for the Prime Minister, and suggesting it would be a much worse career move for the Leader of the House. The hon. Gentleman's knowledge of history is slightly defective. Plenty of successful Prime Ministers have indeed gone on and on and on.

Mr. Jim Devine (Livingston) (Lab): Will my right hon. Friend set time aside to discuss counterfeit drugs? My constituency has the main transporter of drugs to the Scottish health service, pharmacies and hospitals. I was shocked last week to find out that there are 2,400 sites on the internet supplying drugs. It is reckoned that 80 per cent. of those drugs are counterfeit. A man was arrested in London last year who had a lab in his kitchen that was capable of producing 1 million tablets a day. Ten years ago, there were only seven transport companies distributing drugs throughout the United Kingdom, but today there are more than 400. It is very easy to set up such a company. One pays £1,500 for a licence and—

Mr. Speaker: Order. The House has got the gist of the argument.

Mr. Straw: The illegal production of illicit drugs and the counterfeit production of drugs that are otherwise lawful is a serious problem. I am glad that my hon. Friend has raised it and I, in turn, will raise it with my right hon. Friends the Secretary of State for Health and the Home Secretary.

David Howarth (Cambridge) (LD): May I bring the Leader of the House back to the subject of nuclear power, which was raised by my hon. Friend the Member for Somerton and Frome (Mr. Heath)? The need for an urgent debate on the subject was illustrated by the right hon. Gentleman's answer, in which he managed to ignore microgeneration and energy efficiency measures, both of which would be interfered with by a decision to go nuclear. Will he comment on the view that seems to be coming from Downing street that that vastly important and potentially dangerous change in energy policy might be achieved without primary legislation? Will he ensure not only that there is a full debate in the House on the change, but that the House has an opportunity to vote on it?

Mr. Straw: The legislative base for any increase in nuclear generating capacity will of course be clear, but there is little point in the House wasting its time legislating in respect of powers that already exist. It is a classic Liberal Democratic approach: never mind the demands for new laws that are needed; let us debate laws that are not needed. There will of course be debates on the energy review and the White Paper when it is published.

The hon. Gentleman represents Cambridge, which is one of the key bases of this country's scientific establishment, where much of the work on nuclear energy was developed—

David Howarth: And renewables.

Mr. Straw: And renewables. I have to say that I would find the Liberal Democrats' claims that they oppose all nuclear and want only renewables more convincing if, at local level, they were more consistent in respect of planning permission for wind farms. I recollect that they oppose almost all planning applications for wind farms and for developments of other renewable sources of energy.

Jim Sheridan (Paisley and Renfrewshire, North) (Lab): As a fellow Scot, I associate myself with all the comments on the late Eric Forth. If there is life after death, I can look forward to enjoying exchanges with him and the late Robin Cook.

A former Member of this House who is still a Member of the other place was given a lengthy prison sentence for acting irresponsibly and endangering people's lives, but when company directors act irresponsibly and not only endanger people's lives, but cause their employees and other people to lose their lives, they are given a paltry fine, which is probably tax deductible. What are the Government doing to end that unfair and inconsistent practice and to right that wrong?

Mr. Straw: I thank my hon. Friend for his question. In fact, a quite high level of responsibility is imposed on company directors, and that has increased. Whether we should amend the law in respect of corporate manslaughter is a separate issue, and my hon. Friend may be aware that our right hon. Friend the Secretary of State for the Home Department has plans to do that. He is considering legislation, but is anxious to ensure that it is fair both to victims and potential victims and to company directors.

Mr. Nicholas Soames (Mid-Sussex) (Con): May I thank the right hon. Gentleman for his handsome and generous tribute to my right hon. Friend the late Eric Forth? As others have said, the important thing about Eric Forth is that he was deadly serious about defending the rights and freedoms that over the generations this House has hard won from over-mighty Executives, and he believed, rightly, that we should do that better. We shall genuinely miss him.

The Leader of the House will, I am sure, have heard that I am to chair a big public meeting in East Grinstead tomorrow night as part of the formal consultation on the Government's wicked plan to impose excess further housing in the south-east of England. Does he agree that, by any stretch of the imagination, the scale of the developments is clearly in breach of the Government's own benchmark for sustainability? Given the points made by my hon. Friend the Member for East Surrey (Mr. Ainsworth) yesterday in his urgent question on the water supply, and given the inadequacy of the roads and railways and the fact that public services in the area are extremely overstretched, will the right hon. Gentleman ensure that we in this House have a chance to debate the infrastructure's inability to keep up with the Government's plans for increased house building in the south of England, particularly in Mid-Sussex?

Mr. Straw: First, I thank the hon. Gentleman for his tribute in respect of Eric Forth. The reason why the tributes have been so full is that Eric Forth cared about this place. In my judgment, caring about Parliament is not a matter of sentiment; it is absolutely fundamental to the working of our democracy and to good government.

Of course I had heard that the hon. Gentleman is to speak at the meeting tomorrow night. I am pleased to say that the news had even reached Blackburn, and I believe that train reservations are in hand.

I noticed a flicker of a smile cross the hon. Gentleman's lips as he described the plans as "wicked". Let me say to him and to other Members—particularly Opposition Members—who represent rural and suburban constituencies in the south-east that nothing would please Environment Ministers more than if no plans were necessary to increase the number of available houses in the south-east. The truth is, however, that demand for housing in the south-east greatly exceeds supply. I wish that many of the hon. Gentleman's constituents would recognise the attractions of the north-west, including my Blackburn constituency, and move there, but they are not going to. The choice for the Government, for him, for his local authority and for every other Member of the House is between allowing a dramatic and continuing increase in house prices to squeeze out the very people who need to live in those areas, and ensuring a sensible increase in housing so that prices decrease and those who live in those areas are able to stay there. That is the choice, and the debate is not helped by the use of extravagant adjectives. Every house in the country was new at one time.

Sir Nicholas Winterton (Macclesfield) (Con): Eric Forth was a close personal friend and I am deeply distressed by his early passing. Hon. Members right across the House have rightly paid generous tribute to him, and that is well merited. May I ask the Leader of the House, who gave a most generous personal tribute, to arrange a debate on how the authority of this House and the authority of the Government and the Executive might be rebalanced? There could be no better tribute to the late Eric Forth than to redress the balance between the Executive and Back-Bench Members of the House of Commons.

Mr. Straw: I know of the close friendship between the hon. Gentleman and Eric Forth. Both could often be found in the Tea Room talking about over-mighty Governments, particularly during the period of the Major Government.

The hon. Gentleman, as a former Chairman of the Procedure Committee and a member of the Modernisation Committee, will know that there are many opportunities to debate that subject. He will also know that, in a public session of the Modernisation Committee yesterday, we received evidence from three academics, one of whom made the point that the accountability of Ministers to Parliament had been strengthened significantly in the past 50 years, not least through the introduction 25 years ago of the Select Committee process. I am strongly in favour of improving the accountability, and the perception of accountability, of Ministers, but we must not believe that the position has worsened in the past 50 years when, in fact, it has got significantly better.

Mr. Philip Hollobone (Kettering) (Con): On BBC2's "Newsnight" last night, the Minister for Immigration, Citizenship and Nationality said that it would take at least 10 years to clear the backlog of illegal immigrants in this country. Residents of my Kettering constituency and elsewhere think that it is scandalous that those in government who are supposed to defend our country and protect our borders seem to be completely unable to do so. I join my right hon. Friend the Member for Maidenhead (Mrs. May) in calling for an urgent debate on immigration and asylum in this country.

Mr. Straw: There are plenty of occasions to debate that issue, but if the Opposition feel really exercised about it they have a number of Opposition days coming up, which I am sure that they will put to good use. *[Interruption.]* I see the Opposition Chief Whip confirm that. I am always happy to suggest subjects to the Opposition for their debating time.

I point out to the hon. Gentleman that my hon. Friend the Minister for Immigration, Citizenship and Nationality gave that time scale because of the time that it will take to introduce the e-borders arrangements, so that we have accurate data on the numbers going in and coming out of the country.

I hope that the hon. Gentleman tells his constituents that in 1996 the then Home Secretary, the right hon. and learned Member for Folkestone and Hythe (Mr. Howard), decided to abandon disembarkation controls in Dover and other ports, which covered about 40 per cent. of those leaving the country. He also got rid of all the staff and the budget for them. When I became Home Secretary, it was clear that there was no point in maintaining embarkation controls in respect of

[Mr. Straw]

the other 60 per cent. because people who wanted to leave illegally would go through the other ports. The system that the Conservatives had maintained meant that even when disembarkation cards were taken off people, they were put in a room and nothing was done with them.

We must change the system, and that is what the Government are seeking to do. I wish that there had been slightly more help from the Opposition in respect of part of these arrangements, especially on identity cards.

Pete Wishart (Perth and North Perthshire) (SNP): I associate myself and my hon. Friends with the glowing tributes to Eric Forth. When showing new Members round the House, I would always point out Eric Forth, and the description "colourful character" would always feature.

I do not know whether the Leader of the House saw the programme on the BBC over the weekend that showed that 52 per cent. of the British public believe that Scottish Members should no longer be able to become Prime Minister. I am certainly sure that it was not missed by No. 11. Does not this show that the public are way ahead of the House and the Government in their thinking about the role of Scottish Members? Should we not have a proper, grown-up debate about the role of us Scots MPs so that we get up to speed with the public on this issue?

Mr. Straw: The hon. Gentleman has a particular view—he would like to see Scotland separated from the rest of the United Kingdom. That is not the view taken by the vast majority of people in Scotland, nor is it the view taken by the vast majority of people in the United Kingdom. We should celebrate our Britishness. A Prime Minister is the Prime Minister for the entire United Kingdom—that is Great Britain, including Scotland and Northern Ireland. It seems to me that where he or she happens to come from is entirely irrelevant.

Mr. Christopher Fraser (South-West Norfolk) (Con): May I also associate myself with the tributes that have been paid to Eric Forth? He was a politician who always made himself available to new Members to give them, as he would put it, good advice.

You have probably read, as I have, Mr. Speaker, the interview of the Leader of the House in *The Times* of two days ago. I welcome the right hon. Gentleman's aspirations about petitions receiving a certain amount of action rather than just a response. Will he extend that principle to popular early-day motions, which currently receive no Government response or debate in the House?

Mr. Straw: The petitions proposal is not an original proposal from me; it has been around for a while. I understand that the Scottish Parliament has a good system in place for dealing with petitions that are signed by a significant number of Members. It was my instinct to raise the matter before the Modernisation Committee and, subject to what colleagues on that Committee and other Members believe to be right, to ensure that we take more seriously petitions that are often painstakingly drawn up, with the support of many constituents and other people throughout the country. I think that that is straightforward.

An inquiry is taking place into the future of early-day motions. That is a matter for the House and certainly not one for the Government. It is a tricky issue because they are used for serious national issues, serious constituency issues and trivial issues such as the success or failure of Burnley football club.

Mr. Richard Benyon (Newbury) (Con): As a new Member, I would like to associate myself with the tributes to Eric Forth. He was unfailingly kind to those of us who were elected last year. I will miss his ready wit and his robust advice.

Now that the Government have reinstated structures in the national health service that they got rid of eight years ago, can we have a debate to reflect the real concerns of health practitioners in our constituencies who are concerned about the culture of continual change in the NHS. They just want a period of calm. They would like us to have the opportunity to reflect that in Parliament in the presence of Ministers. May we have such a debate?

Mr. Straw: I welcome all debates on the national health service—on what we have done nationally and on what happens locally. I hope very much that in such debates, Opposition Members, including those who are new, will be honest enough to talk about the state that the NHS would have been in had Conservative spending plans continued, and had the Government accepted their advice when each year—almost without exception—they voted against the spending plans proposed by my right hon. Friend the Chancellor of the Exchequer. If Conservative spending plans had continued, there would not have been the dramatic increase in the numbers of nurses, doctors and other clinicians—there has been an 85,000 increase in the number of nurses. There would also not have been a dramatic increase—it was increased by more than a quarter—in the real pay of nurses. Instead, there would have been the same stagnation in the health service, and, as a result, there would have been lower delivery of care for the hon. Gentleman's constituents and for the constituents of every other Member of this place.

Several hon. Members *rose*—

Mr. Speaker: Order. I will remember next week those hon. Members who have not been called today.

Points of Order

12.27 pm

Mr. Peter Bone (Wellingborough) (Con): On a point of order, Mr. Speaker. Yesterday I received a reply from the Minister for Energy to a letter that I wrote to the Prime Minister about nuclear power. His letter said that the outcome of the energy review has not been pre-determined and that no decisions have been taken on the need for new nuclear power stations. He said that it was a genuine energy review. That is at odds with what the Prime Minister has stated. It is clearly essential that hon. Members are given—

Mr. Speaker: Order. That is not a matter for the Chair. I am not responsible for what any Minister has to say, whether it be the Prime Minister or any other Minister. The hon. Gentleman will have to take up the matter—the contradictions—with the Ministers concerned.

Mr. Andrew Turner (Isle of Wight) (Con): On a point of order, Mr. Speaker. On the Order Paper today there is notice of a written ministerial statement on the Royal Mail. You may have heard the content of the statement being discussed on the "Today" programme this morning. I wonder whether that was with some foreknowledge that the House did not possess.

Mr. Speaker: I understand that there was a written statement. Information has been given to the House and it is available in the Vote Office.

Members' Salaries and Chairmen's Pay

12.28 pm

The Leader of the House of Commons (Mr. Jack Straw): I beg to move

That, in the opinion of this House, the following provisions shall be made with respect to the salaries of Members of this House, including the additional salaries determined in accordance with the Resolutions of this House (as amended from time to time) of 30th October 2003 relating to Pay for Chairmen of Select Committees (No. 2) and 13th July 2005 relating to Pay for Chairmen of Standing Committees (No. 2)—

For the year starting with 1st April 2006 the yearly rate shall be increased in two stages—

(a) with effect from 1st April, by 1 per cent., and

(b) with effect from 1st November, to the yearly rate determined in accordance with the Resolution of this House of 10th July 1996 relating to Members' Salaries.

Mr. Speaker: With this we will consider the two motions on the pay of Chairmen of Select Committees.

Mr. Straw: The motion on Members' salaries will give effect to the proposal announced by my right hon. Friend the Prime Minister on 30 March that the pay increases for Members of Parliament for 2006-07 should be staged, with the full increase being deferred until 1 November rather than being payable from 1 April last. The proposal is made in the context of the Government's response to the 28th report of the Senior Salaries Review Body, which provides that the award to the senior civil service, to which Members' pay is linked under the formula agreed in 1996, is being staged in a similar way.

Under the decisions taken in 2003 and 2005, annual uprating of the additional salaries for Select and Standing Committee Chairmen is also linked to the senior civil service pay bands. The motion accordingly provides that the increase in these salaries too should be staged.

Under these proposals, the salary of a Member of Parliament will be £59,686 from 1 April and £60,277 from 1 November. The principle of linkage to the senior civil service pay bands, agreed by the House in 1996, followed earlier systems of linkage. It was intended to avoid the need for a major debate on Members' pay on every occasion when pay needed to be adjusted. However, the system agreed does not cover the present situation, because the pay bands to which our pay is linked would have risen by the full 2 per cent. from 1 April. If nothing further were done, our pay would rise by 2 per cent. from that date, even though this would not be the case in practice for most of the senior civil service.

When he proposed this staging of the senior civil service pay increase, my right hon. Friend the Prime Minister announced that it was to

"reflect what is affordable within expenditure plans."

I accept that the total saving to the public purse from the staging of the pay of Members of Parliament itself will be relatively small. It amounts to less than £230,000 in basic pay, and a little more than that if other factors—employers' national insurance contributions and Exchequer pensions contributions—are included.

[Mr. Jack Straw]

I hope that colleagues agree that we ought to play our part and show restraint, as we are asking the senior civil service, to whose pay ours is linked, to show equal restraint.

Sir Nicholas Winterton (Macclesfield) (Con): As the House knows, the Senior Salaries Review Body has made some critical recommendations on Members' pay, and it has established comparators in both the public and the private sectors. Does the Leader of the House accept that Members' pay is 20 per cent. behind the comparators to which it has been linked by the SSRB? Is that fair in the short, medium or long term for hon. Members? Will it encourage good, competent, able, intelligent people to put their names forward as Members of Parliament?

Mr. Straw: I accept the point that the hon. Gentleman is making, and I shall deal with the wider review of Members' pay that will take place next year. As comparable pay in the private sector has risen much faster than pay for senior civil servants, they too are out of kilter with the comparators, so I accept the strength of that argument.

In its review next year the SSRB must take account of the extent to which pay levels act as a disincentive, deterring good people in all walks of life from serving in the House. It is important that Members of Parliament be paid properly, and—as members of all parties aspire to hold office—that should include Ministers. At the same time, however, I am struck by the high calibre of members of all parties who entered the House in 2001 and 2005, notwithstanding the pay and the cynical press that Members of Parliament generally receive. However, if pay does not keep pace with the comparators, particularly as the pressure on Members of Parliament to serve full-time is much greater than it was when the hon. Member for Macclesfield (Sir Nicholas Winterton) and I came to the House almost three decades ago—

Sir Nicholas Winterton: It was more than three decades ago, in my case.

Mr. Straw: Indeed. In those circumstances there will be a disincentive, deterring good people not only from entering the House but, if they do enter it, from staying .

Sir Michael Spicer (West Worcestershire) (Con): Will the Leader of the House confirm that it is mandatory for the SSRB to hold that review, as there appears to be some doubt in its mind?

Mr. Straw: I have been handed a note saying that the broader questions will be dealt with in the SSRB's triennial review, which is due in 2007. If I am wrong—and I intend to talk to the chairman shortly—I will make that known to the House. However, I have every reason to believe that there will be a full review next year—and that view is being confirmed by the nods of officials in the Box.

Mrs. Theresa May (Maidenhead) (Con): It might be more appropriate to confirm this at the end of the debate or afterwards, but what is the date of the triennial review? I understand that it was due to take place this year rather than next year.

Mr. Straw: I shall certainly confirm the date for the right hon. Lady.

Sir Nicholas Winterton: May I point out that Members of Parliament are in a unique position? Members entering the House for the first time—there were many such Members at the last election—receive the same pay as a Member of Parliament who has served in the House for 25, 30, 35 or even 40 years. It is important that Members' pay keep pace with the comparators, otherwise there is a grave unfairness for Members who serve with loyalty and distinction in the House. I include the Leader of the House in that category.

Mr. Straw: I am grateful to the hon. Gentleman. I have received a note saying that the review was to be commissioned this year, and will report next year. I have rather fewer complaints about my pay because, as I am a member of the Cabinet, it is a little more than the hon. Gentleman's. I hope that the review will look at the issue of whether there should be an age and experience-related band, as it is perfectly possible to construct a series of steps—

Mr. Gordon Prentice (Pendle) (Lab): Oh, no.

Mr. Straw: Hang on a sec. It is perfectly possible to construct a pay system in which Members are paid according to age and time spent in the House. Whether that is acceptable to the public purse, and above all to hon. Members, is another matter. There has been an improvement, however, as Chairmen of Select Committees and equivalent bodies, including members of the Speaker's Panel, receive additional remuneration. The only people who do not receive such remuneration are members of the shadow Cabinet, who have to work extremely hard and are not paid properly for that work. However, that is an incentive to leave the shadows and enter Government. I hope that everyone accepts the case for staging, which is the subject of the motion.

May I deal with the two motions on payment for Chairmen of the Select Committee on the Crossrail Bill, both of which make the same proposition? The House decided to introduce payments for the Chairmen of the main Select Committees in 2003, following a debate in 2002 on the principle of payment arising from a report of the Modernisation Committee and from a subsequent report by the SSRB on the amount payable. In July 2005 we decided that that should be extended to nearly all the remaining permanent Committees. We decided, too, that a system of payment should be introduced for members of the Chairmen's Panel who chair Standing Committees.

The main purpose of the decision to pay Chairmen of Select Committees was to promote recognition of another career choice in the House as an alternative to service as a Minister. It reflected a recognition of the

importance of Select Committees in underpinning a modern democracy, and a general agreement that the chairmanship of many Committees involves a heavy work load and substantial responsibility. The House would wish me to take the opportunity to say how much we value the work of Select Committees and to thank the various Chairmen for their commitment. The decision to pay Chairmen was by no means unanimous, but the House as a whole has shown that it supports the principle by subsequently extending the list of Chairmen who receive the additional salary.

Chairmen of non-permanent Committees have not been paid, partly because they do not fit the criteria as clearly as other Chairmen. By definition, such Committees are relatively short-lived, although the Select Committee on the Armed Forces Bill, which was ably chaired by my right hon. Friend the Member for Knowsley, North and Sefton, East (Mr. Howarth), has just reported after four months and more than 20 sittings. It would be difficult to identify in advance which Committees should be covered and which should not. However, where there is an exceptional case, I hope that colleagues agree that we should reflect that in arrangements for the payment of salaries.

The Select Committee on the Crossrail Bill appears to be such a case. It first sat on 13 December, and it sits up to four times a week when the House is sitting. Until last week it had sat on 36 days, so as it typically sits twice a day, it has many more sittings than other Committees. It may continue to sit—but perhaps not at the same rate—until the autumn. The House will agree that its work load is higher than that of many other Committees whose members are paid an additional salary. It is higher, too, than the work load of other ad hoc committees.

Mr. David Heath (Somerton and Frome) (LD): Undoubtedly members of Committees considering private legislation—the Crossrail Bill Committee is such a Committee—undertake an awful lot of hard work, but I find it difficult to distinguish the additional work by Chairmen from that of the membership, as they both seem to do exactly the same job in the same circumstances.

Mr. Straw: It could be said that assiduous members of Select Committees do the same job as, say, the Chairman of a Select Committee who happens to be coasting. There is no precise science. All Members who are doing their duties in the House work very hard—far harder, I may say, than they get credit for, regardless of party, from many sections of the press. But there is a difference between chairing a Committee and being a member of it. There is plainly a difference in responsibility. I hope, therefore, that the hon. Gentleman does not seek to make the best the enemy of the good, and will accept that there is an exception to the general rule to be made here.

I express my gratitude to my hon. Friend the Member for Mansfield (Mr. Meale) for the work that he has done as Chairman of the Select Committee on the Crossrail Bill. Had he simply been coasting, had he not been taking his responsibilities seriously, I would not have tabled the motion and Members on both sides would not have accepted it. I accept that to add this Committee to the list of Committees whose Chairmen receive an additional salary will set something of a precedent. We will have to look at other cases as they arise, and it is not inconceivable that another Select Committee on a Bill may at some future point justify similar treatment. However, I do not envisage that we will have for some time another ad hoc Committee involving the work commitment for its Chairman that that one involves. It is a matter for the House to decide, but I think it is right to put the motion forward to provide an opportunity for the Chamber as a whole to make that decision.

12.41 pm

Mrs. Theresa May (Maidenhead) (Con): I support all three motions before the House relating to Members' salaries and the pay of Chairmen of Select Committees.

I am grateful to the Leader of the House for having recognised that the staging of Members' pay does not in itself constitute a very large saving for the Government. However, as others, with whom we have been compared and linked in respect of the decision on our pay, are being asked to take their pay in stages, it is appropriate that we undertake the same level of restraint as we expect of them.

The Leader of the House referred to the wider issue, partly in response to a question from my hon. Friend the Member for Macclesfield (Sir Nicholas Winterton). The pay of Members of Parliament is a difficult matter, with which Governments and Members have grappled over the years. We have not necessarily found the best way to deal with Members' pay. It is Members who vote on our pay, and voters raise questions about it. They are often encouraged in that by members of the press, whose salaries are not revealed to the electorate or to their readership.

There is an issue that we need to address, and the SSRB triennial review will consider the wider aspects when it reports. I am grateful to the Leader of the House for clarifying that that will be commissioned later this year and will report next year. The question asked by my hon. Friend the Member for West Worcestershire (Sir Michael Spicer) is important, concerning the mandatory nature of that report. The report is not produced at the whim of the Prime Minister; a resolution was passed that a triennial review should take place.

Sir Michael Spicer: The resolution is cited on the Order Paper; it was motion 14 at the time.

Mrs. May: I am grateful to my hon. Friend for that clarification. I am sure the Leader of the House has noted the point and the motion number, to ensure that the process goes ahead and there is no way that the triennial review can be stymied by a prime ministerial decision.

The wider issue is important. The right hon. Gentleman referred to the need to encourage high-calibre people to want to become Members of Parliament, and to the fact that these days this is a full-time job. That is not necessarily a view that will be shared by all my colleagues, or in other parts of the House, but my personal view is that it is a full-time job and we should treat it as such, as I have always done.

[Mrs. May]

That presents a challenge to those who are employed in areas where salaries are above those of Members of Parliament, which in the past may not have been the case. It is no longer the case that higher salaries are paid only to those in a significant role in business or banking, or who are barristers or in similar professions. A head teacher of a secondary school, for example, almost certainly earns more than a Member of Parliament.

Sir Nicholas Winterton: Similarly, a superintendent of police.

Mrs. May: I am grateful to my hon. Friend. There are a number of areas of employment where salaries are higher than those of Members of Parliament, which would not have been so in the past. People of very high calibre still wish to be Members of Parliament, but sometimes that involves them and their families making significant sacrifices to enable them to give their service to the country. We need to consider the issue.

I crave the indulgence of the House to raise one further point that cannot be accommodated by the SSRB triennial review, but which is a matter for all parties—the cost of standing as a candidate for election to Parliament. That can be a significant cost, particularly to someone nursing a seat for three or four years, if they are selected well in advance of an election. That presents a challenge to parties too, to ensure that we encourage high-calibre people to enter the House, as we are all keen to do.

On the pay of Chairmen of Select Committees, the right decision was taken by the House. It was an important step offering Members a different career structure, so that they do not have to become Ministers to feel that they are progressing and earning extra salary. The Leader of the House mentioned members of the shadow Cabinet. Having been a member of the shadow Cabinet since 1999, I, perhaps more than others, am conscious of the point. Members of the shadow Cabinet assume that burden with no extra pay over and above that of Members of Parliament.

The key issue is that the role of Select Committee Chairman offers an alternative career. In earlier exchanges during business questions, the Leader of the House referred to the introduction of the Select Committee system in the House. That has been one of the great strengths of the House over the past 25 years, and it is important that we recognise the value of that through the pay of Chairmen of Select Committees.

On the Crossrail Bill, I entirely understand the intervention by the hon. Member for Somerton and Frome (Mr. Heath) about the fact that all the members of the Committee take on a substantial burden because of the number of meetings of the Committee. I say openly and honestly that I would not like to be a member of that Committee. I intend to give evidence to it because Crossrail affects my constituency, but it is a detailed issue and a significant burden to meet and take so much evidence from those who have submitted petitions against the Crossrail Bill.

It can be argued that for members of any Select Committee there is a burden if they do their job assiduously, which I know members of Select Committees do, but the Chairman of such a Committee has an extra burden to bear, and it is appropriate that the Select Committee on the Crossrail Bill be added to the list of those whose Chairmen who are paid. The Leader of the House made a valid point when he said that we cannot guarantee that in future other Committees will not need to be added. Now that he has finally been allowed to become Chairman of the Modernisation Committee, after a little local difficulty, he will know that, as became clear from the evidence taken yesterday, one of the current issues concerns the role of Select Committees, Standing Committees and Special Select Committees in the future. If the Modernisation Committee proposes changes to the way in which the House handles legislation and the legislative process, so that the balance between Select Committees and Standing Committees and their various responsibilities evolves, we may need to look again at the whole question of whom it is appropriate to pay.

I welcome the fact that Select Committee Chairmen are now paid—that has been an important move for the House—and I endorse the adding of the Chairman of the Crossrail Bill Committee to the list of those whose salary is increased in recognition of the extra work that they are doing.

12.50 pm

Mr. David Heath (Somerton and Frome) (LD): It is always difficult when we discuss our own salaries and emoluments in this House. I must admit that many hon. Members whom I number among my friends and acquaintances regret the fact that it falls to me to speak from the Liberal Democrat Front Bench on such matters, because I have something of a reputation for taking a puritanical view of them. Indeed, I am very clear that in fact and in perception we must be extraordinarily careful that we do not seem to be giving ourselves preferential treatment above those who serve in the public service or the private sector beyond this place. For instance, when we discussed the enhancements made to the pensions of right hon. and hon. Members, I was opposed because I felt that it was a clear example of an occasion when we were protecting our interests rather better than we were able to protect those of many other people.

Mr. Eric Martlew (Carlisle) (Lab): I share the hon. Gentleman's concern, but if I remember the options on the pension correctly, one could either take it or increase it. What did he do?

Mr. Heath: I did not take it, but that is neither here nor there. I do not want to parade that as an example of virtue—it was simply the way that I felt about the issue.

We must also, however, be fair to Members of Parliament. We have to reflect the comparators that are set down and ensure that Members' salaries are commensurate with the responsibilities that they take on. It worries me when Members' pay falls way behind those comparators. I agree with the right hon. Member

for Maidenhead (Mrs. May) that the job of a Member of Parliament should be to represent people in this place, not to go off and do some other job down the road. It always surprises and sometimes shocks me when somebody leaves high office, or even shadow responsibilities, and the first thing that the newspapers say is, "What job is he going to do now?" The answer is the job of a Member of Parliament, which is still their prime responsibility. It worries me that so many Members feel the need to top up their salaries in all sorts of ways. I cannot believe that that is to the advantage of their constituents. Of course, every individual has to take a view for themselves.

The Leader of the House cited the quality of the recent intake of Members. I agree. I think that we had an extraordinarily talented intake on both sides of the House this time.

Mr. Jamie Reed (Copeland) (Lab): Hear, hear.

Mr. Heath: Even the hon. Gentleman who says, "Hear, hear", whom I perceive to be one of the new intake, will recognise that we have had some very talented individuals joining us. However, although that may be a seductive argument for saying that we can therefore allow market forces to do their work and allow salaries to dwindle, it is wrong. It would be a complacent view, and an unfair one. Greater self-sacrifice is required, not only by Members but by their families, which is sometimes inappropriate. Having for several years led a county council with an annual turnover of about £500,000 on the basis that total expenses were about £4,000 per annum, I know how difficult it is to make such sacrifices in order to achieve one's political objectives.

Sir Michael Spicer: All the difficult questions that the hon. Gentleman is posing are surely meant to be sorted out by the Senior Salaries Review Body. Would not the answer be for us simply to accept its recommendations?

Mr. Heath: That is by far the simplest way of dealing with it, and it takes the matter out of the political argument, which is as it should be. I would hope that it takes an objective and independent view, not one clouded by the misconceptions of bundling up all our office expenses—for example, staff and computers—into our salary and saying that they are perks for the individual concerned. All those factors are removed from the equation and we have an objective view.

I entirely support the contention of the Leader of the House in the first motion. Given that the Government have determined that civil service pay should be staged, it would be wrong of us to seek an advantageous position, and we should accept that recommendation.

That brings me on to the payment of the Chairman of the Select Committee on the Crossrail Bill. I have genuine problems with that. I hasten to add that that has nothing to do with either the person or the qualities of the hon. Member for Mansfield (Mr. Meale), and everything to do with the apparent lack of discipline and control over the process—a process that I generally welcome. Those who chair Select Committees of the House undertake a very substantial job and generally do so with a great deal of assiduity and sheer hard work. I can readily accept that there should be a career structure within the House and that it should be rewarded, but I have always been reluctant for it to be greatly expanded. I agree with the right hon. Member for Maidenhead that we are rapidly approaching the situation whereby the only people who will not be paid extra are those who do a great deal of the work of the House by speaking from the Conservative and Liberal Democrat Front Benches on each and every Bill and attending Standing Committees to speak as required, and do so without any extra emolument at all. I hasten to add that I am not seeking that extra emolument, but merely pointing out that it is a rather perverse situation.

We now have payments for the Chairmen on the Chairmen's Panel who chair our Standing Committees. Again, I do not argue with that. It is a gradated structure. However, naming a specific temporary Committee sets an unhelpful precedent. The motion makes no provision—although it is clearly implied—that the payment should cease at the point at which the Select Committee reports. However, I have a more substantial objection. I do not know whether the hon. Member for Mansfield is a member of the Chairmen's Panel—if so, he is receiving a payment as such—but I suspect that he is not. That is surprising. Hon. Members who are put on a Select Committee on private legislation undertake a truly horrendous task. It is very time-consuming and difficult work that is usually, frankly, given as a punishment by the Whips Office for some misdemeanour, and I have the greatest sympathy for those who undertake it. But the fact remains that that hard work is shared by all the members of the Committee. It is not like being the Chairman of a departmental Select Committee. Those Chairmen do a tremendous amount of work outside the Committee, meeting individuals, preparing for meetings and guiding the reports that the Committee produces. They do a whole array of further work, but I do not believe that that is the role of the Chairman of a private Bill Committee. The work of those Committees is shared by all their members.

I do not intend to show any disrespect to the hon. Member for Mansfield, who I know is doing very good job of work, but he is not there all the time, and I believe that up to four other Members have also chaired that Bill Committee. So it seems odd to reward only one member of the Committee, quite substantially under the terms of this provision, for doing that temporary job. Furthermore, it is not clear to me from my reading of the resolution whether this is an annualised payment in line with those of other Select Committee Chairmen, on whether there is a pro rata element related to the timing of the Bill. It would be helpful to know that.

John Bercow (Buckingham) (Con): I do not know whether the hon. Gentleman will take my intervention as confirmation of his theory about punishment. May I tell him that I was asked, although not instructed, to sit on the Committee on the Crossrail Bill? However, I declined the invitation.

Mr. Heath: As I have no idea of the hon. Gentleman's present relationship with his Whips, I

[Mr. Heath]

cannot possibly comment. I know that my hon. Friend the Member for Southport (John Pugh) was certainly not given his post as a punishment. He is there as a willing conscript, although he might now be regretting having been prepared to take on those responsibilities.

Mr. Gordon Prentice: How was the Chair of the Crossrail Bill Committee chosen? Was he chosen by members of the Committee, or was the decision made through the usual channels? This is an important issue when we are talking about Members of Parliament getting a very substantial additional sum tacked on to their salary.

Mr. Heath: The hon. Gentleman has asked an extremely important question. No doubt the Leader of the House will be able to answer it when he responds to the debate. If there was a genuine election within the membership of the Committee, that would be one thing. However, if there was an instruction to the effect that someone had been favoured with the chairmanship of the Committee and was to receive a substantial emolument as a result, that would change the view of the House on what exactly is going on. For all those reasons, I really need to be convinced that this is a sensible way forward.

Mr. Martlew: I have been listening to the hon. Gentleman's argument, but I do not quite understand it. If the Chairman of that Bill Committee were a member of the Chairmen's Panel, he would be paid. If he were the Chair of a Select Committee, he would be paid. So why should he not receive payment for chairing this particular Committee?

Mr. Heath: The hon. Member for Mansfield would be paid rather less if he were a member of the Chairmen's Panel. He would be paid as a prospective Standing Committee Chairman, which, by a resolution of the House, would depend on his experience in the role, but he would still receive considerably less than the rate of pay that is felt to be appropriate for a Select Committee Chairman.

The anomaly is that this Bill Committee is described as a Select Committee but it is not a departmental Select Committee—*[Interruption.]* The Leader of the House objects to my use of the word "anomaly", so I shall retract it. However, such Committees are a kind of hybrid between a Standing Committee and a Select Committee. Many other temporary Committees are set up for similar purposes, and the only logical conclusion is that anyone who chairs any Committee of the House in any circumstances ought to have a temporary pay increase—

Mr. Straw: Yes, I have got the point.

Mr. Heath: That being the case, I shall not detain the House further by repeating my arguments. I would love to be convinced that the proposals represent a sensible way forward, but I cannot see that at the moment.

1.4 pm

Mr. Straw: With the leave of the House, I should like to reply to the debate. I am glad to hear that there is general approbation for the first motion, which is to restrict our pay increase to just 1 per cent., and widespread agreement with the second and third motions on the Chairman of the Crossrail Bill.

The right hon. Member for Maidenhead (Mrs. May) raised a fundamental point about how we settle our pay, in saying that we have always had difficulties because we have to vote on our own pay. This is almost unique, except for those who run a company that they wholly own. I remember the debates that took place on this matter in the late 1970s and early 1980s, when the system was much worse than it is today. In those days, there was no linkage, which was just awful. The system of linkage is much better, because it provides a clear benchmark. I am not sure whether we could devise a better system, although—to pick up the points made by the hon. Member for Macclesfield (Sir Nicholas Winterton) and others—we must not forget the important associated issue of what the benchmark should be. We need to ensure that the salaries of Members of Parliament keep up with certain comparators, without any shifts being offensive to our constituents.

The right hon. Member for Maidenhead also made an interesting point about the cost to people of standing as a candidate. It would be hard to make the case that such costs should become a charge on the public purse directly, although they are onerous—

Mrs. May *indicated dissent.*

Mr. Straw: No, I know that the right hon. Lady was not suggesting that.

I must point out to the hon. Member for Somerton and Frome (Mr. Heath) that I was not suggesting that, because the level of talent that has been elected to the House in recent Parliaments, particularly since 1997, when the hon. Member for Buckingham (John Bercow) entered the House—

John Bercow: Your cheque is in the post.

Mr. Straw: Thank you very much.

The fact that the level of talent has been high does not mean that we should not consider fair remuneration for Members. My point is that, despite the fact that the rewards here are modest—and less than what most Members of Parliament could command if they worked elsewhere—it is interesting that people of talent still enter the House. That happens despite, rather than because of, the remuneration system here.

Mrs. May: Purely to set the record straight, may I tell the Leader of the House that I was not suggesting in any way that the cost of standing as a parliamentary candidate should be a drain on the public purse? However, all parties need to examine these issues, particularly as we are trying to encourage greater diversity among the people coming into the House.

Mr. Straw: I accept the right hon. Lady's point. That issue is the subject of separate inquiries into the funding of political parties, and into whether those parties should be able to pay some of those expenses. All hon. Members have made substantial financial sacrifices when trying to become Members of Parliament.

The hon. Member for Somerton and Frome talked about the Chairman of the Crossrail Bill Committee. First, he can be assured that the post is time limited. If the Crossrail Bill Committee ceases to exist, that salary will cease to be paid to the Chair. This is not the 18th century; this is the 21st century.

My hon. Friend the Member for Pendle (Mr. Prentice) asked how the Chairman of that Committee had been chosen. The answer is that it is a combination of the usual channels—

Mr. Prentice: Ah, I thought so!

Mr. Straw: But it is also up to the Committee itself. It is the same arrangement as for a Select Committee. It does not involve a Chairmen's Panel nomination. So the usual channels ensure that, by some osmotic process, a name comes forward. That Member becomes a member of the Committee and—hey presto!—all other members of the Committee, by an entirely democratic free vote, approve that person. That seems to work fine—*[Laughter.]* If my hon. Friend the Member for Pendle wants some of this, he should just see me and I will do my best to ensure that he receives similar favour.

John Bercow: Will the Leader of the House give way?

Mr. Straw: One second. Somebody outrageously suggested that places on hybrid and private Bill Committees are reserved for punishments by the Whips. I am sure that that is still true in the Conservative party; it is no longer true in the Labour party and the Government, because we now have a caring, sharing Whips Office that does everything by gentle persuasion. However, it certainly was true, as I remember— *[Interruption.]* The right hon. Member for Maidenhead says that her Chief Whip is also very nice. He, of course, gets paid, unlike members of the shadow Cabinet.

As a shadow Cabinet member for 10 years, it always rankled that I was expected to work my socks off and speak on behalf of the party while not being paid a penny, whereas our Chief Whip, who was expected simply to dragoon people into the Lobby and not speak at all, was paid a large sum. There we are; it just gets one used to life in government.

If I might detain the House for a moment on the issue of punishment by the Whips, I remember that such punishment took place in the 1980s in respect of a close friend of mine, with whom I shared an office, the late Allan Roberts. He was a good parliamentarian, but an outrageous roué and bon viveur, and was the Member for Bootle until his sad death in 1990.

Allan had been offending the Whips in a variety of ways and was told that he had to serve his time by going on a private Bill Committee. As so often, he got into trouble; he failed to turn up to the private Bill Committee and was told that he would be fined about £50 for each failure. He came to me, and I had to try to bail him out—not for the first time, let me say, nor indeed the last.

With that digression, I hope that the hon. Member for Somerton and Frome will accept that, although this is something of a precedent, without precedents—if we were against them—nothing would ever be done for the first time. This is a new situation, and I hope he accepts that this is a fair way to proceed. I am grateful to those on the Conservative Front Bench for their support.

Question put and agreed to.

Resolved,

That, in the opinion of this House, the following provisions shall be made with respect to the salaries of Members of this House, including the additional salaries determined in accordance with the Resolutions of this House (as amended from time to time) of 30th October 2003 relating to Pay for Chairmen of Select Committees (No. 2) and 13th July 2005 relating to Pay for Chairmen of Standing Committees (No. 2)—

For the year starting with 1st April 2006 the yearly rate shall be increased in two stages—

(a) with effect from 1st April, by 1 per cent., and

(b) with effect from 1st November, to the yearly rate determined in accordance with the Resolution of this House of 10th July 1996 relating to Members' Salaries.

PAY FOR CHAIRMEN OF SELECT COMMITTEES

Resolved,

That this House expresses the opinion that, as from 13th December 2005, the Resolution of the House of 30th October 2003, relating to Pay for Chairmen of Select Committees (No. 2), as amended by the Resolution of 13th July 2005, should be further amended by leaving out 'or the Committee on Standards and Privileges' and inserting 'the Committee on Standards and Privileges or the Select Committee on the Crossrail Bill'. —*[Mr. Straw.]*

PAY FOR CHAIRMEN OF SELECT COMMITTEES (NO. 2)

Queen's recommendation having been signified—

Resolved,

That, as from 13th December 2005, the Resolution of the House of 30th October 2003, relating to Pay for Chairmen of Select Committees (No. 2), as amended by the Resolution of 13th July 2005, is further amended by leaving out 'or the Committee on Standards and Privileges' and inserting 'the Committee on Standards and Privileges or the Select Committee on the Crossrail Bill'.—*[Mr. Straw.]*

Association of Former Members of Parliament

1.13 pm

The Leader of the House of Commons (Mr. Jack Straw): I beg to move,

That this House welcomes the formation of the Association of Former Members of Parliament in response to the Resolution of the House of 2nd May 2001; notes that it now has a membership of over 330 former Members; acknowledges the work done by the Association and its Executive Committee; and welcomes the financial and other assistance accorded to the Association by the House of Commons Commission.

My hon. Friend the Member for Carlisle (Mr. Martlew) will speak in greater detail on this issue, because he has been chairing a working group on support for former Members. Those of us who have been lucky enough to survive in the House over many elections, as I have, will have friends who are no longer Members. Some retired at an appropriate moment—we wish them all well in their retirement—but many either got squeezed out because of gratuitous boundary redistributions or lost their seats. That happened to a large number of my colleagues in the 1980s, and it also happened to Conservative colleagues in the 1990s and at the 2001 election.

Many of those who lost their seats were assiduous Members of Parliament. They had given up careers and quite high incomes, and often put great strains on their families, but they suddenly found themselves outside the House and at a loss as to their future. That is a risk that we all accept when we are elected to the House, but I have often been struck by the lack not of support in terms of pensions, which are reasonable these days, although not for people who retired some time ago, but of psychological support and recognition of the contribution that those people made to the running of the House.

Shortly before the 2001 election, our former colleague, Joe Ashton, who was just about to retire, led an informal cross-party group looking at what could be done to assist the position of former Members of Parliament. My right hon. Friend the Foreign Secretary, who was then Leader of the House, facilitated a short debate in May 2001, just before the general election, which led, in effect, to the establishment of a working party to report to the Speaker. The motion identified the desire of former Members to stay in contact with each other and the possible benefits of availability of sources of personal advice and assistance for those who might have got into difficulties.

As I say, my hon. Friend the Member for Carlisle will go into more detail, but I understand that the association has more than 330 members, including a former Prime Minister and a former Speaker. Any such association needs some material support, but I understand that our association funds most of its activities from subscription. However, some modest financial support and assistance in kind have been made available by the House of Commons Commission. That will continue.

The Commission considered that

"in due course the view of the House should be sought on this assistance, so that it can be put on a steadier footing".

The main purpose of tabling the motion is to allow the House to give its view. We are being asked to give broad endorsement of the Commission's approach, but not to take responsibility for specific decisions, which remain a matter for the Commission. I am extremely happy to give that endorsement. I hope that the House as a whole does so to.

1.16 pm

Mrs. Theresa May (Maidenhead) (Con): I am also happy to give that endorsement. Any large organisation has clubs, societies and groupings for former members of staff, which are for people who retire in the natural way of things. Of course, many Members of the House lose their jobs, and that can come as a great shock to them. Politics is a brutal business in that sense. Therefore, the proposal seems entirely sensible. Indeed, it seems a little odd that it took so long for a grouping or association of former Members to be formed.

I pay tribute to the work of all those former Members and Members of the House who have been involved in getting the association up and running and in ensuring that it is provided with the support it needs. I am entirely happy to endorse that important, albeit limited, support that the Commission has agreed the House may give.

I would like to make a further point. There are many ways in which Members of the House can continue to learn from former Members. On a specific issue, I am very grateful for the support that Dame Marion Roe is giving to those of us who are trying to encourage more women into the House, particularly on the Conservative Benches. She is giving practical support and advice to women. It is good of former Members to be willing to do that. We should never forget the experience that they have, which can be of benefit to current Members and to the House generally.

1.17 pm

Mr. Eric Martlew (Carlisle) (Lab): I am delighted to speak to the motion. On 2 May 2001 we had the original motion before the House. Of course, if it had not been for the outbreak of foot and mouth disease, the debate would never have taken place. After it, the Speaker asked me to form a working group to see whether we could get an association up and running.

I was flattered by that and I wondered whether the Speaker realised that I had a background in human resources—I used to be personnel manager for a large multinational company. So, I delved into this a little further, but the reality was that I was one of only three Members who were sitting on the Benches when the debate took place. I was the obvious candidate.

The work has gone well, but when I was appointed to the post, I wondered why we had never had a formal association. The right hon. Member for Maidenhead (Mrs. May) has asked that question today from the Conservative Front Bench. Throughout the world, Parliaments similar to ours all have their associations. I then realised that the reason for us not having an association for former Members is down at the other end of the building. In fact, we have an association, and it is called the House of Lords. It has been there for many centuries, but only elite former Members

went to it. If what I hear is to be believed, it will be even more difficult for Members of this House to get to the other House, so I am sure that the need for the association will increase.

The working group reported to the Speaker and the then Leader of the House, and it was successful. The association of former Members now has, I think, 340 members, including two former Prime Ministers and 32 former Cabinet Ministers. They need no advice from us about how to run their business, as many of them have run the country, some of them well and some not so well.

As the Leader of the House pointed out, there was a need for this association, and the main need was for fellowship. This place is a closed community, and suddenly finding oneself on the outside is difficult when most Members live in their constituencies and are unlikely to meet one of their work colleagues walking down the street. Some successful social gatherings have taken place, and I want to put on the record our thanks for the support of Speaker Martin in that regard. The Administration Committee, which was at first reluctant to accept the demands of the association, has also been helpful.

Progress has been made. When the association was started, a former Member had to have completed 15 years' service before being given permission to come into the House without having to go through security and wear a label with a date on it. That has now improved greatly. Former Members found it shaming to have to go through that procedure and felt that their contribution merited better. An office has been provided, which is welcomed by the association. The small amount of financial support provided helps to pay the association's postage costs. It has been fortunate to employ a part-time secretary, Sally Grocott—"employ" is perhaps not the right word, as I am not sure that she gets paid or gets paid regularly. As she knows the House—her husband is Chief Whip in the other place—she has been a tower of strength to the association.

The driving force behind the association, however, has been Joe Ashton. I have worked closely with him and he tires me out. Given the amount of energy that he puts into his role, he probably retired too early. The association has been fortunate to have him. Nothing is ever good enough for Joe, so we must go further and faster. He now has an all-party, mixed-gender executive that represents various regions of the United Kingdom. The House would be proud to form an executive on such a basis were it ever able to do so. Members are aware of its success, because it produces a newspaper, "Order Order", three times a year, which is now circulated with *The House Magazine*.

The association has asked me to raise one or two issues. First, it has asked me to raise the issue of the pension fund trustees. I served for many years as a pension fund trustee and, believe me, it is not a glamorous committee. It is perhaps a bit like that on the Crossrail Bill, but the chairman does not get paid. The law says that there should be pensioner trustees. At present, we have a pensioner trustee, who was not nominated by the association but is a member of it. The association has asked whether it can be consulted in future about the retired trustee on the pension fund, which is a reasonable request, and whether there could be more than one retired trustee on the pension fund. I hope that that suggestion will be communicated through the usual channels back to the fund trustees.

Secondly, the association asked me to raise the issue of the Members' Fund, of which, for my pains, I am also a member. I am conscious that the vast majority of Members of Parliament know nothing about the Members' Fund—they just know from their payslip that they make a £2 contribution to it every month. In reality, it is a fund for assisting former Members of Parliament or their spouses and family—the assistance is normally to spouses and family who might have fallen into some kind of financial difficulty. The laws on the fund were passed by the House in about 1935 and need revising. Members of the association understand that. If the laws are revised, however, they would like a retired association member to be a member of the Members' Fund.

I also want to raise the issue, on which the Leader of the House touched, of how we treat Members who lose their seats. Some work has been done on that, and I thought that I had secured an agreement with the usual channels that when a Member loses a seat, he or she can use part of the winding-up allowance to get expert help on returning to the labour market. A Member of Parliament who has been out of his or her profession for 10 years will find it difficult to get back into the labour market. The multinational company for which I worked would bring in consultants to assist those who had been made redundant with their CVs and advise them on their career prospects and future direction. That does not happen here. My understanding—which was wrong, as it did not happen—was that Members, if they so wished, could use part of the winding-up allowance for those purposes. I hope that that will have been provided for by the time of the next general election.

Mr. David Wilmick (Walsall, North) (Lab): Does my hon. Friend agree—this did not apply to me, although I lost my seat, and I was fortunate enough to be in employment within a week—that the process can be pretty undignified when a Member loses a seat? Several former Members, no doubt on both sides of the House, have needed to get permission from the authorities to come here and collect their papers and so on, perhaps a few days after a general election. A more dignified approach is required to deal with those who have lost their seats, not only to help them in the way that my hon. Friend has suggested, but to make it easier for them to collect papers and do other things that one would do normally when leaving one's employment.

Mr. Martlew: I totally accept that, and I understand that the matter is being considered. I have heard the process described as being similar to what happens when an employee has been instantly dismissed—someone will come to the person's office, help him or her to gather their papers and see them off the premises. That cannot be right. Of course, there is pressure of time—the work of the House starts again soon after the general election, and desks and so on must be available. However, the issue must be treated more sensitively. The issue in relation to passes is similar. Often, Members have felt ashamed to come back into the House through the security system. Since

[Mr. Martlew]

we have made changes, the House is a much more welcoming place to former Members.

My final point is that the amount of money made available to the association is probably less than £2,000. I realise that that is public money, and we must be careful with it. However, outside this place, a civil service retirement association or a large company would be more generous. When the House of Commons Commission considers the matter, I hope that it will see its way to being a little more generous.

I am grateful that this motion is on the Order Paper today. I am sure that all Members of the House realise that, sooner or later, they will be a former Member. I am not planning to lose my seat at the next general election, but one can never tell. We should take credit for what we have done. Some members of the association complain about the pensions and salaries that we receive and compare them with the amounts that they received, and they are right to do so; but we did set up the association. They had the opportunity to set it up, and did not do so.

When we are former Members, the association will make leaving this place better for us. We have already made it a great deal better for our colleagues and friends who left at the last election.

1.30 pm

Mr. David Heath (Somerton and Frome) (LD): I want to express not just congratulations but thanks to the hon. Member for Carlisle (Mr. Martlew), and to all who have been instrumental in setting up the association and making it work as it has. It represents an important advance in what we do for former Members. I also agree with what the hon. Gentleman said about further steps that could be taken. It is extraordinary that although we spend all our time here referring to each other, quite properly, as "the hon. Gentleman" and "the hon. Lady" in accordance with the formalities of the House, the moment a seat is lost the Member is apparently no longer an hon. Gentleman or an hon. Lady, and cannot be trusted to clear his or her desk in good order. That is an indignity that we do not need to visit on those who are inevitably distraught at their position.

In too many instances, the structures of the House are based on the assumption that someone who leaves is a member of the landed or money gentry to whom attending the House has been merely a pastime for a certain number of years, who can simply return to his estates or his job in the City, and to whom nothing really matters. That is not how things are in the real world. Most Members of Parliament nowadays burn their bridges when they come here, setting aside their former professions, trades or jobs, and when they end their time in the House they often face an uncertain future. It is important to provide such people with a proper transition.

The hon. Member for Carlisle suggested that some of the winding-up funds should be used to pay for professional advice on employment opportunities. I think that a good employer would supply such funds not from a winding-up allowance, but as a matter of course. I think that the House should provide the largest amount that it can sensibly provide, not because I want Members of Parliament to have a particular advantage but because I want us to be in a similar position to someone leaving a major company. We have all seen major redundancies in our constituencies, and we have all urged employers—some of them good employers, some not so good—to provide relocation packages so that people can find new ways into work.

I entirely endorse what was said by the hon. Member for Carlisle, and entirely concur with what was said by the Leader of the House and the right hon. Member for Maidenhead (Mrs. May).

1.33 pm

Peter Bottomley (Worthing, West) (Con): I support the motion. My wife Virginia is either a member or a potential member of the association. I have enjoyed reading the newsletter, and think that the editor deserves praise.

I do not agree with some of what has been said, but the debate is relatively limited. I think that we should all be prepared to clear our offices when an election comes, and I do not think that we need too much time in which to do it. I do not like the idea that Members of Parliament are doing a job better than any other that they could do. I am glad that we are past the times when only the poor and the rich could become Members of Parliament, and that now middle-income groups can do so.

I agree with the general points made about the importance of the solidarity and support that people receive, but I think we should bear in mind the position of spouses or partners of former Members of Parliament, especially former Members who have died. I remember a case about 20 years ago, when someone who had been the daughter-in-law and wife of distinguished Members was not be recognised when she came back here several weeks after her husband's funeral and memorial service. Although they are not members of the association, I hope that some attention will be paid to those who have been married to politics for many years.

Mr. Martlew: I should make it clear that spouses can join the association.

Peter Bottomley: I am glad to hear that. I think it very appropriate.

I believe that the motion should be passed, and that we should have further discussions on what else can be done to ensure that people can be together and feel that they are contributing—if only to the fun of being in an association of former Members, but I think that they can contribute more.

1.35 pm

Mr. Dennis Skinner (Bolsover) (Lab): I am sorry that I was missing for a few minutes. I was in touch with—not Joe Ashton, although he has been in touch with me a great deal lately, which is why I have risen to speak—but the cardiologist. Just at the moment, that is a bit more important.

Joe Ashton was a Whip between 1976 and 1979, when we had no majority. Well, we did have a majority,

but then Stonehouse went missing. He was on a Florida beach, then he turned up in Australia. Then he crossed the Floor, and Joe Ashton was given the job of being one of the Whips keeping our majority intact. They were heady days and all the rest of it, but we formed a relationship. Joe's job was to try to get me into the Lobbies. It did not always work, but I told him all those years ago that I would do him a favour some time. I got on the phone to him when he retired. It has not been mentioned yet, but Joe had a very serious illness. We had many long discussions about how he was getting on. At the time I could see that despite the grim fight that he was undertaking, there was no doubt that the proposal that he had helped to put to the House way back in 2001—I think that my hon. Friend the Member for Carlisle (Mr. Martlew) said that it was on 2 May—was still very much in his mind. I promised him on numerous occasions that I would raise it if necessary, in accordance with what he wanted. What I did not know was that Joe had also been briefing my hon. Friend the Member for Carlisle, who has presented most of his propositions today.

Reference has been made to the composition of this place in the old days. Many Members then had formerly worked in factories or the pits. I can speak with some knowledge about pension entitlements in those days. The pension from the pits was only voluntary even in my day, and there was no pension at all when I started working as a miner. Many people who became Members of Parliament received no pension. It is true that they could have money shifted from one place to another, but people who had given 20 years' service were receiving about £100 a month—people who had worked in factories, pits and all the rest. The hon. Member for Somerton and Frome (Mr. Heath) was right to say that many Members did not leave with a great deal of money. It is true that the composition of this place has changed dramatically. There are no longer 700,000 miners; you would have a job to find more than 5,000. That is why it is important to remember what the position used to be.

My hon. Friend the Member for Carlisle mentioned nominees for the parliamentary contributory pension fund and the Members' fund. That is what Members are striving for, as of right. If the Commission would consider it, I am sure that my old pal Joe Ashton, Bill Michie and all the rest who helped to form the association will be very pleased. Help with the cost of the magazine would also be appreciated, and Joe also told me that he would like to have the names and addresses of all the Members who had left, so that they could keep in contact.

So those are the proposals. My hon. Friend the Member for Carlisle dealt with them previously and explained precisely what was needed, and I hope that the Commission can deal with the matter. I have done my job. I made a promise to Joe donkeys' years ago that there would come an occasion when he would be glad of my presence. I may not be in the Lobby, but I am speaking up for his association.

1.40 pm

Mr. Straw: With the leave of the House, Mr. Deputy Speaker, I should like to reply briefly to this debate. I am very grateful to all those who have expressed their support for the motion and this proposal; that will certainly help members of the House of Commons Commission to ensure better support for the association.

On the issue of pensioner trustees, raised by my hon. Friend the Member for Bolsover (Mr. Skinner), there is provision for one member of the trustees to be a "pensioner member", and they do not have to be a Member of this House. The current member, who was chosen last year, is Lord Naseby. He is better known to Members of this House as Michael Morris, and was MP for one of the Northampton seats for many years. I undertake to discuss with the association and the trustees whether there should be a nominee from the association, as of right, on the Board of Trustees.

With that, I urge support for the motion.

Question put and agreed to.

Resolved,

That this House welcomes the formation of the Association of Former Members of Parliament in response to the Resolution of the House of 2nd May 2001; notes that it now has a membership of over 330 former Members; acknowledges the work done by the Association and its Executive Committee; and welcomes the financial and other assistance accorded to the Association by the House of Commons Commission.

British Nuclear Group

Motion made, and Question proposed, That this House do now adjourn.—*[Tony Cunningham.]*

1.41 pm

Mr. Jamie Reed (Copeland) (Lab): I am delighted to have secured this debate today on a subject of pivotal importance to my constituency. In fact, although it is of real importance to a number of constituencies throughout the country, nowhere will the effect of the sale of British Nuclear Group be more acutely felt than in Copeland and in West Cumbria generally.

I want to begin by establishing the unique importance of British Nuclear Group to the Sellafield site, Copeland and West Cumbria. I know that the Minister is well aware of these issues, but they bear repeating. British Nuclear Group is by far the largest company operating on the Sellafield site. It employs more than 7,000 people directly, and the site itself employs over 11,500 people. Employment at Sellafield sustains another 5,000 jobs in the wider local community, so in real terms the site is responsible for approximately 17,000 jobs. Such employment accounts for the majority of the West Cumbria economy and well over 60 per cent. of the economy of Copeland.

Take-home wages from the Sellafield site are in excess of £210 million per year. The site provides, as the Minister knows, high quality, highly skilled, highly valued jobs. Expenditure from the Sellafield site going into the regional supply chain is in excess of £600 million a year. It provides the lifeblood of the local service industry companies, the hospitality and retail industries, and the bespoke, high-value engineering industries to be found not only in Copeland, but in Allerdale, in the constituency of my hon. Friend the Member for Workington (Tony Cunningham). Local supply chain procurement by BNG is essential in West Cumbria, an issue to which I shall return.

In addition to that contribution to the local economy, in the past 15 years BNG has committed £20 million to the West Cumbria Development Fund—a local economic regeneration body—which, in turn, has helped to lever in a further £10 million worth of European Union funding. BNG has also demonstrated a concerted willingness to work in partnership with the local communities within which it operates, and, crucially, with the trade unions. In my view, it is the trade union members on any nuclear site who are the ultimate arbiters of safety. That is certainly the case at Sellafield, and I am grateful and pleased that the relationship between them and BNG is as strong as it clearly is. It is against that background that my interest in BNG must be understood. I must also state for the record that I am a former employee of the company at the Sellafield site—a fact of which I am extremely proud.

On 30 March, the then Secretary of State for Trade and Industry announced the Government's endorsement of the proposal of the board of British Nuclear Fuels Ltd. to sell BNG. This was expected, and given the remit of the Nuclear Decommissioning Authority under the terms of the Energy Act 2004, completely understandable. The NDA and the UK as a whole require the development of competition within the nuclear decommissioning industry in the UK, in order to achieve the best value for money for the taxpayer. Although I completely accept the logic of that and the need for competition, I hope that the Minister can explain what, if any, consideration was given to the formation of a public-private partnership for UK decommissioning before the owner-contractor model was chosen.

Accompanying the Secretary of State's announcement, the NDA made the wise announcement that it would grant BNG a new five-year contract to operate the Sellafield site. That contract will keep the company, or its new owner, at the site until at least 2012. The Secretary of State said that he expects the sale of BNG to be completed by the autumn of 2007. For my constituents, that means that, from next autumn, there will be a new, dominant company operating the Sellafield site. It is essential that, that new company understand my community and become an active partner within it.

I have to say at this juncture that neither the Leader of the Opposition nor the shadow Secretary of State for Trade and Industry have shown the faintest glimmer of an understanding of what any of this means. Following the Secretary of State's announcement in March, the shadow Secretary of State issued a press release claiming that that announcement meant that the nation's nuclear liabilities were being put into the private sector. I can only assume that he has not read, let alone understood, the 2004 Act. Those liabilities have remained, and will remain, within the public sector under the ownership of the NDA. That embarrassing lack of understanding does not bode well for the shadow Secretary of State's time on the Conservative Front Bench, or, indeed, for the Conservatives' approach to the nuclear industry in general.

The Leader of the Opposition recently hand-picked one of the country's most vocal and misleading opponents of the nuclear industry to be his energy and environment adviser. That adviser has repeatedly misled the nation about the health and well-being of my constituents, among whom he has spread fear, anxiety and anger. His claims have no scientific or factual basis and constitute little more than malicious scaremongering. So today, I call upon the Leader of the Opposition—sadly, he is not here—to ensure that his high-profile advisers publicly withdraw their comments, or to otherwise sack them.

Mr. Charles Walker (Broxbourne) (Con): Does the hon. Gentleman agree with me that, where nuclear power stations do exist, local communities have come to accept them and value the contribution that they make to such communities, and to the wider generation of electricity throughout the country?

Mr. Reed: I thank the hon. Gentleman for that contribution. He is absolutely correct; indeed, I could not have put it better myself. Speaking as a member of a local community surrounding a nuclear facility, I can say that that is precisely what such communities believe.

I return to the litany of errors committed by Opposition Front Benchers. Only this week, the new

Leader of the Opposition notably failed to back calls for a new programme of nuclear power generation in Britain. I deeply regret his turning his back on the industry at its time not only of greatest need, but of greatest opportunity. More importantly, at a time when climate change has emerged as perhaps the definitive political challenge of our time, it is a tragedy that Conservative Front Benchers should fail to back the single largest carbon dioxide-free producer of energy—energy that is available not only to Britain, but the world. I implore the Leader of the Opposition to reconsider, and I will happily sit down with him and his shadow Secretary of State—and, indeed, the hon. Member for Broxbourne (Mr. Walker)—and convince them of the nuclear case. This issue is above and beyond party politics. I hope that all parties in the House will be able and mature enough to devise a national consensus on energy policy, and I urge the Conservatives to join me in calling for new nuclear power generation in the UK.

Last week, during a trip to the USA, I visited the Hanford nuclear facility in Washington state before meeting representatives of the Hanford area on Capitol Hill. I learned a lot from that visit, and it is appropriate to compare and contrast the British and American approaches to the nuclear industry. It is important to do so because there are significant differences between the two. Let me make it clear at the outset that I am a passionate pro-American, but that cannot and will not influence my views on what I believe to be right for the Sellafield site and my community.

It is important to understand and be aware of the US nuclear regulatory framework and working practices, because a US-based company is almost certainly going to buy BNG. There may or may not be some involvement from French interests, and a number of consortiums might attempt a purchase. Should a consortium bid for, and succeed in buying, BNG, I could not support the break-up or carve-up of the Sellafield site. That has been done before—notably by BNFL during the 1990s—and it resulted in a deterioration in working practices and managerial accountability structures. Such an approach also compromised safety, so I would need to be convinced that it is now workable. At this stage, I have seen nothing to convince me that it is, and I firmly believe that the Sellafield site is best served by one operator.

In the event of the successful purchase of BNG by a US-based company, I would expect that company immediately and wholeheartedly to embrace the British nuclear industry's working and regulatory practices, and to adopt the British corporate social responsibility culture. That means the adoption of a local supply chain purchasing policy, a close and productive relationship with the trade unions, the establishment and implementation of significant socio-economic development plans for the areas in which it operates, and an effective and satisfactory approach to working terms and conditions—including already amassed pension entitlements—that is acceptable to the existing work force. Fundamentally, it means doing things our way. Above all, it means working safely. The safety of the Sellafield work force and the safety of my community is non-negotiable, whatever other inducements might be proposed.

The British nuclear work force is the best nuclear work force in the world. I can say that with confidence as I have up close and personal experience of it. Standards of safety in the UK industry are better than elsewhere in the world, technological development and applied scientific and research application is among the best in the world, and productivity standards are now approaching the best there are as well. It is those attributes that make our nuclear workers, our nuclear scientists, our nuclear engineers and our nuclear working practices among the most sought after in the world.

Speak to any US multinational with a developing interest in buying BNG—and I have spoken to some—and they will explain that an association with the British nuclear industry is the key to opening up the vast nuclear clean-up and decommissioning markets in Russia, former Soviet Union states and eastern Europe. BNG's recent record illustrates that, as the company has successfully decommissioned and cleaned up more than 50 redundant nuclear facilities world wide. The company is also on a sound financial footing, with signs of real further improvements in financial performance this year and in years to come.

The company's profitability has not been achieved at the expense of either productivity or safety, a feat attributable not only to management, but the knowledge and experience of the shop floor. Last year, Sellafield's vitrification plant delivered a record-breaking 503 canisters against a predicted target of 450. By contrast, the US vitrification programme is billions of dollars over budget and in complete disarray. The Sellafield MOX plant recently delivered a second batch of four MOX fuel assemblies to NOK—Nordostschweizerische Kraftwerke AG—in time for its summer reactor reload, and last week signed a new £200 million-plus contract with another continental utility. Those are causes for celebration.

In January 2006, the company completed the clean-up of historic liquid waste from one of the oldest plants at Sellafield, preventing more than 44 years of liquid emissions and saving the taxpayer up to £300 million in potential new building costs. Only last week, I was discussing problematic clean-up issues with the US Department of Energy. It highlighted a particular problem in the US with technetium. That is an issue solved by BNG some time ago—I am delighted to say that I was involved in the project—which piqued a great deal of interest among the US Department of Energy officials. If anyone from BNG is listening to this debate or reads the report, I advise them to get down to the patent office as soon as possible, because a significant sum could be made from their unique technological skills and expertise. The market applications are huge.

With regard to safety—we should bear in mind the fact that Sellafield is the largest construction site in Britain and one of the largest in Europe—the current days-away case record rate is 0.23 against a target of 0.28, which is lower than any similar rate among any US contractors currently operating in that country. BNG Project Services has a days-away case record rate of zero and has worked almost 3 million man hours without a single lost-time accident. I could go on, but the point is made. The British nuclear industry places safety above everything else and it is a matter of fact that foreign contractors will have to emulate that safety

[Mr. Jamie Reed]

culture if they want to operate in Britain. We lead the world in that regard and others have a great deal to learn from us.

I cannot guess at the value of BNG in financial terms. However, when assessing the revenue of any potential sale, I ask that the Government consider more than the financial value of the sale. Value is measured in more than money and the highest bidder for BNG may not necessarily be the best bidder for my community. It is imperative that the highest financial bid should not bring with it the highest actual cost to my constituents or any part of the UK in the areas of safety, environmental performance and socio-economic investment and development. Public acceptability of a particular contractor must be considered in the process of any sale, and weight must be given to that in devising the criteria against which potential BNG purchasers are judged.

It must be said, one year after the establishment of the Nuclear Decommissioning Authority, that its presence in my constituency and West Cumbria generally has been enthusiastically received. It has proven already to be a genuinely involved, listening community partner, which has already demonstrated that it has the interests of the West Cumbria community uppermost in its thoughts and actions.

I thank my hon. Friend the Minister for the budgeting process of the NDA. I was concerned to discover in the US that the budget for nuclear clean-up is done on a year-by-year basis, so the budgets are set annually. They are therefore subject to the vagaries of the political process—cut in some years and expanded in others. In the UK, my hon. Friend and the Department have provided a comprehensive, stable framework for nuclear decommissioning and clean-up to take place, and I am grateful for that.

I understand that the NDA will devise the BNG sale criteria, no doubt in conjunction with BNG, BNFL and the DTI. What I now require is significant involvement from the West Cumbrian community in determining what those criteria should be. The socio-economic obligations for both the NDA and its contractors are laid out in the Energy Act 2004, and I now hope to explore with the aforementioned groups the United States National Defence Authorisation Act 1993, especially section 3161, which helps to define the socio-economic obligations of US contractors operating in nuclear decommissioning environments. My hon. Friend will know of the importance of the West Cumbria Strategic Forum and I believe that it would be appropriate if that body were involved in establishing the sale criteria.

Finally, the future of British Nuclear Group is of fundamental importance to West Cumbria. It is vital that its sale be conducted properly, transparently and with the interests of those communities where BNG currently operates upheld at the centre of this process. The successful bidder must be the one who understands the ambitions and aspirations of its host communities and the working practices of the UK nuclear industry. I thank my hon. Friend for his patience and time, and look forward to his response.

1.56 pm

Mr. David Drew (Stroud) (Lab/Co-op): I am grateful for the opportunity to speak in this debate, despite being late, and I apologise to my hon. Friend the Member for Copeland (Mr. Reed) for missing the first few minutes of his speech. I was taken by surprise, but I should have learned that about this place.

I wish to make three quick points. I represent a constituency at the other scale of things from my hon. Friend, in as much as the Berkeley site has been undergoing a fairly organised run-down for some months. The decision to dispense with the nuclear laboratories came as a bit of a shock, but it is pleasing to see that the work will go on. I welcomed the comments by my right hon. Friend the Prime Minister yesterday. In defending the nuclear industry, I have always sought to make the point that it is nothing if it is not its work force. That is the basic integrity of the industry. One can have sites and systems, but without the people, one has no industry. It is vital that we keep those people in place.

So my first point is that it is vital that we keep the presence of the industry in many different parts of the country. That is why I have always fought for Berkeley to be considered, if not as the site of a new nuclear power station—because of problems with the River Severn—but to retain the research and development facilities. I hope that my hon. Friend the Minister will say something about that.

Secondly, we have the issue of the ownership of the sites by the Nuclear Decommissioning Authority. Much as I can see the benefits of separating the providers of services from the ownership of the sites, there are some concerns about possible conflicts of interest. Given that Berkeley is the first decommissioned nuclear power station in this country, a proposal is imminent for the further decommissioning of the old power site, which would be a first in the world. I hope that my hon. Friend the Minister will accept an invitation when the proposal is introduced to come and see how it would take the nuclear industry forward, in terms of solving the waste problem and the issue of the new generation.

My third point is about the relationship of the BNG, whatever form it takes, and other parts of the nuclear industry. It is vital that we do not see contractualisation as the answer to everything. I am concerned that we have no overall picture of what the nuclear industry could look like in five years' time. British Energy, BNFL, AMEC and the various other parts of the industry may have had their weaknesses, and the introduction of foreign investors may or may not be a good thing, but there needs to be clarity about the industry's structure. Without that, we will not be able to build the new generation of nuclear power stations, even if that is what we decide to do.

Finally, I totally concur with my hon. Friend the Member for Copeland that BNG is an important company that has been much abused in the past. I hope that my hon. Friend the Minister will give us some food for thought, and hope for the future.

2 pm

The Minister for Energy (Malcolm Wicks): After the previous debate on MPs' pay, it is good to turn to the calmer and less controversial waters of nuclear energy.

I welcome the opportunity to comment on the future of the British Nuclear Group. My hon. Friend the Member for Copeland (Mr. Reed) is a great commentator on nuclear policy, and his expertise and experience are always worth listening to. In addition, he has a great reputation in his community, as I witnessed when I visited Sellafield some months ago.

The former Secretary of State, who is now Secretary of State for Education and Skills, announced our intentions in a written statement to the House on 30 March. That statement made it clear that we had approved the BNFL board's recommendation that it should sell BNG through a competitive sale process commencing in April 2007 or earlier. However, there has been much media speculation about how the competitive sale will be conducted. Some of that speculation has been accurate and some of it less so, and my aim today is to provide some clarity on the matter.

I recognise that this debate takes place against a backdrop of some interest in the future of nuclear energy. I shall not say too much about that wider issue, save that I am conducting an energy review on behalf of my Secretary of State and the Prime Minister, and that it will report on these critical questions by the summer.

My hon. Friend the Member for Copeland rightly made some very positive comments about BNG and the Nuclear Decommissioning Authority's achievements since it commenced operations just over a year ago. I should like to echo those sentiments. BNFL did an admirable job in restructuring itself and preparing the ground for the NDA. The management and staff at BNG have coped very well with the transition. I am tremendously encouraged that the NDA's stewardship of the UK's nuclear clean-up has already yielded significant efficiency savings at BNG's sites. It is a very good start, but of course we are looking for very much more.

That is why we believe that a competitive sale is the right route. After careful deliberation, the BNFL board determined a sale to be in the company's best commercial interest and to represent BNG's best chance of operating successfully in the commercial market created by the Energy Act 2004, thereby providing long-term stability for staff. Most important of all, though, the company also convinced us that it would be good for the taxpayer because it is good for the nuclear decommissioning and clean-up programme.

I shall be happy to discuss with my hon. Friend the reason why the option of a public-private partnership was not pursued, but essentially it was because BNG would not have the required critical mass.

The decision for Government was not straightforward, and was taken only after extensive consultation with key stakeholders. We were especially keen that the sale should not impact negatively on the NDA's mission, and we have moved forward carefully to ensure that we have fully considered the issues. However, I am absolutely confident that we now have the right result, and one that will contribute to improved clean-up performance for the NDA by introducing external expertise more quickly.

The NDA's competition timetable reflects its broader strategy to prioritise the tackling of the highest hazards. Rather than run its own separate competition for Sellafield, the NDA was able to accommodate the sale by letting a new five-year contract for that site. That will commence next year, at the point when the new owner acquires BNG. The NDA and BNFL will thus work closely throughout the competitive sale process. The aim will be to ensure that the successful bidder is the best available to improve performance substantially, particularly at Sellafield. Therefore, the selection criteria will be focused mainly on issues such as safety, reducing high hazards, driving down costs through better planning and more innovation, accelerating clean-up and improved managed capability.

This debate is not the occasion to discuss the problems involved in nuclear decommissioning, but it is worth noting that they represent some of the really big challenges facing this country in the coming half century. Over the summer, the expert group CORUM will present a report with proposals on what might be called the final resting place for nuclear waste. Those are critical issues.

Mr. Drew: Does my hon. Friend agree that decommissioning represents a global rather than a purely national challenge? Increasingly, global relationships will have an impact on the nuclear industry. We have expertise in some areas, but will also have to borrow expertise from other parts of the world. Likewise, other countries will want our expertise in decommissioning.

Malcolm Wicks: I agree with my hon. Friend. The BNG sale enables us to assess the best bidders and to draw on their expertise, but he is right that Britain has great skills when it comes to nuclear energy. Indeed, we are very good at energy as a whole and we need to seize the chance to become one of the leading countries in nuclear power.

In assessing bids for BNG, the main emphasis will be on achieving value by making sustainable clean-up improvements in the longer term. We will keep in mind the fact that a sustained 10 per cent. efficiency improvement equates to a £200 million saving on the NDA's annual budget, which can be ploughed straight back into more work. Clearly, however, there is still some way to go and it is much too early to speculate about the commercial basis on which BNFL, working with the NDA, will organise the sale process.

It is expected that the competitive sale process will start in April 2007 with completion up to six months later. Details will be updated on the NDA and BNFL websites, but it is currently expected that pre-qualification will occur at the end of the summer. Before the new year, the new draft contract will be shared with pre-qualified bidders, the regulators and other stakeholders on a fully open and transparent basis.

The sale will comprise BNG and all its subsidiaries on an integrated basis: project services, Magnox and spent fuel services will all be included. Following a successful exit from its legacy contracts, BNG America, the US clean-up subsidiary, has already been sold with no continuing liabilities. Magnox has been included on the understanding that its inclusion does

[Malcolm Wicks]

not disrupt the Magnox competitions due to start in 2008, or possibly 2009. Given the short time gap between completion of the sale and the start of the competitions, the new owner of BNG will not be expected to make significant changes to the running of the Magnox stations during that period.

BNFL and the NDA have been maintaining a close dialogue with the unions and staff over proposals for BNG and that will continue, with the involvement of the Department as appropriate. I recognise that such fundamental change creates tremendous uncertainty for the work force, so I use this opportunity to reaffirm unequivocally that any BNFL employee whose employment is transferred to a private sector employer will receive the relevant pensions protections set out in the Energy Act 2004; or, where they do not apply, in the Cabinet Office statement of practice for staff transfers in the public sector.

The sale of BNG is entirely consistent with the BNFL strategy review held in 2003, which concluded that UK clean-up should be BNFL's priority. It envisaged that BNG would need to find partners to operate successfully in the new market being created by the NDA. The review also concluded that other parts of BNFL should be run for value and to minimise risk to the UK taxpayer. The sale of Westinghouse has already been announced. In addition, we are considering the future of BNFL's research and development arm, Nexia Solutions, and BNFL is exploring ways of realising value from its shareholding in Urenco.

Mr. Jamie Reed: An important issue came up in my broad-ranging discussions in the US last week with Ron Ault from the AFL-CIO—the US equivalent to the TUC—when we were talking about companies that might have an interest in BNG and which could have a direct impact on the lives of people in my community and those of my hon. Friends the Members for Stroud (Mr. Drew) and for Workington (Tony Cunningham). Mr. Ault said of one company that it would rather climb a tree than do a deal with labour—meaning the unions—and that, at any cost, it would pick a fight with the trade union movement at whichever site it was asked to operate. I shall not name the company, save to say that it has run into terrible difficulties at the Hanford vitrification plant. What is my hon. Friend the Minister's view on the relationship that American companies must have with UK working practices and UK working bodies and representatives on UK nuclear sites?

Malcolm Wicks: I have already paid tribute to the skills of our work force in the nuclear industry. Those skills need to be safeguarded and we need to think about the future when, as with other parts of the energy sector—oil and gas—demographic trends mean that the average age of workers is increasing. We need to attract new people to those industries. It is critically important that whoever takes over BNG has a proper understanding of what these days we call the human relations side of business. I should rather climb a tree myself than jeopardise those important relationships. In any case, such companies would have to contend with my hon. Friend, which would be a formidable challenge.

I hope I have provided clarity on the issues surrounding the BNG sale and the rationale for approving the board's decision. In summary, the Government have been persuaded that it is good for the company, its people, the NDA, decommissioning and, ultimately, the taxpayer. I thank my hon. Friend and other colleagues for their contributions to this short, early, but useful, debate.

Question put and agreed to.

Adjourned accordingly at eleven minutes past Two o'clock.

House of Commons

Monday 22 May 2006

The House met at half-past Two o'clock

PRAYERS

[MR. SPEAKER *in the Chair*]

Oral Answers to Questions

DEFENCE

The Secretary of State was asked—

Iraq

1. **David Taylor** (North-West Leicestershire) (Lab/Co-op): If he will make a statement on the security situation in Basra. [72194]

6. **Andrew Selous** (South-West Bedfordshire) (Con): What recent assessment he has made of the security situation in Iraq; and if he will make a statement. [72200]

The Secretary of State for Defence (Des Browne): I am sure that the whole House will join me in sending condolences to the families of Private Joseva Lewaicei and Private Adam Morris, who were killed on Saturday 13 May north of Basra city. Our thoughts are also with the soldier injured in that incident, with the two soldiers who were injured in the incident at the weekend in Basra, and with their families.

Although insurgents continue to pursue a policy of violence and intimidation with the aim of disrupting the political process in Iraq, the majority of attacks are confined to four of the 18 provinces. However, their efforts have not precluded the formation of a new Government of national unity in Iraq. As my right hon. Friend the Prime Minister said this morning, that is a huge step forward which deserves international support. In Basra, and across Multi-National Division (South-East), despite recent tragic events the security situation remains relatively calm.

David Taylor: As my right hon. Friend said, Adam Morris, a 19-year-old soldier from Hugglescote in north-west Leicestershire, was killed by a roadside bomb near Basra nine days ago along with a colleague from the Royal Anglian Regiment as they travelled in a Land Rover protected only by composite fibreglass. As well as extending deep condolences to Adam's family and friends, the House will endorse the *Leicester Mercury* letter-writing campaign to boost the regiment's morale. Does the Secretary of State agree that a large majority in both the United Kingdom and Iraq want an early withdrawal of foreign troops? Does he think that partition is necessary to prevent the country from descending further into an anarchistic hell-hole?

Des Browne: May I first commend my hon. Friend for his support not only for his constituent's family, but for the Royal Anglian Regiment? I met members of the regiment in Basra last week, and I can reassure him, his constituents and, indeed, his local newspaper, that the morale of those soldiers was very high. In my short time in this job I have been struck by how often our forces meet our expectation, whatever adversity they face, that they will maintain the highest standards not only of morale but of discipline, application and duty. On the meat of his question, it is of course our ambition and intention to remove our troops from Iraq, but we shall do so in the proper context, which has been set out on numerous occasions at the Dispatch Box and involves the nature of the threat, the capacity of Iraqi forces to provide security for their own people, the capacity of their Government both at national and provincial level to govern, and our own ability to respond to support the Iraqi Government's ambitions. I can say no more than that in support of our position in Iraq.

Andrew Selous: Does the Ministry of Defence believe that the missile that downed our Lynx in Basra on 6 May was sold by Russia to Iran, and has the Army asked for any extra resources to deal with the current attacks against it?

Des Browne: The hon. Gentleman will know—I made my position clear in my statement to the House after the Lynx helicopter crash—that I will not speculate on any aspect of that crash, as a board of inquiry and an investigation are under way. Given the nature of that investigation, it would not be helpful to speculate at the Dispatch Box about the way in which the helicopter was brought down until it is concluded. That is my position, and it would not be helpful to be drawn into further speculation.

Mr. David Winnick (Walsall, North) (Lab): Does my right hon. Friend agree that, whatever views one took about the original invasion, there should be total condemnation of the so-called insurgents who carry out, day after day, the most horrifying crimes against the Iraqi people? Should not the newly elected Government in Iraq accept the fact that our troops cannot remain there indefinitely? They should concentrate on the task before them, bearing in mind, as I have said, the fact that there will come a time when our troops must leave?

Des Browne: My hon. Friend would do well to reflect on the words of the new Prime Minister of Iraq, who spelled out clearly the priorities of his Government for the economy, security, militia and the provision of governance, at both national and provincial level, for the people of Iraq. It is politics that will resolve the issues that face the people of Iraq. My hon. Friend is right that whatever the motives of those who seek to use violence—whether they are insurgents or, as I was advised in the south-east, those who, in the absence of a central Government, are positioning themselves

economically or politically to take advantage of that situation—there is now a Government of national unity in Iraq, and in the words of others who have spoken on that today, there is no reason now for those insurgencies to continue. The destiny of the people of Iraq is in their own hands. We are all working towards a situation where, in terms of security and governance, the Iraqi Government will be able to look after their own people and there will be no need for the continued support of multinational forces. Until that time comes, we have a duty to continue to support that Government.

Bob Spink (Castle Point) (Con): The right hon. Gentleman will have heard the Prime Minister's words this morning about an exit strategy for our troops in Iraq. Can he give the House some detail—for instance, about the length of time it might take for our troops to finish training the Iraqi security forces, so that they can then be brought home?

Des Browne: When I visited Maysan province and in particular Camp Sparrowhawk last week, I was struck by the level of competence of the 4th brigade of the 10th division of the Iraqi army. That is my only personal experience of their competence, ability and determination to take command of the security situation, but even that observation was informed by other, more experienced military people who were in my company, who were able to point out to me what I ought to be looking for in relation to that competence. I am not able at this stage to say when those forces—army and police—will be capable of looking after their own security, but very experienced military personnel who serve in our forces in the south-east of Iraq tell me that they have made significant progress towards that objective over the past year or so. They also tell me that in three out of the four provinces for which we have responsibility in south-east Iraq, progress in governance and security is well advanced.

Andrew Mackinlay (Thurrock) (Lab): May I take the Secretary of State back to the carefully crafted reply that he gave a few moments ago to the hon. Member for South-West Bedfordshire (Andrew Selous) about the inquiry that is to be held into the loss of our troops as a result of a missile? Will he assure the House that the inquiry will cover the source of that missile, rather than just the incident itself? That is what I felt the Minister—unintentionally, of course—tried to avoid. We want an assurance that if intelligence and information are available they will be disclosed at the inquiry and subsequently made public, and that the inquiry's remit will cover that.

Des Browne: I did not seek even to confirm in the House that the helicopter had been brought down by a missile. If anything I said may have inadvertently led people to believe that I was imparting that information to the House, I did so in error, but I do not believe that I did. As I told the House when I made my statement last Monday, when the investigation is concluded the board of inquiry report will be published, to the extent that it can be. Until then, I will not be drawn into any speculation on any aspect of the investigation. I, as the Secretary of State for Defence, do not direct the investigation. It is conducted according to a set of rules that apply and have applied for a significant time. It will be conducted independently of any direction by Ministers, it will be conducted appropriately, and it will report on the issues that it thinks are relevant to the matters before it.

Dr. Julian Lewis (New Forest, East) (Con): May I associate the Opposition with the Secretary of State's condolences to the families of those who lost their lives on active service in Iraq?

Does the Secretary of State accept that, time after time at the Dispatch Box, his predecessor stated that it would be absolute folly to say anything about timetables for withdrawal other than when the job is done? Does he endorse that sentiment, and, if so, will he use his best endeavours in the Cabinet to put an end to the stream of articles and leaks that imply that withdrawal is on the cards, so that the Prime Minister can leave a legacy as a peacemaker? We do not want the Prime Minister to leave a legacy as a lethal version of the grand old duke of York.

Des Browne: When history considers the contribution of my right hon. Friend the Prime Minister to conflict resolution in a number of theatres around the world, it will significantly record that he has made a major contribution to peace in a number of parts of the world. I am not aware of any leaking of articles or briefing about a timetable. What I have sought to do, as indeed did my predecessor, is to give some clarity to the conditions that will need to be fulfilled before it will be appropriate for our forces to withdraw, first part of the way, and then fully, from Iraq. Like my predecessor, I have sought not to put a timetable on that, because I do not think that that would be in the interests of either the people of Iraq or the security of our own forces who are serving in Iraq, often in dangerous circumstances.

I fully agree that there needs to be some clarity in the description of the process, and I think that that is clear and that most people understand what the conditions need to be, but it is appropriate, when there is progress along that direction of travel, for that to be reported to the House. During my visit to Iraq, those whom we charge with the responsibility of making such assessments on the ground indicated that in a substantial part of Iraq for which we have responsibility, significant progress has been made.

Defence Sector (West Midlands)

2. **David Wright** (Telford) (Lab): If he will estimate the number of defence sector jobs in the west midlands region. [72196]

The Minister of State, Ministry of Defence (Mr. Adam Ingram): The Ministry of Defence employs some 5,600 military and some 6,000 civilian staff in the west midlands. It is estimated that a further 6,500 people are directly employed in defence-related industries in the region.

David Wright: Will my right hon. Friend join me in thanking the people of Shropshire for the outstanding

service that they have given to the Ministry of Defence during the past few decades? Does he agree that we have an opportunity to develop a defence employment hub in Shropshire, with the retention of jobs at Sapphire House in Telford, the expansion of jobs at Donnington in The Wrekin and the awarding of the defence training review to Cosford?

Mr. Ingram: As well as paying tribute to the people of Shropshire, I pay tribute to my hon. Friend, who has been fully determined in pursuing a range of issues, some of which have played to his advantage, although not completely in the way that he sought. He listed a range of events. If on assessment they remain or are built on, that will be good news. If we have to make a decision that, in the interests of defence, we co-locate headquarters or rationalise to ensure that we make best use of resources, I am sorry but I will have to give him bad news—but I will do that when I make my decision.

Mark Pritchard (The Wrekin) (Con): Given the skills, dedication and commitment of Defence Logistics Organisation workers in Shropshire and the potential co-location to the south-west, is it not incumbent on the Ministry of Defence to have an open, transparent and fair consultation process? If so, why has the Ministry already purchased the building in Bristol that is being investigated by the Auditor General?

Mr. Ingram: Just because it is being investigated does not mean that it is wrong, and the hon. Gentleman should not prejudge. As has been explained before, the property was purchased as a piece of developmental work, looking at possibilities for the co-location of headquarters. Had we delayed purchasing the property when we had the opportunity to do so and then decided to so co-locate, it would have cost us more money. This is a judicious piece of positioning. It does not mean that that will be the final conclusion. I take exception to the hon. Gentleman's approach on openness and transparency. I have met him and others, and I will continue to do so. We operate openly and transparently in arriving at decisions and explain them afterwards in consultation with the trade unions and staff interests. I am sorry that he takes a different view, but I would not have thought that that was based on his experience.

Mr. Ian Austin (Dudley, North) (Lab): It is not only west midlands defence sector jobs but aerospace engineering and training excellence that make the case for locating the defence training contract at Cosford so strong. The region's universities are intrinsically involved in Cosford's work, and there are fantastic transport links, including the M54 and a direct rail service. I invite the Minister to visit the west midlands to see at first hand the fantastic opportunities that Cosford offers the MOD.

Mr. Ingram: I have visited Cosford and I am only too well aware of the situation. My hon. Friend knows that the matter is being judged on what is best for defence and for the defence training review. It so happens that I am not the Minister who is directly responsible for the matter, although I have an interest in the outputs. However, the Under-Secretary of State for Defence, my hon. Friend the Member for West Bromwich, East (Mr. Watson), has heard what my hon. Friend has said, and he will take it into account.

Heavy Lift Capability

3. **Mr. Robert Goodwill** (Scarborough and Whitby) (Con): If he will make a statement on the heavy lift capability of the Royal Air Force. [72197]

The Minister of State, Ministry of Defence (Mr. Adam Ingram): The heavy lift capability of the Royal Air Force is provided by the C-17, and both the TriStar and the VC10 offer some lift capability as a secondary role. We keep our airlift capability under review to ensure that we have access to sufficient capacity to support operations.

Mr. Goodwill: If, as expected, Ministers decide to take our ageing, slow and vulnerable fleet of Sea King helicopters out of mothballs—many of those aircraft are as much as 35 years old—to ferry our brave lads and lasses around Iraq and Afghanistan, can we also expect to see Ministers being ferried around Whitehall in Austin Allegros and Ford Cortinas?

Mr. Ingram: I will not dignify the hon. Gentleman's question with a response, given the subject matter. He is asking about rotary lift, which has nothing to do with heavy lift. We plan to hold a competition to find a new medium-lift helicopter to meet our medium-term needs, and it will proceed in due course. In the meantime, we must examine our capacity and capabilities on rotary lift, and we are considering whether Puma and Sea King helicopters can be modified or refurbished for short-term use. We are also exploring how we can get more out of existing Merlin and Chinook helicopters and the feasibility of leasing aircraft. We are aware of the issues that must be addressed: there may well be a short-term solution, but there will be medium-term and long-term solutions, too, which means significant investment in our air capacity in this country.

Mr. Bill Olner (Nuneaton) (Lab): The Minister will be aware of last week's successful flight over London and into Heathrow by the A380 Airbus, which is powered by Rolls-Royce aero-engines. Has that made it more relevant that there will be a military version of that aircraft powered by those engines?

Mr. Ingram: My hon. Friend knows that we have leased four C-17s, and we want to buy out that lease and to purchase another C-17. The A400M is the new generation of heavy lift, and it is due to enter service in 2012. It has been long awaited, and I have no doubt that when it comes into service it will prove to be a very capable aircraft. No doubt my hon. Friend hopes that it will have Rolls-Royce engines—if that is not the case, I will look forward to receiving further representations on the matter.

Mr. Mark Lancaster (North-East Milton Keynes) (Con): By world standards, the Royal Air Force has no heavy lift capability. Our four C-17s—there are soon to be five—are incapable of sustaining one brigade deployed overseas. When will the RAF get a genuine heavy lift capability?

Mr. Ingram: The C-17s were intended to plug a gap arising from a previous procurement hiatus with the A400M, when we realised that we needed that heavy lift capability. The A400M has been long awaited. I will not remind the hon. Gentleman of when it was first procured, nor do we necessarily need to rehearse the delays associated with it under previous Administrations. Let me just say that we identified the shortfall. We have leased four C-17s, which we will buy out, and we are looking to purchase another one. We await the 25 A400Ms for which we are under contract.

Iraq

4. **Derek Wyatt** (Sittingbourne and Sheppey) (Lab): What recent assessment he has made of the role of British troops in supporting the development and training of Iraqi security forces. [72198]

The Secretary of State for Defence (Des Browne): I can confirm that British troops continue to make progress with the training and development of the Iraqi security forces in Multi-National Division (South-East). We have a number of initiatives under way, all of which are designed to enable the Iraqis progressively to take on responsibility for their own security—for example, by training the Iraqi police service and training and sustaining the 10th division of the Iraqi army.

Derek Wyatt: I thank my right hon. Friend for that response. Is he in a position to comment on the bravery of the Iraqi security guards in helping when our Lynx helicopter was shot down 16 days ago? My real question is this: when we have left, what will be the long-term legacy with the Iraqi security forces? Will they be allowed to come to Sandhurst, will we have intelligence sharing with the Met police, and so on?

Des Browne: My hon. Friend is right to point out—as does General Cooper, who commands our forces in south-east Iraq—the contribution that the Iraqi security forces and police made to the calming of the situation after the Lynx crash. There had been other evidence of the improving capability of the Iraqi forces in their contribution to the referendum and to the security of the general election in December last year. From our point of view as a Government, we will continue to offer the Iraqi Government support on a bilateral basis, but it will of course be for them to decide what continuing relationship they want with us. As they have only today formed the first democratically elected Government, it might be a bit premature for me to describe from the Dispatch Box what our continuing relationship with them will be.

Nick Harvey (North Devon) (LD): What assessment has been made of the extent of militia infiltration of the Iraqi security forces and police, and what is being done to deal with that? Does the Minister believe that a programme, along the lines of those which worked successfully in the Balkans, of disarmament, demobilisation and reintegration, would be the logical next step in Iraq?

Des Browne: My understanding is that the new Iraqi Government include just such a project—as well as a general proposal to deal with militia—in the description of security priorities. Part of the programme that they describe concerns the demobilisation, disarmament and integration of militia into the security forces of Iraq. That process must be dealt with very carefully, ensuring that one does not integrate into those forces elements that one would want to eradicate.

The hon. Gentleman is right to suggest that the Iraqi police force and, to a lesser extent, the Iraqi army, had been infiltrated by forces that were there for, shall I say, less than benign purposes—in fact, quite malevolent purposes. The capacity to deal with that in the area for which we have responsibility had for some months been impeded by the lack of a proper relationship with the provincial council in the south-east. Ironically, the process of re-engagement came to fruition the day after the horrific crash of the Lynx helicopter. Last week, I was able to see and hear from our commander on the ground in Iraq that that process is moving forward. Through that process, and by supporting the provincial Government and the chief of police in Basra, we will be able to deal with the problem that the hon. Gentleman identifies.

Mr. Kevan Jones (North Durham) (Lab): I have seen first hand in Basra the work of British armed forces and police forces in training the Iraqi police and security services. Will my right hon. Friend join me in paying tribute to the work that those individuals do, sometimes in very dangerous personal situations? Does he agree that that training is bearing fruit? My hon. Friend the Member for Sittingbourne and Sheppey (Derek Wyatt) cited the example of the downing of the Lynx, where the Iraqi security services were able to take control of the situation very soon afterwards.

Des Browne: My hon. Friend speaks from some experience. Let me emphasise to hon. Members who have visited our forces in Iraq to see the position there that our troops on the ground greatly appreciate that. Sometimes they believe, for whatever reason, that their work and achievements are not fully appreciated in the United Kingdom, and it is helpful when parliamentarians take the time and trouble to go and see for themselves.

The capability of the Iraqi police force in particular has recently improved significantly. That is substantially down to those who have trained them. A significant representation of police officers from throughout the United Kingdom is involved in that, and I have no hesitation in paying tribute to their work. I rely on those people's assessment of the improvement in the Iraqi police force, and not on my observations, in reporting any improvement to the House.

Military Deployment (Afghanistan)

5. **Mr. Adam Holloway** (Gravesham) (Con): If he will list the security tasks being undertaken by the UK armed forces in support of the Afghan Government. [72199]

The Secretary of State for Defence (Des Browne): Our armed forces undertake a range of tasks in support of the Government of Afghanistan through the international security assistance force, the coalition and bilateral arrangements. Those are aimed at helping to create a secure and stable environment in which the rebuilding of the country can proceed.

Mr. Holloway: Why are our armed forces still planning to conduct joint police patrols when the police in Helmand province are wildly corrupt and, as yet, unreformed? To what extent is the Secretary of State encouraging President Karzai to use the detailed coalition intelligence material that we possess to support the prosecution of major drug traffickers with close political connections?

Des Browne: I say to the hon. Gentleman, who I know takes a significant interest in those matters, through not only his membership of the Defence Committee but his recent experiences of visiting Afghanistan, that I appreciate his informed interest. I reassure him that, in our communications with President Karzai, we encourage rooting out corruption, wherever it may be in the structures of the Government of Afghanistan. I have no personal experience of that, but the reports that I receive from my Cabinet colleagues who have met President Karzai are that he is a ready interlocutor on such matters.

The first part of the question was about patrolling with the Afghan police. Just as in Iraq, the process of our engagement with the Afghan police means that we can identify their training needs, improve their performance and help to root out the sort of behaviour that the hon. Gentleman identifies as unacceptable.

Mr. Brian Jenkins (Tamworth) (Lab): Will my right hon. Friend send a clear message today from the Government to the Taliban, who watch and read European media, that NATO will not be a soft touch when it takes over from the Americans? Will he also send a message to our European colleagues to ensure that the rules of engagement that they allow their troops to use remain robust and that any attack on NATO forces will be met with strong resistance and retaliation?

Des Browne: I have every confidence in our NATO allies and their ability to carry out the tasks that they have accepted in the various parts of Afghanistan to which they have been deployed. I have enough concern about my responsibilities, without directing those who are responsible for delivering those tasks and in whom I have confidence.

However, I agree with the first part of my hon. Friend's question. A strong message is being conveyed, not only to the Taliban but to others who are engaged in violence in southern Afghanistan where deployment is taking place, that we will meet violence with a robust response when necessary to protect not only our troops but Afghan troops who are deployed in that area to deliver security to it.

Dr. Vincent Cable (Twickenham) (LD): The original parliamentary statement said that the Afghan deployment was to be for three years, at a cost of £1 billion. Now that Ministers and commanders are talking about being there for the long haul, what are the Government's working assumptions about the length of time and the cost involved?

Des Browne: The hon. Gentleman will be aware that in the Defence Select Committee's report on the supplementary estimates, a request was made for a breakdown of the £1 billion cost so as to give Parliament some information on how the money was being spent. In response to that request, the MOD produced such a breakdown. The hon. Gentleman will know, as I do from my previous job, that we make plans for public spending for three years at a time, at the most. I believe that the role of our troops in Afghanistan lies at the heart of his question, and there is significant clarity about that role. I also accept, however, that we will not be able to deliver the outcome that we hope to deliver within a time scale of three years.

Chris Bryant (Rhondda) (Lab): The geography of Afghanistan dictates that helicopters will be absolutely essential to delivering secure outcomes on the ground. However, there have been rumours that the military have been asking for more helicopter support than has been made available. Will the Secretary of State comment on those rumours? Is he absolutely confident that the people on the ground in Afghanistan have the helicopter support that they need?

Des Browne: I have no intention of commenting on rumours. However, I can say to my hon. Friend that the deployment of our total resource—including troops on the ground, and attack and support helicopters—is based on the advice given to the MOD by people with experience of such troop deployment. I am satisfied, because they have told me specifically that they have the necessary resources to carry out the task in hand.

Dr. Liam Fox (Woodspring) (Con): The Secretary of State will be aware of last night's attack on Panjwayi, a known Taliban stronghold. He will also be aware of the changing security situation in southern Afghanistan, where more than 200 rebels have reportedly been killed in the past two weeks during the fiercest fighting since the fall of the Taliban in 2001. The right hon. Gentleman's predecessor confirmed that our troops were engaged not in counter-terrorism but in counter-insurgency, where we may have to strike first. Are the Taliban considered to be terrorists or insurgents, for the purposes of our mission in Afghanistan?

Des Browne: I do not think that it assists the definition of our task to categorise a group of people in one way or another. The role of the international security assistance force in Afghanistan, particularly in

regard to our deployment to the Helmand province, has often been stated. Indeed, its role and tasks are described on ISAF's website. In summary, we are there to support the provincial reconstruction team. Our focus will be on assisting the Afghan Government to create the security that provides the space for reconstruction. Clearly, the local environment is complex, as the hon. Gentleman's question suggests, with narcotics, criminality, the Taliban and tribal rivalries all present. The House should be in no doubt, however, that our forces have the capability and the freedom to do what is required to safeguard the reconstruction effort in that challenging environment. The hon. Gentleman is correct to say that there has been a recent increase in violence, but that response was to be expected from those insurgents and other elements in southern Afghanistan who wish to resist the deployment of ISAF troops to the area.

Dr. Fox: That answer will do nothing to dispel the fears that the mission in Afghanistan is less than clear. In a recent written answer, the Secretary of State's predecessor said that the

"Taliban have been encouraging Afghan farmers to grow opium poppy and offering protection to farmers against eradication of their poppy crop."—[*Official Report*, 4 May 2006; Vol. 446, c. 1812W.]

There is clearly a risk that the counter-narcotics measures taken in Afghanistan will push farmers into the arms of the Taliban, and that that would undermine the whole mission. Obviously, to avoid that, alternative incomes must be made available, and the cost of that is likely to increase as the destruction of poppy crops increases. Can the Secretary of State therefore explain why the Secretary of State for International Development has said of alternative livelihoods:

"The forecast spend for this year is in the region of £45 million and we hope to maintain similar levels of funding in future years."—[*Official Report*, 27 February 2006; Vol. 443, c. 53W.]

What implications does that statement have for the progress of counter-narcotics operations?

Des Browne: The answer is that those projects will be conducted differently in different places. Some of the projects will require significant investment at the outset to build the infrastructure required to enable local capacity to deliver such alternative livelihoods. I do not know the detail of the timeline of that expenditure, but £45 million will make a significant contribution towards offering alternative livelihoods to those engaged in the growing of poppies and other related activities. Of course, I should add that we are not the only people who are making contributions to fund alternative livelihoods in Afghanistan.

The suggestion at the heart of the hon. Gentleman's question is perfectly correct: unless those who are currently involved in poppy cultivation can be engaged in other activities that will provide a livelihood for them and their families, we will not be able to turn them away from that production. The focus of our forces in Helmand province is therefore clear: to create a security situation that will allow us to do just that.

Paul Flynn (Newport, West) (Lab): In spite of the courageous professionalism of our troops, the poppy crop in Afghanistan this year is likely to be at a record high. Are we not on a mission impossible that has already led to increased violence, will certainly drive farmers into the hands of the Taliban and could lead us into a British Vietnam? Surely a practical alternative would be to divert poppy crops into the manufacture of diamorphine, of which there is a world shortage.

Des Browne: That specific alternative was considered in detail and rejected by those who have experience in such areas. However, the development of democratic control of Afghanistan is at the heart of our mission, because that will prevent Afghanistan from ever again becoming a training ground for international terrorists. While we have had success in the northern and western parts of Afghanistan, the southern part poses a much greater challenge. At the heart of that challenge, of course, is our ability to retain the consent of the people of the south by providing them with practical examples of how proper governance, security and alternative livelihoods can offer a stable and better economic future. I believe that that is a noble cause, which deserves the support of both sides of the House. For as long as I have the responsibilities of Secretary of State for Defence, I will continue to support those troops whom we have asked to perform that role and those others whom we have asked to deliver reconstruction projects.

Far East Internees

7. **Mr. David Burrowes** (Enfield, Southgate) (Con): What progress has been made in finalising the settlements for second world war far east civilian internees. [72201]

The Parliamentary Under-Secretary of State for Defence (Mr. Tom Watson): Officials have drafted detailed rules for the new 20-year residence criterion and held initial discussions on those with the chairman of the Association of British Civilian Internees of the Far East Region. Revised rules reflecting those discussions will be considered by the working group—which my predecessor, my hon. Friend the Member for Islwyn (Mr. Touhig), announced on 28 March—at its meeting on 25 May. We aim to implement the new criterion as soon as possible.

Mr. Burrowes: I welcome the new Minister to his post. Will he provide an assurance to my constituent, Diana Elias, and other former far east civilian internees, that, by the time of the meeting with her next month, her compensation will be settled? Will the Government adopt in full the recommendations of the ombudsman in relation to this matter and ensure that they bring to an end this sorry chapter in their history?

Mr. Watson: I thank the hon. Gentleman for his kind words. I am aware of the work that he has done in this respect through his contributions to the work of the Public Accounts Committee, and that he has a powerful constituency interest.

This week I shall meet Ron Bridge, chairman of the Association of British Civilian Internees of the Far East Region, and I hope to meet the chairman of the all-party group on far east prisoners of war and

internees. I share the hon. Gentleman's sense of urgency, and hope that we can deal with the matter as swiftly as possible. I can tell him that according to the evidence I have seen, Mrs. Elias will be eligible for the ex gratia payment.

Mr. Andrew Dismore (Hendon) (Lab): I welcome my hon. Friend to his position, and pay tribute to his predecessor, who took a very positive attitude to sorting out this difficult problem.

The scheme has been largely successful: a good many people have received compensation. However, one group has been excluded—unfairly, in the view of the all-party group. Is it not important for their needs to be recognised by means of an alteration that is not too complex, is easy to understand and provides a fall-back position for any hard cases that may still be excluded? We need a solution as quickly as possible. I am pleased that I shall be meeting my hon. Friend, I believe on Thursday, to try to work out some of the details.

Mr. Watson: I thank my hon. Friend for what he has said. He will be aware of the context of the problem to which he has referred: 25,000 people have already received ex gratia payments, and about 500 more will receive them if we extend eligibility. I am very keen to get the system right. I understand the pressures from the House for a result, but the devil is in the detail. I hope that we can resolve the problem, and that I can report back to the House as quickly as possible.

Mr. Mark Harper (Forest of Dean) (Con): Let me take this first opportunity to welcome the Minister to his post. I look forward to jousting with him across the Dispatch Box.

When the Minister's predecessor made his statement about the 20-year rule on 28 March, he said that he would meet the working group immediately after the Easter recess and hoped to make a statement to the House a week or so later. We have been waiting for over a month now. Obviously there have been reshuffle-induced delays that may have been unavoidable, but can the Minister tell us when he will be in a position to outline the details of the 20-year rule? May I also pick up the point made by the hon. Member for Hendon (Mr. Dismore), and ask whether he will ensure that each of the cases not resolved by the rule will be reviewed on its merits so that we can close this chapter once and for all?

Mr. Watson: I thank the hon. Gentleman for his kind words. I shall be meeting the working group this week. I want to ensure that the matter is cleared up as quickly as possible, but I cannot give a date for an announcement until I have seen the details.

Mr. Denis MacShane (Rotherham) (Lab): I welcome the new Minister to his post. May I ask him to pay attention to the dossier? It is 10 years almost to the week since I first raised, in an Adjournment debate, the issue of the internees. I took a delegation to meet members of the then Conservative Government, and was utterly rebuffed, because the Conservative party never looks after the people who have served our country. It took a Labour Prime Minister—*[Interruption.]*

Mr. Speaker: Order.

Defence Industrial Strategy

8. **Mrs. Nadine Dorries** (Mid-Bedfordshire) (Con): What assessment he has made of the implications for defence research of the defence industrial strategy. [72202]

The Minister of State, Ministry of Defence (Mr. Adam Ingram): The defence industrial strategy clearly highlighted the importance of research and technology as a vital enabler of our national defence capability. As such, research and technology was embedded throughout the strategy. The chapter on "technology priorities to enable defence capability" draws together the critical underpinning and cross-cutting technologies that need to be sustained in the United Kingdom.

Mrs. Dorries: The defence industrial strategy clearly stated that the technology advantage we enjoy today is the result of past investment, and warns that we are now in danger of falling behind our allies and even the emerging economies. Why, then, have the Government halved spending on research and development since 1997, cutting it from £900 million to £450 million?

Mr. Ingram: The hon. Lady should go back to those who advised her, and find out when the curve started to go down. There were significant cuts in research and technology investment in the 1990s, under a Conservative Government.

Mr. Gerald Howarth (Aldershot) (Con): Labour has been in office for nine years.

Mr. Ingram: Yes, we have been in office for nine years, and we have now established a defence industrial strategy. It must deal with some difficult timelines in, for instance, ensuring that research and technology are specific to defence needs and secure value for money and the desired outputs. It must also take account of the role of the innovative sector and of small and medium-sized enterprises, which would argue that they have been neglected for too long. There are some key core capabilities in that sector, which are sometimes bypassed. Those capabilities should be identified, and the barriers lifted.

The important point is that out of the criticism is now coming something of substance. Expenditure is being stabilised, and the plan is to raise it in line with inflation in the coming years. Meanwhile, a review will be undertaken—it will report at the end of the year—to see whether more needs to be done. So, although we may collectively have taken decisions that, overall, have not been to our benefit, we are addressing that issue, and the hon. Lady should thank this Government for doing so.

Mr. Lindsay Hoyle (Chorley) (Lab): The Minister is going on about the industrial strategy, but I should tell him that a hole has already been blown in it, thanks to our inability to produce bullets, artillery shells or bombs independently , as a result of the transfer of boxer caps and initiators to Germany, France and

Switzerland. What message does he have for those loyal workers at Royal Ordnance who have lost their jobs?

Mr. Ingram: I sometimes wonder whether my hon. Friend ever reflects on the fact that Britain is also an exporting nation. Is he saying that those countries should not purchase our equipment or take on board some of our technologies? On munitions supply—*[Interruption.]* My hon. Friend knows some of the reasons why the factory closed. An industrial accident resulted in—*[Interruption.]* He knows the background. The company that owns that supply chain is looking at this issue very closely with the Ministry of Defence, to ensure that we get guaranteed supplies in those critical areas.

Mr. Hoyle: France, Germany and Switzerland.

Mr. Ingram: My hon. Friend keeps on hectoring about Germany and other countries. They are our allies—does he want Britain to stand alone? Does he think that we should have no allies and not trade? That would not help this country at all.

Mr. Gerald Howarth: It is extraordinary that, at a time of unprecedented military activity, the Minister comes to the Dispatch Box to accept that under this Government, essential expenditure on R and D has halved. In addition, he will know that the head of the European Defence Agency has called for 20 per cent. of the EU nations' defence research spending to be spent collectively. How much of the UK's already reduced research budget does the MOD intend to spend in this way? Who will own the resulting intellectual property? Will this move not endanger our relationship with the United States? Will it not serve, moreover, to undermine a key principle of the defence industrial strategy to which the Secretary of State put his name—that we need to maintain certain key capabilities in the United Kingdom—or is the real truth that this is just further evidence that defence policy is now seen by the federalists as the best vehicle for securing the united states of Europe?

Mr. Ingram: Every sector involved in defence and procurement has welcomed the defence industrial strategy. That is not to say that it is completely fixed or that everyone is in total agreement, but trade unions and industry have welcomed it, because we have not previously had a clear exposition of the way forward. What are our future horizons? What type of equipment are we likely to need, and what are the industry's core capabilities to provide it? What research do we need to undertake to underpin all this? We have embarked on a close examination of these issues, and as I said to the hon. Member for Mid-Bedfordshire (Mrs. Dorries) in answer to her original question, there are some very tight timelines to work to. We have to get this right, but such carping from the sidelines does not accord with the view of industry or the trade unions, and it certainly is not in line with what we believe to be right for defence.

Army Discharge

9. **Mr. Jim Cunningham** (Coventry, South) (Lab): How many serving soldiers from Coventry, South and the midlands have made an application for discharge. [72203]

The Parliamentary Under-Secretary of State for Defence (Mr. Tom Watson): There are no centrally held records that identify the town or region of origin of those personnel who have applied for discharge; however, I will make available those records that specify the nationality of such applicants. We are constantly seeking to improve our information systems, and I have asked officials to explore whether we can offer such a level of detail in future.

Mr. Cunningham: I thank my hon. Friend for that answer and I welcome him to the Dispatch Box. What is he doing about recruitment and retention in some of the famous west midlands regiments, such as the Royal Warwickshire Fusiliers?

Mr. Watson: I thank my hon. Friend for that question. I know that he has been a campaigner on behalf of the Royal Regiment of Fusiliers, which has recently been given an additional grant to run a marketing campaign locally to help to make good the shortfall in recruits across two of its battalions. We all know that if we want the best armed forces in the world, we have to recruit the best people.

Mr. Philip Hollobone (Kettering) (Con): Is it not the case that our armed forces are now overstretched as never before and that applications for discharge are likely to increase, not fall? What steps are the Government taking to pre-empt the situation?

Mr. Watson: I do not accept the premise of the hon. Gentleman's question. For example, the outflow from the Territorial Army was 16,000 for 1999-2000 and last year it was only 8,000. We are working on the issue. Times are challenging, but we have to find innovative ways to recruit and retain military personnel, and we continue to do so.

Afghanistan

10. **Dr. Ashok Kumar** (Middlesbrough, South and East Cleveland) (Lab): If he will make a statement on the security situation in Afghanistan. [72204]

The Secretary of State for Defence (Des Browne): The situation across Afghanistan is broadly stable, but in the south it has deteriorated in recent weeks. This is not a surprise. The arrival of international troops and additional Afghan forces into an area that was largely ungoverned was always likely to create some response. Those elements who stand to lose out as the Government of Afghanistan spread their authority will try to disrupt our efforts early. But we have always anticipated that and planned accordingly.

Dr. Kumar: I welcome my right hon. Friend to his new post and praise our forces for taking on the Taliban. My right hon. Friend has my strong support for all the effort that we are making to remove the Taliban, and we should not move a millimetre from that policy. What support are we getting from the Government of Pakistan, especially on the Pakistan-Afghanistan border, in our efforts to remove the Taliban?

Des Browne: I thank my hon. Friend for his welcome and his support for the work that we are doing in Afghanistan, and especially for those whom we have charged with that responsibility. Because of the geography, the border with Pakistan is porous and difficult to control, but the Pakistani authorities have made extensive efforts to improve the rule of law along their border with Afghanistan and, as a consequence, have suffered significant loss of life on occasions. We will continue to work with the Pakistan authorities to make certain that appropriate action is taken to ensure that the border area does not become a safe haven for the Taliban.

Sir Peter Tapsell (Louth and Horncastle) (Con): May I put it to the Secretary of State that to anybody who has served in the armed forces in Islamic countries, or who knows Afghanistan, ministerial replies—I do not blame him particularly, but the whole Government—seem totally unrealistic? Vietnam has been mentioned, but the Americans had half a million troops there. A shortage of helicopters has been mentioned, but the Russians lost 60 of them, and they had 300,000 troops there. The idea that our gallant group of 5,000 people will make any useful impact is sheer madness.

Des Browne: In anticipation of being asked that very question at some stage, I asked some very experienced currently serving officers of the highest rank of the British armed forces. They said to me in terms that those who make that point do not, unfortunately, have a proper understanding of the modern Army and the contribution that it can make in such circumstances. Those officers pointed out to me that the most significant difference between what we seek to do in Afghanistan and what others tried to do in the past is that we do it in the context of a democratically elected Afghanistan Government, who have a capacity to bring to bear on their own citizens, and with a significant level of international support. While I recognise that the hon. Gentleman has experience in his past that I do not have in mine, he will forgive me if in this matter I depend on the advice of those currently serving.

Iraq

11. **Martin Linton** (Battersea) (Lab): what proportion of UK forces which have served in Iraq have been reserve forces. [72205]

The Minister of State, Ministry of Defence (Mr. Adam Ingram): On average, reservists have provided some 10 per cent. of the service manpower supporting Operation Telic.

Martin Linton: Will my right hon. Friend join me in paying tribute to the 202 members of the London Regiment who served in Basra, and does he agree that the greater age, experience, maturity and diversity of members of the Territorial Army has been a great asset to the coalition forces in Basra in establishing better relations with the local population? Does he agree that that proves the value of reserve forces in peacebuilding and peacekeeping roles in the future?

Mr. Ingram: I agree entirely with the sentiments expressed by my hon. Friend and, like him, pay particular tribute to the London Regiment. I recently visited 7 Brigade, the Desert Rats, which has just returned from Iraq, and I was very struck, as I have been for many years, by how integrated the TA is with the regular forces. It is impossible to tell them apart in terms of training, commitment, professionalism, dedication to task and their willingness to defend the interests of this country. The TA is a formidable body of men and women no matter where it serves—whether in Basra, which my hon. Friend mentioned, in Kosovo, Bosnia, Afghanistan or elsewhere. Wherever we post the TA, its members serve with the highest distinction. By rebalancing the TA, we have tried to give it a new focus and structure that will make it even better, which would be a big achievement.

Patrick Mercer (Newark) (Con): I was very interested to hear the Minister talking about the integration of the Territorials and reservists with the regular Army. The fact remains, however, that many wounded reservists and Territorials are treated disgracefully when they take off their uniforms and finish active operations. Can the Minister assure me that our brave Territorials and reservists will be treated properly in future and not have to depend just on local NHS facilities?

Mr. Ingram: I agree with the general sentiments that the hon. Gentleman expresses, but it has been ever thus, and we have to address some of the issues. One of the early lessons we learned from Operation Telic and from Afghanistan was that individual specialists were returning not to a unit, base or barracks but to their normal job—or sometimes not—and isolation was causing them problems. We have embarked on a complete examination of the provision of that support. I mentioned my visit to the Desert Rats; they operate a system known as "home rat" for families left at home, not just in Germany but for TA families too. The proposals for our new mental health care initiative offer another good example of how we are addressing the issue. We have learned some valuable lessons about something that was not new for this Government, and we are addressing it.

Points of Order

3.32 pm

Michael Fabricant (Lichfield) (Con): On a point of order, Mr. Speaker. As you may know, all 12 Members of Parliament in Staffordshire—Labour and Conservative—oppose the merger of the Staffordshire ambulance service with the West Midlands ambulance service. Last week, the Secretary of State for Health wrote to all Members of Parliament. In her note, she said that the Staffordshire ambulance service would be reprieved from the merger for up to 24 months. When the Minister of State, Department of Health, the hon. Member for Leigh (Andy Burnham), made his statement in the House he was questioned closely about the matter, but he neither confirmed nor denied that the merger would take place within 24 months. Now we hear that there may have been a drafting error in the written statement, which is causing great confusion among Members and people who work in the ambulance service. There is more of a shambles than at the Home Office, and that is saying something.

Is it possible, Mr. Speaker, for the Minister or the Secretary of State to make a written statement before the recess to clarify once and for all whether the Staffordshire ambulance service is to be merged with the West Midlands service?

Mr. Speaker: The appropriate Minister will have heard what the hon. Gentleman has just said. There is nothing to stop him tabling a parliamentary question to seek clarification of the matter—

Michael Fabricant: As I have done.

Mr. Speaker: Perhaps after the recess week the hon. Gentleman might apply for an Adjournment debate.

Mr. Gerald Howarth (Aldershot) (Con): On a point of order, Mr. Speaker. Following the many tributes to the late Eric Forth from both sides of the House last week, I seek your advice on a matter relating to the hon. Member for Romsey (Sandra Gidley), who wrote a piece headed "Letter from Westminster", which I assume is a regular column in her local newspaper, *The Romsey Advertiser*, in which she referred to the Climate Change and Sustainable Energy Bill and her fear that the "very obstructive" actions of my hon. Friend the Member for Christchurch (Mr. Chope) and Eric Forth would scupper the Bill. She continued:

"In the end all was well. I don't know whether this had anything to do with the fact that Eric Forth could not turn up due to being 'under the weather'. Very appropriate excuse for non attendance at a discussion on climate change."

The hon. Lady does mention in the article, which was published on Friday, that Eric Forth had died on Wednesday, but it was mentioned in parenthesis. Many hon. Members would find that very insensitive. I have spoken to the hon. Lady this morning—she is on a Select Committee visit to the United States. Although she had conveyed a message to the newspaper to withdraw the article, or at least to put it in some context, what advice can you give to Members about the importance of ensuring that that which appears above our own names in print is our responsibility? Will you caution us about being insensitive and about the fact that if we fear that something that we have committed to print may be insensitive and offend Members—and, indeed, the wider public—we should ourselves take care to ensure that it does not appear in print?

Mr. Speaker: I can only say that hon. Members know that they have responsibility for their own words—whether oral or in writing—and they must take on that responsibility. It should not be for an editor to look after these matters; they are responsible for them. The matters that the hon. Gentleman mentions clearly took place outside the House and I have no control over them.

I can only end by saying that last Thursday hon. Members on both sides of the House paid great tribute to Eric Forth. Any member of the public is entitled to read in *Hansard* just how highly the House regarded Eric Forth, and I include myself in that.

Orders of the Day

Armed Forces Bill

As amended in the Select Committee, considered in Committee.

[MRS SYLVIA HEAL *in the Chair*]

3.37 pm

Harry Cohen (Leyton and Wanstead) (Lab): On a point of order, Mrs. Heal. We have some very quirky practices in the House, one of which has brought about the collapse of amendments to the Bill in Committee. A number of hon. Members wanted to table amendments, but because the House rose very early at about 1.30 pm on Thursday those amendments were not tabled and could not be selected.

I wanted to table amendments on the Wednesday, but they needed to be tidied up and put in the right place. I had constituency duties on the Thursday morning, and by 2 o'clock, when I said that they were ready to be tabled, the House was not sitting so they could not be tabled. They are therefore not eligible to be considered, despite the fact that they are important amendments. I am particularly aggrieved by that, although I do not blame the Clerks—it is because of the quirky nature of this muddle. My amendments would have been tabled as starred amendments, so they would not have been selected, but they would at least have appeared on the amendment paper. I had five amendments, and I would have very much appreciated their being recorded in the official record. One of them, for example, said:

"Clause 50, page 22, line 7, at the end insert"—

The First Deputy Chairman of Ways and Means (Sylvia Heal): Order. I understand the point that the hon. Gentleman makes, but I must remind him that the Bill was reported from the Select Committee at the end of April. Although the business finished early last Thursday, I would have thought that from the end of April—I am not giving a precise date—until last week provided sufficient time for right hon. and hon. Members to table amendments to the Bill.

Harry Cohen: Further to that point of order, Mrs. Heal. The Bill was not timetabled. It is an incredibly complex Bill, with 378 detailed clauses and many aspects to it. I had to obtain quite a detailed briefing from the Library on several of those aspects. In those circumstances, it is reasonable to believe that even if such amendments are not taken because they are starred, they should appear somewhere on the official record. I want my amendments to be on the official record in some way because the issues that I attempted to raise are important. I ask you not to give me a negative answer, Mrs. Heal, but to find some arrangement whereby my amendments are on the official record, even if they cannot be taken. I wish to raise them as a point of order and mention them so that they are on the official record. Will you give me the opportunity to do that?

The First Deputy Chairman: I understand the hon. Gentleman's concern, but I am afraid that I cannot give him that permission. The Public Bill Office tabled all the amendments that were received in time. I understand the circumstances, but I regret to say that there is nothing that I can do at this stage to help him.

Harry Cohen: You have been given incorrect—

The First Deputy Chairman: Order.

Harry Cohen *rose*—

The First Deputy Chairman: Order. May I help the hon. Gentleman?

Harry Cohen *rose*—

The First Deputy Chairman: Order. If the hon. Gentleman will take his seat, I think that I will be able to help him. If he cares to take his amendments to the Public Bill Office, we will make sure that they are put in the Vote Office for him. That is the best that I can do to help him.

Harry Cohen: I appreciate that. Thank you, Mrs. Heal

The Parliamentary Under-Secretary of State for Defence (Mr. Tom Watson): I beg to move,

That the Bill be considered in the following order, namely, Clauses 1 to 53, Schedule 1, Clauses 54 to 113, Schedule 2, Clauses 114 to 163, Schedule 3, Clauses 164 to 168, Schedule 4, Clauses 169 to 180, Schedule 5, Clauses 181, Schedule 6, Clauses 182 to 205, Schedule 7, Clauses 206 to 271, Schedule 8, Clauses 272 to 275, Schedule 9, Clauses 276 and 277, Schedule 10, Clauses 278 to 319, Schedule 11, Clauses 320 to 347, Schedule 12, Clauses 348 and 349, Schedule 13, Clauses 350 to 354, Schedule 14, Clauses 355 to 363, Schedule 15, Clauses 364 to 371, Schedules 16 and 17, Clauses 372 to 378, new Clauses, new Schedules, any remaining proceedings on the Bill.

The motion sets out the order of consideration for today's proceedings in Committee. It follows exactly the same order as was used in the Select Committee on the Bill. It was the Committee's view that, with a large and complex Bill arranged in a logical sequence, it should be debated in that sequence, with the schedules brought up with their relevant clauses. As Lewis Carroll said:

"Begin at the beginning...and go on till you come to the end: then stop."

Question put and agreed to.

Clauses 1 to 7 ordered to stand part of the Bill.

Clause 8

DESERTION

John McDonnell (Hayes and Harlington) (Lab): I beg to move amendment No. 8, in page 5, line 14, leave out from 'property;' to the end of line 15.

The First Deputy Chairman: With this it will be convenient to discuss amendment No. 9, in page 5, line 18, leave out from 'offence' to 'must' in line 20.

John McDonnell: I absolutely sympathise with my hon. Friend the Member for Leyton and Wanstead (Harry Cohen) about the process by which amendments to the Bill were garnered. It was exceptionally unfair to several hon. Members who were busy on that particular day, despite the earlier timetabling.

3.45 pm

There has been a natural tendency for those with military experience to engage in past debates on military subjects more thoroughly than others. At times, those of us without military experience have felt that our views have somehow not been valued as much as theirs. However, despite the fact that some of us have taken a separate view from that of large sections of the House in previous debates, especially on military action, we all come to such debates with empathy and respect for those who serve in the military.

Let my put on the record my family experience. My father served in the Army in the second world war. One of my uncles served in the RAF and another served in the Navy. On my mother's side, my grandfather served in the first world war and my great-grandfather served in the first world war and the Boer war. We thus come to the debate with a shared experience over generations and a respect for those who serve in the military for what they do and the essential role that they play in securing the safety of this country. We also come to the debate following discussions with serving personnel and those who are no longer serving. Such people have had experiences in Northern Ireland, the Falklands, the Balkans and, more recently, Iraq.

I tabled amendments Nos. 8 and 9—perhaps a bit more expeditiously than my hon. Friend the Member for Leyton and Wanstead, but with only hours to spare—because I wanted to encourage a debate about desertion. When the Bill was introduced, it was presented as a non-contentious tidying-up exercise that was largely to do with legalised drafting to consolidate existing laws. However, it was also argued that the Bill would give us the opportunity to update laws that applied to those serving in the military and civilians associated with military activity.

Clause 8, however, does not update existing law. It translates almost exactly the existing threat of life imprisonment for those who refuse to fight—those who desert—from past law into new law. It also extends that threat to those who refuse to participate in the occupation of subjugated countries and territories. Clause 40 again translates existing sanctions into new law by threatening those who incite others to desert with life imprisonment.

The threat of life imprisonment in such circumstances is little short of barbaric. My hon. Friend the Member for Thurrock (Andrew Mackinlay) has tabled new clauses 1 and 2, which relate to what happened during the first world war. At that time, we deprived people of their lives for desertion by shooting them at dawn. Through the Bill, we are maintaining the deprivation of life by threatening to imprison people for the rest of their lives if they refuse to engage in military activity or the occupation of a foreign country. I thought that we would have moved on from the last century and that we would have the opportunity to abolish that sanction by updating our legislation.

I also thought that we would have learned more about why people desert from our experiences of the two world wars and, more recently, of the Balkans and Iraq. In many instances, people desert because of fear about the threat to their lives and safety and because of trauma. Many such people are in absolute panic. In particular, owing to the debate about the casualties of the first world war through the shot-at-dawn campaign, I thought that we were developing a more sympathetic understanding that we did not need to use such barbaric sanctions.

There are others whose refusal to fight is based upon conscience. We have had that debate in this Chamber on a number of occasions when deciding whether to send our troops to war. We are able to exercise our right of conscience. I remember the debate about Iraq and our heavy discussions about the theory of just war and whether Iraq was a just war. I thought that we had extended that right of conscience to military personnel.

I appreciate that there is a system under which people can claim to be conscientious objectors. From the evidence from the Peace Pledge Union and others that was provided to the Select Committee that considered the Bill, it is clear that that system is not regulated within statute. It is a procedure, but it is not within this legislation, which was meant to update and to consolidate the processes of law controlling issues around desertion. I thought that, eventually, it would control the processes for the exercise of conscience.

While taking evidence, we discovered that military personnel were not adequately informed not only of their right to exercise their right of conscience, but of the processes themselves. The position was outlined in the Select Committee by the Peace Pledge Union. That brought forth a memorandum from the Ministry of Defence, which at least explained the process, even though it had not advertised it in any leaflets or in the practical advice given to serving personnel. The rejection of the process of an armed forces federation to assist those who wish to exercise their right undermines their ability to access the procedures themselves. I hope that later, in a debate on a new clause, we may accede to the request to strengthen the right of representation for serving military personnel.

I do not believe that this part of the Bill is a tidying-up exercise. I believe that the Bill is really about the war in Iraq. We are aware that the number of absconders has trebled since the invasion of Iraq. There has been an increase in the number of soldiers questioning Government policy about that invasion, an increase in the number of soldiers questioning the morality and legality of the occupation and an increase in the number of serving personnel speaking out.

Harry Cohen: I am grateful to my hon. Friend for giving way and for his support for my point of order earlier, which came over somewhat awkwardly—my point of order, that is, not his support for me, which was very eloquent. Clause 8(3)(a) says that "relevant service" means:

"actions or operations against an enemy".

He said that the clause applied to Iraq. My understanding is that we have not declared anyone an enemy. I know that a war on terror has been announced, but can he cast some light on who is an enemy in these circumstances? It is said that there are insurgents and terrorists. We know that British soldiers have died. Why cannot the Committee be told who actually is the enemy? Why cannot it be legislated for in some way?

John McDonnell: That is a valid point. The lack of definition of an enemy has enticed the Government to include in clause 8(3) as a relevant service

"military occupation of a foreign country or territory."

Without definition of an enemy, service during an occupation of another country is sufficient for withdrawal from that service and refusal to participate in that action to qualify as desertion. I believe that legislation of that sort will fail. No increase in the severity of punishment will prevent servicemen and women from speaking out.

Many have paid their respects—as I have, too—to serving personnel for the bravery that they show and their professionalism in carrying out their duties, but I also want to salute those who have had the courage and bravery to exercise their moral judgment, and those who have followed their conscience and said no to fighting. They have not supported the occupation and they have refused to serve. I pay tribute to Ben Griffin from the SAS, who said to us last week that he was not willing to support, in his professional life, the invasion of Iraq and the immoral and illegal war in Iraq. I also pay tribute to Flight Lieutenant Malcolm Kendall-Smith, a person of conscience who is in a military prison as a result of refusing to serve in Iraq. Their views should be respected. They, and others who come forward in future, should not be threatened with life imprisonment. History will be their judge, as was the case with the first world war. The people who opposed that barbarism were, in fact, sane and courageous. History will judge individuals who stood up and refused to fight in Iraq, or to support the occupation, to be heroes.

The Minister of State, Ministry of Defence (Mr. Adam Ingram): I am interested in my hon. Friend's argument. Would he apply the same logic to Kosovo, Sierra Leone and Afghanistan? Does he think that members of the armed forces should exercise their conscience at will, no matter what the country's determination, no matter that it is under a UN mandate, and no matter that assistance is being delivered for a great humanitarian cause? What is the logic of his position?

John McDonnell: Individual members of a voluntary, professional military service have the right as citizens to exercise their judgment in the same way as we do. They should not face the sanction of life imprisonment—that is what the Bill proposes—for exercising that judgment.

Mr. Watson: May I clarify something for my hon. Friend? Refusal to take part is not desertion, but it may give rise to an offence of disobeying a lawful order, which carries a maximum sentence of 10 years.

John McDonnell: Desertion is defined in the Bill as absence without leave. We are threatening someone who refuses to serve or who goes missing, whether as a result of fear, trauma or conscience, with life imprisonment. As I said, people who stand firm on the right of conscience will be judged the real heroes, as they made a judgment about Iraq and, I believe, provide an example to us all in the exercise of conscience, no matter what the cost.

Mr. Julian Brazier (Canterbury) (Con): I did not intend to speak in this debate, so I shall be brief in my support of the Government's proposals.

Parliament sets a maximum penalty, not a minimum. The hon. Member for Hayes and Harlington (John McDonnell) addressed hard cases—I am not sure whether or not I have his attention—but that is not relevant to the setting of a maximum penalty. If we set a minimum penalty, he could make his case, but the measure is required to cover all eventualities. The historical background that he gave illustrates that point. No one has greater admiration or affection for the hon. Member for Thurrock (Andrew Mackinlay) than I, but the campaign that he has waged on first world war executions overlooks many inconvenient facts. I was privileged to be briefed on the issue by a retired Air Force officer, who spent a year or two going through every one of the 260 folders that survive from the 300 original folders. He examined the background, and he established that there was a total of 3,000 cases: 90 per cent. of executions were refused on appeal. Among the small number of executions, there appear to be a few cases in which there was a genuine injustice. I shall cite an example of a case for which most hon. Members would accept that a sanction of some sort was appropriate. A professional solder who joined the Army five years before the first world war deserted—

Andrew Mackinlay (Thurrock) (Lab): On a point of order, Mrs. Heal. I am showing uncharacteristic restraint, as the hon. Gentleman is talking about something which, I hope, we will discuss later. I would obviously want to respond, but his example is quite irrelevant, I submit, to clause 8.

The First Deputy Chairman: I was about to remind the hon. Member for Canterbury (Mr. Brazier) that the discussion of detail comes later in the day. Perhaps he could relate his comments to the amendment under discussion.

4 pm

Mr. Brazier: Indeed, Mrs Heal. I was giving the example of someone who deserted without seeing action at all, although he had been a professional soldier for five years.

On the argument advanced by the hon. Member for Hayes and Harlington, a maximum penalty must cover all eventualities. The Minister asked him about all the other cases. The hon. Member for Hayes and Harlington replied that the provision dealt with desertion, but we are dealing with cases of desertion

[Mr. Brazier]

and of people refusing to participate—two separate circumstances for which different maximum penalties are set out in the Bill. Is the hon. Gentleman seriously suggesting that anybody who has opted to wear the Queen's uniform should not potentially face very grave charges if they refuse to go into action? In an action that the entire country strongly supports, even perhaps—God preserve us—another world war, is the hon. Gentleman seriously suggesting that someone who chose to put on a uniform, with all that that means, and then refuses to participate, should be able to say, "Christ, I might get shot at. I don't want to go," without facing potentially serious charges?

Producing hard cases has no relevance whatever to maximum penalties. The hard cases can be argued one by one in the courts. That is what we have courts martial for. I urge the hon. Gentleman to think again. If we are trying to run armed forces of which we have good reason to be proud, and the hon. Gentleman has good reason to be proud of his forebears who served in them, we must have disciplinary penalties. On this measure, the Government are entirely right.

Mr. Kevan Jones (North Durham) (Lab): Having spent three months on the Bill—

Bob Russell (Colchester) (LD): Four months.

Mr. Jones: Four months, I am reminded, and some of us were more assiduous than others—*[Interruption.]* My hon. Friend the Member for Hayes and Harlington (John McDonnell) says from a sedentary position that he would have deserted. In the present circumstances, the Government would have welcomed that.

When I saw the amendments and a press release issued by my hon. Friend, I was worried that we had missed something in the Bill. I was concerned that the civil servants had got one over on us—*[Interruption.]* Someone says, "Surely not", but those who served on the Committee know that that it was a good process, both the Select Committee and the report. I had to do some research this morning to find out what the current position was, and I think that what is proposed is an improvement on the current position.

As I understand it, the 1955 Act set out a two-tier system—punishment of up to two years for desertion and another sanction, life imprisonment, for more serious cases, defined as desertion from active service. The definition of active service referred to occupation of a foreign country, so the reference in the Bill is nothing new. That Act was superseded by the 1971 Bill, which removed the lower sanction because of the situation in Northern Ireland, since the definition of active service could not be applied to deployment in another part of the United Kingdom.

Under the present system, the maximum sentence for desertion is up to life imprisonment. The Bill in its present form is an improvement because it reverts to the 1955 position, by introducing a two-tier system. There will be the possibility of imprisonment for up to two years, but the other sanction—rightly, in my opinion—is up to life imprisonment for the more serious offences.

I know that many hon. Members are worried about the reference to

"occupation of a foreign country".

I understand my hon. Friend's position on Iraq. It is not one that I share, but I credit him with being consistent and forceful in his arguments for it. As I said, the reference to occupation of a foreign country was part of the original definition of active service. Therefore, I do not see any great change there, but I understand why there may be concerns. However, a reintroduction of the two-tier system is better than the previous position.

Harry Cohen: Does my hon. Friend agree that there is a difference between a legal occupation and an illegal occupation?

Mr. Jones: That is an argument that can be had around a specific campaign such as the one in Iraq. I am grateful to my hon. Friend, but he knows that we disagree on that. The important point is that if people have agreed to serve in Her Majesty's armed forces, there must be some sanction or control over their actions. My hon. Friend the Member for Hayes and Harlington referred to those who were shot at dawn during the first world war. I shall seek to catch your eye later, Mrs. Heal, to speak on that matter, about which I have great sympathies, but there is a great difference between a conscript, who has no choice over going to war, and those who take the conscious decision to join Her Majesty's armed forces. Without some kind of sanction, how would one operate in any circumstances? We cannot have armed forces who pick and choose when and where they serve.

John McDonnell: My hon. Friend served long and hard on the Committee so he knows the Bill inside out, poor man. The amendment would maintain the two-year sanction, but not that of life imprisonment, which appears inhumane and barbaric.

Mr. Jones: I disagree. The measure does not say the sentence for desertion will automatically be life imprisonment, but up to life imprisonment, so there is flexibility in sentencing. The idea has been sold that somehow if one deserts one will automatically get life imprisonment, and that is not the case.

Mr. Robert Flello (Stoke-on-Trent, South) (Lab): In conflict, if a platoon were reliant on an individual to hold a particular post and that individual decided to desert that post, putting at risk the lives of everyone in the platoon, would it not be important to have a severe consequence?

Mr. Jones: My hon. Friend's point goes to the kernel of the argument. In the armed forces the ultimate sanction must be there for the sake of military discipline in very difficult situations. As I have said, there is a great difference between conscripted armed forces and those who have volunteered and made a conscious decision to serve in the armed forces.

I also agree with the point made by my hon. Friend the Member for Hayes and Harlington about the way in which our armed forces can make representations. I

spoke on the armed forces federation when I moved new clause 23 in Committee, and if I have the opportunity I shall speak on that matter again today. An issue has been raised as a result of the situation in Iraq, not so much on this clause but on how our armed forces obtain redress for some of their grievances, not just those that arise from their service abroad, but here.

I shall resist the amendment because the measure is an advance, rather than turning the clock back, as the amendment suggests.

Nick Harvey (North Devon) (LD): I congratulate the hon. Member for Hayes and Harlington (John McDonnell) on the measured way in which he has moved the amendments. I have some sympathy with where he is coming from, but I find myself unable to support them. They do not have quite the effect that the hon. Gentleman maintains, and it is just as well that they do not. I sympathise with him in that I, like him, opposed the Iraq war, and because in almost any circumstances that I can imagine the penalty of life imprisonment would be way over the top. Like him, I take the view that the arrangements for armed servicemen to claim conscientious objection are not working in practice, whatever they may say in theory, and like him I think that other shortcomings of the Bill result in a failure to address some of the grievances and points raised by people to whom both he and I will have spoken.

The hon. Member for Hayes and Harlington is mistaken in two regards. First, as other hon. Members have said, the existing legislation already includes the potential penalty of life imprisonment for anyone who deserts while on active service overseas. Although subsection (3)(c) does not add anything to the body of law, the hon. Gentleman is mistaken in suggesting that it somehow constitutes a toughening of the law, because servicemen who desert while on active service overseas can already go to a general court martial, where they face possible life imprisonment. Secondly, given that clause 163 leaves in place the maximum potential penalty, the amendment will not achieve the objective that the hon. Gentleman explained at the outset.

John McDonnell: The Bill was presented as allowing the updating of service law, which gives us the opportunity to rid ourselves of some of the punitive punishments in existing law, one of which is life imprisonment. I would welcome the hon. Gentleman's views on clause 40, which also introduces life imprisonment for incitement based on actions undertaken under clause 8.

Nick Harvey: The hon. Gentleman is right on that particular issue. It is just as well that the amendment will not have the intended effects. If British servicemen were to carry out perfectly legal actions overseas, such as actions agreed by United Nations resolution, and were to conduct themselves entirely in accordance with international humanitarian law, it would be a serious matter if someone were to up sticks and leave, because, as the hon. Member for Stoke-on-Trent, South (Mr. Flello) has said, it would endanger others in their units. That should not be viewed as a small offence and I do not think that a maximum two-year sentence would be adequate in such circumstances.

Mr. Angus MacNeil (Na h-Eileanan an Iar) (SNP): Does the hon. Gentleman agree that the Bill benchmarks life imprisonment in statute?

Nick Harvey: No; the Bill does not change the position. Existing statute allows a sentence of up to life imprisonment. I understand the point made by the hon. Member for Hayes and Harlington—that the Bill might have been an opportunity to modernise the legislation completely—but I do not accept the argument that the Bill makes the situation worse. Although some have pointed out that including subsection (3)(c), which concerns an invasion of foreign territory, on the face of the Bill is profound, I do not believe that it will change the existing law. Although I sympathise with some of the points made by the hon. Member for Hayes and Harlington, the amendments will not have the effect that he seeks, and I think that it is as well that they do not, because it would not be desirable to reduce that serious offence to an offence that carries a maximum two-year sentence.

Harry Cohen: That was a very interesting contribution by the hon. Member for North Devon (Nick Harvey), and a typically Liberal one—it was a fence-sitting exercise.

Nick Harvey *indicated dissent.*

Harry Cohen: Well, I will give him an example of where he is fence-sitting. Clause 8 provides for a life sentence for the offence of desertion. Only every now and then does a Bill come before us to amend the Armed Forces Acts. He might say that this is no different from what we had before, or that it is slightly but not substantively different, but either he supports the provision of life imprisonment or he does not. He gave the impression that he does not, but then made it clear, by not supporting the amendment, that he does.

4.15 pm

Nick Harvey: We are being presented with two options—one is a maximum of two years, and the other is a maximum of life imprisonment. I have agreed as a general point of principle that life imprisonment would be over the top in any circumstances that I can envisage, but the only alternative is a maximum of two years. I have clearly expressed the view that that would not be adequate as a penalty for people committing a very serious offence by, having been deployed in perfectly legitimate circumstances, leaving their comrades in an unsustainable position. I did not sit on the fence—I came to a firm view.

Harry Cohen: The clause provides for life, and there is an amendment that would delete that. The hon. Gentleman either supports that or he does not. If not, these are weasel words, quite frankly. I heard what he said in his speech, but it is not the same as his actions.

[Harry Cohen]

My hon. Friend the Member for Hayes and Harlington (John McDonnell) emphasised that under clause 8, life is a possibility, and I support him in wanting to get rid of that.

Mr. MacNeil: Clause 8 does not cover only desertion in the heat of battle, because subsection (2) states:

"For the purposes of this Act a person deserts if he is absent without leave and...he intends to avoid any particular service or kind of service".

That could lead to people who might have a real conscientious objection to a particular action, or a war such as Iraq, facing life in prison.

Harry Cohen: That is right. My hon. Friend the Member for Hayes and Harlington is seeking to get rid of that hugely excessive sentence, and that is why his amendment is worthy of support.

I welcome my hon. Friend the Under-Secretary to his post and wish him great success in it. I am sure that I will be more supportive of him on other occasions. However, I was a little alarmed when he intervened on my hon. Friend the Member for Hayes and Harlington to refer to absence without leave, the sentence for which, under clause 9, must not exceed two years. Indeed, he could have referred to disobedience to lawful commands, for which, under clause 12, the sentence is not to exceed 10 years. There is a bit of cherry-picking going on whereby the military authorities, or perhaps the Ministry of Defence, can pick and choose which sentence they want to apply to those who use the illegality of the war in Iraq as their defence. In the end, they could still use clause 8, which provides for a sentence of up to life.

Mr. Watson: I thank my hon. Friend for making my first day at the office so welcoming. I should remind him that this will be decided by a legal process, not by the Ministry of Defence or Ministers. The Bill sets out the parameters. It is not a mandatory life sentence, but a maximum life sentence, and the sentence meted out will be in relation to the crime committed.

Harry Cohen: I acknowledge that this will not be for the Ministry of Defence; I would not expect Ministers to make such decisions. However, it still leaves the military authorities with the power to cherry-pick. If they do not like the person concerned, they can go for clause 8, which provides for up to life.

Mr. Watson: Just for clarification, these decisions will not be made by the military, but by the independent legal authorities.

Harry Cohen: That is amazing because, if they were independent legal authorities, we would not have a court martial system, and civil and criminal law would apply across the board. Military legal authorities can cherry-pick if they wish.

Such Bills come up for review by the House only rarely. We should therefore take the opportunity now to get rid of the excessive sentence that is applied and which can be applied to those who have serious conscientious objections, for example, to the war in Iraq.

Mr. Paul Keetch (Hereford) (LD): The hon. Gentleman and I opposed the war. I spoke in almost all the debates about it and was contacted by many members of Her Majesty's armed forces who had serious concerns about the action that the Government proposed to take. I respected those views, which they did not reach in the height of battle. They volunteered for service under the Crown and, whatever we think about the war, it took place, and the majority of those who had serious concerns made them known before they were deployed in theatre. They did not desert their posts at the height of battle. My advice to people who approached me was that members of the armed forces who opposed the war should make their opposition known before they were deployed and went to the front, that they should certainly not desert their mates while they were there and that, if they did, I believed that serious consequences should follow.

Harry Cohen: I accept that, but many people are effectively "deserting" when they are in this country and do not wish to go on another tour of duty in Iraq because of the unfolding circumstances, in which they have witnessed some of the atrocities, which have certainly been against the law, and seen the Attorney-General's statements to the Cabinet, which were revealed bit by bit. It is not unreasonable for people, such as Flight Lieutenant Malcolm Kendall-Smith, who went on an earlier tour, to say, "I've looked at what happened since and I don't support it."

Mr. Kevan Jones: In a nightmare scenario for the MOD, in which my hon. Friend the Member for Leyton and Wanstead is appointed a Minister, what would he do in circumstances whereby Parliament had decided that our troops should serve abroad on a humanitarian mission, or, for example, in Afghanistan, where the occupation is universally sanctioned, and someone said that they were not prepared to fight or go on the mission? Does he suggest that members of the armed forces should pick and choose when they serve?

Harry Cohen: First, I am grateful not to be a Minister in the MOD. I never had any expectation of being one. However, I have always argued from the Back Benches that whatever our forces do should comply with the law of this country and international law, which should not be downgraded.

A sentence of up to life is excessive and should not be on the statute book. The Library has provided a host of alternative sentences, even to detention. They include dismissal, forfeiture of seniority, reduction in rank, a fine, a severe reprimand, stoppages of pay and minor punishments, including community punishments, which would be appropriate for conscientious objectors. We allow community activity and that would be appropriate for someone who was akin to a conscientious objector. The Library paper says of community punishments that

"a sentence of this kind may not be passed unless the court considers that the offence is serious enough to warrant it".

A serious offence therefore leads to such a punishment. That makes it clear that a sentence of up to life is excessive.

Mr. Mike Hancock (Portsmouth, South) (LD): I have a great deal of sympathy with many of the issues that the hon. Gentleman takes up, but he has lost the plot on this one in relation to the crime that has been committed. Any service person leaving their post in this country in peace time would be dealt with in a particular way, but the example has been given of someone deserting in the heat of battle resulting in the death or endangerment of his comrades. Surely that must warrant the most severe sentence. Will the hon. Gentleman get off the fence and tell us what he thinks the sentence should be for that kind of action?

Harry Cohen: I hear what the hon. Gentleman is saying, and my colleagues have just whispered to me that such action is covered elsewhere in the Bill, under the misconduct clauses. We are talking here about the clause that is most applicable to people who consider that the war in Iraq was wrong and illegal. We are not talking about the circumstances that the hon. Gentleman has described in relation to those people. People leaving in the heat of battle are dealt with elsewhere in the Bill. So why does this provision need to include a life sentence?

Mr. Fiello: The recent case of the flight lieutenant has been used as an example of why a life sentence is inappropriate. However, my understanding is that that case was brought not for desertion but for failing to obey a lawful order, so I am surprised that that example is being cited time and again in support of the argument about desertion. I should like to repeat the question that the hon. Member for Portsmouth, South (Mr. Hancock) has just asked; what would my hon. Friend do if the lives of a company of 70 or 80 men were put at risk, or possibly lost, because one person who had a crucial role in the company decided to desert?

Harry Cohen: Those circumstances are dealt with elsewhere in the Bill—[HON. MEMBERS: "No, they are not."] Yes, they are. They are dealt with under the misconduct provisions. We do not need the provisions in clause 8 to go to this extent.

Mr. Hancock: Will the hon. Gentleman explain to the Committee where in the Bill this issue is dealt with? I have read the Bill, and I cannot find it.

Harry Cohen: My understanding is that it is in clause 12, and presumably clause 13 as well.

Alan Simpson (Nottingham, South) (Lab): And in clause 2(1)(b).

Harry Cohen: Indeed. That clause deals with misconduct on operations. We do not need the provision in clause 8 as well, as it will allow the legal authorities to cherry-pick which sentence to apply. They will choose the harshest sentence if they want to.

Clause 8(3) deals with the definitions of "relevant service", and includes

"actions or operations against an enemy".

But it is no longer clear-cut who the enemy is, as we no longer officially declare war.

Mr. Kevan Jones: I want to help my hon. Friend in regard to clause 2, which deals with misconduct. He says that subsection (1)(b) is relevant to his argument, but subsection (7) states:

"A person guilty of an offence under this section is liable to any punishment mentioned in the Table in section 163, and any sentence of imprisonment imposed in respect of the offence may be for life."

The first punishment listed in the table in clause 163 is "imprisonment".

Harry Cohen: That deals with a mutiny, where people are getting together. I am talking about people exercising their individual conscience, which is very different.

Clause 8(3) defines "relevant service" as, among other things,

"actions or operations against an enemy",

but we no longer define specifically who an enemy is.

Mr. Watson: I thank my hon. Friend for letting me in. We do define what an enemy is. Clause 367 states that anyone

"engaged in armed operations against any of Her Majesty's forces"

is defined as an enemy.

Harry Cohen: Let me now—*[Interruption.]* I have two issues running at the same time here. I apologise to the Minister. I will come back to the point that he has made in a moment. One of my colleagues has just drawn to my attention paragraph 62 of the explanatory notes to the Bill, which states:

"The maximum sentence for desertion is generally two years' imprisonment. But the maximum is life imprisonment if the offender deserts when on service, or under orders to go on service, of the types described in the second bullet above, or if his intention is to avoid such service."

However, a stricter distinction is needed in relation to those who, as the hon. Member for Portsmouth, South (Mr. Hancock) said, put lives at risk in the heat of battle. That issue must be distinguished from that of those who say that the Iraq war is illegal under international law and who exercise their conscience and personal responsibility in that regard. The fact that we are having this argument shows the muddled way in which the clauses have been devised and worded and the lack of proper consideration of them; otherwise, we would not be having this dispute about what the provision means. The Government should therefore accept the amendment, so that the life sentence for the second category to which I referred is withdrawn.

Jeremy Corbyn (Islington, North) (Lab): I was interested in my hon. Friend's point about legality. If, for example, someone had deserted in the run-up to the invasion of Iraq, when, clearly, there was no UN

[Jeremy Corbyn]

approval, no direct threat to this country and, therefore, no legal state of war, would it be correct to discipline that person?

Harry Cohen: In a sense, the point is made. In an earlier intervention, I made the point that international law is as important as law, and that should apply. This Government and Parliament have put a lot of personal responsibility on people to comply with the law. If they do not, the punishments are increased. Therefore, they must examine the law and international law as it applies in military terms. The punishment should therefore reflect that personal responsibility. As has been said, a life sentence is inappropriate.

As to who an enemy is, the Minister's intervention, in which he said that the situation is as it always has been, just will not do. In the second world war, we had a clearly defined enemy, which was referred to as an enemy. Now, even al-Qaeda is not referred to as an enemy in legislation or in what has been laid out in Parliament. Things have therefore changed considerably. If we are to apply such emphasis and impose such strict sentences on the basis of having an enemy, let us at least declare a war in the traditional way, so that we know who the enemy is, and so that people are clear about that. Otherwise, the enemy can change from day to day. In Iraq, is the enemy al-Qaeda, or is it nationalists? Who exactly is the enemy in Iraq?

Mr. Watson: If my hon. Friend does not want to read clause 367, which contains the tight definition of an enemy, let us make it more simple; it is the people who are shooting at our forces.

Chris Bryant (Rhondda) (Lab): Except when they are the Americans.

Harry Cohen: As my hon. Friend says from a sedentary position, that could easily be the Americans in many cases. I am happy if the Minister wants to include in legislation the definition that anybody who shoots at our forces is the enemy. That is not in the legislation at the moment. If we are going to go to war and put such burdens on people, we should be explicit about who the enemy is in any given circumstances.

Subsection (3)(b) refers to

"operations outside the British Islands for the protection of life or property".

Does that cover Iraqi lives and property? Are they covered, or are they usefully ignored? Are we talking only about United Kingdom lives and property, or not? I am waiting for the Minister to intervene on that. After all, the Government claim that we are there on a legal basis. They claim that we are there according to the will of the United Nations, protecting Iraqi lives and property, although the property has been ripped off to an enormous degree and more than 100,000 lives have been lost. It is interesting that the Minister remains silent on that. That in itself could cause people to ask, as a defence, what lives or property they were actually defending.

The third paragraph, which was referred to by my hon. Friend the Member for Hayes and Harlington, is the most objectionable in my view. It refers to

"military occupation of a foreign country or territory".

It is important to establish whether that occupation is legal or illegal. If it is legal and properly authorised, I think that courts martial and sentences should follow; if it is illegal, that represents a solid defence, and that people who advance that defence should not be punished in the excessive way proposed by the Bill.

4.30 pm

Mr. Siôn Simon (Birmingham, Erdington) (Lab): Is not the point that my hon. Friend keeps making entirely oxymoronic? Is it not obvious that it will not be in the legislation? Can my hon. Friend not understand that it is not possible for this country's armed forces to launch or be involved in an illegal war? It has never happened, it will never happen, and it cannot happen. Only in the minds of mad conspiracy theorists does this country launch illegal wars. It is not possible, and that is why it is not accounted for in the Bill.

Harry Cohen: That was a very eloquent rant, but Kofi Annan said that the war was illegal, as have many other international jurists. Even the armed forces had to seek information on whether the war was legal. Even they were not sure. Then we had the weasel words—

The First Deputy Chairman: Order. I think that we are going wide of the amendments.

Harry Cohen: I shall go straight back to the point, Mrs. Heal. I was saying that I agreed with my hon. Friend the Member for Hayes and Harlington. If military occupation of a foreign country or territory in such circumstances is illegal under international law, we are enshrining illegality in our law, and that is something that we should never do.

Let me make one more point, about the Nuremberg trials. When people said as a defence that they had been acting under orders, although their actions had been deemed illegal under international law, we said that that was not a defence. We said that they had to exercise personal responsibility. Now people are exercising personal responsibility. People like Flight Lieutenant Malcolm Kendall-Smith have looked at all the information that has dribbled out. He said that the war was illegal as far as he could see, that Kofi Annan had said it was illegal and that personal responsibility dictated that he should not take part in it.

Mr. Keetch: I think that the hon. Gentleman should make a distinction between the legality or otherwise of the action, conflict or war and the current occupation. There has been discussion about whether the war was legal. I take a view on that; I opposed the war, although the House voted for it. The occupation, however, is sanctioned by the United Nations Security Council, and is at the invitation of the democratically elected Government of the country, whatever we may think about that. Whatever the events of a couple of years ago, surely the hon. Gentleman accepts that the presence of British troops in Iraq now is legal.

Harry Cohen: There are a number of very serious points—

The First Deputy Chairman: Order. We are now going outside the scope of the amendments. Once again, I ask hon. Members to address their remarks to the amendment under discussion.

Harry Cohen: Let me answer the hon. Gentleman's point briefly. As has been said, a good many illegal acts are going on—

The First Deputy Chairman: Order. I have already ruled that that is out of order. Will the hon. Gentleman please address his remarks to the amendment under discussion?

Harry Cohen: Subsection 3(c) has the potential to enshrine an illegal occupation. People should exercise, and have the right to exercise, their personal responsibility. The punishments that we include in Acts of Parliament should reflect their right to do so; they should not be excessively harsh. The punishment of imprisonment up to life imprisonment, is exceptionally harsh and should be removed from the Bill. I urge the Liberals and everybody else to come off the fence and oppose it.

Patrick Mercer (Newark) (Con): It is a great pleasure to follow the hon. Member for Leyton and Wanstead (Harry Cohen); we are used to hearing his lengthy speeches. I salute the modesty with which the hon. Member for Hayes and Harlington (John McDonnell) spoke and the due deference that he paid to the members of his family who have served in the armed forces. He approaches the amendment with a great deal of principle and thought. However, I think that I speak as the only person in here who has commanded a battalion, faced the prospect of operations, disciplined soldiers and encouraged them to go on operations and, indeed, to face the enemy.

I do not wish to come the barrack-room lawyer, but there is a degree of confusion about the points that we are addressing. Desertion is an extremely serious charge, and if you do not mind, Mrs. Heal, I shall address most of my comments to my personal experience in the Army, but they are equally applicable to the Navy, the Royal Air Force and the Royal Marines. As a lieutenant-colonel commanding a battalion of infantry, it was my job to deal with soldiers under the Army Act 1955. I had to deal with the charge of desertion, under the auspices of the 1955 Act, once in my two and a half years commanding the largest battalion in the British Army, and twice on operations. I had to deal with absence daily.

Some of the soldiers serving in Tidworth, where I had 950 soldiers mainly drawn—lucky devils—from the counties of Nottinghamshire and Derbyshire, would frequently "go abo", as the vernacular has it. In other words, they would go absent. They would exercise their personal freedom and choice, and, by golly, they paid for it. They were charged, if necessary, under the 1955 Act, and they were dealt with under various sections, but usually section 69. For periods of absence, they were dealt with by means of anything from a serious telling off, to a fine, to a period of imprisonment not exceeding 14 days. Such a period of imprisonment was the only one that I could regularly impose.

From time to time, soldiers would absent themselves—go absent—and go, usually, to the large conurbations. I, as a furious commanding officer with a furious adjutant, would say, "Charge this man with desertion." The advice that we received was, "Absolutely not. Do you realise what desertion means?" Having had 20-odd years experience as an infantry officer, I knew precisely what it meant. The guideline was that a soldier had to have been absent for more than 112 days and to have destroyed his identity card. That was the rule of thumb that we used before that soldier would appear in front of me to be remanded for trial by court martial. It was not a case in which a humble lieutenant-colonel could have become involved. The charge of desertion was extremely serious, and very serious penalties went with it.

I say to the hon. Member for Hayes and Harlington that unless one has served in a battalion, or on a warship or an air station, one does not understand the problem that officers face in trying to deal with soldiers, airmen or sailors daily. They are a rumbustious and difficult lot. They decide from time to time that they are going to exercise their personal freedom and drink too much, fight, go absent and so on. However, in my experience, things change enormously when that battalion is warned for operations.

4.45 pm

Soldiers will absent themselves before a battalion goes on operations. In my experience, not many absent themselves for reasons of cowardice. Many absent themselves—I continue to use that phrase, rather than "desert"—because they cannot get their heads round the difficulty of being abroad for six months, the potential dangers or domestic problems. Only once on operations did I have a soldier who absented himself in the face of the enemy, and he was not charged with desertion.

Flight Lieutenant Kendall-Smith was not charged with desertion: he was charged, I believe, with being absent, or with a similar charge within those parameters. He did not desert. Trooper Griffin behaved with much courage and probity. He had reached the rank of corporal in his parent regiment and then gone through the selection process for the Special Air Service—

Mr. MacNeil: I just wish to point out that under clause 8(4), anyone who intended to avoid service—when on relevant service or under orders for such service—would be liable to be sentenced to life in prison. That would apply to Mr. Kendall-Smith.

Patrick Mercer: But the point that I have been trying to make concerns the circumstances in which someone should be charged with desertion. In any case, he is not a Mr., but a flight lieutenant.

Trooper Griffin behaved with great courage, despite the fact that he was being paid a great deal more money every day than others of his rank and that he was in arguably the most prestigious armed organisation in the

[Patrick Mercer]

world. None the less, he had the courage to approach his commanding officer and say, "Enough is enough." I had similar instances, and I like to think that I dealt with them with fairness, kindness and compassion. I like to think that those are the watchwords of the commanders of our armed forces and that they deal not just with their own men, but with the Queen's enemies using the same rule of thumb.

Let us not talk about desertion, but let us say that a trained sustained-fire machine gunner, who carries the maximum firepower of his platoon, decides to absent himself—if he decides that he will not face the enemy, but would rather let down his mates—and that turns into desertion. I fear that we need to have the power to charge that man with desertion. The sentence in clause 8 is not a minimum sentence, but a maximum sentence. It has not been applied readily over the past several years. The plain fact is that if that man—it is, let us face it, likely to be a man—deserts from his unit, the punishment he faces from the men whom he let down will be administered in the back streets of Nottingham or Mansfield and military law probably needs to be in place to protect him from those whom he has let down.

We need to have a penalty for desertion. The Bill would make military law stronger, but the amendments would do nothing to help the soldiers, sailors and airmen, and the officers who have to discipline them. In fact, the amendments would undermine discipline. I understand and respect the political points that have been made by Labour Members, but they are not applicable in this case. We run the risk of confusing an extremely important issue.

Chris Bryant: It is a great honour to follow the hon. Member for Newark (Patrick Mercer). I am sure that all hon. Members agree that he made a particularly fine contribution to the debate. I disagree with him on only one point. I know that he brings a particular expertise to the debate, but one does not have to have been a serving officer to understand how important the concept of desertion is for discipline in the armed forces and for making it clear to every serviceman exactly what they have signed up to.

I also pay tribute to my hon. Friends the Members for Hayes and Harlington (John McDonnell) and for Leyton and Wanstead (Harry Cohen), although I am about to disagree with them. Both put their arguments with eloquence, but my hon. Friend the Member for Leyton and Wanstead did not seem to understand that the concept of "enemy" is quite well defined. Clause 367, on page 185, makes it clear that an enemy is

"all persons engaged in armed operations against any of Her Majesty's forces or against any force co-operating with any of Her Majesty's forces...all pirates; and...all armed mutineers, armed rebels and armed rioters".

That is clearer than in previous statutes so my hon. Friend may want to reconsider that part of his argument.

I wholly disagree with amendment No. 8, which was proposed by my hon. Friend the Member for Hayes and Harlington. Deletion of paragraph (c) of subsection (3) would have meant that during the occupation of Germany and Italy at the end of the second world war somebody could have deserted with impunity. My hon. Friend may respond that they would be covered by the provision in paragraph (a)

"actions or operations against an enemy".

In that case, what about people serving in Bosnia with UNFOR—the UN force? Over the last 10 years, our forces have operated under different operational commands at various times; none the less—certainly in the view of some people—they are in

"military occupation of a foreign country or territory".

I believe that they are doing important work, although in the near future we may want to reconsider the number of troops serving in the region, as normalisation steadily takes place in Bosnia and Herzegovina, and, in the fullness of time, in Kosovo.

My hon. Friend's amendment would wholly undermine many of our existing operations around the world and those in which we might choose to engage in future. If the Committee chose either to pass the amendment, which is unlikely given the contributions that have been made, or if a large number of Members were to support it in a Division, it would send a message to our armed forces not of ethical surety—as I am sure my hon. Friend intends—but of ethical chaos. I hope, therefore, that no Members will support it in the Division Lobby.

Kelvin Hopkins (Luton, North) (Lab): Why has my hon. Friend not mentioned paragraph (b) of subsection (3)—

"operations outside the British Islands for the protection of life or property"—

which seems to cover the point he makes?

Chris Bryant: I do not know whether my hon. Friend has visited our forces in Bosnia, but if he did so, he would see that it would be hard to argue that that was not what they were doing. I do not want the Bill to be so amended that our armed forces are constantly unsure which provisions apply—to be wondering "Does this count? Is this ethically right or wrong?" My experience of the armed forces is limited—it is nowhere near that of the hon. Member for Newark—but through the armed forces parliamentary scheme I have met countless soldiers of varying ranks with extremely well-developed consciences. In fact, they probably need a more keenly developed conscience about military operations than they ever did in the past, but that need not undermine discipline. An essential part of the training of a modern soldier is being able to make ethical decisions.

Jeremy Corbyn: Does my hon. Friend accept that there is a huge debate, especially among military families who have lost loved ones in Iraq, about not just the legality of the invasion of Iraq but the justice of the operation in the first place? The Committee needs to recognise that that debate is new and serious in our armed forces.

Chris Bryant: I am absolutely sure that my hon. Friend is right in that, but the Bill is not the place to have that debate. This clause on desertion is not about the war in Iraq. *[Interruption.]* It is not. I know that my hon. Friend the Member for Hayes and Harlington and his colleagues would like to make it about that, but

I honestly do not think that it is, for the very important reason that desertion is not just about the individual soldier or officer; it is about the collective; it is about responsibility one to another—again, an essential part of the training of a soldier or an officer—and it is vital that we do not send out a message that completely undermines that concept.

My experience is that members of the armed forces today have an extremely developed sense of conscience and that they are encouraged to develop that sense of conscience, but it does not lead in just one direction. Conscience can lead, and I believe in the vast majority of cases has led, people to join the Army and to say, "Yes, here's a series of operations that I want to contribute to on behalf of my country, but also for the greater good." Whether we are talking about Bosnia, Afghanistan or Sierra Leone, there is a whole series of different interventions where people are going not because of some economic conscript situation that might apply in other parts of the world—they are not conscripts in any sense—but because of a sense of conscience and a desire to make their contributions to the world. So it feels as though amendment No. 8 is rather old-fashioned; either it is trying to fight the first world war again and deal with how people were treated when they deserted then, or it is trying to fight a war about a debate that was held in the Chamber some time ago.

The final reason why I wholeheartedly oppose the amendment is quite simply that I believe that it would undermine the House. It effectively says that, in some circumstances, a soldier or an officer or a member of the other armed forces could desert, despite the fact that this country, through the House—its elected representatives—had decided that the war was legitimate and legal, and I do not think that we should go down that route.

Mr. MacNeil: The Bill benchmarks draconian penalties for going absent without leave, which could occur in accordance with conscience, owing to the orders that the soldier was given. We must remember that orders vary according to the actions that Governments might want to take as a result of their international alliances. The proposed penalty is the maximum that has been benchmarked in our society. Indeed, if we went back to the days of world war one, we would have the ultimate penalty. Subsection 2(b) refers to someone who

"intends to avoid any particular service or kind of service"—

that is the nub of it—because he or she does not agree with the Government of the day. If we go back perhaps to 1930s Germany, a reasonable law could be passed by a reasonable Government—but, years later, we might not have a reasonable Government, and we would still have on the statute book a law that criminalises an awful lot of people.

It is argued by some soldiers that they are entering into forms of bonded labour for a period of years. They volunteer before action; surely, they have the right to volunteer after action and not in any way to be subject to life in prison. We have the concept of just war, and importantly, we have the Nuremberg principles of the 1950s, which placed a responsibility on each person engaged in a war to assess for themselves exactly the orders that they receive.

Dr. Julian Lewis (New Forest, East) (Con): This is the second time that the Nuremberg law has come up, and the hon. Gentleman ought to bear in mind the difference between waging an illegal war and doing illegal acts in the course of fighting a war. I do not think that anyone at Nuremberg suggested that any individual German soldier, sailor or airman was guilty of waging an illegal war, although many of them may have been guilty of war crimes in the context of that war, irrespective of whether or not it was legal.

Mr. MacNeil: It is not for me to speak about the legality of Adolf Hitler's war, but it is certainly for me to stand up for soldiers. I have spoken anecdotally to several forces personnel, and it would seem that few of them know much about the rights of conscientious objection. The Bill will set as a benchmark, for going absent without leave, for viewing war as unjust or even for changing one's mind, the penalty of life in prison. As the hon. Member for Hayes and Harlington (John McDonnell) pointed out, desertion has trebled since the Iraq war. The USA has about 6,000 people going AWOL.

5 pm

Mr. Kevan Jones: I am rather confused. Does the hon. Gentleman agree that there is a big difference between people who are forced to go to war as part of a conscription army and people who have taken it upon themselves to make a conscious decision to join Her Majesty's armed forces? Those are two very different situations and it is a mistake to link them.

Mr. MacNeil: We heard earlier the remarkable assertion that it would be impossible for this country ever to engage in an illegal war. It would be possible for this country to engage in an illegal war and, given that that is the case, it is incumbent on individual service personnel to look at exactly what they are involved in. Illegal actions stem from illegal wars.

Mr. Jones: I will put the same question to the hon. Gentleman as I put to my hon. Friend the Member for Leyton and Wanstead (Harry Cohen) earlier. If we were in an unusual situation and the hon. Gentleman became the Defence Minister of either Scotland or the UK, what would he do if this Parliament, or any other Parliament in which he was a representative at that time, decided to take military action? Is he seriously suggesting that individual officers and men would be able to opt out of that democratic decision?

Mr. MacNeil: If I were to become a Defence Minister, it would not be in the UK. My imperialist ambitions are very small—in fact, they are non-existent. Scotland might be a possibility.

Chris Bryant: Stornoway.

Mr. MacNeil: It could be. *[Interruption.]* Or Rockall. Labour gave that away in one of their first actions on the grounds that it had been plundered by Russian trawlers. Will the hon. Member for North Durham (Mr. Jones) repeat the question?

Mr. Jones: I am sorry. It obviously made a great impression on the hon. Gentleman. I was asking what would happen in the unlikely event of his becoming the Defence Minister for Scotland or anywhere else that would be sad enough to appoint him. If the body that he was party to—whether it was the Scottish Parliament or any other body—took a democratic decision to invade somewhere or wage a legal war, is he seriously suggesting that individual officers and men, who had not been conscripted but had volunteered to join that nation's armed forces, could have a veto and could pick and choose which military action they joined? Would that not cut across the democratic decision that had been taken?

Mr. MacNeil: I am not saying that there would not be a penalty, but I am saying that there would be no ultimate penalty of life imprisonment. Two years would be quite adequate for somebody who is arguably following their conscience. I pay tribute to Malcolm Kendall-Smith, who is a particular source of admiration to me.

Mr. Flello: As part of the armed forces parliamentary scheme, I recently had the opportunity to take part in a dawn attack exercise on Salisbury plain. We were in the back of a Saxon armoured personnel carrier at four o'clock in the morning—albeit on an exercise—and we were reliant on two guys, one on either side of the vehicle, each with a light anti-tank weapon. In a war environment, I would like to know that those guys were there with their light anti-tank weapons defending the vehicle, rather than thinking that they may decide, according to their consciences, at four o'clock in the morning, that it was all a bad idea. What is the hon. Gentleman's view on a squaddie—if I may use that word—lying there with a light anti-tank weapon, thinking to himself, "Two years isn't so bad. Let's slope off home and not lie here at four o'clock in the morning in the cold"?

Mr. MacNeil: The Bill does not say what people hope it says. It refers to life imprisonment for avoiding a service. It does not refer to being on active service. We are not talking about desertion in the heat of battle, but a conscious thought before battle.

Sarah McCarthy-Fry (Portsmouth, North) (Lab): The hon. Gentleman said that the Bill does not refer to active operations, but subsection (3) states:

"In this section 'relevant service' means—

(a) actions or operations against an enemy".

Mr. MacNeil: And subsection (2) states:

"a person deserts if … he intends to avoid any particular service or kind of service".

Perhaps we are dealing with a Bill that is something of a mishmash.

Mr. Jones: Will the hon. Gentleman give way?

Mr. MacNeil: No, I am going to press on.

While we have a system that imposes a maximum penalty of two years for taking action, in the cold light of day, that results in the besmirching of Parliament by selling peerages, we should not allow, in any way, shape or form, servicemen to be threatened with life imprisonment if they follow the 1950 Nuremburg principles and their conscience, and question orders. Clause 8(5)(a) would allow a sentence of life on that very point, but such a benchmark should not be put in statute.

Mr. Simon: I welcome the Under-Secretary of State for Defence, my hon. Friend the Member for West Bromwich, East (Mr. Watson), to the Front Bench. He has been an asset to the far end of the Treasury Bench for a long time and is now an adornment on the other end.

I was not in the Committee to hear the speech by my hon. Friend the Member for Hayes and Harlington (John McDonnell). However, given his experience and the tributes of the hon. Member for Newark (Patrick Mercer) and my hon. Friend the Member for Rhondda (Chris Bryant), who is no longer in the Chamber, but whose judgment on such matters is impeccable, I am sure that it was a considered and impressive contribution.

I heard the speech by my hon. Friend the Member for Leyton and Wanstead (Harry Cohen). Impressive though his contribution also was, he used several phrases about the Government and the Bill that seemed to apply more to his speech than to the other side of the argument. He described the measure as muddled and talked a lot about cherry-picking. He repeatedly asked, "Who is the enemy?" It struck me that that was an apposite question.

It is a shame that although the supporters of the amendments had the kernel of a reasonable point, they have failed to make it. It was a fair point that, perhaps, the sentence of life imprisonment is a bit draconian for a new Bill for modern armed services. The Committee could have had a reasonable discussion about that point. However, unfortunately, amendment No. 9 does not say, "Life imprisonment is a bit draconian. Let's have a reasonable discussion about what would be a more appropriate and modern sentence for desertion"—which, as the hon. Member for Newark eloquently and movingly explained, is a serious offence. The amendment would reduce the sentence to two years, although that is the same sentence that applies for going absent without leave, which is a completely different offence that is treated with a different kind of seriousness. The amendment thus effectively precludes us from having a reasonable debate on whether the sentence of life imprisonment, even though it is only a maximum sentence that is rarely applied, is, perhaps, rather archaic and somewhat draconian.

Amendment No. 8 could have given us the opportunity to have a reasonable discussion about the offence of desertion and its sentence. However, such a debate has been effectively sacrificed. Although I did not hear the speech by my hon. Friend the Member for Hayes and Harlington, the amendment seems to have been used as an opportunistic attempt to drag up again the old debate about the Iraq war, although, as my hon. Friend the Member for Rhondda said, that has nothing to do with the Bill. Frankly, the amendment has been tabled on a fraudulent prospectus. It is not possible for the nation to go to war illegally.

Jeremy Corbyn: How can my hon. Friend possibly say that a nation cannot go to war illegally? There was no outside attack and there was no UN approval, yet we invaded a country that was not threatening us.

Mr. Simon: This sovereign Parliament having voted to take that action, it becomes, as far as I am concerned, a legal and legitimate undertaking.

Mr. MacNeil: As one of the supporters of the amendment, I was just looking back through the notes for my speech and I do not think that I mentioned Iraq once. The amendment was not about rerunning the issue of the Iraq war; it was about making sure that service personnel are not faced with the draconian penalty of life in prison.

Mr. Simon: I do not think that I mentioned the hon. Member for the Western Isles, if I may call him that, in my remarks about Iraq. I mentioned my hon. Friend the Member for Leyton and Wanstead, who it seemed to me spoke about little else than the Iraq war.

It is not possible for this country to engage in an illegal war. Surely it is not practical, reasonable or intelligent to suggest that armed service personnel, on an individual basis, in theatre, should be not only allowed but encouraged to make decisions about whether they are engaged in a legal or an illegal war. That is absurd. Many of my constituents serve in the armed forces and do not have these dilemmas. They are keen, happy and proud to serve. It is not fair to put them in a position where their comrades are encouraged to speculate constantly on whether they should be there, or perhaps, in better conscience, to consider desertion.

Patrick Mercer: I am listening with great interest to the hon. Gentleman, who is making some profound points. Does he accept that if a soldier, a sailor or an airman is suddenly struck by conscience while on duty, there is a system whereby they can go to their platoon sergeant, platoon commander, company sergeant-major, company commander, regimental sergeant-major or commanding officer to represent their views and to say, "I am reluctant to serve"? They do not need to go absent.

Mr. Simon: Exactly. There is a system, and it is of long standing. The hon. Gentleman speaks of it with knowledge and from experience. He spoke equally eloquently about the extraordinary seriousness of the offence of desertion.

All that remains for me to add is to reiterate that there could have been a serious point. I think that we could have had a reasonable argument about whether a maximum sentence of life imprisonment is necessary in a modern army, albeit that that maximum is not mandatory and is rarely applied. I regret that the supporters of the amendment have failed to take that opportunity and instead have chosen to rerun a debate that I do not think there is any point having anywhere any more. Certainly, this Committee and this Bill is not the place for it.

Mr. Hancock: May I first, for the benefit of the hon. Member for North Durham (Mr. Jones), clarify the position as I see it on the Liberal Democrat Benches? We will support the Minister on this issue because we believe that it is the only sensible way that any military force which is made up of volunteers can operate. That is not ambiguous. It is not open to contradiction. It is crystal clear where we stand on the issue.

I congratulate the hon. Member for Birmingham, Erdington (Mr. Simon). He made the point that a war, or action by our armed forces, is legal when this place—the House—accepts a proposition that we should send our armed forces into harm's way to fight on our behalf. They then have a clear, legitimate duty to uphold what they have signed up to do, which is to fight on our behalf, following a request from a democratically elected Government. Others, me included, may feel that the Government misled the nation on the pretext for going to war. However, that does not excuse members of the armed forces from obeying a direct order from Parliament that puts them in harm's way.

Jeremy Corbyn: The hon. Gentleman is missing the point. The decision to deploy British troops is made under the royal prerogative. Parliament was consulted by the Prime Minister before we went into what I believe to be an illegal war in Iraq. Surely the issue is the legality in international law, which has not been argued for and has not been sustained in the case of Iraq.

5.15 pm

Mr. Hancock: No one in the international community has made the case that the action taken, with which I did not agree, was illegal. Kofi Annan and others have voiced their opinion, but it is simply an opinion. The Chamber voted, against my wishes, to send our armed forces into harm's way, and they have served with credit to themselves and to the nation. The hon. Members for Rhondda (Chris Bryant) and for Newark (Patrick Mercer) spoke with great eloquence about the issues. It is not a question of whether a life sentence should be imposed for desertion. I should like to know whether the Members who support the amendment know how many members of the armed forces in the past 25 years have stood trial for desertion, how many have been sentenced to life imprisonment and how many have served more than 10 years in prison for the act of desertion. Not a single Member has told us the answer.

Can the Minister tell the House how many of the 250,000 people who have served in our armed forces since we invaded Iraq have cited as their reason for leaving disquiet and discomfort at what they consider to be the illegal actions they were asked to carry out? The House would be interested to know whether there is any evidence to support the claim that a huge phalanx of people have left the Army because they did not like what they were asked to do in Iraq. There are many reasons to be critical of the Government's actions, but I cannot find any in this case.

Pete Wishart (Perth and North Perthshire) (SNP): I have no reason to doubt what the hon. Gentleman said

[Pete Wishart]

about the many people who have been charged and given life imprisonment, or even spent 10 years in prison. Why, therefore, in his view, do we need this piece of legislation?

Mr. Hancock: If my children's lives were on the line as the result of an act of cowardice and desertion by one of their colleagues, or if that colleague put their lives at risk with a harmful action, they ought to suffer the full consequences of the law. It is not for me to judge whether they should receive a life sentence or two, five or 10 years' imprisonment—that is for the system to decide.

The hon. Member for Newark spoke about commanding the largest battalion in the country of more than 900 soldiers for two and a half years on two active service deployments. One soldier could have faced court martial for something that could be construed as desertion. If we were on the receiving end when someone deserted their post, and if their action took our lives or the lives of our comrades, would we honestly not expect something more than a slap on the wrist or a two-year sentence for an individual who chose to disregard their responsibilities to the unit, let alone their responsibilities to the country?

The Bill gets it right. Parliament should not allow any ambiguity in the way in which members of the armed forces can interpret their responsibilities, as that would be manifestly unfair to the men and women who daily put their lives on the line. It would be unfair to suggest that they can pick and choose, as they cannot do so. The hon. Member for Newark explained with a great deal of eloquence how the unit would dispense its own version of fair and just punishment if a colleague acted in such a way—although I do not wish to suggest for a minute that that is correct, as military justice should be seen to be fair and should be administered properly.

Members of the armed forces should not be left in any doubt about the consequences of their actions. A sentence that may be for life is exactly that. Every court in the land has discretion in the determination of most sentences. I was concerned about the sentences meted out today to the three men who killed the young black lad in Birmingham last year. The judge recommended 25 years, but I am sure that if I was the parent of that young boy, 25 years would not be anything like long enough. We must judge these things on what we would expect if our sons and daughters were put in harm's way. We must ensure justice for them as much as for anyone else.

Harry Cohen: That sounds very good, but the hon. Gentleman is arguing for an excessive sentence—life—for people who are not putting other people's lives at risk, but in effect declaring the equivalent of a conscientious objection. The core of his opening argument was that if Parliament votes for it, it is all right. He is 150 years out of date. We now have international law and his attitude to that is cavalier, which is surprising, as the Liberals wanted us to be subject to EU law and supported all that EU involvement. Does he not recognise that international law is as important as ordinary law? The Serbian Parliament voted for war and said that if they voted for it, it must be all right. It was not all right.

Mr. Hancock: Once again, the hon. Gentleman is trying to confuse the Committee—but it is he who is wholly confused about the issue. There is nothing in international law that has proven that there are currently, or have been in the past 10 years, British armed forces engaged in an illegal action. No international court anywhere has found any member of the British—*[Interruption.]* The international court of public opinion is a different matter from the court of law about which the hon. Member for Leyton and Wanstead speaks. I am not cavalier about it; I am extremely concerned that the men and women who do their duty on behalf of this country know that they have the backing of the country for their actions, and that they are engaged in lawful business.

We have had soldiers in Sierra Leone, Bosnia and several other parts of the Balkans, Afghanistan and Iraq. I do not believe that a significant number of those wanted to become conscientious objectors. If they had, we would know about it. We have a clear indication from the Library of the number of members of the armed forces who have sought to become conscientious objectors. We would also know because we regularly meet members of the armed forces.

I met somebody who was decorated for bravery during the past five years. He did not agree with what the Government had asked him to do, but went and did his duty, knowing in his heart that he did not believe that it was the right thing to do. He was a member of the armed forces and, in his view, he was not in a position to cherry-pick the missions that he served on. He did his duty. He could, as he said to me, have opted to leave the armed forces, but he chose not to do so. He chose to do his duty.

The hon. Member for Hayes and Harlington (John McDonnell) said, in the one part of his speech with which I did not have some sympathy, that when the history of what has happened is written, the real heroes will be those who refused to fight the war. That does a great disservice to the men and women who are daily putting their lives on the line for this country.

John McDonnell: The hon. Gentleman will recall that throughout my speech I paid tribute to the servicemen who are currently serving, for their courage and dedication. I do not want that comment undermined.

Mr. Hancock: I agree entirely, but the hon. Gentleman also said that the real heroes will be those who chose to exercise their right not to go. I believe that that is a mistaken view that does no justice to the men and women whom he praised and whom all of us, I hope, support.

Alan Simpson: May I try and unravel some of the confusion that has run through the debate? The debate on amendment No. 9 in particular is not about whether there should be an offence of desertion, or whether

there should be specific, defined parameters for the punishments. It is about the nature of the parameters, rather than about the existence of the offence.

Mr. Simon: That is true of amendment No. 9, but not of amendment No. 8, which specifically concerns the nature of the offence.

Alan Simpson: True, but I want to deal with issues that we need to view as distinct segments. One concerns whether there should be an offence that relates to the disobeying of orders to serve in what is defined in the Bill as

"the occupation of a foreign country or territory."

The point was made that it is not possible for such an occupation or war to be illegal if the Government of the day have made the democratic decision that it is a legal and justifiable war, but that is deeply wrong. International law and the United Nations and its conventions define the distinction between the circumstances in which a war is unavoidable and the circumstances in which a country has the right to defend itself. But it is not true that any Parliament in any country can make a war legal, and that includes our own Parliament, just because it decides that it should be legal. In the case of the Serbian Parliament's decisions in respect of the war on Bosnia, we said consistently that we did not care that the Serbian Parliament had decided that it was a legal war for its own purposes; that was not the view of the international community. It is deeply dangerous for any Parliament to go down a path that says that if it decides that a war is legal, that makes it legal. That is not the framework set by the international community on the legality of international wars after the second world war.

Mr. Richard Benyon (Newbury) (Con): Does the hon. Gentleman not understand that we are going down a long avenue of irrelevance here? This is a question of military discipline; it is not a matter of decision as to the merits or demerits, or the legality or illegality, of a particular war, or his perception of it.

Alan Simpson: I accept that, but I am saying that the argument about a war being legal just because we say it is legal is a dangerous path for this Committee to be led down, and it is not relevant to amendment No. 9. What is relevant is to question the legitimacy of the House setting a parameter of life imprisonment to the penalties for a refusal to obey an order in relation to desertion, when the guidance notes say:

"the maximum is life imprisonment if the offender deserts when on service, or under orders to go on service".

The question is whether it should be appropriate in this day and age, in this Bill, which the House is passing now for the foreseeable future, to retain a life imprisonment parameter for a refusal to go on service.

Bob Russell: Will the hon. Gentleman confirm that his maximum would be two years, and thus with good behaviour it could be as little as one year, on a maximum sentence?

Alan Simpson: My maximum at this point just removes life imprisonment. I have no doubt that if the Committee agrees the amendment, the other place will send the legislation back with further amendments defining a more comprehensive and appropriate framework, and I have no objection to that. The point is that the Committee should express a view about whether we are willing just to nod through a presumption that the rationalisation of existing sentencing powers should be the maximum limit of life imprisonment, and it is important that the Committee should say no on that.

Mr. Simon: Whether one takes that point or not surely the problem is that the amendment does not account for the other end of the spectrum; it does not make the distinction between the much less serious offence of going absent without leave and the much more serious offence of desertion. In giving the same penalty for absence without leave and desertion, the amendment completely fails as a piece of law to make a very important distinction. Regardless of what happens at the top, what about what happens at the bottom?

Alan Simpson: My hon. Friend has made the case for a graduated tariff. I am questioning the presumption that the range of the tariff should automatically include as an upper limit life imprisonment for a refusal to obey an order to go on service.

5.30 pm

I want to discuss the case of Flight-Lieutenant Kendall-Smith, which has already been mentioned, and the trial of Major Florian Pfaff in Germany in 2004. The key point is the right of individuals to challenge the legitimacy and the legality of orders given to them. I do not for one moment assume that in an army manned by volunteers any of the young men and women who volunteer do so in a fly-by-night way, which is a deeply disrespectful presumption. When people decide to give themselves an extended weekend, the circumstances are different from when people consciously decide that they are no longer prepared to serve in a particular conflict or occupation. I accept that such people must face the consequences of their actions within a disciplinary court process, but I want this Committee at least to consider the options and their limitations.

Patrick Mercer: At the risk of sounding like a stuck record, I must point out that the hon. Gentleman has neglected to understand that we have regular volunteer forces which are frequently on operations. Almost everyone I know in the forces spends up to six months every year away on operations. Everybody understands that if they have a moral difficulty with the orders that they have been given, they can represent their views to their commanders in a responsible way. Those who choose to let down their comrades by simply going absent and then deserting need to be discouraged, and we need a serious tariff to deter them.

Alan Simpson: I do not have a problem with a serious tariff. My problem is that the Bill states that the maximum sentence for desertion in the context of a refusal to obey an order to go on service may be life imprisonment, which exceeds the bounds of reasonableness. If one were to step outside this House

[Alan Simpson]

and this country, one would find that our European partners do not impose anything like the range of tariff penalties enshrined in the Bill.

Sarah McCarthy-Fry: Notwithstanding my hon. Friend's argument, with which I disagree, he has admitted that his amendment is flawed, because it does not offer an alternative to a two-year sentence, and he hopes that another amendment will be introduced in another place to resolve that matter. Does he agree that that is a dangerous precedent for the Committee to adopt?

Alan Simpson: Sadly, poorly thought-through legislation is increasingly driven through this House, which leaves another place to tidy up by using its common sense, so this would not be the first occasion on which that had happened.

Mr. Hancock: The hon. Gentleman has mentioned our European partners. Those among our European partners who are transferring from a conscript army to a professional army are rewriting their military law, and the French, the Spanish and the Italians are all introducing legislation similar to the Armed Forces Bill. If he were to check, he would find that the penalty for desertion in the French army is a life sentence.

Alan Simpson: Let me come back to the hon. Gentleman with the current information about penalties and figures. As regards his comments about Labour Members not coming up with figures about the sentencing of those tried and imprisoned for desertion, that is not for lack of trying. Some of us have been trying for several weeks to get that information out of the Ministry of Defence or the Library, but it has not been possible to obtain it. I understand from some of my hon. Friends that members of the Defence Committee also tried to obtain it but were unable to do so. That is not an act of negligence on the part of those who are trying to make a different case.

One of the things that was distinctly different in relation to the trial of Major Florian Pfaff in Germany was that although he and other members of the armed forces had to go through the court martial, at the end of that process they had a right to appeal to a civil court. The civil court overturned the court martial judgment on the major that resulted initially in his demotion. The arguments that he used were entirely about whether some of the orders that he was given were illegal orders relating to the preparation of weapons systems for use in the war on Iraq. Even the German civil courts were unable to question that, but they were able to rule on whether the major clearly, legitimately and conscientiously held those views. On that basis, they ruled in his favour.

Nothing of that type is proposed for inclusion in this framework for our own armed forces. When Flight Lieutenant Malcolm Kendall-Smith attempted to use similar arguments about refusing to serve in Iraq, believing that the orders were illegal, he was told that he was not allowed to have that considered because the Attorney-General had ruled that it was legal. He was not allowed to ask whether the Attorney-General had made that ruling before he knew that there were no weapons of mass destruction, that no uranium was coming into Iraq for enrichment, or that there was no prospect of the UK being under threat and targeted within 45 minutes. None of that was challengeable.

We should be using this opportunity to open out the legitimacy of rights to contest decisions and orders. That particularly concerns me in relation to the provisions on refusal to serve in an occupation, which refer not to a legal occupation but merely to an occupation. Members who say that that is not specific to Iraq or to any particular existing conflict are right. We need to be clear about our interpretation of this. Are we saying that irrespective of whether a conflict is legal, a refusal to serve should carry with it the prospect of a sentence of life imprisonment?

Mr. Watson: The definitions are very important. Refusal to go on active service—that is, refusing an order—carries a 10-year sentence. Desertion—that is, abandoning one's colleagues—can carry a maximum sentence of life imprisonment. Refusing to go to Iraq counts as disobeying orders, and the maximum penalty is only 10 years.

Alan Simpson: I confess that we have had some interesting discussions on the Labour Benches about the interpretation of different clauses. It is clear that even those who support the wording as it stands recognise that there is considerable scope for confusion in interpreting the provisions. The guidance notes do not necessarily support what the Under-Secretary says. The Government have several opportunities in the Bill's remaining stages to table amendments to clarify the matter. However, it is important that we recognise the rights of serving men and women in the conflicts in which we have placed them. The point at which one crosses from legality to illegality is far from clear.

We currently say that the occupation of Iraq is under a legal mandate of the United Nations. However, what do we do when, following the recent incidents in Basra—the part of Iraq in which the United Kingdom is operational—Mohammad al-Waili, the Governor of Basra, said that British security control prevented the provincial government from purging the security forces of militia members? That was evidenced by the fact that Iraqi security forces had to defend UK troops against attacks by Iraqi civilians. It is understandable that serving personnel in those circumstances start to question the point when we cross from a legal mandate to an illegal occupation.

Our proposal does not give people a get-out-of-jail card. It does not mean that they can take whatever action they like, depending on the state of the weather or whether they have a hangover. We are considering whether there is a tariff system for the available punishments in the armed forces that relates to the current duties of our serving men and women and makes sense to the general public.

Mr. Kevan Jones: I shall shortly lose the will to live. My hon. Friend keeps trying to move the goalposts. On whether occupation is illegal, I accept that there are differing views about Iraq. However, it was said earlier that UK troops are there under a UN mandate. If my hon. Friend wants to provide circumstances whereby

people can pick and choose their interpretation of that UN mandate, he gives them a get-out-of-jail card and carte blanche to do what they want. That cannot happen in organised armed forces.

Harry Cohen *rose—*

Alan Simpson: I am tempted to start my reply, but I am conscious that another hon. Friend wants to intervene, so I shall deal with both points at the same time.

Harry Cohen: I want to pick up the points that my hon. Friend the Member for Rhondda (Chris Bryant) and my hon. Friend the Under-Secretary made in the context of legality and illegality and about who constitutes the enemy, which is defined in clause 367. The Under-Secretary said that the enemy was anyone who fires at us and that desertion applies only if someone leaves a conflict. However, many thousands of people, including women and children, are killed in air raids. They would not be classified as enemies under the Bill or the Under-Secretary's classification of anyone who fires at us. If a soldier discovers illegality—although it may be termed collateral damage—has not he a right to say that he wants to opt out of that, claim a conscientious objection and not be punished with life imprisonment?

Alan Simpson: I do not want to be trapped into trying to define the point at which an action is legal or illegal, or the tariff system that should follow a refusal to serve in specific circumstances.

I believe that we must step back and provide that it is wrong to have a carte blanche presumption that the upper limit of the sentencing range should be life imprisonment. Those who are killed in modern wars are primarily not other soldiers. The second world war was probably the turning point in that regard. In modern wars, there is much more collateral damage—that is the modern phrase; it really means civilian casualties—than killing of combatants. It is therefore perfectly legitimate that our serving personnel should have a right and a duty to exercise their judgment about the point at which the threshold is crossed. That does not meant that they should walk away from their decisions with no consequences, but we need to define different parameters.

5.45 pm

I would like to tell the Committee about the parameters that exist elsewhere. In Austria, the maximum sentence for desertion is one year; in practice, it is usually between two and six months. In France, desertion in peacetime is punishable by up to three years' imprisonment—

Mr. Kevan Jones: It is two years, is it not?

Alan Simpson: The notes say that it is three years.

In Germany, desertion is punishable by up to five years' imprisonment, although deserters who return to their unit within a month may be sentenced for up to three years. In the Netherlands, desertion in peacetime can be punished by a maximum of two years' imprisonment. In wartime, the punishment is a maximum of seven and a half years' imprisonment. In Poland, refusal to perform military service or to carry out a task inherent in such service is punishable by a range of sentences, from six months to five years' imprisonment, or up to three years in wartime. That is the tariff system that is applied by other countries in the EU, and against which we ought to be measuring the revision of our own armed forces legislation.

Mr. Jones: That is exactly what the Bill is doing. At the moment, the maximum penalty for desertion is life imprisonment. Clause 8 will bring that down to a sentence of up to two years for general desertion—that is, desertion in peacetime or from a UK base—and up to life imprisonment for deserting when deployed on operational duties. So we are changing the law, and it will be better than the tariff that my hon. Friend has just cited for France, for example.

Alan Simpson: I would be happy for the Government to come back with a proposal for an improvement on the French system—

Mr. Jones: It is in the Bill.

Alan Simpson: Clause 8 does not represent an improvement on the French system. It will mean that officers serving on the front line who can see at first hand what is happening—unlike us, who simply have to read the reports that are presented to us here—could face substantial charges. It is incumbent on the House to say that such charges are inappropriate to the world in which modern warfare is being conducted, and to the expectations and rights of those young men and women who have volunteered to put their lives on the line in the service of this country.

Let us take a step back from the debate for a moment. Over the past couple of weeks, there has been a huge fuss about the Home Office releasing people who have a track record of murder or rape. People who have committed criminal offences such as those can get early release from prison. To enshrine in the Bill the prospect of life imprisonment for a refusal to kill seems to make a nonsense of the ethical responsibilities that Britain should be carrying in the modern world.

Mr. Gerald Howarth (Aldershot) (Con): We have debated this matter for about an hour and a half, and I am bound to say that Eric Forth would have approved of Parliament holding the Government to account in this way. I therefore make no complaint about the time taken to discuss these matters. Indeed, we have had an extremely good debate.

I should like to pay particular tribute to my hon. Friend the Member for Newark (Patrick Mercer), who undoubtedly brings real experience to the House and is prepared to share it with us. We should not take his advice lightly. I should also like to pay tribute to the hon. Member for Rhondda (Chris Bryant), who is unfortunately not in his place at the moment. This was perhaps the only time that I have entirely agreed with everything that he said. That will probably do him more damage than me, but still—

I also salute the hon. Member for Stoke-on-Trent, South (Mr. Flello) for his interventions. Both he and the hon. Member for Rhondda demonstrated the value

[Mr. Gerald Howarth]

of the armed forces parliamentary scheme, whose tie I happen to be wearing today, in case the Minister had not noticed. Their contributions, as well as those of others who did not mention that they had taken part in the armed forces parliamentary scheme, illustrate the great benefit that that scheme brings not only to Members of the House but to the armed forces.

I also welcome the Minister to his new position and congratulate him on his post. He has had something of a baptism of fire in having to deal straight away with a 300-clause Bill, which has a huge amount of detail. We wish him well, and I am trying to assist him. Clearly, the fire is coming at him from his Benches rather than from the Liberal Democrat Benches, and it is certainly not coming from the Conservative Benches.

Dr. Julian Lewis: Red on red.

Mr. Howarth: My hon. Friend says from a sedentary position that the nature of the fire is red on red.

Bob Russell: As the hon. Gentleman has welcomed the new Minister, will he join me in paying tribute to the previous Minister, who piloted the Bill for four months? I am led to believe that he was about to make that point, and I am sure that I shall endorse what he was going to say in criticising the Prime Minister for sacking the previous Minister.

Mr. Howarth: I am extremely grateful to the hon. Member for Colchester (Bob Russell), who represents another important garrison town—almost as important as Aldershot—for mentioning that point. Having welcomed the Minister, I was indeed going to pay tribute to his predecessor, the hon. Member for Islwyn (Mr. Touhig), with whom I have had an extremely interesting and constructive debate on the Bill. I thank him for the efforts that he made to ensure that we were as well briefed as we could be on the implications of the Bill, and I salute him for that. As this is a moment of salutations, I also thank the Bill team, whose presence we are not allowed to acknowledge in the Chamber, but no doubt the message will get to them that they have also been extremely helpful in relation to getting this legislation right, which is of great concern to all Members of the House.

On the amendment, I also pay tribute to how well the hon. Member for Hayes and Harlington (John McDonnell) moved it, with great dignity and honour, save for the slight disagreement drawn to our attention by the hon. Member for Portsmouth, South (Mr. Hancock), on which I think that he is right. Nevertheless, the hon. Member for Hayes and Harlington made his case in a coherent and restrained way.

It is claimed that the desertion clause has been rewritten to punish those who refuse to serve in Iraq with life imprisonment. The amendment seeks to remove "occupation of a foreign country" from the categories of desertion, and removes the punishment of life imprisonment for the most serious classifications of desertion. The desertion clause has not been rewritten to cover those who refuse to take part in the occupation of Iraq, as I am sure that the Minister will also tell the House. It does not increase the punishment for desertion to life imprisonment; it reduces the maximum penalty for most desertion cases by reintroducing a two-tier classification of desertion that takes us back to the position under the 1955 Act, as the hon. Member for North Durham (Mr. Jones) pointed out. That Act included two tiers of desertion. Less serious forms of desertion, including desertion while in the UK, were punishable with a sentence of up to two years' imprisonment; the more serious form, desertion while on active service, carried a maximum sentence of life imprisonment. Occupation of a foreign country was included in that more serious form, and the hon. Member for Rhondda pointed out the importance of having that provision in the Bill.

In 1971, new armed forces legislation amended the desertion offence and ended the two-tier punishment for desertion, counting all forms of desertion together, with a maximum sentence of life imprisonment. The reason for that change was the situation in Northern Ireland, which, as Northern Ireland is in the United Kingdom, was not covered by the definition of active service. However, desertion to avoid serving in the Province was considered just as serious as desertion to avoid active service. Little changed in the everyday application of the punishment for desertion, and the punishment continued to reflect the seriousness of the offence.

Therefore, the Bill merely reinstates the two-tier provisions of the earlier Act. It includes a lower tier of less serious forms of desertion, with a maximum sentence of up to two years, and includes the equivalent of desertion while on active service, with a maximum punishment of life imprisonment. The only difference between that and the earlier Act is that the Government have removed the term "active service". They have included the provisions and definition of active service from the 1955 Act in the Bill. The Government have therefore reduced, not increased, the maximum sentence for the lower forms of desertion. They have taken the armed forces back to the position under the 1955 Act. They have not included foreign occupation because of Iraq; it is nonsense for the awkward squad to make that claim. Desertion while occupying a foreign country has had a punishment of up to life imprisonment for the past 50 years.

Mention has been made of two high-profile recent cases. The first was that of Flight Lieutenant Kendall-Smith. He was jailed for refusing a direct order. He was punished not for his conscientious objection but for his failure to obey an order. He was court-martialled for disobeying a direct order to report for pre-deployment training. His claim that he was acting on principle has no legal basis, and his sentence rightly reflects that.

However, Ben Griffin, the SAS conscientious objector, did not refuse a direct order, and nor did he desert. While he was on leave, he told his commanding officer of his objections to the war and, through the existing procedures, left the Army. That was a perfectly honourable course of action for a volunteer soldier to take. He decided that, in all conscience, he could not obey the order. The hon. Member for North Durham is again right that this country is extremely fortunate that those who make up our armed forces are not automatons but have a highly attuned sense of

morality and are extremely sensible and decent people. Mr. Griffin took a principled decision. He did not make the fuss that the chap in the Royal Air Force made.

Mr. MacNeil: On a small point, Ben Griffin's words and reasons were:

"I didn't join the British Army to conduct American foreign policy".

Mr. Howarth: Whatever his reasons were, he took an appropriate course of action that was open to him and ceased to be a soldier without all the grandstanding that Flight Lieutenant Kendall-Smith undertook. He proved that somebody who has a conscience and feels that that military service, which he was commanded to undertake, was incorrect, has a means to avoid that without all the histrionics and without breaking the law. That is what Ben Griffin did.

Harry Cohen: Ben Griffin also told *The Sunday Telegraph* that he had witnessed dozens of illegal acts by US fighters who viewed Iraqis as "sub-human". He said:

"I saw a lot of things in Baghdad that were illegal or just wrong."

The hon. Gentleman places great emphasis on desertion while on active service, and saying that that warrants the highest sentence is almost like an ultimatum. Ben Griffin talked about the Americans, but if someone witnesses in their troop such illegal acts and civilians being killed—not enemies, but what we call collateral damage—what is the remedy, if they are not to take part in such acts, other than to desert? Surely the hon. Gentleman's distinction is a false one.

Mr. Howarth: There is a whole system of military law that is designed to ensure that those who break the law in the fashion that the hon. Gentleman sets out are brought to account. Indeed, a number of cases are currently before the authorities for that precise reason. With that intervention, I am afraid that he blows his case straight out of the water.

Serving in Iraq is neither immoral nor illegal. As the hon. Member for Hereford (Mr. Keetch) said, that war and the subsequent deployment there are illegal under neither United Kingdom nor international law. The deployment in Iraq is supported by United Nations resolutions, and the Attorney-General has reported that the United Kingdom's actions in Iraq are not illegal.

Let me remind the Committee of an interesting moment, when the Chief of the Defence Staff—then Admiral Sir Michael Boyce, now Lord Boyce—specifically asked on behalf of every serviceman and servicewoman under his command—that is, everyone in uniform—whether the war was legal. He obtained that assurance from the Government. He was right to obtain it on behalf of all who served in Her Majesty's armed forces, and from that time onwards every person in Her Majesty's armed forces was protected.

6 pm

Perhaps the Minister will be able to confirm that it is unlikely that the maximum sentence would ever be imposed, and that the most serious punishments would relate to desertion from one's post and putting the lives of one's comrades in danger in the way described by my hon. Friend the Member for Newark. I am sure we all agree that it is absolutely right and proper for us to ensure tonight that in such cases a suitable punishment is available. It would be a dereliction of our duty to protect our armed forces if we removed the possibility of life imprisonment for desertion in the circumstances outlined by my hon. Friend and alluded to by others. I therefore hope that the Committee will reject the amendment and support the Bill as it stands.

Mr. Watson: I thank the hon. Member for Aldershot (Mr. Howarth) for his kind words. I must say that when I walked into the Chamber and saw the massed ranks of the socialist Campaign group of Labour Members ready to do battle, for a split second I felt like deserting my own post—but my commanding officer sitting on my left, my right hon. Friend the Minister of State, stiffened my resolve, as he would then have had to respond to the debate.

The debate has been very informative. The speech that I will pick out is that of the hon. Member for Newark, which was incredibly well informed and orotund; the argument moved on much further following his contribution. It has been a debate about definitions, and I am anxious to clear up the misunderstandings over the changes that we have made to the offence of desertion.

Clause 8 preserves the offence of desertion, but makes two important changes to the existing offence. I shall describe them in a moment. Under the clause, a serviceman deserts by absenting himself with the intention of never returning to duty, or by absenting himself in order to avoid relevant service. "Relevant service" is defined as

"actions or operations against an enemy…operations outside the British Islands for the protection of life or property; or…military occupations of a foreign country or territory".

The definition essentially reflects the definition of active service in the current service discipline Acts. Those are the most critical and potentially hazardous duties for service personnel, so the offence is all the more serious when the intention or effect of the serviceman's actions is to avoid that relevant service.

Amendment No. 8 seeks to redefine "relevant service" to exclude operations outside the British Islands for the protection of property or military occupation of a foreign country or territory. Amendment No. 9 seeks to reduce the maximum sentence for desertion to two years' imprisonment in all cases—equivalent to the maximum sentence for absence without leave, as was pointed out by the hon. Member for Newark.

I listened to the arguments advanced by my hon. Friend the Member for Hayes and Harlington (John McDonnell), and I think that they were put honestly and coherently, but, frankly, I disagree with him. Under existing provisions, the definition of desertion refers to going absent with the intention of never returning to duty, going absent to avoid any service overseas, or going absent to avoid service when before an enemy. All those attract a maximum sentence of life imprisonment.

[Mr. Watson]

That definition includes going absent to avoid a posting to Germany, training in Canada or a detachment to Cyprus, as well as the types of relevant service that I have described, simply because it involves service overseas. Under the existing law, if a soldier avoids a short posting to Germany with his unit because he is having trouble with his girlfriend and wants to sort things out, he is in theory guilty of desertion—carrying a maximum sentence of life imprisonment—even if he intends to return to duty.

Our first change is to restrict the offence to exclude that unfairness. It will not cover any service overseas, only relevant service. Our second change is to reduce the current maximum sentence of life imprisonment to a maximum of two years, except when desertion is to avoid relevant service. Under the current law, the maximum is life imprisonment in all cases.

Members will appreciate that the operations involved in "relevant service" are of the greatest importance. When such operations are involved, every member of the forces must have complete confidence in the other members of his unit, not least because the operations are dangerous and demanding. Those who avoid such service increase the danger to their colleagues, and damage morale. In a disciplined fighting force, that is totally unacceptable.

Even in the days of compulsory military service, the law reflected the particular seriousness of avoiding such service. It is, if anything, even more serious in a professional volunteer armed force for there to be a distinction between types of dangerous service of the kind proposed by my hon. Friend.

I hope that I have explained to my hon. Friend what we are trying to do in clause 8. I hope he will accept that the scope and definition of the offence is new but far less severe than it was before, and that the true position is the reverse of what he has asserted.

John McDonnell: I was expecting a brief debate, as clause 8 is one of nearly 300 clauses, but I am pleased with the level of the debate in which we have engaged. I want to focus on the constructive elements that we can take from it. For the record, I also want to establish clarity.

My hon. Friend the Member for Rhondda (Chris Bryant) said that amendment No. 8 was old-fashioned, relating to the first world war rather than to modern military service. The Bill was intended to be a modernising piece of legislation. What concerned me was that it translated the life sentence threat from existing legislation on sanctions to the new legislation.

I accept the pedantic—no, the constructive—point made by my hon. Friend the Member for North Durham (Mr. Jones) that the reintroduction of the two-year limit gives us some flexibility. As my hon. Friend the Member for Birmingham, Erdington (Mr. Simon) said, it moves us towards a graduated tariff approach. I agree with him that we could have had a better debate about that. The debate on clause 8 did not feature in the pre-legislative scrutiny Committee, and has not arisen in the House until now.

My first objection to the clause is that it is not modernising legislation; it simply translates the life sentence from earlier legislation. As for my second objection, I respect the views that have been expressed—along with many others today, I pay tribute to the hon. Member for Newark (Patrick Mercer) for bringing to the Chamber his professional experiences on the ground—but we should look again at the process for dealing with conscientious objection. The process that the hon. Gentleman described, as he has seen it, is not the process described in the evidence submitted to the Committee by the successor to the original consultative body, the Peace Pledge Union, which is meant to advise the Government on these matters. Its view is that the conscientious objection process as it stands is not accessible, does not give adequate information to individuals who wish to gain access to it, and therefore undermines the process overall.

The third issue, on which there is some agreement across the Committee, is the issue of severity. I think there is a general view that life imprisonment is currently the exception. I thought that we heard earlier from the Liberal Democrats that they did not support the inclusion in this clause of the sanction of life imprisonment. I should be grateful for clarification.

Nick Harvey: I said at the start of the debate that in almost no circumstances could I envisage life imprisonment being a suitable penalty. I agreed with the hon. Member for Birmingham, Erdington (Mr. Simon), who said earlier that we should have debated a provision that brought the life sentence punishment down to an intermediate level. Had there been such a provision, I could have supported it, but as we have heard, the amendment tabled by the hon. Member for Hayes and Harlington would shift us toward a two-year sentence.

John McDonnell: Best to end when one is winning. The message for the Government is that a significant body of Members in Committee, regardless of party, believe that life imprisonment is a disproportionate sanction in such cases. *[Interruption.]* I said that a significant body agree; there will of course be others who disagree. I am not asking for consensus—yet.

The discussion has centred on the argument that this is a modern, volunteer and professional Army. My hon. Friend the Member for North Durham said that if it was a conscript Army, that would be a different matter altogether and life imprisonment most probably would not be appropriate. There is no difference between us, and if we ever move toward a conscript Army, we will need to debate the matter, because I agree that such a sentence would not be appropriate. However, a modern, volunteer, professional Army should not be motivated by fear of the sanction of life imprisonment, either.

This legislation fails to show a modern understanding of why people desert. They desert because of fear or trauma, or out of conscience, and we should accept that. We should not penalise them with life imprisonment; we should accept that it is a disproportionate sanction, not the appropriate one.

It has been argued that we cannot allow individual soldiers to exercise a right of veto over action, but the reverse is the case.

Mr. MacNeil *rose—*

John McDonnell: Let me finish this point. In human rights legislation, we require individual soldiers to exercise their own judgment as a duty. Mention has been made of Nuremberg, but this was an issue before then, and it goes well beyond Nuremberg. There is a duty placed on each of us, as individuals in a democratic society—but in particular on soldiers and members of the military—to exercise judgment about whether what we do is right and lawful. I reiterate the point that, whatever debates take place in this or any other Parliament, they do not override that individual duty.

Amendment No. 8 clarifies the situation concerning military occupation. More importantly, amendment No. 9 emphasises the fact that life imprisonment is a disproportionate sentence that does not relate to the reality of a modern Army—an Army that is based upon volunteers and professionals, and which, as we all agree, is in most instances motivated by moral courage. Such an Army should not be motivated by, or threatened by, fear of such a sanction. On that basis, I shall press amendment No. 9 to a Division. However, I beg to ask leave to withdraw the amendment.

Amendment, by leave, withdrawn.

Amendment proposed: No. 9, in page 5, line 18, leave out from 'offence' to 'must' in line 20.—*[John McDonnell.]*

Question put, That the amendment be made:—

The Committee divided: Ayes 19, Noes 442.

Division No. 245] **[6.14 pm**

AYES

Austin, John
Clapham, Mr. Michael
Clark, Ms Katy
Cohen, Harry
Corbyn, Jeremy
Etherington, Bill
Flynn, Paul
Gibson, Dr. Ian
Hosie, Stewart
Jones, Lynne
Llwyd, Mr. Elfyn
MacNeil, Mr. Angus
McDonnell, John
Riordan, Mrs. Linda
Simpson, Alan
Skinner, Mr. Dennis
Vis, Dr. Rudi
Wareing, Mr. Robert N.
Wishart, Pete

Tellers for the Ayes:
Mr. Neil Gerrard and
Kelvin Hopkins

NOES

Abbott, Ms Diane
Afriyie, Adam
Ainger, Nick
Ainsworth, rh Mr. Bob
Ainsworth, Mr. Peter
Alexander, Danny
Alexander, rh Mr. Douglas
Allen, Mr. Graham
Anderson, Mr. David
Armstrong, rh Hilary
Atkinson, Mr. Peter
Austin, Mr. Ian
Bacon, Mr. Richard
Bailey, Mr. Adrian
Baird, Vera
Balls, Ed
Banks, Gordon
Barlow, Ms Celia
Baron, Mr. John
Barrett, John
Bayley, Hugh
Bell, Sir Stuart
Bellingham, Mr. Henry
Benton, Mr. Joe
Benyon, Mr. Richard
Bercow, John
Beresford, Sir Paul
Betts, Mr. Clive
Binley, Mr. Brian
Blackman, Liz
Blackman-Woods, Dr. Roberta
Blears, rh Hazel
Blunkett, rh Mr. David
Blunt, Mr. Crispin
Bone, Mr. Peter
Borrow, Mr. David S.
Boswell, Mr. Tim
Bottomley, Peter
Brady, Mr. Graham
Brazier, Mr. Julian
Breed, Mr. Colin
Brooke, Annette
Brown, Lyn
Brown, rh Mr. Nicholas
Brown, Mr. Russell
Browne, rh Des
Browne, Mr. Jeremy
Browning, Angela
Bruce, Malcolm
Bryant, Chris
Buck, Ms Karen
Burden, Richard
Burgon, Colin
Burnham, Andy
Burns, Mr. Simon
Burrowes, Mr. David
Burt, Alistair
Burt, Lorely
Butler, Ms Dawn
Butterfill, Sir John
Byers, rh Mr. Stephen
Byrne, Mr. Liam
Cable, Dr. Vincent
Caborn, rh Mr. Richard
Campbell, Mr. Alan
Campbell, rh Sir Menzies
Carswell, Mr. Douglas
Cash, Mr. William
Caton, Mr. Martin
Challen, Colin
Chaytor, Mr. David
Chope, Mr. Christopher
Clark, Greg
Clark, Paul
Clarke, rh Mr. Tom
Clegg, Mr. Nick
Clelland, Mr. David
Clifton-Brown, Mr. Geoffrey
Clwyd, rh Ann
Coaker, Mr. Vernon
Coffey, Ann
Conway, Derek
Cook, Frank
Cooper, Rosie
Cooper, Yvette
Cousins, Jim
Cox, Mr. Geoffrey
Crausby, Mr. David
Creagh, Mary
Cruddas, Jon
Cummings, John
Cunningham, Mr. Jim
Cunningham, Tony
Curry, rh Mr. David
Curtis-Thomas, Mrs. Claire
Davidson, Mr. Ian
Davies, Mr. Quentin
Davis, rh David *(Haltemprice and Howden)*
Dean, Mrs. Janet
Denham, rh Mr. John
Devine, Mr. Jim
Dhanda, Mr. Parmjit
Dismore, Mr. Andrew
Djanogly, Mr. Jonathan
Dobbin, Jim
Dobson, rh Frank
Donohoe, Mr. Brian H.
Doran, Mr. Frank
Dorries, Mrs. Nadine
Drew, Mr. David
Duncan Smith, rh Mr. Iain
Dunwoody, Mrs. Gwyneth
Eagle, Angela
Efford, Clive
Elman, Mrs. Louise
Engel, Natascha
Ennis, Jeff
Evans, Mr. Nigel
Evennett, Mr. David
Fabricant, Michael
Fallon, Mr. Michael
Farrelly, Paul
Farron, Tim
Field, rh Mr. Frank
Field, Mr. Mark
Fisher, Mark
Fitzpatrick, Jim
Flello, Mr. Robert
Flint, Caroline
Follett, Barbara
Foster, Mr. Don
Foster, Michael Jabez *(Hastings and Rye)*
Fox, Dr. Liam
Francis, Dr. Hywel
François, Mr. Mark
Gapes, Mike
Gardiner, Barry
Garnier, Mr. Edward
Gauke, Mr. David
George, rh Mr. Bruce
Gibb, Mr. Nick
Gillan, Mrs. Cheryl
Gilroy, Linda
Goldsworthy, Julia
Goodman, Helen
Goodman, Mr. Paul
Goodwill, Mr. Robert
Gove, Michael
Gray, Mr. James
Grayling, Chris
Greening, Justine
Grieve, Mr. Dominic
Griffith, Nia
Griffiths, Nigel
Grogan, Mr. John
Gummer, rh Mr. John
Gwynne, Andrew
Hague, rh Mr. William
Hall, Patrick
Hammond, Stephen
Hancock, Mr. Mike
Hands, Mr. Greg
Harman, rh Ms Harriet
Harper, Mr. Mark
Harris, Mr. Tom
Harvey, Nick
Havard, Mr. Dai
Hayes, Mr. John
Heald, Mr. Oliver
Healey, John
Heath, Mr. David
Heathcoat-Amory, rh Mr. David
Henderson, Mr. Doug
Hendry, Charles
Hepburn, Mr. Stephen
Heppell, Mr. John
Herbert, Nick
Hesford, Stephen
Hewitt, rh Ms Patricia

Heyes, David
Hill, rh Keith
Hillier, Meg
Hoban, Mr. Mark
Hodge, rh Margaret
Hodgson, Mrs. Sharon
Hollobone, Mr. Philip
Holloway, Mr. Adam
Holmes, Paul
Hope, Phil
Horam, Mr. John
Howarth, David
Howarth, Mr. Gerald
Howells, Dr. Kim
Hoyle, Mr. Lindsay
Hughes, rh Beverley
Humble, Mrs. Joan
Hunt, Mr. Jeremy
Hunter, Mark
Hurd, Mr. Nick
Hutton, rh Mr. John
Iddon, Dr. Brian
Illsley, Mr. Eric
Ingram, rh Mr. Adam
Jack, rh Mr. Michael
Jackson, Glenda
Jackson, Mr. Stewart
James, Mrs. Siân C.
Jenkins, Mr. Brian
Johnson, rh Alan
Johnson, Mr. Boris
Johnson, Ms Diana R.
Jones, Mr. David
Jones, Helen
Jones, Mr. Kevan
Jones, Mr. Martyn
Joyce, Mr. Eric
Kaufman, rh Sir Gerald
Kawczynski, Daniel
Keeble, Ms Sally
Keeley, Barbara
Keetch, Mr. Paul
Kemp, Mr. Fraser
Kennedy, rh Mr. Charles
Kennedy, rh Jane
Khabra, Mr. Piara S.
Khan, Mr. Sadiq
Kidney, Mr. David
Kilfoyle, Mr. Peter
Knight, Jim
Kumar, Dr. Ashok
Ladyman, Dr. Stephen
Lait, Mrs. Jacqui
Lamb, Norman
Lammy, Mr. David
Lancaster, Mr. Mark
Lansley, Mr. Andrew
Laxton, Mr. Bob
Leigh, Mr. Edward
Lepper, David
Letwin, rh Mr. Oliver
Levitt, Tom
Lewis, Dr. Julian
Liddell-Grainger, Mr. Ian
Lilley, rh Mr. Peter
Linton, Martin
Lloyd, Tony
Loughton, Tim
Love, Mr. Andrew
Lucas, Ian
Luff, Peter
MacDougall, Mr. John
Mackinlay, Andrew
MacShane, rh Mr. Denis
Mactaggart, Fiona
Malik, Mr. Shahid
Malins, Mr. Humfrey
Marris, Rob
Marshall, Mr. David
Martlew, Mr. Eric
May, rh Mrs. Theresa
McAvoy, rh Mr. Thomas
McCabe, Steve
McCafferty, Chris
McCarthy, Kerry
McCarthy-Fry, Sarah
McDonagh, Siobhain
McFadden, Mr. Pat
McFall, rh Mr. John
McGovern, Mr. Jim
McGuire, Mrs. Anne
McIntosh, Miss Anne
McIsaac, Shona
McKechin, Ann
McKenna, Rosemary
McLoughlin, rh Mr. Patrick
McNulty, Mr. Tony
Meale, Mr. Alan
Mercer, Patrick
Merron, Gillian
Michael, rh Alun
Miliband, Edward
Miller, Andrew
Milton, Anne
Mitchell, Mr. Andrew
Moffat, Anne
Moffatt, Laura
Mole, Chris
Moon, Mrs. Madeleine
Moore, Mr. Michael
Moran, Margaret
Morden, Jessica
Morgan, Julie
Morley, Mr. Elliot
Moss, Mr. Malcolm
Mountford, Kali
Mudie, Mr. George
Mulholland, Greg
Mullin, Mr. Chris
Munn, Meg
Murphy, Mr. Denis
Murphy, Mr. Jim
Murrison, Dr. Andrew
O'Brien, Mr. Mike
O'Brien, Mr. Stephen
O'Hara, Mr. Edward
Osten, Mr. Mark
Oaner, Mr. Bill
Öpik, Lembit
Osborne, Mr. George
Osborne, Sandra
Owen, Albert
Paice, Mr. James
Palmer, Dr. Nick
Pearson, Ian
Pelling, Mr. Andrew
Penrose, John
Pickles, Mr. Eric
Plaskitt, Mr. James
Pope, Mr. Greg
Pound, Stephen
Prentice, Bridget
Prentice, Mr. Gordon
Prescott, rh Mr. John
Primarolo, rh Dawn
Prisk, Mr. Mark
Pritchard, Mark
Prosser, Gwyn
Pugh, Dr. John
Purnell, James
Rammell, Bill
Randall, Mr. John
Raynsford, rh Mr. Nick
Reed, Mr. Andy
Reed, Mr. Jamie
Rennie, Willie
Robathan, Mr. Andrew
Robertson, Hugh
Robertson, John
Robertson, Mr. Laurence
Robinson, Mr. Geoffrey
Rogerson, Mr. Dan
Rooney, Mr. Terry
Roy, Mr. Frank
Ruddock, Joan
Ruffley, Mr. David
Russell, Bob
Russell, Christine
Ryan, Joan
Salter, Martin
Scott, Mr. Lee
Seabeck, Alison
Selous, Andrew
Shaw, Jonathan
Sheerman, Mr. Barry
Shepherd, Mr. Richard
Sheridan, Jim
Simmonds, Mark
Simon, Mr. Siôn
Simpson, Mr. Keith
Singh, Mr. Marsha
Slaughter, Mr. Andrew
Smith, rh Mr. Andrew
Smith, Ms Angela C. *(Sheffield, Hillsborough)*
Smith, Geraldine
Smith, rh Jacqui
Smith, John
Snelgrove, Anne
Soulsby, Sir Peter
Spellar, rh Mr. John
Spelman, Mrs. Caroline
Spink, Bob
Stanley, rh Sir John
Starkey, Dr. Phyllis
Steen, Mr. Anthony
Stewart, Ian
Straw, rh Mr. Jack
Streeter, Mr. Gary
Stringer, Graham
Stuart, Ms Gisela
Stuart, Mr. Graham
Stunell, Andrew
Sutcliffe, Mr. Gerry
Swayne, Mr. Desmond
Swinson, Jo
Syms, Mr. Robert
Tami, Mark
Taylor, David
Taylor, Matthew
Teather, Sarah
Thomas, Mr. Gareth
Thornberry, Emily
Thurso, John
Timms, Mr. Stephen
Tipping, Paddy
Todd, Mr. Mark
Touhig, Mr. Don
Trickett, Jon
Truswell, Mr. Paul
Turner, Mr. Andrew
Turner, Dr. Desmond
Twigg, Derek
Tyrie, Mr. Andrew
Usher, Kitty
Vaizey, Mr. Edward
Vara, Mr. Shailesh
Vaz, Keith
Viggers, Peter
Villiers, Mrs. Theresa
Walker, Mr. Charles
Wallace, Mr. Ben
Walley, Joan
Waltho, Lynda
Ward, Claire
Waterson, Mr. Nigel
Watkinson, Angela
Watson, Mr. Tom
Watts, Mr. Dave
Webb, Steve
Whitehead, Dr. Alan
Wicks, Malcolm
Widdecombe, rh Miss Ann
Wiggin, Bill
Willetts, Mr. David
Williams, rh Mr. Alan
Williams, Mrs. Betty
Williams, Mr. Roger
Williams, Stephen
Willott, Jenny
Wilson, Mr. Rob
Winnick, Mr. David
Winterton, Ann
Winterton, Sir Nicholas
Winterton, Ms Rosie
Woodward, Mr. Shaun
Woolas, Mr. Phil
Wright, David
Wright, Mr. Iain
Wright, Jeremy
Wright, Dr. Tony
Wyatt, Derek
Yeo, Mr. Tim
Younger-Ross, Richard

Tellers for the Noes:
Mr. Michael Foster and Huw Irranca-Davies

Question accordingly negatived.

Clause 8 ordered to stand part of the Bill.

Clauses 9 to 34 ordered to stand part of the Bill.

Clause 35

Annoyance by Flying

Question proposed, That the clause stand part of the Bill.

6.30 pm

Mr. Gerald Howarth: I want to raise a small technical point that has arisen since our lengthy discussions in the Select Committee. I want to express some of my concerns, and those of others involved in flying activity, about the clause. The provision states:

"A person subject to service law commits an offence if...he flies an aircraft so as to annoy or be likely to annoy any person."

We can all conceive of a great many people who would consider any form of flying as an annoyance, so the number of prosecutions could be extensive. In the Select Committee, I was assured that no such prosecution would lie unless the conditions set out in paragraphs (b) and (c) of subsection (1) applied, in particular that the person flew recklessly or intentionally to annoy.

It is important that the Royal Air Force has protection for its low-flying training, which is critical so that our pilots can be trained to carry out the operations that they have undertaken with such spectacular and conspicuous gallantry and effectiveness. If they cannot fly low without the risk of arraignment, the provisions are not right. I am assured by people well-versed technically in such matters that RAF pilots are safe.

The Secretary of State for Defence (Des Browne): They are safe from prosecution.

Mr. Howarth: We have it from the lips of the Secretary of State so I hope that message will go out to all RAF pilots—

Mr. Jeremy Browne (Taunton) (LD): And the Fleet Air Arm.

Patrick Mercer: And the Army Air Corps.

Mr. Howarth: Indeed. I can assure my hon. Friend that I am about to speak at greater length about the Army Air Corps.

An ex-military aviator—a soldier of 35 years' standing, who is now the airfield manager at Middle Wallop, but has 5,000 hours as a helicopter pilot in the Army Air Corps—has drawn to my attention an anomaly in paragraph (b), which deals with punishments. An officer guilty of causing an annoyance by flying can be punished only by loss of seniority or by a fine, but a non-commissioned officer may be sentenced to two years' imprisonment. As many Members know, the pilots of the Army Air Corps are predominantly NCOs, as was the case in the RAF during the second world war, although not nowadays. It has been suggested that the penalty for a proven offence may discriminate against NCOs in the Army Air Corps. Can the Minister comment on that? I realise that that may be difficult as he is new to his post.

Mr. Watson: I thank the hon. Gentleman for his eagle-eyed egalitarianism. Perhaps I could describe the clause, which preserves a long-standing offence whose effect remains unchanged. It operates where a service pilot flies an aircraft in such a way that he annoys, or is likely to annoy, any person but he could reasonably have avoided doing so. Intent, recklessness or negligence by the pilot in relation to the annoyance caused must also be proved.

Unlike the offence of low flying, the annoyance offence can be committed where the pilot is flying the aircraft in accordance with regulations and in an authorised flight plan. For example, the last RAF prosecution, which was in 1996, involved a pilot who was authorised to fly low in a particular area. He flew over his parents' house several times, allegedly, and understandably, causing annoyance to their neighbours. The offence is considered to serve a valuable purpose in deterring such conduct, which might bring the services into disrepute with the general public.

I recognise the point that the hon. Gentleman makes. If it is an issue, perhaps we can revisit it in another place if we have to do so.

Mr. Howarth: I am grateful to the Minister for that sympathetic view. He said that in addition to the annoyance there has to be an intentionally reckless or negligent aspect. It is important that it is understood that those conditions must apply, too.

I am grateful to the Minister for his willingness to look at the point relating to the Army Air Corps. Perhaps it could be considered when the Bill goes to another place.

Question put and agreed to.

Clause 35 ordered to stand part of the Bill.

Clause 36

Inaccurate certification

Question proposed, That the clause stand part of the Bill.

Mr. Gerald Howarth: The clause deals with the inaccurate certification of equipment. We are concerned that the Government have not looked adequately at the discrepancy in the application of the offence between the Navy and the RAF on the one hand and the Army on the other. The Bill makes it an offence to certify inaccurately naval and air force equipment but not Army equipment.

My hon. Friend the Member for Salisbury (Robert Key), who raised that point in the Select Committee, apologises for not being at the debate. He is not in the Chamber for good and bad reasons; the good reason is that he has had the operation that he has wanted for many months. I am sure that all Members will wish him a speedy recovery and highly increased mobility. I suspect that he may be watching our proceedings, so we can convey those good wishes instantly.

In the Select Committee, the hon. Member for Islwyn (Mr. Touhig), then the Under-Secretary of State

[Mr. Gerald Howarth]

for Defence, said that my hon. Friend had made an important point. The hon. Gentleman said:

"I am conscious of the fact that I have not really answered it sufficiently well."—[*Official Report, Select Committee on the Armed Forces Bill*, 20 March 2006; c. 37.]

He clearly wanted to hand that task to the Under-Secretary of State for Defence, the hon. Member for West Bromwich, East (Mr. Watson) as an opening coup, so that he could deliver some satisfaction to the Opposition. I hope that the Minister will consider that point.

If we do not encompass Army equipment as well, someone who fails to certify an air-to-ground missile accurately could be put on a charge, but someone who fails to certify a ground-to-air missile adequately would not have committed an offence. It is a small point; but, none the less, as we are reviewing all the legislation in this respect, we ought to take the opportunity to try to sort it out if that is necessary.

Mr. Watson: Yes, I read the transcript of that debate, and it is something of an ankle pass. Let me describe the clause. It will preserve the offence that is contained in the service discipline Acts. The offence is committed where a person who is subject to service law makes or signs a relevant certificate without ensuring its accuracy. It is not necessary that the certificate contains a mistake; it is sufficient that a person makes or signs it without ensuring its accuracy. The purpose of the offence is to promote a systematic and thorough approach to safety checks. A relevant certificate is one that relates to any matter that affects the seagoing or fighting efficiency of any of Her Majesty's ships or one that relates to any of Her Majesty's aircraft or any aircraft material.

In relation to aircraft and aircraft material, there is no equivalent to the seagoing or fighting efficiency test that is applied to ships, because ships fulfil a wider role than aircraft, such as providing domestic accommodation for naval personnel. As a result, many checks connected with a ship are the subject of certification but are not safety-related. It would not be appropriate to catch such wider, non-vital checks under this offence, which is intended to promote and ensure safety. Given the particular role played by aircraft, all certificates produced in relation to them and their material fulfil a safety function.

To turn to the point about land-based vehicles that was made by the hon. Member for Aldershot (Mr. Howarth), the clause will not extend to other land-based types of equipment. Safety, promoted by a system of regular checks, is clearly very important in relation to such equipment. However, the implications of inaccurate certification in respect of ships, aircraft and aircraft material are viewed by all three services as being so crucial that a specific and separate offence continues to be merited.

Mr. Howarth: There is a hint of complacency in that answer, especially as I raised the issue of missile technology. Let us take, for example, a Rapier battery or a multiple-launch rocket system. Those are very complex bits of kit, and they can do just as much damage as a missile launched from an aircraft. As an aviator, I understand the importance of accurate certification of aircraft and their components and, to a certain extent, naval vessels, but there is a clear case that some of the equipment that the Army has in its arsenal today is of equal sophistication and equal lethality, and the result of the inadequate or negligent maintenance of that equipment can be just as devastating as negligence in respect of naval and RAF equipment. So I should like to ask the Minister to look at that again. Given that we are reviewing the whole law that relates to military discipline, I can see no case to leave out the Army. I am afraid that I am not persuaded by what the Minister has said. I do not intend to press the clause to a vote, but I am not really convinced at the moment.

6.45 pm

Mr. Watson: I take on board what has been said by the hon. Member for Aldershot. I read the transcript of the debate in the Select Committee, and as my predecessor undertook, I took the issue back to the Department, which felt that the consequences of incorrectly maintaining an aeroplane part could be catastrophic, so it merited an extra offence. However, I understand the point that he makes; I will take it back and talk to the three services.

Mr. Howarth: I am grateful to the Minister for doing that, and on that basis, I am happy not to push the clause to a vote.

Question put and agreed to.

Clause 36 ordered to stand part of the Bill.

Clauses 37 to 53 ordered to stand part of the Bill.

Schedule 1 agreed to.

Clause 54

CHARGES WHICH MAY BE HEARD SUMMARILY ONLY WITH PERMISSION OR BY SENIOR OFFICER

Question proposed, That the clause stand part of the Bill.

Harry Cohen: Clause 54 relates to some of the other clauses that we have dealt with, but it gives me the opportunity to ask about children in the armed forces, by which I mean those under the age of 18 and how they will be dealt with under the Bill. We have just considered offences that may be dealt with at summary hearing. Indeed, clause 50 deals with the jurisdiction of a court martial. Clause 54 deals with charges that may be heard summarily only with permission or by a senior officer, and some of those charges will apply to the category that I have referred to—children.

International law—in particular, article 1 of the convention on the rights of the child, which entered into force in 1990, states:

"For the purposes of the present Convention, a child means every human being below the age of eighteen years unless under the law applicable to the child, majority is attained earlier."

We are one of the 192 countries that have signed that treaty, which came into force in May 2000, and we ratified the protocol on 24 June 2003. That protocol sets 18 as the minimum age for direct participation in hostilities, and my first question is whether that is the

case with under-18s in our armed forces. Can they be involved hostilities? [HON. MEMBERS: "No."] I want to get a clear answer on that, because it has an important impact not just on an earlier debate but on the way that under-18s are treated. Presumably, if the hon. Members who shouted no are right, under-18s will not be subject to clause 54, which is all about being dealt with summarily by a senior officer. However, I should like to hear an explanation of that.

Before under-18s come into the armed forces, parental consent is supposed to be obtained from parents or legal guardians. Consent must be given freely by the youth and the parent or legal guardian, but are there any special arrangements for orphans or those who have been in care, or are they not accepted into the armed forces? I should like an answer in that respect.

My next point—I want to make four points in all, and this is my third—is whether there is complete equivalence between the way that under-18s are dealt with under court martial arrangements and in civilian criminal courts. I should like to get an explanation of that, because it is important that there should be a degree of equivalence. I note that there can be a period of detention and training followed by a period of supervision and I welcome that. That should be under the auspices of the armed forces. However, there is a quirky bit in the law. The Library tells me that if an offender breaches his or her supervision requirements upon release from custody, that can be dealt with only by a civil court, not a service court. I wonder why that quirky element exists. If the supervision is laid down by a court martial, it should be undertaken by the same people. They seem the obvious people to undertake that supervision. The Library also tells me that there are arrangements for those under the age of 15 who are persistent offenders. That is an interesting point. How do the armed forces deal with persistent offenders? Will they be subject to clause 54 and will a senior officer become involved in those cases?

My last point relates to the most serious offences, such as murder. In a civilian context, a judge would have a say, but we have a funny arrangement whereby the Secretary of State also has a say on terms of imprisonment and how those people are dealt with. That seems to apply to youths who commit offences of that sort, even though they are in the armed forces. I seek clarification on that.

Mr. Kevan Jones: On a point of order, Sir Michael. I have listened very carefully to my hon. Friend. May I ask for your guidance on the relevance of what he is saying to the clause?

The Second Deputy Chairman of Ways and Means (Sir Michael Lord): The hon. Gentleman echoes my own thoughts. The hon. Member for Leyton and Wanstead (Harry Cohen) is wandering generally around the clauses. Will he tell us not just which clause he is addressing, but which precise element of that clause?

Harry Cohen: I am talking about

"Charges which may be heard summarily only with permission or by senior officer".

Some of those will relate to children—those under the age of 18. I would have thought that that was pretty plain.

The Second Deputy Chairman: Which clause is the hon. Gentleman speaking to?

Harry Cohen: I am speaking to clause 54, as I said at the outset, but I have said my piece. The matter was not raised at all in the Select Committee, but it is an important matter. I am not opposing how the Government or the armed forces deal with children, but I do think that the matter is worth commenting on.

Mr. Watson: Let me describe what the clause does before I try to answer my hon. Friend's many specific points. The clause provides that eight further criminal conduct offences can be dealt with at a summary hearing, but only if the commanding officer has permission from a higher authority or is an officer of at least two-star rank. The eight offences are listed in part 2 of schedule 1 and include, for example, assault occasioning actual bodily harm and possession in a public place of an offensive weapon. Those offences cannot be dealt with summarily at present by Army and RAF commanding officers. The requirement to obtain higher authority permission before those charges can be heard summarily means that an officer senior to the commanding officer in the chain of command will always be involved in the decision to hear those more serious charges summarily.

To answer some of the points that my hon. Friend raised, jurisdiction over civilian children will not be affected by the clause, although those children who have their parents' permission to sign up at 16 and beyond will be. We obviously try our utmost not to put in the front line those who are under 18. I will have to write to him about the point that he made about orphans. I suspect that their legal guardians could give permission, but I do not want to speculate about that. If I have missed out any of his points, I will read them in *Hansard* and respond as best I can.

The Second Deputy Chairman: Is the hon. Member for Leyton and Wanstead (Mr. Cohen) content?

Harry Cohen: Yes, I am.

Question put and agreed to.

Clause 54 ordered to stand part of the Bill.

Clauses 55 to 113 ordered to stand part of the Bill.

Schedule 2 agreed to.

Clauses 114 and 115 ordered to stand part of the Bill.

Clause 116

REFERRAL OF CASE FOLLOWING INVESTIGATION BY SERVICE OR CIVILIAN POLICE

Question proposed, That the clause stand part of the Bill.

Mr. Brazier: I welcome the opportunity to speak to the clause because it raises issues that go to the heart of the one really major defect in the Bill. I pay tribute to my hon. Friend the Member for Aldershot (Mr. Howarth),

[Mr. Brazier]

who fought his corner in the most doughty way—I should say not his corner, but the corner of the many people in the middle ranks of the armed forces who believe that a profound mistake is being made in the clause. He worked so hard in the Select Committee that that rare event, a tied vote, occurred. The amendment was not made only because of the Chairman's casting vote. That prevents us from tabling that amendment to the clause in this Committee of the whole House. However, we have an opportunity to discuss the issues in a clause stand part debate. I hope that if we do not manage to reverse things here, they will be sorted out in another place.

It is a sombre time for the armed forces. Week after week we hear the Prime Minister at Prime Minister's questions expressing sorrow at the deaths of more service personnel. I hope that it is in order for me to mention the death of Sarah-Jayne Mulvihill, who was educated in Canterbury and whose parents live just outside Canterbury. She was serving in the Air Force when she was killed, but she started her military service in the Territorial Army in the 3rd Battalion the Princess of Wales's Royal Regiment in Canterbury. Those in our armed forces and their parents, wives, husbands and children look to the Committee to support them.

At this late stage, following the points made by my hon. Friend the Member for Aldershot, I seek to persuade the Committee to understand why the clause is so badly flawed. I want to look at it from two angles. First, I want to try to show in general terms the damage that it does to the way in which the chain of command operates, and secondly, I want to consider it specifically in the context of events in Iraq and, potentially, other theatres.

On the chain of command, Lord Boyce commented:

"we interfere with the unique linkage between the commanding officer and his men at our peril." —[*Official Report, House of Lords*, 14 July 2005; Vol. 673, c. 1235.]

In the Select Committee, the Government made much of the support of the current chiefs of staff for the proposal, but any current or former chiefs of staff would say that they can only be as good as the chain of command beneath them. It is an old adage that a chain is as strong as the weakest link. All aspects—all levels—of the chain of command have to operate and have to feel confident in the system for it to work properly.

We should all be concerned at the news in the Sunday papers over the weekend that a group of officers appears to be in the process of setting up a staff association to represent independently the views of the middle ranks. I do not applaud that and I certainly do not blame the chiefs of staff for that, but the Government should ask themselves whether the habit that has grown up during the life of this Government of constantly publicising the views and role of the chiefs of staff in a way that would never have happened a generation ago is healthy for the armed forces. In the old days, advice to Ministers was treated as confidential.

The Government's explanatory notes on the clause state:

"Its purpose is to ensure that serious cases are seen by the DSP but that all other cases are passed to the CO".

They go on to say:

"Subsection (2) requires that a service policeman who considers that there is sufficient evidence to charge the person with a Schedule 2 offence (i.e. the most serious offences) must refer the case directly to the DSP."

Therein lies the rub. In plain English, the clause boots the commanding officer right out of the picture; it is not just that a commanding officer's power to dismiss charges is being removed. In Select Committee, the Government refused a moderate amendment that would simply have allowed the commanding officer to be consulted, which was supported by the Conservatives, the Liberal Democrats and one Labour Member.

7 pm

There is enormous sympathy on both sides of the House for the work that our armed forces do. Imagine for a moment the position of a member of the armed forces. In a different context, I used to talk about a man who was frightened, tired and cold, but it would be more appropriate to talk about men and women in Iraq being frightened, tired and hot, which is not always the best framework in which to make decisions. The one safeguard that such people had in the past was the knowledge that before they could be charged with a serious offence, someone who really understood what they were going through—a commanding officer—would first have the chance to examine the situation and, if necessary, dismiss the charge. The clause not only removes that safeguard, but goes further by preventing service policemen from even consulting the commanding officer before sending charges forward.

A great deal was made in Select Committee about the Trooper Williams case. The Committee will recall that Trooper Williams stopped an enemy terrorist who was found to be carrying a large quantity of ammunition at a road block. When the man ran off, Trooper Williams, at some risk to his own life, pursued him and, eventually, shot him to stop him getting away. The commanding officer dismissed the charges against Trooper Williams. When the Attorney-General referred to that fact, he said:

"The matter could not, because of the actions of the commanding officer, be dealt with by way of court martial. It was referred to me to consider further action."—[*Official Report, House of Lords*, 7 April 2005; Vol. 671, c. WS 92.]

The then Under-Secretary of State for Defence, the hon. Member for Islwyn (Mr. Touhig), commented:

"Discipline is essential and we depend on service law to enforce it".

Astonishingly, on the basis on that one case, which was subsequently thrown out by a court martial, the ancient protection for our armed forces is to be thrown out lock, stock and barrel.

It is extraordinary that there is such a vigorous programme of trying to bring prosecutions against members of our armed forces on the basis of a very small number of cases of abuse. That is happening to such an extent that the Judge Advocate-General made much-publicised comments last autumn when the case against soldiers from 3 Para was thrown out at the beginning of the court martial.

The second strand of my argument relates to the specific circumstances of Iraq. Sadly, in time, al-Qaeda and others that provide plenty of networking will no doubt read across those circumstances to Afghanistan.

With clause 116, the Government are essentially opening up a fresh route by which organised terrorist enemies may attack our armed forces, although they bomb and shoot our armed forces at the moment and try to set fire to their vehicles. The clause effectively guarantees that if false allegations are brought against members of our armed forces, they are bound to be considered seriously all the way up the system. Let me quote Lord Boyce again:

"The Armed Forces are under legal siege ... They are being pushed by people schooled not in operations but only in political correctness."—[*Official Report, House of Lords*, 14 July 2005; Vol. 673, c. 1236.]

Those are damning words indeed from an outstanding head of his profession.

Mr. Kevan Jones: As the hon. Gentleman says, Lord Boyce has spoken in another place about the legal entrapment of our armed forces. He has also written articles about the matter. When he gave evidence to the Select Committee, I asked him whether he could come up with examples of that. He said:

"I do not have any which I can give to the Committee, Chairman."

Does the hon. Gentleman know of any factual cases, because Lord Boyce clearly does not?

Mr. Brazier: I will give the Committee an example now. I have the greatest respect for the hon. Gentleman who, as a member of the Defence Committee, takes a close interest in the armed forces. I would like to be able to cite the full circumstances of the case, but I am not in a position to do so. Although several hon. Members might choose not to do so, the Committee will have to take my word that I am talking about a real case. A serving officer has given me the background facts about it, but I will have to describe it in fairly general terms because the individual victim does not want to be identified.

The case involved a soldier who had allegations brought against him in Iraq of a serious sexual assault on a female. His immediate officer and, subsequently, commanding officer examined the allegations. The allegations were supported by witness statements that were so grossly contradictory that it was absolutely inconceivable that the Crown Prosecution Service in this country would have taken them seriously. We should remember that only a tiny proportion of even rape allegations—the allegations were of not a rape, but a nasty sexual attack—come to court in this country. The commanding officer took the view that the allegations were clearly malicious and that it was impossible to reconcile the contradictory stories.

We should remember that the case took place against the background of Field Marshall Lord Inge's comments that British lawyers in Iraq are actively hawking for business and reminding Iraqis that they can get money if they can bring such cases. The commanding officer was told that if he dismissed the case, another route would be found, as happened in the Trooper Williams case, and that that would merely create much more serious difficulties further down the line. The case took more than a year to come to court martial. In the process, the soldier's life fell apart, as did his marriage. We should be very worried that Field Marshall Inge, a former Chief of the Defence Staff, is saying that British lawyers in Iraq are actively hawking the fact that there is money available for Iraqi citizens who can bring successful cases against British soldiers.

Our armed forces are under colossal pressure. We hear from week to week and month to month about members of the armed forces being killed and desperately seriously wounded. We hear of people having mental breakdowns and mental health problems, too. Those people are under colossal strain as they face a ruthless and largely invisible terrorist enemy. Effectively, we are providing a Trojan horse for an organised and extremely well-briefed enemy by removing the legal safeguard.

In Select Committee, my hon. Friend the Member for Aldershot tried not to keep the full safeguard, but simply to put a much more modest one in its place. He won support for his amendment from Liberal Democrats and one Labour Member. There was a dead heat when there was a Division in the Committee on the matter. We cannot reopen the debate by means of an amendment today, but I hope that hon. Members will vote against the clause so that the other place may revisit the matter.

Mr. Kevan Jones: I support clause 116, the matter having been rehashed for many hours in Committee. I usually listen to the hon. Member for Canterbury (Mr. Brazier) and I have a lot respect for him, but he has fallen into the trap that, unfortunately, a lot of people have on this clause. The myths that are being perpetrated by former members of the general staff are not doing them any credit.

The hon. Gentleman referred to Lord Boyce. I would like to take a little time to remind the Committee of exactly what he said in the Select Committee. It may be easy to say in the comfort of the Chamber or in a newspaper that our armed forces are in a legal entanglement and cannot operate anywhere because lawyers are looking over their shoulders, but I deal with facts and I have tried to find examples of cases that have been so disproportionate in their effect that it would endanger the way we operate. I have not found one yet. I will refer to the case that the hon. Gentleman mentioned in a minute.

I pressed Lord Boyce on the issue. I asked him:

"When you were operational were you aware of any situations which hindered the chain of command? Do you know of any examples?"

He replied:

"I commanded from the age of 28, from lieutenant through every rank up to admiral, but fortunately most of my time in command was before the culture we have today started to become as pervasive and intrusive as it has done. I personally do not ever recall being troubled by that sort of compliance."

People who know me know that I would not leave it there. I said to him:

"You have said again 'this culture that is there'... It is easy to say".

I then asked him whether he could find any concrete examples. He replied:

[Mr. Kevan Jones]

"I do not have any which I can give to the Committee, Chairman. I have to say what I have is hearsay but I am aware there are lawyers out there who are looking for business and I believe encourage the sort of litigious cases that we see."

I am sorry, but I find it very irresponsible for a former chief of staff to put forward innuendo. He could not come up with any concrete examples of our armed forces being constrained by legal restraint.

I have heard that there are lawyers ambulance-chasing for cases in Iraq. I will condemn them out of hand if there are such individuals, but please come forward with examples. Lord Boyce did not do himself any favours in not being able to come up with hard facts. He relied on innuendo and, by his own admission, on hearsay.

Mr. Don Touhig (Islwyn) (Lab/Co-op): I remember the questioning that my hon. Friend pursued in Committee. Does he remember when he pressed Admiral Lord Boyce about suggestions that our forces were now risk-averse? I commend to the Committee Lord Boyce's response:

"I am sure that we all could play a better role in trying to dampen down this particular worry, and people like myself who are sometimes standing up and speaking in the House of Lords debates and so forth perhaps need to re-look at how we are saying things in order not to fuel anxieties of that nature."

Mr. Jones: I am grateful to my hon. Friend for that intervention. I totally agree with what he has said. Lord Boyce and others need either to shut up or to come up with actual facts. They are in danger of perpetuating myths not just in newspapers but to front-line servicemen, who think that there is some constraint there when there is not. I have first-hand experience of talking to soldiers in Iraq, where that mythology is seeping through. If that is what Lord Boyce and others are doing, they are doing modern-day servicemen a great disservice.

The hon. Member for Canterbury said that the commanding officer's right to dismiss a charge was an ancient protection and a legal safeguard. I am sorry, but I do not see it as either. I think that the clause will strengthen the role of the commanding officer.

Commanding officers can already, if they wish, bring in the police to investigate and take advice on cases. I spoke to service police during the Select Committee's visit to Cyprus. They rightly made the point that early investigation and collection of the facts lead to less delay in ensuring that frivolous and vexatious cases do not go any further—although I accept that in Iraq people are dealing with situations that are very different from incidents in a barracks here, in Germany or in Cyprus. However, I think that the clause will strengthen the role of the commanding officer in being able to draw upon the expertise of service police to ensure that the facts are kept together very early on. One of the reasons why we will never get to the bottom of what actually happened at Deepcut and those four deaths is that vital evidence was not preserved at an early stage to allow the real truth to come out.

7.15 pm

Mr. Brazier: I wonder whether the hon. Gentleman has read the explanatory notes. As the clause is quite complicated, let me give him the wording from the Government's own explanatory notes:

"A service policeman who considers that there is sufficient evidence to charge the person with a Schedule 2 offence (i.e. the most serious offences) must refer the case directly to the DSP."

He is not allowed to go to the CO first. The word "directly" could not be clearer in that context. It cuts the CO right out of the loop. The case to which I referred was very much a vexatious case. The court martial dismissed it very quickly, but during the delay that took place, which would not have happened if the CO had had their way, the man's marriage fell apart and his life fell apart.

Mr. Jones: There is no excuse for delay either in a military court martial or in a civil court of law, but I disagree with the hon. Gentleman. In such cases, if the service policeman gets the evidence together and investigates the case—the one cited by the hon. Gentleman sounds very serious—and it is not thought that there is a case to prosecute, it will not get to the court martial. It may be easy to dismiss this measure flippantly, but I think that it protects the commanding officer. In the Trooper Williams case, would we have got to where we were if the evidence had been brought together at an earlier stage? I do not think so. I agree that early collection of the facts and evidence is vital in these cases to stop delay. Delay does not add to justice and it leads in some cases to the terrible outcomes to which the hon. Gentleman referred. If we do not have this measure and have a situation where a commanding officer can dismiss the case, that will leave the commanding officer open later to all types of accusations that he is covering up for his subordinates and others. I am not suggesting that that happens in any case, but they could be open to that accusation. If they have the police's evidence and involvement, it gives that protection at that stage.

Mr. David Burrowes (Enfield, Southgate) (Con): I know that the hon. Gentleman would wish to take an evidence-based approach. Where is the evidence that the present law is broken and should be fixed? The position was amended by Army regulations on 29 July 2004. The amendment states:

"Where a commanding officer considers that he may wish to exercise his statutory power to dismiss a charge under this provision he should first consult with his higher authority who in turn should normally seek"

other views. Where is the evidence that those regulations are broken and should be fixed? He refers to Trooper Williams, but can he refer, to cases that show that we should break with the current regulations, which seem to serve the Army well and help to retain the integrity of the commanding officer? I asked the hon. Member for Islwyn (Mr. Touhig) the same question in the Select Committee, and am still waiting for an answer.

Mr. Jones: The Bill is about updating our laws. The year 2006 is very different from 1955. Today, we are far more litigious. There are far more questions about the way things happen. The clause will ensure that a commanding officer can have confidence that once an

investigation takes place, the facts will be brought together and they will be dealt with. If we do not have that, we will have more cases like that of Trooper Williams.

There is a naivety in the press in looking at some of the Iraq cases. Having spoken to investigating officers on our visit to Iraq, I accept that it is difficult to gather evidence and information in some situations. Even in those cases, however, it protects the commanding officer and the accused if evidence is gathered early and if things are not dismissed out of hand, otherwise there could be accusations of a cover-up. Clearly, there was no such cover-up in the case that has been raised.

Patrick Mercer: I am interested in the views of the hon. Gentleman, whose sound Nottinghamshire logic shines through. It is a few years since I was a member of the armed forces, but even in my day the commanding officer would have been extremely foolish if, after a schedule 2 offence, he did not immediately refer to his senior and then call in the Royal Military Police special investigations branch. I do not know of any instance, either in barracks or on operations, in which a commanding officer did not do so.

Mr. Jones: I defer to the hon. Gentleman's experience, but that is best practice. There may be cases in which the commanding officer does not refer to his senior, so the provision provides important protection for him. Throughout our evidence-taking sessions and on our visits to establishments both in the UK and abroad, the chiefs of staff and commanding officers did not suggest that there was a serious problem. Former chiefs of staff and the Conservative party have difficulties with the proposal and there have been efforts to perpetuate the myth that the Bill interferes with the legal process and the command structure of the British armed forces. Clearly, it does not do so. As the hon. Gentleman said, I usually deal with facts, and it is important that we do not allow irresponsible comments by people who should know better to damage the Bill.

Sarah McCarthy-Fry: I concur that on our visits it was plain that this was not something about which commanding officers felt strongly. However, I was told about an incident—I think it was the Trooper Williams case—in which the commanding officer acted exactly as the hon. Member for Newark (Patrick Mercer) proposed. He consulted lawyers and then decided that there was not a case to answer. That action was taken very quickly, and subsequent advice was that the original advice to the commanding officer was incorrect. By then, however, it was too late and there was no other way for the matter to be investigated, which led to the unfortunate result that Trooper Williams was prosecuted in the civilian courts, which no one wanted. That is why the protection has been included in the Bill.

Mr. Jones: I am grateful to my hon. Friend.

The measure allows the commanding officer, in certain cases, to submit evidence and information in mitigation. There is not a problem, and we did not take any evidence from service chiefs or commanding officers, either here or abroad, to suggest that it was. Former service chiefs could not provide any examples.

Mr. Brazier: The hon. Gentleman said that the commanding officer would be able to submit evidence. I accept that he could submit evidence to the court martial, but the clause rules out a compromise whereby he could submit evidence before the matter proceeds to court. The word "directly" makes it clear that evidence must be submitted before the commanding officer has had an opportunity to have his say.

Mr. Jones: I am sorry, but the hon. Gentleman is not correct. As I understand it, the commanding officer could submit mitigating information to the prosecuting authorities before a decision was made to proceed with a case. That would prevent circumstances that were highlighted earlier from arising.

Mr. Gerald Howarth: Where does the Bill state that?

Mr. Jones: I think that it was in the evidence that we took, and it was one of the recommendations in the final Select Committee report, to which the hon. Gentleman agreed.

Mr. Howarth: The hon. Gentleman has made an assertion that the commanding officer may make representations. Can he tell the Committee where the Bill states that? The Bill makes it perfectly clear that there is a duty on the service policeman to report to the director of service prosecutions. It is no good the hon. Gentleman looking at the report—he should look at the Bill and tell the Committee where it makes provision for the commanding officer to make those representations.

Mr. Jones: I shall read paragraph 50 of the report to which the hon. Gentleman agreed:

> "Lord Boyce advocated a requirement that the Commanding Officer write to the prosecuting authority describing the context of the incident. We debated whether it was necessary to include such an express duty or a permissive provision in the Bill. In the Standing Committee phase of our deliberations, the Minister argued that Commanding Officers were already entitled to make the relevant authorities aware of any mitigating factors, including the military context, and that a statutory provision would introduce delay into the process."

The Committee made the following recommendation:

> "We emphasise the importance of Commanding Officers exercising their responsibilities to inform the prosecuting authorities of any relevant mitigating factors and the context in which events occurred."

Mr. Touhig: In a debate in the Select Committee, I told the hon. Member for Aldershot (Mr. Howarth):

> "Written guidance will set out the standard operating procedures under which the service police will be obliged to act".—[*Official Report, Select Committee on the Armed Forces Bill*, 28 March 2006; c. 78.]

I sought to give the hon. Gentleman and his colleagues that assurance, and we did not feel that it was necessary to include it in the Bill. Guidance will be issued and it will set out the role of commanding officers and service police so that everyone is properly informed.

Mr. Jones: I am grateful for that intervention, which clarifies the position. The commanding officer will not be left out of the loop, as has been suggested by the Opposition spokesmen.

Mr. Brazier: The hon. Gentleman has been generous in giving way, but that simply is not good enough. We have stripped commanding officers of a statutory power and all that has been substituted is a promise of guidance, which is not debated by Parliament and can disappear tomorrow.

Mr. Jones: I do not think that safeguards have been stripped away because, as I have said, we are bolstering and safeguarding the commanding officer's role. The hon. Member for Aldershot (Mr. Howarth) asserted that the commanding officer would be taken out of the loop completely, but I have tried to emphasise the fact that he will have input, not at court martial, but at an earlier stage when the prosecution is taken forward. My hon. Friend the Member for Islwyn (Mr. Touhig) reminded us of his promise of guidance and, in the spirit of the Bill, the Conservatives were happy that that guidance would be produced.

I do not think for one minute that the commanding officer will be carved out of the process altogether. His role in the submission of evidence is reinforced, ensuring that we do not end up in a situation where evidence comes forward too late and cases go to court that should not do so.

Patrick Mercer: I forgot my manners earlier in failing both to welcome the Under-Secretary and to congratulate him on the excellent start that he has made.

The hon. Member for Rhondda (Chris Bryant) made a powerful speech. He put me firmly in my place by making the point that just because someone has not served in the armed forces, that does not mean that they cannot understand them. I could not agree more—the last thing that I want to do is to try to set myself up as someone who can lecture. All that I can do is bring my rather dated knowledge to bear on our proceedings. I salute the contribution of the hon. Member for North Durham (Mr. Jones), who has spent a great deal of time on armed forces matters without any previous service experience, although I disagree with him. Briefly, clause 116 attacks important relationships at unit level across the three forces. I hope that the Committee will forgive me if I limit my remarks to the Army, because that is where my experience lies. The rank of lieutenant-colonel and its equivalent in the other forces is crucial, as commanding officers have powers at their disposal that are the acme, limit or horizon for the private soldiers, seamen and airmen who serve under them. To attack that relationship is to diminish those powers and take something terribly important away from the way our armed forces are asked to do their business.

7.30 pm

It is worth pausing for a moment to think about the circumstances that surround our armed forces in Iraq. It would seem that it is unique, a new theatre of operations; that counter-insurgency, counter-terrorism, peacekeeping—call it what you will—are something new to our forces; and that this is not conventional war. However, precisely these conditions pertained in the 1960s and early 1970s before the armed forces got heavily involved in Northern Ireland. They were the anvil on which the Army Act 1955 was founded and subsequently amended to work at unit level.

We have heard about the commanding officers welcoming the proposed changes to the Army Act or to military law generally. That is as may be. I was never faced with very serious crimes committed on active service, but I had some extremely difficult crimes to deal with inside barracks, and I would have loved to be able to say, "Nothing to do with me, youth. You've got to go now into the military justice system and I don't have to make a decision about you, Private So-and-so." That would have been great; I would have loved it. It would have been a cop-out for me as the commanding officer. But that attacks precisely the relationship between the private soldier and the commanding officer of his unit.

Let us bear in mind what we are talking about. The bulk of kids fighting in Iraq today—they are kids—are aged about 18 and a half or 19. They come, for the most part, from very difficult circumstances. I was interested to hear earlier how the House regards these fine upstanding individuals and their ability to make decisions. They are fine upstanding individuals, but by golly, they come from difficult backgrounds, for the most part. It was my experience that they needed every bit of leadership, guidance and protection that their officers and non-commissioned officers could provide for them.

That is why the regimental sergeant-major, standing outside what we called commanding officer's orders—in other words, a commanding officer acting as a magistrate inside barracks or on operations—would say to a private soldier, "Are you guilty?", to which the private soldier would generally say, "Of course I'm guilty. I daren't say I'm not." Clearly, that is nonsense. It was up to the commanding officer to say, as a soldier came in front of him to get summary justice, "Look, son, you are now in front of a court of law. Just because you've gone through your platoon commander, your company commander and now your commanding officer, that does not mean to say that you are necessarily guilty."

The private soldier depends on the commanding officer to be his advocate, his leader, his protector. The private soldier who is sleeping for four hours a day in two two-hour bursts, who one minute is being shot at by well-armed terrorists and the next is expected to dish out food aid or whatever to injured and hungry civilians, requires a lieutenant-colonel or his equivalent also to have had four hours sleep that day, also to be operating in conditions of 100° Fahrenheit, and also to be required to carry a 60 or 70 lb set of webbing.

Mr. Simon: I thank the hon. Gentleman for sharing with the House his experience, which is genuinely insightful. I ask this in a spirit of inquiry, rather than as any kind of rhetorical point-scoring. He spoke about a cop-out. Can he explain why the commanding officer must dispense justice, rather than just guarantee it?

Patrick Mercer: That is an extremely good intervention and a fair one. The commanding officer does not always need to dish out justice to the soldier, but he needs to examine rigorously every case before him involving any soldier, sailor or airman under his command. If he does not do so, he is failing the often simple souls who require that officer to give them that protection.

That is what worries me so much about the idea of a service policeman being brought into the equation at

such an early stage. I reiterate the point that I made to the hon. Member for North Durham. It would be a foolish commanding officer who, in the event of almost anything other than a routine offence, did not quickly get legal advice and call in the Royal Military Police special investigations branch for their guidance.

Mr. Hancock: Hon. Members are right to recognise the hon. Gentleman's experience and the usefulness of it. Is he suggesting to the Committee that for the type of crimes outlined in schedule 2, a commanding officer would be able to make a judgment, after a police officer—a service officer or a civilian—had had time to investigate the crime? How would the commanding officer have the time and the means to carry out the sort of investigation that would be needed for some of those crimes?

Patrick Mercer: Again, that is an excellent intervention. The Trooper Williams case underlines it.

I take the point that the hon. Member for Portsmouth, North (Sarah McCarthy-Fry) made earlier. As far as Trooper Williams was concerned, the commanding officer was his god. He was his figurehead of leadership, justice and everything that happened inside the 2nd Royal Tank Regiment. If we attack that relationship, two things happen. First, the private soldier, lance-corporal and so on, feels that there is no longer an umbrella of protection given to him by a man whom he knows personally, who, within the constraints of rank, is a personal friend, and who has probably served with his father, his uncle or other people from the same area—Portsmouth, Newark or wherever.

Mr. Kevan Jones: I am still trying to follow the hon. Gentleman's logic. If, in his experience, to which I defer, and in the experience of his colleagues, in a serious case, the commanding officer would refer to the law and bring in the SIB, what is the problem with what is being proposed?

Patrick Mercer: The problem is simple. The commanding officer must have the power to say, "No. There is no case to answer. I have listened to what the legal authorities have to say, and in my judgment, as commanding officer, this soldier should not be prosecuted. This should go no further." On the other hand, he may be in a position to say, "Absolutely. This is beyond my powers to deal with." Ultimately, he must have that sanction; otherwise the measure cuts away at the fundamental relationship between officer and soldier.

Mr. Jones: The hon. Gentleman has just proved my point. Is he suggesting that in a very serious case, the judge and jury, even after a police investigation, should be the commanding officer? I am not sure whether the hon. Gentleman was still a member of the Defence Committee when we considered the Deepcut deaths—but is not the problem that fact that excluding independent oversight at an early stage led to problems later? If the angel commanding officers whom he describes bring in investigators and legal authorities as a matter of course, what is the problem?

Patrick Mercer: Of course commanding officers are no angels. Of course their judgment is faulty. The problem will not arise in peacetime circumstances in barracks such as Deepcut, Tidworth and so on. In those circumstances, I agree that there is time for the Royal Military Police and others to be used to the proper extent. On operations there, is no time. On operations, one is driving hard against an enemy. We are not talking about the overthrow of the Third Reich. We are talking about peacekeeping operations, where one minute, one is face to face with the enemy, at bayonet length from the enemy, and the next minute one is trying to dress his wounds and give out food to his wife. It is in those circumstances that the commanding officer must have that sanction, where he can use his judgment. If he does not, the fundamentals are attacked.

On my second point, I ask for the Minister's earnest consideration. The Army works on the principle of mission command. A commander takes an idea, decides what he wants to do, apportions missions to his subordinates and gives them the necessary resources. Unless the subordinate says that he does not have the necessary resources, the mission is entirely up to the subordinate commander. Part of that, particularly in these circumstances, means that the subordinate commander, in this case a lieutenant-colonel, must have the legal powers to deal with his soldiers in the difficult circumstances posed by places such as Iraq. If the commanding officer cannot deal quickly, effectively and legally with the soldiers under his command, to all intents and purposes a very important strand of tactical doctrine—mission command—is taken away from him.

Sarah McCarthy-Fry: I want to pick up on the hon. Gentleman's point that Trooper Williams looked to his commanding officer as his god, but the fact remains that he was let down, because he was then put into the civilian system. That is the point that this measure seeks to address. For precisely the reason that the hon. Gentleman gave about civilian judges and juries having no idea what it is like in the heat of battle, that is the last thing that we want our armed forces to have to do, as every soldier, sailor and airman to whom I spoke said. We are not talking about getting leave from barracks; we are talking about very serious offences here. The hon. Gentleman referred to snap decisions, but it is not healthy that snap decisions should be made in such serious cases, which could end up in the civilian courts.

Patrick Mercer: I agree. This sounds like a snap decision, but it is not. It will not be the sort of decision that the commanding officer takes off the cuff. We are not saying that from his tank turret he says, "Yes, Trooper Williams, not guilty. Get out of it." It does not happen like that and it will never happen like that. I do just wonder though why current practices, particularly on operations, have not been enshrined in the Bill. I believe that Opposition amendments were tabled that would have enshrined what happens at the moment—that the commanding officer, as often as possible, would refer to legal authority. Why cannot such practices be introduced to the Bill, so that the important relationship between private soldier and commanding officer is not attacked?

Mr. Simon: Again in a spirit of genuine inquiry, can the hon. Gentleman give a concrete example of a case

[Mr. Simon]

where this will go wrong? Can he give us an example of what that will look like? So far, it seems nebulous and hard to get hold of.

Patrick Mercer: I cannot, but I will hypothesise. Serving at a generally lower tempo of operations than what is going on inside Iraq, one of the warrant officers, second class, under my command—not, I hasten to add, from my cap badge, but from the Royal Military Police—attempted to murder his interpreter in the Serb republic. As his commanding officer, the case was referred to me. I immediately understood that it was a schedule 2 case, which had to be dealt with. I could not possibly say, in the circumstances, whether I should or should not have dealt with it. I immediately passed that on to the relevant legal authority. Had we been involved in a pursuit of the enemy at that stage, had we been involved in circumstances such as those in Iraq, I would have wanted the power to hand, so that I could reassure the private soldiers and lance-corporals under my command that they would always be protected by someone whom they knew who understood the circumstances.

Mr. Kevan Jones: Is the hon. Gentleman seriously suggesting that if, in the heat of battle, someone under his command shot his interpreter, somehow it would be right for him to have the authority to dismiss that case out of hand without any investigation? I am sorry, I just do not agree with that.

Patrick Mercer: I am afraid that the hon. Gentleman has not quite understood me. What I am saying is that in a high tempo operation, where things go wrong—and they will—the commanding officer must be able to carry out an investigation, take the advice that is to hand and deal with the matter as it faces him. If he does not, it will be very difficult for the private soldier under his command to continue to trust him.

Mr. Touhig: The hon. Gentleman has made an important contribution to the debate throughout the day from his experiences, but drawing on his experience, if at the height of an engagement there was an incident, perhaps such as the one he describes, would he not then ensure the success of the operation, the protection of his soldiers, and so on, and then get the matter investigated at a more peaceful time when it could be thoroughly considered, rather than take a decision in the way that he seems to be implying he would take one now?

7.45 pm

Patrick Mercer: It is a hard question to answer, but I am doing my best to answer it as honestly as I can. I have never been in circumstances where there is a pressing series of operations, one after another, against a determined enemy, with pauses out of the line where one needs to deal with this sort of discipline. But my father and my grandfather did. They faced such operations. Neither was a commanding officer, but they were infantry majors, and they felt the need to be able to use summary powers to deal with similar serious offences. That was a long time ago. I can imagine circumstances where the commanding officer at a high tempo of operations will need those powers. If I may put the point to bed, those powers are important, they will rarely be used, but when they are used, as in the case of the commanding officer of 2RTR, they should not be challenged.

My final point is that the relationship between a regimental commander, of whatever cap badge, and the police, is always difficult. It is difficult for people who have not served to understand the feeling of the regimental family. The regimental family is the building brick upon which the army is built. No matter what assaults are being made on that system at the moment, the fact remains that the battalion, 600 to 900 men, know and understand each other. Up until the new reforms that have been introduced recently, battalions could guarantee that they all came from the same territorial area. To introduce the Royal Military Police, or their equivalent, into the chain of command at this stage is to cut away at the authority and trust that subordinate commanders have in their commanding officers. It will be a detrimental move if the Royal Military Police, or their equivalent, the service police, are used in preference to the commanding officer, who, as has been said, will always refer to the legal authorities. That injures the regimental relationship—the same relationship as on a warship or an airfield—and I ask the Government to think carefully about the matter and to take it no further.

Mr. Benyon: As is the way of things, my points have been eloquently made by my hon. Friends the Members for Canterbury (Mr. Brazier) and for Newark (Patrick Mercer), so I shall be brief and make just one or two further points. I am very concerned about the implications of the clause and the effect that it will have on the relationship between commanding officers and those who serve them.

The hon. Member for North Durham (Mr. Jones) made a good point about the idea of gangs of lawyers following our forces wherever they go as part of operations being a perception that is not borne out in reality. I shall not stand here and pretend that there is an office of Matrix Chambers opening up in Basra and that our troops will constantly be harassed under human rights legislation. Nevertheless, we have to accept that we live in a much more litigious society, and our troops going on operations are daily faced with a greater threat of litigation. We know that untoward advances have been made to people in an area such as Basra and we have to be extremely careful about how we protect our forces in that context.

Clause 116 is important in the context of alleged crimes committed by soldiers. Commanding officers understand more than anyone else the context in which an alleged offence may have occurred. I will not go through the details of the Trooper Williams case, because it was discussed at great length in Committee.

Mr. Kevan Jones: I agree with the hon. Gentleman that society has become much more litigious, which is sad, but clause 116 will protect both the commanding officer and the accused. If the special investigations branch is involved from an early stage, evidence will be gathered and the facts will be established. That means that the commanding officer cannot dismiss a serious

charge, which could lead to accusations of a cover-up or make it difficult to gather evidence to establish what happened.

Mr. Bosper: The hon. Gentleman has made a good point. As my hon. Friend the Member for Newark has said, however, it would be nice as a commanding officer to say, "Sorry mate. You're on your own. I have no responsibility for this case, because it has been taken out of my hands." A good commanding officer will feel that his position and his relationship with the people who serve under him is diminished by that right being taken away from him. Commanding officers will not thank this House for such protection, if it is protection, because they will feel that their position has been undermined.

Mr. Simon: Is that not a little anachronistic and unrealistic? The hon. Member for Newark (Patrick Mercer) has said that, in the eyes of the private soldier, the commanding officer is God. Is that not an unrealistic burden to place on the shoulders of the commanding officer? In this day and age, is it right to say that that relationship, unless conducted between a "god" and a private soldier, is somehow illegitimate, and not valuable or productive? That cannot be the case, can it?

Mr. Bosper: That is a burden that commanding officers are determined they should keep. They understand more than anybody the circumstances in which their soldiers are likely to find themselves, and they need to be responsible for the decisions that they make under fire or in difficult conditions, because the people involved come under their command.

Patrick Mercer: Does my hon. Friend agree that to be in command is a huge privilege? It is a burden that is gladly taken and gladly borne, and it is always respected by the private soldiers who impose it.

Mr. Bosper: Absolutely. I never rose to the rank or grandeur of my hon. Friend, and my experience of the armed forces is even more dated than his. As a platoon commander in a rifle regiment on operations in Northern Ireland, I represented the views of one of my soldiers to my company commander when that soldier committed a military offence, and I stood in at the hearing at which the charge was put and a punishment was meted out. As a company second in command, I represented my company commander at hearings with the commanding officer when people under my command had committed more serious offences. Clause 116 would impose a glass ceiling, which would mean no responsibility for commanding officers if a crime is serious enough.

Mr. Simon: That is a false prospectus. The hon. Gentleman has said that there cannot be a situation in which the commanding officer is forced to say, "I'm sorry son. You're on your own." That line is actually a given part of the transaction at all times. If some dodgy squaddie who has murdered an old lady turns up in the commanding officer's office and says, "I'm sorry governor, I have just murdered an old lady," the commanding officer would not say, "Don't worry Hughes, I will look after you." The commanding officer would say, "I'm sorry son. You're on your own."

Mr. Bosper: The hon. Gentleman is being unrealistic. He cannot suggest that the SIB would be not involved in such a serious case.

Mr. Taddy: I recognise the concerns raised by Conservative Members. When the hon. Member for Aldershot raised the matter in Select Committee on 29 March, I sought to manage his concerns by discussing the relationship between the director of service prosecutions and the commanding officer:

> "We acknowledge that in such cases a commanding officer may have valuable information that could assist the director in the tests that he must apply before proceeding to charge individuals. A commanding officer will have to be made aware of such a case, because it will affect one of his people and the operating efficiency of his unit."—[*Official Report, Select Committee on the Armed Forces Bill*, 29 March 2006; c. 71.]

I went on to discuss the written guidance, which was pooh-poohed a moment ago. My point in Select Committee was that under the proposed guidance the service police would be obliged to [illegible] in a certain regard. I sought to manage the concerns of Conservative Members by pointing out that there would be a positive and important link between the role of the commanding officer and the service police in any investigation. We cannot wipe out the role of the commanding officer in that respect.

Mr. Bosper: In his former position, the hon. Gentleman tried to move towards the view advanced by my hon. Friend the Member for Aldershot (Mr. Howarth), but it is not good enough to put the point in written guidance, because it needs to be on the face of the Bill to provide the necessary security. The amendment tabled by my hon. Friend the Member for Aldershot sought to incorporate into the Bill the need for the commanding officer to be part of the process.

Mr. Bruster: My hon. Friend has been confronted with the ridiculous example of someone who murdered an old lady, but there is the much more relevant example of someone who killed a young lady: Private Clegg, who shot a woman at a roadblock and was convicted because the case was tried through the civil process as murder. That judgment was overturned only after two appeals, but if the case had been considered in a military context from the beginning, it might well never have gone to court.

Mr. Bosper: I could go into the case of Private Ian Thain, with whom I served in Northern Ireland, which has haunted me down the years. He was required to take a decision in the most difficult circumstances. The matter was taken out of the hands of military forces, which should have been able to protect him, and he was convicted of a murder that he did not commit. He went to prison as a criminal and served a sentence with some of the most hardened criminals in this country. That case has haunted me, and it will continue to haunt me so long as clauses such as this continue to come before this House. All I want to do is to incorporate the simplest protection into the Bill.

[Mr. Benyon]

Lord Boyce has been quoted more often in this debate than Lord Goldsmith has ever been quoted in the context of other legislation, and I shall quote him again:

"It is impossible to achieve and maintain the necessary level of discipline unless those under his or her command are in absolutely no doubt that their commanding officer has authority over them."—[*Official Report, House of Lords*, 14 July 2005; Vol. 673, c. 1235.]

The failure to involve someone in the prosecution of a crime who understands the context of that crime puts at risk the unique relationship in our armed forces between a commanding officer and the men who serve under him.

Mr. Hancock: I am surprised by the way in which the debate has gone, because hon. Members have not read the introduction to the clause, which states:

"Duty of service policemen following investigation".

Clause 116 is all about the actions that occur after the service police or civilian police have carried out an investigation, and the list in schedule 2 covers everything from treason to murder to child abuse to child pornography. Are hon. Members really arguing that the commanding officer should be able to carry out such investigations? I would urge those Members who have not done so to read the report by the Surrey police into the events at Deepcut—not so much on the deaths of the four young people but the many examples that they gave of genuine complaints by members of our armed forces about abuse that they suffered, including serious sexual assaults, which were never investigated by the service police or by the civilian police. The Surrey police were extraordinarily critical of the chain of command that allowed such serious allegations to go unchallenged.

8 pm

I understand that when this was discussed in Committee, colleagues supported the view that the commanding officer should be informed about investigations into schedule 2 offences. I think that he has every right to be informed, but not for him then to be able to make a judgment on whether the case should be pursued. One would imagine that if a police officer, whether service or civilian, was investigating something as serious as a crime outlined in schedule 2, they would have sufficient evidence to be able to take the case further. There is clearly an obligation placed on the investigating officer that they must have substantial evidence to take the matter further.

Mr. Brazier: The hon. Gentleman and I served together for a long time on the Defence Committee, and I know of his close interest in and family connections with service matters. He mentioned areas such as child pornography which are a long way away from the serviceman's job. Does he accept that in crimes such as a shooting under very difficult and uncertain circumstances, the commanding officer has an insight into that which an investigatory team, who have perhaps come out of an air-conditioned office, will not necessarily have?

Mr. Hancock: I cannot imagine any set of circumstances in which a soldier, or any other service personnel member, was accused of discharging a weapon in such a way that somebody was killed or injured that would not involve the commanding officer, who could not be left out of the loop in the initial investigations that would have to take place. The problem in Iraq is that there are insufficient military policemen to be able to help our service personnel to perform some of their duties. People who have been there recently, including some of our colleagues in this House, will tell us that.

The hon. Member for Newark (Patrick Mercer) was good enough to recognise that until 1970, the situation was governed by a different style of soldiering and chain of command. Ireland changed that because of the type of confrontation that was faced daily by our armed forces over those 30-odd years. There were always going to be very difficult circumstances when weapons were fired, people were killed and soldiers were prosecuted through the civilian courts or action was taken through the military courts. Ireland was never going to be an easy situation.

The Bill provides a much clearer definition of the way in which these matters will be resolved. I believe that clause 116 is helpful. There was a situation in my constituency that involved naval personnel and civilian personnel working for the Navy who were all, to one degree or another, charged with offences relating to child pornography. The civilian was punished quite severely, while the service personnel were dealt with through the chain of command and virtually got away with a warning, in respect of almost identical crimes. That case has gone to the desk of the Minister, because, rightly, the civilian involved felt that he had been treated differently.

I am not wedded to the idea that the chain of command is always right. It does not end with the Chief of the Defence Staff. There is a chain of command above that—the political bosses at the MOD, under whichever party, who set the parameters. The Bill is not driven by the views of the Chief of the Defence Staff, but by the need to reform armed forces legislation to bring it into the 21st century and to deal with the way in which service personnel should expect to be dealt with. The chain of command is by no means perfect, as the hon. Member for Newark was generous enough to admit. It cannot be right for us to say that we are wedded to it under any circumstances. If any individual in our armed forces has a serious allegation under schedule 2 being pursued against them, there is a duty and a responsibility for that to go further, and for it not to remain in-house and within the command structure. Anything short of that would enhance the public's perception of the armed forces being treated differently, and that cannot and should not be the case. This is about is having a level playing field so that everyone clearly understands that if they are investigated for a schedule 2 offence, it will not stay in-house but will go straight to the civilian authorities or to the Crown Prosecution Service.

Mr. Kevan Jones: Does the hon. Gentleman agree that it is not just about a level playing field but about, first, giving the accused protection in terms of knowing that the alleged crime is being investigated properly and that the evidence has been gathered; and secondly, that if the prosecution goes ahead it is based on the

evidence that has been collected near to where the crime was committed, whereas if the case had been dismissed and reinvestigated later on, things might have been lost?

Mr. Hancock: The hon. Gentleman is right. I am sure that his remarks are borne out by the hours of evidence that he took in the Armed Forces Bill Committee and in the Defence Committee. We have had that explained to us time and again. The Minister of State, who is in his place, has a lot of credit coming his way for genuinely believing—I am sure that his new boss and the former Secretary of State share the same view—that the duty of care is to our serving personnel and to their families, as well as to the victims of crimes that are perpetrated by members of the armed forces. It is not an exclusive club whereby the military only look after their own—their duty of care goes way beyond that. That is what this clause of this much-needed Bill gets to the heart of, and the Committee should not be prevailed upon to go along with voting against its standing part.

Patrick Mercer: I entirely agree with the hon. Gentleman that it is not an exclusive club. It has to be an organisation that is entirely visible to the outside. However, this band of brothers is called upon to do extraordinary things, and I suggest that in those extraordinary circumstances it needs extraordinary powers.

Mr. Hancock: I do not disagree. Of course, this band of brothers, for want of a better phrase, does need support, but it also needs the integrity of the law that says that it will be treated it on an equal basis with the victims of any allegation that might be made against it. The public perception is that in so many of these cases the military are able to be their own judge and jury.

The Surrey police report was a lesson that we can allow things to go unchallenged only for so long. It was a rather cosy coincidence that it was put forward so strongly that that all the issues were dealt with properly under the chain of command. It was obvious to the Surrey police that many of the men and women who gave evidence to them felt that they had been manifestly let down by the "god" of the commanding officer or the ability of the commanding officer to see through a fictitious allegation. Sadly, many of our armed forces men and women felt badly let down in that situation. The Bill will give them greater hope that there will be equality under the law and in the law as regards our armed forces.

Mr. Gerald Howarth: We have had an interesting and good debate. My hon. Friend the Member for Newbury (Mr. Benyon) brought passion and personal experience to it, which, along with the contribution of my hon. Friend the Member for Newark (Patrick Mercer), illuminated our discussions. They both showed that the perspective from which we must view the Bill is not that of what happens in a brawl on a Saturday night in Aldershot or Colchester, but what happens on the front line on operations.

Our armed forces have never been so involved in operations as in recent years. We have all seen—because television is there today—the circumstances in which they fight. We therefore have a duty to examine the provision from the point of view of its impact on our armed forces on the front line. It is inevitable that we are more concerned with the Army than the other two services because of the way in which the Army fights. The Royal Air Force pilot who fires a missile will not see the enemy. Those on a naval vessel who use bombardment may not see the enemy, but the soldier does. Indeed, the soldier is often required to engage in hand-to-hand combat.

I pay tribute to my hon. Friend the Member for Canterbury (Mr. Brazier), not only for his kind support to me but for the way in which he opened the debate a couple of hours ago. I am most grateful to him. He is right that the clause and the associated provisions—we are holding only one stand part debate, but several related clauses go to the heart of the measure—represent the most significant change that the Bill makes to existing practice. The chain of command is at the heart of that key debate.

The expertise of senior officers on the ground who have first-hand understanding of the conditions that their troops face has long been essential in deciding whether split-second decisions made by soldiers in danger should lead to prosecution. My hon. Friend the Member for Newbury graphically illustrated that from his experience. Until now, we trusted those in a position of command to decide whether those under their command should face prosecution for their actions while carrying out their duty in good faith. As I have said previously, the Bill removes that trust.

Under current arrangements, commanding officers examine an incident and are informed by their knowledge of the military context—the operational circumstances—in deciding whether there is a case to answer. Under the Bill, if an incident occurs or an accusation of a serious offence is made, the case will be passed by a service policeman directly to the service prosecuting authority for a perhaps lengthy investigation.

In the Select Committee, I asked the hon. Member for Islwyn (Mr. Touhig) whether he could guarantee that the arrangements would not lead to more investigations that resulted in legal proceedings. He could not give me the cast-iron guarantee that I sought. Let me therefore pose the question again and perhaps the Under-Secretary can assist. Will the service prosecuting authority resemble its civilian counterpart in that it will base its decisions to prosecute on the likelihood of securing a conviction rather than on a proper understanding of the circumstances that led to the alleged event?

Lord Boyce has been much quoted this evening. I shall quote him accurately, for the benefit of the hon. Member for North Durham (Mr. Jones). When he gave evidence to the Select Committee, he said that there was a "feeling of legal encirclement" among members of our armed forces. He said that the removal of the power of a commanding officer based on the facts and the situation on the ground to dismiss a charge against a serviceman risks adding to that feeling. Let me put Lord Boyce's remarks in context. He also said:

> "There is a feeling of risk averseness out there now. There is a feeling of legal encirclement... It is certainly the culture of litigation and the blame culture that pervades our life today. The

[Mr. Gerald Howarth]

answer to your question is yes, I am concerned about risk aversion. There is absolutely no question in my mind that this is out there."

Mr. Kevan Jones: Will the hon. Gentleman give way?

Mr. Howarth: I shall not at this stage because the hon. Gentleman has quoted Lord Boyce enough and it is fair to put the noble Lord on the record.

Lord Boyce also warned that tampering with military command could damage operational effectiveness. He said of a commanding officer:

"If you diminish his authority or start to erode his authority, you will have a fracture which is ultimately going to cause failure."

That is the issue before us tonight. We must ensure that we do nothing that fractures that authority.

After visiting those on deployment, the Select Committee concluded that there had not been much opposition in the Army to the Bill's proposed changes. Although I accept that, we must realise that the proposals in the Bill have hardly sunk in at all in the military. I do not especially blame the Government. The guys are out there trying to fight a war and they have no time to start assessing the niceties of the legal position. Although the people to whom we spoke had been briefed, I suspect that some had been briefed only a little in advance of our visit. Some of the changes will take time to make an impact.

8.15 pm

As has been said, the change that the Government propose results partly from the Trooper Williams case, in which the commanding officer, on legal military advice, dismissed a charge of murder against Trooper Williams, who was said to have shot an innocent Iraqi. More senior military lawyers believed that the advice was wrong, but could not reopen the case and the Army high command felt under political pressure, in the grotesque phrase that Sir Alistair Irwin used, to "offer for prosecution" Trooper Williams. That could be done only through the civil courts.

Sir Alistair Irwin said that with the

"current legal, political and pinger group interest in the deaths of Iraqi civilians during Operation Telic, there is a significant possibility that this case, our investigation and the subsequent failure to offer for prosecution could become a cause célèbre for pressure groups."

I have said it before, and I repeat that I find it reprehensible that a senior officer used the expression "offer for prosecution" about one of the men under his command. I do not believe that Pontius Pilate would have used that expression.

At the instigation of the Attorney-General, Williams was charged but the case was dismissed by the civilian judge. The Government argue that the removal of the power to dismiss a serious charge will prevent a repetition of the Williams case. However, the commanding officer's judgment was vindicated. The case says more about the high command and the political pressures that led to Trooper Williams being offered for prosecution than about the power of the commanding officer to dismiss a charge. I agree with the Government that we must avoid such a case in the future. I am at one with the hon. Member for Islwyn, the former Under-Secretary, that we must find a way to keep such matters in the military domain and not leave them up to civilian courts.

Mr. Jones: Does the hon. Gentleman agree that if the system for which the Bill provides had been in place at the time of the Trooper Williams case, the police evidence would have been collected early and led to an informed judgment earlier, which perhaps would not have meant the unacceptably lengthy process that he describes? If that had been done, Trooper Williams would not have gone through what he did.

Mr. Howarth: I do not agree with the hon. Gentleman. The facts prove him wrong. The commanding officer's original judgment was right. He did the right thing. He took legal advice and investigated, but some lawyer in uniform higher up thought that the advice given by the legal officer on the ground was wrong. We then had the farce—well, it was not a farce for Trooper Williams; it was a serious personal tragedy for him. It was a disgrace. We then had the disgrace of the case going through the military courts so that the high command could be absolved of failing to offer a soldier for prosecution.

In the Select Committee, I suggested that there were ways round the problem. I suggested, as the hon. Member for Islwyn was kind enough to point out, that there were ways of dealing with it. The first option that I proposed would have given a commanding officer the power to dismiss charges, even when he would not have had the power to deal with them summarily, but would have incorporated the amendments to Queen's Regulations of 29 July 2004, which would require the commanding officer to seek the approval of his higher authority before dismissing any charge. That is the situation that prevails in Iraq today. As my hon. Friend the Member for Enfield, Southgate (Mr. Burrowes) suggested, that is the way the system works today, and I cannot see why we cannot replicate it in the Bill.

This is a lost opportunity. I am sorry that the Government could not accede to our proposals, and I would like to put it to them again that they would reflect current practice, which appears to be working reasonably well. They would also address the problem, which we all agree must never arise again, of a charge arising from an event on operations during active service going outside the military domain and being dealt with by a civilian court that would not understand the military context. I hope that the Government will be prepared to look again at this measure in another place, particularly once they have heard the advice of the former Chief of the Defence Staff.

In the meantime, however, I am disappointed that the Government were unable to accept the amendment that I tabled to clause 116, to which the hon. Member for Islwyn and others have already referred. My amendment would have required a service policeman investigating a charge against a member of the armed forces to inform that individual's commanding officer of any intention to refer the case to the director of service prosecutions. The amendment would also have made provision for the commanding officer to make his own representations about the case to the director of service prosecutions.

I should like to explain to the Minister that that would have enabled the commanding officer to set the episode in the military context, so that the director of service prosecutions would have that information to hand. In a moment, I shall deal with the response that the hon. Member for Islwyn gave me in Committee, but first I want to explain this point to the Minister. I know that he is new to his post and—I do not say this in a patronising sense—he has a huge amount to master. It seemed to be accepted by the Government that it was desirable that the commanding officer should have that input. We pressed the matter to a vote, and the Committee divided equally. It was only the Chairman's casting vote that enabled the Government to carry the day. However, I remain convinced that there should be a requirement that the commanding officer be informed.

The Bill already reduces the power of a commanding officer to dismiss a serious charge against an individual under his command. However, to remove the commanding officer from the loop altogether would reduce his authority over his men yet further. We have heard powerful evidence tonight from a former commanding officer of the importance of the bond between men and their commander. The Committee would be ill advised not to recognise the force of the argument put forward by my hon. Friend the Member for Newark.

The provision to allow a commanding officer to submit his own report once a charge had been referred to the director of service prosecutions would ensure that the assessment of the commanding officer, setting out the military context, was included in the director's assessment of whether there was a case to answer. The commanding officer would know the men under his command. He would probably have been present when the incident took place; if not, he would not have been far away. He would therefore bring not only more immediate knowledge of the military context but, most importantly, knowledge of the individual concerned.

Will the removal of the safeguard of having the commanding officer in the decision-making process increase the chances of a serviceman being put on trial without adequate understanding of the operational circumstances? Lord Boyce said in the other place on 14 July:

"Command and discipline in the Armed Forces go absolutely hand in hand. A commanding officer, who has total responsibility for the command of his ship or unit, must, in turn, be responsible for—and carry out—its discipline. It is impossible to achieve and maintain the necessary level of discipline unless those under his or her command are in absolutely no doubt that their commanding officer has authority over them."—[*Official Report, House of Lords*, 14 July 2005; Vol. 673, c. 1235.]

My hon. Friend the Member for Newark said that we must maintain that bond, and he was right.

The hon. Member for North Durham has had great fun trying to suggest that the former First Sea Lord and Chief of the Defence Staff had somehow failed to provide adequate evidence to sustain his argument. I have referred to the risk-averseness that many people in the armed forces recognise. However, since the beginning of our proceedings, a document has come to light. It is headed "Reinforcement of pre-deployment training in Iraq", and it was produced at the beginning of December by Major Whitelegge, who is SO2 Plans, following a survey that had been carried out among 7 Armoured Brigade. It is disappointing that we were not told about its existence.

One of the matters that the major was asked to examine was troops' reluctance to become decisively engaged when the rules of engagement clearly allowed them to do so. The findings were pretty emphatic.

"Confidence to open fire. All agreed that there was a certain British reticence to open fire, and that this was largely a positive feature at the start of an operational deployment... However, there remained a common belief that many soldiers lack the confidence to initiate opening fire when it is tactically and legally sound to do so. Reasons for this were given in the following approximate priority order:

(a) fear of investigation. There is a widespread fear of being investigated for having opened fire, and of a protracted prosecution system that might ensue. Some believed that individual soldiers would not open fire as a result of this fear. More typically, it was felt that soldiers would open fire, but only within the strictest interpretation of the ROE...

(b) Inconsistencies in ROE training. Throughout PDT"—

that is, pre-deployment training—

"units have received differing advice on what level of force is suitable in a given situation, usually due to different understandings of the "imminency" of the threat being faced by the soldier, or borne from experiences on other operations with different policies."

Mr. Kevan Jones: Is not this a great example of the innuendoes, half-truths and hearsay that the hon. Gentleman and Lord Boyce are peddling? This is having an effect on our armed forces that is, frankly, not very helpful. May I refer the hon. Gentleman back to Lord Boyce's response to my question? He said:

"I do not have any which I can give the Committee Chairman."

In other words, he did not have any factual evidence that legal encirclement had actually stopped armed forces taking part in any activities. I say to the hon. Gentleman: stop peddling this, because it is damaging our armed forces.

Mr. Howarth: I suggest that the Prime Minister give the hon. Gentleman a seat on the Front Bench as a prize for his extreme loyalty.

8.30 pm

Mr. Touhig: As the hon. Gentleman knows, the Prime Minister deprived me of a seat on the Front Bench. I am, however, somewhat disappointed by his remarks. Does he recall that the Committee saw a video, which gave details of how our troops are instructed on the rules of engagement, and that we were able to ask questions of officials and people who had served on the front line, and none of the issues that he raises came up? I share the concern expressed by my hon. Friend the Member for North Durham (Mr. Jones) that this House and the other place must be careful about giving credence to half-innuendos that affect the morale of our people. It is all right for us sitting on these comfortable green Benches; we are not in Iraq tonight.

Mr. Howarth: I am grateful to the hon. Gentleman. He is absolutely right that we saw the film, which raised several questions, including that of the limitations on when servicemen can open fire. I do not want take the House through all the scenarios involved at this time of

[Mr. Gerald Howarth]

night, but I hope that he will agree that certain reservations were expressed by several hon. Members. I think that that film could be improved a great deal.

Mr. Jones: Will the hon. Gentleman give way?

Mr. Howarth: I will not do so now, as I am trying to describe something. In that film, we saw guards on a ship at night, who heard a sound, and fire was offered. They went to investigate, and the "enemy" took off in an inflatable and were seen disappearing. The guards were not allowed to shoot them because they were not under immediate threat. One Member raised the point that while they were not under immediate threat, the enemy might have been about to offer immediate threat to some of their fellow servicemen. This is a difficult area, and the hon. Member for Islwyn is right to raise it. A lot more work needs to be done on that.

To return to the substance, I raised the issue of the survey because it has already gone into the public domain; extracts of it were published in *The Sunday Telegraph* a couple of weeks ago. I have made inquiries among those who are currently serving, and I understand that a great effort has been made to try to encourage and build confidence among those on the front line that they might open fire with confidence. To the extent that that has been done—according to an insider whose word I trust implicitly—I am encouraged. I make no apology for repeating something that has already appeared in a newspaper, perhaps at greater length, as it illustrates the risk that we face if we do not back up our people, and how easy it is for them to lose the confidence that is essential if they are to be able to fight the fight on our behalf and to save their own lives. If they fail to open fire out of reticence and lose their lives, we will have betrayed and failed them, as the whole House will agree. We must get the balance of judgment right.

Mr. Brazier: My hon. Friend is making a powerful speech. Several Members have put this issue in the wider context of a litigious society. May I remind him and the hon. Member for North Durham (Mr. Jones) that in introducing the Compensation Bill to deal with such wider civil effects, no one in the Government, even when saying that it is purely a matter of perceptions, ever sought to blame those in the scouting movement and other areas who have complained for somehow stirring up innuendo?

Mr. Howarth: I entirely agree with my hon. Friend.

Time is marching on. I suspect that we will not be able to debate one of the new clauses relating to the creation of an armed forces federation. To reinforce my earlier point, let me quote from *The Sunday Times* yesterday, which reported on the setting up of the British armed forces federation. It quoted Professor Richard Holmes, who is universally admired by all of us who have an interest in defence, as saying:

"Politicians control what senior officers say more than they did in the past".

He continued:

"They simply can't say what the problems might be. Someone has to do that."

That is his support for the armed forces federation, which I happen to be against, so I am afraid that I am on the wrong side of him on that matter. However, the report goes on to say:

"Many service members believe comrades accused of war crimes in Iraq, who were later found not guilty, were 'hung out to dry' by the government."

That is the perception out there. I certainly do not accuse the Minister of State, whom I know extremely well, but whose constituency I cannot remember—

Mr. Ingram: East Kilbride, Strathaven and Lesmahagow.

Mr. Howarth: Of course. I apologise. I accept that he and his hon. Friend the Member for Islwyn are committed to the armed forces. It is, however, imperative that we understand the culture of the military, and the vital importance—mentioned by my hon. Friend the Member for Newark—of ensuring that our people out there feel they have the support of not just the political commanders, but the chain of command.

The hon. Member for Islwyn—the former Minister whom the Prime Minister obviously thought too old to be veterans Minister—sought to assure me that there would be detailed guidance. I do not doubt his word for a moment, but let me say this to his successor. Clause 116 clearly states what happens after an investigation. It could not be more explicit; indeed, it could not be more pedantic. Subsection (2) says that if

"a service policeman considers that there is sufficient evidence to charge a person with a Schedule 2 offence"

—that is, a serious offence—

"he must refer the case to the Director of Service Prosecutions".

We are absolutely clear about the role of the service policeman. It is perfectly all right to specify that in the Bill. However, we are told that it cannot be specified in the Bill that the commanding officer will be empowered both to make representations and to be told of the outcome of the service policeman's investigation.

I am sorry, but I must insist that that is not correct. It is fine to be prescriptive about the role of the service policeman, but I do not think it acceptable to argue that we cannot be prescriptive about the role of the commanding officer. The commanding officer is central to the whole concept of the chain of command, and to the protection of the men under his command. Unless the Minister is prepared to say that he will deal with that in the other place, I am afraid that I will seek to persuade the Committee to vote against the clause.

Mr. Watson: A powerful case has been put for each side of the argument. I intend to explain clause 116, and then try to deal with some of the key points that have been raised.

The clause determines to whom a service policeman refers a case once he has investigated it. It also determines to whom a service police force refers a case that has been referred to it by a United Kingdom or overseas civilian police force. Its purpose is to ensure that the most serious or sensitive cases are referred to the service prosecuting authority.

Subsection (2) requires a service policeman who considers that there is sufficient evidence to charge a person with a schedule 2 offence—that is, one of the

most serious offences—to refer the case directly to the prosecuting authority without first passing it to the person's commanding officer. When a service policeman considers that there is sufficient evidence to charge the person with another offence in the context of circumstances "prescribed by regulations", he will also have to refer the case to the prosecuting authority. When the offence is not covered by schedule 2, and no prescribed circumstances apply but the service policeman considers that there is sufficient evidence to charge the person with some other offence, subsection (3) requires that it be passed to the person's commanding officer.

Subsection (4) requires a service policeman to consult the prosecuting authority before referring a person to his or her commanding officer if it was originally thought that a schedule 2 offence might have been committed, or that prescribed circumstances might exist. That ensures that in such a case the service police's decision on whether there are sufficient grounds for the case to be referred to the prosecuting authority will be made on the advice of the prosecuting authority.

Many Members have raised specific points. First, let me deal with the "risk-averse" points. We have heard a number of quotations from Lord Boyce and various others. If I understand the argument correctly, what is being suggested is that clause 116 will create a politically correct brigade of lawyers who will be profoundly challenging to the roles played by service personnel. The argument is that personnel will be more risk-averse in the field of combat and in operations, and that they will be inhibited from operating effectively in theatre. I understand those arguments, but on reading the transcript of the debate in Committee, I wanted to test the issue for myself. Last week, I visited the Coldstream Guards and asked them whether they felt inhibited by the rules of engagement and thought that a new culture was developing in the forces. Their commanding officer afforded me time to talk to infantrymen who had been on the front line, and from their CO down I did not get that impression.

Mr. Gerald Howarth: The Coldstream Guards were based in Aldershot until last year, and they returned from Iraq after a difficult tour. Their padre is a close friend of mine. I spoke to several warrant officers in the sergeants' mess, and there is no doubt that some of them felt inhibited. I sought to say that an authority whom I regard as one of integrity told me that the position had improved, but the Minister will accept that the survey carried out on the 7th Armoured Brigade at the end of November and the beginning of December, and some of the remarks that have been made, indicate that there has been a problem.

Mr. Watson: The hon. Gentleman and I will have to draw different conclusions from the conversations that we have had. That was not said to me when I was in the sergeants' mess, and when I talked to the infantrymen to test out this issue they gave no impression that they felt inhibited. I asked the commander who conducted our forces in Basra whether he felt inhibited by the rules of engagement, and he said, "No, not at all." So the hon. Gentleman and I have obviously had different conversations.

Mr. Kevan Jones: I, too, visited the Coldstream Guards, and undertook other such visits relating to the Bill with the hon. Member for Aldershot (Mr. Howarth). In my four visits to Iraq and on the various visits that I undertook with the Select Committee, I did not come across anyone—be it an infantry person or someone in a more senior position—who said that they were risk-averse in the way that has been described. Unfortunately, even when evidence is put before the hon. Gentleman, he cannot come to terms with it.

Mr. Watson: The only example that I have seen of someone being prepared to go on the record on this issue is Lord Boyce.

Let me try to reassure the hon. Member for Aldershot (Mr. Howarth) with another quotation about the rules of engagement:

> "Whenever you see an armed British serviceman or woman on duty, you can be confident that they will live—maybe die—by the rules that are drilled and trained into them and which make them the most professional forces in the world. It is all about using no more force than is necessary, using firearms as a last resort and only to protect human life, only firing aimed shots, no more rounds than are necessary and taking precautions to hit only the target...Believe you me, the Army knows what it is doing. The Rules of Engagement have stood the test of time and they are right."

Those are the words of the hon. Member for Salisbury (Robert Key), who, sadly, cannot be here tonight. They are on his website, and if I can feel reassured by those words, I hope that the hon. Member for Aldershot can.

Mr. Howarth: I think that there has been a slight misunderstanding. There is no dispute about the nature of the rules of engagement. Indeed, one of our proposals was to include them in the Bill, so that compliance with them would be sufficient protection against prosecution. There are certain issues in that regard, which I have raised with the hon. Member for Islwyn (Mr. Touhig), but the serious question is whether people will be prosecuted. Concern that they might have exceeded the rules of engagement could damage them psychologically and affect their ability to be operationally effective; at worst, it could risk their losing their lives.

Mr. Watson: That concern is obviously not borne out by the hon. Member for Salisbury. The Coldstream Guards to whom I talked last week did not share it, either, so the hon. Member for Aldershot and I will have to disagree on this issue.

Mr. Brazier: My hon. Friend the Member for Aldershot (Mr. Howarth) quoted the survey leaked by *The Sunday Telegraph*. Does the Minister believe that that survey was properly founded? Why did that survey have to be leaked? When we had a Conservative Government, the regular surveys of a range of attitudes were available at any time on request by Members.

8.45 pm

Mr. Watson: The hon. Gentleman will know that I cannot comment on that survey. I have not seen it and, if it was leaked, we do not comment on leaked documents. However, I will try to review the press article after the debate and if I can learn something from it I will contact him.

The hon. Member for Aldershot made several points about the role of the prosecuting authority and the

[Mr. Watson]

commanding officer. I know that he has expressed concern that if a serious offence were alleged, it would be investigated by the service police and the case passed to the service prosecuting authority without an opportunity for the commanding officer to explain the service context to the prosecuting authority. In fact, the Bill will not substantially change the present position, which hon. Members seek to preserve. I do not underestimate the seriousness with which hon. Members have made the point, but the service police will of course be able to consult the CO.

I shall explain why the concerns expressed, especially by the hon. Member for Canterbury (Mr. Brazier), are not founded. He said that the Bill would strip away a statutory obligation. To take the Army as an example, nothing in the Army Act 1955 provides a right for COs or higher authority to submit a report to the Army Prosecuting Authority setting out the military circumstances that prevailed. That right is covered by regulation.

Mr. Brazier: We are now in a much more litigious era, with a well-briefed enemy who is clever at working out fresh ways to make life difficult for our armed forces. The Bill will change the situation from one in which the CO has the powers to dismiss charges to one in which he is merely expected to be consulted. The Minister and his predecessor have been happy to make promises on the Floor of the House, so what is stopping the Government providing the comfort of putting them in the Bill?

Mr. Watson: I understand the hon. Gentleman's argument—he has made it on three or four occasions. I shall try to answer that point. At present, there is provision in regulations for the commanding officer to submit to higher authority any information in his possession, in addition to other details, which—in his opinion—may be material to the institution of court martial or other proceedings. The higher authority is required to forward that material to the prosecuting authority when forwarding a case from the commanding officer. What use it makes of that information, if any, is entirely a matter for the prosecuting authority.

Under the Bill, there is no prohibition on commanding officers providing the same information as they do now. They will be aware of police investigations and we would expect a similar provision to be in the regulations made under the Bill. As my hon. Friend the Member for Islwyn (Mr. Touhig) said to the Select Committee, we acknowledge that in such cases a commanding officer may have valuable information that could assist the director in the test that he must apply before proceeding to charge individuals. A commanding officer will have to be made aware of such a case, because it will affect one of his people and the operational efficiency of his unit. Written guidance will set out the standard operating procedures under which the service police will be obliged to act in that regard. Even now, the service police send daily reports to commanding officers notifying them of all cases that they have begun to investigate. Notifying them of a case that has gone directly to the prosecuting authority will be a matter of course and we do not need to legislate for that process.

Mr. Gerald Howarth: One benefit of these proceedings is that all those comments are being written into the record, but I cannot understand why the Minister and his advisers are so loth to put something prescriptive into the Bill when they are perfectly prepared to include the words:

"If an officer of a prescribed description becomes aware of circumstances of a prescribed description, he must as soon as is reasonably practicable ensure that a service police force is aware of the matter."

Why not put on the face of the Bill that the commanding officer shall be informed of the outcome of the investigation, or that the commanding officer may—permissive, not mandatory—inform the director of service prosecutions of the military context?

Mr. Watson: There is no need to include such a provision, as I shall explain. It is inconceivable that a commanding officer would not want to take up their right to submit circumstances to a prosecuting authority.

In the remaining time available, I want to deal with some of the more detailed points that the hon. Member for Newark (Patrick Mercer) made so powerfully. He spoke of the need for powers to deal with serious offences during operations, which is probably the most serious point in our debate on these matters. Perhaps my explanation of the current situation will inform his conclusions in the Lobby later.

UK forces developed a shooting investigation policy for high-tempo operations in Iraq that was so successful that they adopted the same model in Afghanistan. It has led to fewer but better targeted service police investigations. It allows COs to decide that there is no suggestion of an offence and to delay service police investigation until the operational tempo permits it. Nothing in the Bill is inconsistent with that procedure.

Under the Bill, the CO will still have to make the service police aware of serious offences as soon as is possible and reasonably practicable. I hope that that assures the hon. Gentleman that we will not draw people away from high-tempo operations during important tours of duty.

Patrick Mercer: The Minister has generously answered my point, as far as it goes. I am grateful for his indication that it is at the heart of the debate, because the crux of the matter is that in operational circumstances such as those which prevailed for the 2nd Royal Tank Regiment, the case of Trooper Williams, until it was satisfactorily dealt with—by the CO in that case—seriously worried the rest of the regiment and caused operational ineffectiveness. If the powers to deal with such things during high-tempo operations were stripped away from COs, it could interfere with the operational effectiveness of units at that level.

Mr. Watson: If the hon. Gentleman will forgive me, I would rather not be drawn into discussion of the case of Trooper Williams, which is extremely detailed. The

point that I was trying to make is that we will not be drawing people away from their immediate operational effectiveness.

I cannot comment on individual cases, but I suspect that one feature of the case mentioned by the hon. Member for Canterbury was the delay in resolving the matter. Service chiefs and all members of the armed forces share concern about such delays. The regime that we are introducing will ensure that matters that ought to go to the prosecuting authority move far more quickly than at present. The closer relationship between the service police and the prosecuting authority should help to improve the quality of the investigation. All those factors will contribute to reducing such delays.

The hon. Gentleman suggested that the clause would prevent service police from consulting a CO.

Mr. Brazier: I did not suggest that the clause would prevent service police from consulting COs, but that it says that they should refer a case directly, which means that they could shove it on without consulting the CO.

Mr. Watson: Let me explain what currently happens. The clause will not prevent any service police from consulting the CO about the case in deciding whether there is sufficient evidence of an offence before sending the case to the director of service prosecutions. Where the service context is relevant to whether an offence has been committed, the service police not only may, but should, ensure that they understand that context. However, if they decide that there is sufficient evidence, the CO should not be able to stop the DSP considering the case.

I have tried to answer as many of the detailed points about the clause as I possibly can. Obviously, I will review *Hansard* tomorrow, and if I can help hon. Members further when I have looked at it, I will. With those assurances, I calmly attempt to reassure the hon. Member for Aldershot that the clause is not worth dividing the Committee.

Mr. Gerald Howarth: I made it clear at the outset, as did my hon. Friends, that the clause goes to the heart of the Bill and reflects some of the most significant changes to our procedures under the existing individual service Acts. We have sought not only to set out some of the concerns that we feel exist, but to make the case that if the Government feel so strongly that what we are saying is already current practice, it ought to be stated in the Bill.

I am sorry to disagree with the hon. Gentleman on his first outing as the Minister, but I feel very strongly about the issue. I have made the case in the Select Committee, I have the support of my hon. Friends, and we are disappointed that the Government feel unable to make such a change or, indeed, to offer us any possible change, not even further consideration before the Bill goes to another place. Therefore, I am afraid to say—with no personal disrespect to the Minister—that I am not satisfied and that I will invite my right hon. and hon. Friends to vote against the clause standing part of the Bill.

The Second Deputy Chairman: Order. I am not clear whether that was an intervention.

Mr. Gerald Howarth: Sir Michael, can I help?

The Second Deputy Chairman: Order. Has the Minister finished his contribution?

Mr. Watson *indicated assent.*

The Second Deputy Chairman: I see.

Question put, That the clause stand part of the Bill.

The House divided: Ayes 323, Noes 122.

Division No. 248] **[8.57**

AYES

Abbott, Ms Diane	Lloyd, rh Ann
Ainger, Nick	Coaker, Mr. Vernon
Ainsworth, rh Mr. Bob	Colley, Ann
Alexander, Danny	Colvin, Harry
Alexander, rh Mr. Douglas	Cook, Frank
Allen, Mr. Graham	Cooper, Rosie
Anderson, Mr. David	Corbyn, Jeremy
Armstrong, rh Hilary	Cousins, Jim
Austin, Mr. Ian	Crausby, Mr. David
Austin, John	Creagh, Mary
Bailey, Mr. Adrian	Cruddas, Jon
Baird, Vera	Cryer, Mrs. Ann
Balls, Ed	Cunningham, John
Banks, Gordon	Cunningham, Mr. Jim
Barlow, Ms Celia	Cunningham, Tony
Barrett, John	Curtis-Thomas, Mrs. Claire
Battle, rh John	Davidson, Mr. Ian
Bayley, Hugh	Dean, Mrs. Janet
Beckett, rh Margaret	Denham, rh Mr. John
Begg, Miss Anne	Devine, Mr. Jim
Bell, Sir Stuart	Dhanda, Mr. Parmjit
Benton, Mr. Joe	Dismore, Mr. Andrew
Berry, Roger	Dobbin, Jim
Betts, Mr. Clive	Dobson, rh Frank
Blackman, Liz	Donohoe, Mr. Brian H.
Blackman-Woods, Dr. Roberta	Doran, Mr. Frank
Blears, rh Hazel	Drew, Mr. David
Bowen, Mr. David S.	Dunwoody, Mrs. Gwyneth
Breed, Mr. Colin	Eagle, Angela
Brooke, Annette	Elliott, Clive
Brown, Lyn	Ellman, Mrs. Louise
Brown, rh Mr. Nicholas	Engel, Natascha
Brown, Mr. Russell	Ennis, Jeff
Browne, Mr. Jeremy	Etherington, Bill
Bruce, Malcolm	Fawcett, Paul
Bryant, Chris	Farrelly, Tim
Buck, Ms Karen	Field, rh Mr. Frank
Burden, Richard	Fisher, Mark
Burgon, Colin	Fitzpatrick, Jim
Burnham, Andy	Flello, Mr. Robert
Burt, Lorely	Flint, Caroline
Butler, Ms Dawn	Flynn, Paul
Byers, rh Mr. Stephen	Follett, Barbara
Byrne, Mr. Liam	Foster, Mr. Don
Coburn, rh Mr. Richard	Foster, Mr. Michael (Worcester)
Campbell, Mr. Alan	Foster, Michael Jabez (Hastings and Rye)
Campbell, rh Sir Menzies	Francis, Dr. Hywel
Caton, Mr. Martin	Gapes, Mike
Challen, Colin	Gardiner, Barry
Chaytor, Mr. David	George, rh Mr. Bruce
Clapham, Mr. Michael	Gerrard, Mr. Neil
Clark, Ms Katy	Gibson, Dr. Ian
Clark, Paul	Gilroy, Linda
Clarke, rh Mr. Tom	
Clelland, Mr. David	

Goldsworthy, Julia
Goodman, Helen
Griffith, Nia
Griffiths, Nigel
Grogan, Mr. John
Gwynne, Andrew
Hall, Patrick
Hancock, Mr. Mike
Harman, rh Ms Harriet
Harris, Mr. Tom
Harvey, Nick
Havard, Mr. Dai
Healey, John
Heath, Mr. David
Henderson, Mr. Doug
Hepburn, Mr. Stephen
Hesford, Stephen
Hewitt, rh Ms Patricia
Heyes, David
Hill, rh Keith
Hillier, Meg
Hodge, rh Margaret
Hodgson, Mrs. Sharon
Hope, Phil
Hopkins, Kelvin
Hosie, Stewart
Howarth, David
Howells, Dr. Kim
Hoyle, Mr. Lindsay
Hughes, rh Beverley
Humble, Mrs. Joan
Hunter, Mark
Hutton, rh Mr. John
Iddon, Dr. Brian
Illsley, Mr. Eric
Ingram, rh Mr. Adam
Irranca-Davies, Huw
Jackson, Glenda
James, Mrs. Siân C.
Jenkins, Mr. Brian
Johnson, rh Alan
Johnson, Ms Diana R.
Jones, Helen
Jones, Mr. Kevan
Jones, Lynne
Jones, Mr. Martyn
Joyce, Mr. Eric
Kaufman, rh Sir Gerald
Keeble, Ms Sally
Keeley, Barbara
Keetch, Mr. Paul
Kemp, Mr. Fraser
Kennedy, rh Jane
Khabra, Mr. Piara S.
Khan, Mr. Sadiq
Kidney, Mr. David
Kilfoyle, Mr. Peter
Knight, Jim
Kumar, Dr. Ashok
Ladyman, Dr. Stephen
Lammy, Mr. David
Laxton, Mr. Bob
Lepper, David
Levitt, Tom
Linton, Martin
Lloyd, Tony
Llwyd, Mr. Elfyn
Love, Mr. Andrew
Lucas, Ian
MacDougall, Mr. John
Macklinlay, Andrew
MacNeil, Mr. Angus
MacShane, rh Mr. Denis
Mactaggart, Fiona
Malik, Mr. Shahid
Mallaber, Judy
Mann, John
Marris, Rob
Marsden, Mr. Gordon
Marshall, Mr. David
Martlew, Mr. Eric
McAvoy, rh Mr. Thomas
McCafferty, Chris
McCarthy, Kerry
McCarthy-Fry, Sarah
McDonagh, Siobhain
McDonnell, John
McFadden, Mr. Pat
McFall, rh Mr. John
McGovern, Mr. Jim
McGuire, Mrs. Anne
McIsaac, Shona
McKechin, Ann
McKenna, Rosemary
McNulty, Mr. Tony
Meale, Mr. Alan
Merron, Gillian
Michael, rh Alun
Miliband, rh David
Miliband, Edward
Miller, Andrew
Moffat, Anne
Moffatt, Laura
Mole, Chris
Moon, Mrs. Madeleine
Moore, Mr. Michael
Moran, Margaret
Morden, Jessica
Morgan, Julie
Morley, Mr. Elliot
Mountford, Kali
Mudie, Mr. George
Mullin, Mr. Chris
Munn, Meg
Murphy, Mr. Denis
Murphy, Mr. Jim
O'Brien, Mr. Mike
O'Hara, Mr. Edward
Olner, Mr. Bill
Öpik, Lembit
Osborne, Sandra
Owen, Albert
Palmer, Dr. Nick
Pearson, Ian
Pickthall, Mr. James
Pope, Mr. Greg
Prentice, Bridget
Prentice, Mr. Gordon
Prescott, rh Mr. John
Primarolo, rh Dawn
Prosser, Gwyn
Pugh, Dr. John
Purnell, James
Rammell, Bill
Reed, Mr. Andy
Reed, Mr. Jamie
Reid, rh John
Rennie, Willie
Riordan, Mrs. Linda
Robertson, John
Robinson, Mr. Geoffrey
Rogerson, Mr. Dan
Rooney, Mr. Terry
Roy, Mr. Frank
Ruddock, Joan
Russell, Bob
Russell, Christine
Ryan, Joan
Salter, Martin
Sarwar, Mr. Mohammad
Seabeck, Alison
Shaw, Jonathan
Sheerman, Mr. Barry
Sheridan, Jim
Short, rh Clare
Simon, Mr. Siôn
Simpson, Alan
Singh, Mr. Marsha
Skinner, Mr. Dennis
Slaughter, Mr. Andrew
Smith, rh Mr. Andrew
Smith, Ms Angela C. *(Sheffield, Hillsborough)*
Smith, Angela E. *(Basildon)*
Smith, Geraldine
Smith, rh Jacqui
Sneigrove, Anne
Soulsby, Sir Peter
Speller, rh Mr. John
Starkey, Dr. Phyllis
Stewart, Ian
Straw, rh Mr. Jack
Stringer, Graham
Stuart, Ms Gisela
Stunell, Andrew
Sutcliffe, Mr. Gerry
Swinson, Jo
Tami, Mark
Taylor, David
Teather, Sarah
Thomas, Mr. Gareth
Thornberry, Emily
Timms, Mr. Stephen
Tipping, Paddy
Todd, Mr. Mark
Touhig, Mr. Don
Trickett, Jon
Truswell, Mr. Paul
Turner, Dr. Desmond
Twigg, Derek
Usher, Kitty
Vis, Dr. Rudi
Walley, Joan
Waltho, Lynda
Wareing, Mr. Robert N.
Watson, Mr. Tom
Watts, Mr. Dave
Webb, Steve
Whitehead, Dr. Alan
Wicks, Malcolm
Williams, rh Mr. Alan
Williams, Mrs. Betty
Williams, Hywel
Williams, Stephen
Willott, Jenny
Winnick, Mr. David
Winterton, Ms Rosie
Wishart, Pete
Woodward, Mr. Shaun
Woolas, Mr. Phil
Wright, Mr. Anthony
Wright, David
Wright, Mr. Iain
Wright, Dr. Tony
Wyatt, Derek
Younger-Ross, Richard

Tellers for the Ayes:
Mr. John Heppell and Steve McCabe

NOES

Afriyie, Adam
Ainsworth, Mr. Peter
Atkinson, Mr. Peter
Bacon, Mr. Richard
Baron, Mr. John
Bellingham, Mr. Henry
Benyon, Mr. Richard
Berrow, John
Beresford, Sir Paul
Binley, Mr. Brian
Bone, Mr. Peter
Boswell, Mr. Tim
Brady, Mr. Graham
Brazier, Mr. Julian
Browning, Angela
Burns, Mr. Simon
Burt, Alistair
Butterfill, Sir John
Carswell, Mr. Douglas
Cash, Mr. William
Chope, Mr. Christopher
Clark, Greg
Clarke, rh Mr. Kenneth
Clifton-Brown, Mr. Geoffrey
Conway, Derek
Cox, Mr. Geoffrey
Davies, Mr. Quentin
Djanogly, Mr. Jonathan
Dorries, Mrs. Nadine
Duncan Smith, rh Mr. Iain
Evans, Mr. Nigel
Evennett, Mr. David
Fabricant, Michael
Fallon, Mr. Michael
Field, Mr. Mark
Fox, Dr. Liam
Francois, Mr. Mark
Garnier, Mr. Edward
Gauke, Mr. David
Gibb, Mr. Nick
Gillan, Mrs. Cheryl
Goodman, Mr. Paul
Goodwill, Mr. Robert
Gray, Mr. James
Grayling, Chris
Green, Damian
Grieve, Mr. Dominic
Hammond, Mr. Philip
Hammond, Stephen
Hands, Mr. Greg
Harper, Mr. Mark
Hayes, Mr. John
Heald, Mr. Oliver
Hendry, Charles
Herbert, Nick
Hollobone, Mr. Philip
Holloway, Mr. Adam
Horam, Mr. John
Howarth, Mr. Gerald
Hunt, Mr. Jeremy
Hurd, Mr. Nick
Jack, rh Mr. Michael

Jackson, Mr. Stewart
Johnson, Mr. Boris
Jones, Mr. David
Kawczynski, Daniel
Knight, rh Mr. Greg
Lait, Mrs. Jacqui
Lancaster, Mr. Mark
Lansley, Mr. Andrew
Letwin, rh Mr. Oliver
Lewis, Dr. Julian
Liddell-Grainger, Mr. Ian
Lilley, rh Mr. Peter
Loughton, Tim
Luff, Peter
Malins, Mr. Humfrey
May, rh Mrs. Theresa
McIntosh, Miss Anne
McLoughlin, rh Mr. Patrick
Mercer, Patrick
Milton, Anne
Moss, Mr. Malcolm
Murrison, Dr. Andrew
Paice, Mr. James
Pelling, Mr. Andrew
Penrose, John
Pickles, Mr. Eric
Prisk, Mr. Mark
Pritchard, Mark
Randall, Mr. John
Rifkind, rh Sir Malcolm
Robathan, Mr. Andrew
Robertson, Hugh
Robertson, Mr. Laurence
Ruffley, Mr. David
Scott, Mr. Lee
Selous, Andrew
Shapps, Grant
Shepherd, Mr. Richard
Simpson, Mr. Keith
Spink, Bob
Spring, Mr. Richard
Stanley, rh Sir John
Steen, Mr. Anthony
Streeter, Mr. Gary
Stuart, Mr. Graham
Swayne, Mr. Desmond
Syms, Mr. Robert
Tredinnick, David
Turner, Mr. Andrew
Vara, Mr. Shailesh
Wallace, Mr. Ben
Waterson, Mr. Nigel
Widdecombe, rh Miss Ann
Wiggin, Bill
Willetts, Mr. David
Wilson, Mr. Rob
Winterton, Ann
Winterton, Sir Nicholas
Wright, Jeremy
Yeo, Mr. Tim

Tellers for the Noes:
Angela Watkinson and
Mr. Crispin Blunt

Question accordingly agreed to.

Clause 116 ordered to stand part of the Bill.

It being after Nine o'clock, THE CHAIRMAN, *pursuant to Order [12 December 2005], proceeded to put forthwith the Questions necessary for the disposal of the business to be concluded at that hour.*

Clauses 117 to 163 ordered to stand part of the Bill.

Schedule 3 agreed to.

Clauses 164 to 168 ordered to stand part of the Bill.

Schedule 4 agreed to.

Clauses 169 to 180 ordered to stand part of the Bill.

Schedule 5 agreed to.

Clause 181 ordered to stand part of the Bill.

Schedule 6 agreed to.

Clauses 182 to 205 ordered to stand part of the Bill.

Schedule 7 agreed to.

Clauses 206 to 271 ordered to stand part of the Bill.

Schedule 8 agreed to.

Clauses 272 to 275 ordered to stand part of the Bill.

Schedule 9 agreed to.

Clauses 276 and 277 ordered to stand part of the Bill.

Schedule 10 agreed to.

Clauses 278 to 293 ordered to stand part of the Bill.

Clause 294

SERVICE DETENTION

Amendment made: No. 1, in page 147, line 19, at end insert—

'(1A) Subsection (1)(a) does not apply if—

(a) the sentence has not taken effect; or

(b) the sentence has ceased to have effect by virtue of section 289 or 290 and has not resumed effect.'.—*[Huw Irranca-Davies.]*

Clause 294, as amended, ordered to stand part of the Bill.

Clause 295 to 319 ordered to stand part of the Bill.

Schedule 11 agreed to.

Clauses 320 to 322 ordered to stand part of the Bill.

Clause 323

EVIDENTIAL BURDEN AS RESPECTS EXCUSES

Amendment made: No. 2, in page 162, line 12, leave out 'Parts 1 to 13' and insert—

'sections 1 to 41, 107, 228, 265 and 304'.—*[Huw Irranca-Davies.]*

Clause 323, as amended, ordered to stand part of the Bill.

Clauses 324 to 347 ordered to stand part of the Bill.

Schedule 12 agreed to.

Clauses 348 and 349 ordered to stand part of the Bill.

Schedule 13 agreed to.

Clauses 350 to 354 ordered to stand part of the Bill.

Schedule 14 agreed to.

Clauses 355 to 363 ordered to stand part of the Bill.

Schedule 15 agreed to.

Clauses 364 to 371 ordered to stand part of the Bill.

Schedule 16

MINOR AND CONSEQUENTIAL AMENDMENTS

Amendment made: No. 3, in page 267, line 25, at end insert—

'Rehabilitation of Offenders (Northern Ireland) Order 1978 (S.I. 1978/1908 (N.I. 27))

63A In Article 2 of the Rehabilitation of Offenders (Northern Ireland) Order 1978 (interpretation), in paragraph (2), in the definition of "service disciplinary proceedings", after "any of the following—" insert—

"(za) any proceedings (whether or not before a court) in respect of a service offence within the meaning of the Armed Forces Act 2006 (except proceedings before a civilian court within the meaning of that Act);".

63B In Article 4 of that Order (rehabilitation of persons dealt with in service disciplinary proceedings), after paragraph (1) insert—

"(1A) Section 369(1) to (3) of the Armed Forces Act 2006 ("conviction" and "sentence" in relation to summary hearings and the SAC) apply for the purposes of this Order as they apply for the purposes of that Act."

63C (1) Article 6 of that Order (rehabilitation periods for particular sentences) is amended as follows.

(2) In paragraph (1)—

(a) in sub-paragraph (c) omit the "and" at the end;

(b) in sub-paragraph (d) omit "or a corresponding court-martial punishment";

(c) after that sub-paragraph insert—

"(e) a sentence of detention for life, or for a term exceeding thirty months, passed under section 208 of the Armed Forces Act 2006;

(f) a sentence of detention during Her Majesty's pleasure under section 217 of that Act; and

(g) any of the following passed as a result of any of sections 218 to 221 of that Act—

(i) a sentence of imprisonment for public protection under section 225 of the Criminal Justice Act 2003;

(ii) a sentence of detention for public protection under section 226 of that Act;

(iii) an extended sentence under section 227 or 228 of that Act;".

(3) In paragraph (2)—

(a) in Table A, in the fifth entry for "Any sentence of detention" substitute "Any sentence of service detention within the meaning of the Armed Forces Act 2006, or any sentence of detention corresponding to such a sentence,";

(b) in Table B—

(i) in the fourth entry, after "1998" insert "or under section 288 of the Armed Forces Act 2006";

(ii) in the fifth entry, after "Article 45" insert "or that section 288".

(4) After paragraph (4) insert—

"(4A) Where in respect of a conviction an order under section 210 of the Armed Forces Act 2006 (detention and training order) was made, the rehabilitation period applicable to the sentence shall be—

(a) in the case of a person aged 15 or over on conviction, five years if the order was for a term exceeding six months, or three and a half years if it was for six months or less;

(b) in the case of a person aged under 15 on conviction, a period beginning with the date of conviction and ending one year after the date on which the order ceases to have effect.

(4B) Where in respect of a conviction a service community order under the Armed Forces Act 2006 or an overseas community order under that Act was made, the rehabilitation period applicable to the sentence shall be—

(a) in the case of a person aged 18 or over on conviction, 5 years from the date of conviction;

(b) in the case of a person aged under 18 on conviction, two and a half years from the date of conviction or a period beginning with the date of conviction and ending when the order ceases to have effect, whichever is the longer."

(5) In paragraph (9)—

(a) omit sub-paragraph (a);

(b) in sub-paragraph (c) after "1998" insert "or section 288 of the Armed Forces Act 2006".

(6) After paragraph (9) insert—

"(9A) In this Article—

(a) references in paragraphs (1) and (2) to section 288 of the Armed Forces Act 2006 include references to section 71A(4) of the Army Act 1955 or Air Force Act 1955 or section 43A(4) of the Naval Discipline Act 1957;

(b) the reference in paragraph (1) to section 217 of the Armed Forces Act 2006 includes a reference to section 71A(3) of the Army Act 1955 or Air Force Act 1955 or section 43A(3) of the Naval Discipline Act 1957."

(7) In the Schedule to that Order (service disciplinary convictions referred to in Article 7(6)(b)), after paragraph 6 add—

"Provisions of the Armed Forces Act 2006

7 Any service offence within the meaning of the Armed Forces Act 2006 except one punishable in the case of an offender aged 18 or over with imprisonment for more than two years." —*[Huw Irranca-Davies.]*

Schedule 16, as amended, agreed to.

Schedule 17

REPEALS AND REVOCATIONS

Amendment made: No. 4, in page 306, line 40, at end insert—

"Rehabilitation of Offenders (Northern Ireland) Order 1978 (S.I. 1978/1908 (N.I. 27))	Article 4(5).
	In Article 6, in paragraph (1), the word "and" at the end of sub-paragraph (c), and in sub-paragraph (d) the words "or a corresponding court-martial punishment", and paragraph (9)(a)".

Schedule 17, as amended, agreed to.

Clauses 372 to 378 ordered to stand part of the Bill.

Bill reported, with amendments.

Order for Third Reading read.

9.17 pm

Mr. Watson: I beg to move, That the Bill be now read the Third time.

I am delighted and slightly relieved to stand at the Dispatch Box this evening with the task of sending the Bill on its way to another place. I should like to pay sincere tribute to my hon. Friend the Member for Islwyn (Mr. Touhig), who was responsible for introducing the Bill. He is a great parliamentarian and a good friend. His deep regard and support for the armed forces are well respected by Members on both sides of the House. His open and consensual approach to the Bill, which helped the Select Committee to conduct its businesses effectively, were widely welcomed. I am indebted to him, and I am very grateful indeed for his authoritative and constructive contribution to our debate. On a personal note, I thank him for the support that he has given me.

I pay tribute to members of the Select Committee, which was chaired by my right hon. Friend the Member for Knowsley, North and Sefton, East (Mr. Howarth). Many of them have made sincere contributions today with the common purpose of ensuring that we introduce legislation that can better meet the needs of the 21st century. The hon. Member for Aldershot (Mr. Howarth) has been gracious to me on my first run-out—I am sure that he could have been harder. He mentioned his former colleague and very good friend, Eric Forth. I remember Eric with admiration, having been a Friday Whip before assuming my new role. One thing that Eric pioneered was in-flight refuelling during debate. Some of my hon. Friends have been good at in-flight refuelling this afternoon. I will not name them, but they have my grateful thanks.

I am sure the House will join me in sending good wishes for a speedy recovery to the hon. Member for Salisbury (Robert Key), who cannot be with us this evening. He served on the Select Committee on the Bill, and made a significant contribution to it.

I place on record my thanks to the staff of my new private office, and the Bill team in particular, who did not quite take away the sleepless nights, but they helped with detailed briefings throughout the afternoon. They know what they did and, if it is not out of order, I offer them a small drink after the debate.

We have had a good debate. I shall not cover old ground, but I shall mention my hon. Friend the Member for Leyton and Wanstead (Harry Cohen). We crossed swords for a couple of hours, especially over what constituted the definition of an enemy. Never has Churchill's quote been so valid—enemy behind, opposition in front. My hon. Friend may have defined his enemy this afternoon, but I hope he will be my friend at the end of the debate.

Although my time as Minister responsible for the Bill has been brief, it falls to me to mark an important stage in its progress. I will not detain the House unduly, but I shall say a few words about the Bill. It is a good Bill.

Mrs. Joan Humble (Blackpool, North and Fleetwood) (Lab): My hon. Friend spoke a moment ago about going over old ground. May I ask him to cover some new ground? He will be studying the review by Nicholas Blake QC of the events at Deepcut. A key recommendation from Nicholas Blake is the establishment of an armed forces ombudsman. Perhaps as the debate on the Bill continues in another place, my hon. Friend will consider that important recommendation to make sure that the Bill deals with all the concerns that people have about the armed forces.

Mr. Watson: I understand the point that my hon. Friend makes. She concerns herself in great detail with the Bill. We take the Blake review extremely seriously. Although I am new in the position, the Department hopes to respond shortly. I am sure my hon. Friend will have an opportunity to express her views in her usual way.

Lembit Öpik (Montgomeryshire) (LD): I do not wish to detain the Minister, but he will accept that the hon. Lady's view is shared on a cross-party basis? The parents of those who lost their offspring at Deepcut Army barracks will feel disappointed that on Report the Minister and others did not get to discuss the recommendations of the Blake inquiry. Can he give the House an assurance that he takes the concerns of the parents seriously, and that there will be continuing discussion to see if we can bring about closure for the parents, albeit with the possible revelation of some as yet undisclosed reports?

Mr. Watson: I share the hon. Gentleman's disappointment. The matter is serious and will not go away at the end of the evening. I take his point on board.

The Bill marks an historic change for the armed forces. In a sense, the most important test of its value is the support that it has from the armed forces. The services have been central to the development of the Bill. The clear modern drafting is a testament to the skills of parliamentary counsel. The chiefs of staff, commanding officers and men and women of all ranks have supported the Bill.

It is right that we should replace the three service discipline Acts—the Army Act 1955, the Air Force Act 1955 and the Naval Discipline Act 1957—which provided the legal basis for service discipline for so many years. Importantly, when enacted the Bill will deliver the undertaking that the Government gave in 1998 in their strategic defence review to introduce a single system of service law. Under this legislation, for the first time, we will have a single system that will apply to all three services at all times and wherever they are in the world; nor should we forget the civilians who accompany them overseas.

The Bill recognises a world in which the three services increasingly train and operate together, but equally it will underpin the maintenance of discipline through the chain of command that is so fundamental to the operational effectiveness of our armed forces in which we all take such pride. We have listened to Members and made some sensible amendments. This is still work in progress, as we have said. The Government will take the opportunity during the Bill's passage in another place to bring forward any further amendments to ensure that we give the armed forces the best possible system that we can.

9.25 pm

Mr. Gerald Howarth: I join the Minister in thanking those who have contributed over the last four or five months to our deliberations on these matters. It is true that the Bill team has been working even longer;—I think for 18 months. I should remind the House that when the House last debated this matter in 1955, the Select Committee took two years. I hope that the Minister will acknowledge that hon. Members on both sides of the Select Committee have undertaken in four or five months that which our predecessor Committee in the 1950s took two years to undertake. That seems like a productivity enhancement to me.

I should also like to pay tribute, as I have done already, to the hon. Member for Islwyn (Mr. Touhig) for all the help behind the scenes that he gave, and to the Minister I am bound to say, "A very good opening performance," and I hope that he will take some confidence from that. I also hope that he will accept that he has one of the best jobs in the Government in representing and acting on behalf of some of the finest men and women in our country.

You, Mr. Deputy Speaker, said that consideration had now been completed, but consideration of the Bill has not been completed. We have not been able to discuss a number of amendments. The hon. Member for Blackpool, North and Fleetwood (Mrs. Humble) had tabled a new clause about an ombudsman that we were unable to discuss, and we had some concerns over service panels and the make-up of the court martial panels. We also had a concern that the director of service prosecutions must have a military background, and there were other issues as well. So unfortunately we will bid the Bill farewell to another place not fully considered here, and I hope that some of those points will be taken up there.

One of the most important points about the Bill is the way in which it has been considered. The Select Committee procedure has been hugely beneficial, and the Committee so found in its report and recommended that the Government should consider applying the technique to other Bills. I have no doubt, seeing in her place the hon. Member for Portsmouth, North (Sarah McCarthy-Fry), who participated

[Mr. Gerald Howarth]

assiduously in our proceedings, that it was extremely beneficial to all of us, however much experience we had of the military. We all took away a huge amount from the opportunity of being able to cross-examine people before us and make the visits. The Committee was better informed as a result. We may not all have heard the same things or interpreted what we heard in quite the same way, but the fact that we made those visits and held those proceedings was beneficial.

It was always difficult for the Opposition given that the service chiefs had all signed up to the legislation. It ill behoves an acting pilot officer to question the Chief of the Air Staff, let alone the Chief of the Defence Staff, about whether he has got it right or not, but I would be quite interested to know in exactly how much detail each of the defence chiefs read the legislation.

As I have said, the Opposition's approach was to look at the Bill from the point of view of how it will affect our armed forces on the front line, not so much how they will deal with discipline at home in Aldershot or Colchester. The debate about the chain of command and the power of commanding officers illustrated our genuine concerns about the administration of discipline, particularly where servicemen and women are felt to have acted outside the rules of engagement.

It is good news that the Government have accepted the need for annual renewal. I thank the hon. Member for Islwyn for having acceded to that change, which is incorporated in the Bill. That welcome provision will give the House an opportunity to revisit how the changes are bedding down.

The Minister has referred to the Bill's tri-service nature, which is widely accepted as being the desirable way to go. However, one of the things that came out of our visits to Cyprus, Oman and Iraq is that each of the armed forces fights differently and has an individual ethos. Paragraph 39 on page 13 of the Committee's report makes the important point that

> "The way each Service fights is different and the Bill needs to accommodate those differences".

We want to see everything in terms of joint operations, but that is not necessarily the case, because, as an old boy has said, many sailors will never work alongside a soldier or airman throughout their whole military career. Some of those differences came out during our visits, and I hope that the Minister will reflect on how the Bill can be made to fit the individual service ethos—the desire of the chiefs to make the default position on courts martial panels single service is a good starting point.

The Opposition have also taken the view that this body of military law is essential. We agree with the Judge Advocate General that the military should be governed by completely different law from that which applies to civilians. I hope that we have managed to accommodate the changes to civilian law to the extent that they will not damage the operational effectiveness of the armed forces.

As a sideswipe at the European convention on human rights, I was concerned to be told during our proceedings in Select Committee that although the Bill is compatible with the ECHR, that is no bar to further challenges. I personally take the view that the European Court of Human Rights should have nothing to do with how the United Kingdom disposes of its armed forces. The protection of the members of our armed forces and their arrangements should be exclusively a matter for this Parliament and not for some court composed of a collection of foreigners. I feel very strongly about that matter.

The test which we must apply to our deliberations over the past few months is whether we have provided our armed forces with a legal framework that will do them the justice that they undoubtedly deserve. There is not an hon. Member in this House, even among those who have spoken against the war in Iraq, who has anything other than unbounded admiration for our armed forces, and I hope that we have fashioned a law that will help them, protect them and enable them to do their magnificent work on behalf of the entire nation.

I shall conclude with the military covenant, which is quoted on page 6 of our report and which sets out the Army's doctrine:

> "Soldiers differ from civilian employees because success in military operations, when the price of failure may be death, requires the subordination of the rights of the individual to the needs of the task and the team, albeit within a legal framework."

I hope that we have discharged our responsibility to the men and women of our armed forces to their satisfaction.

9.34 pm

Mr. Touhig: I know the Armed Forces Bill as an old friend, having taken it through its Committee stages with a number of colleagues. In rising to speak from the Back Benches, I feel a little like the ghost of Christmas past.

Let me begin by congratulating my hon. Friend the Under-Secretary on his appointment. I know that he will do an excellent job. I am sure that Members on both sides of the House will agree that having come into the job at such short notice he has done a very good job during today's debate. While I pass on the baton of Veterans Minister with considerable regret, I am happy to hand over to my hon. Friend some of the work in the red boxes. I am grateful to him and to other Members for their kind comments about my time as Minister, particularly so far as this Bill is concerned. I am conscious that the first contribution from a recently retired Minister may at times be an uncomfortable experience for those on the Front Bench, but I can put my hon. Friends at ease. I will enjoy my freedom from the security of collective responsibility by making it plain that I wholeheartedly support the Bill.

With the strategic defence review in 1998, the Government recognised that we needed a single system of service law for today's armed forces. Our forces increasingly train and operate together, and they need a modern system of justice that reflects that. The Bill is the result of years of hard and dedicated work, and the services themselves have been at the centre of its development. Indeed, my right hon. Friend the former Secretary of State for Defence said on Second Reading that this is a Bill that has at its centre the armed forces themselves. In that sense, it is a Bill for the armed forces. It has their full support, primarily because it meets their needs in a way that has been absent for some time.

I turn to the way in which the Bill has been handled, as referred to by the hon. Member for Aldershot (Mr. Howarth). I should like to add my thanks to the Bill team for their professional and dedicated support. When I was Minister, I knew at first hand that they did a tremendous job and that that was not often recognised enough. The special Select Committee procedure is a regular feature of the quinquennial review of service discipline. As has been demonstrated, it has been an outstandingly successful arrangement for the House. The evidence taken by the Committee, in what we might term the Select Committee stage, gave Members the opportunity better to understand the purposes behind the Bill.

The combination of that expert testimony and line-by-line scrutiny in Committee means that this Bill has been considered in a far greater depth than many others. I pay tribute to my right hon. Friend the Member for Knowsley, North and Sefton, East (Mr. Howarth), who chaired the Committee with his customary blend of patience and purpose. He was ably assisted by the hon. Member for Salisbury (Robert Key), who has served on several special Select Committees considering service legislation. Indeed, his experience led me at one stage to consider asking him to join the Bill team, because I thought that he would make a considerable contribution. I join with all Members in wishing him a speedy recovery and return to the House.

In Committee and in the early debates in the House and today, as well as in the media, I fear that we have heard a great deal of nonsense about our armed forces being under some sort of legal siege that is affecting the chain of command and blighting operational effectiveness. To me, "legal siege" is a loose, vague, woolly and wholly misleading term. As a concept it lacks intellectual rigour, and as a description it lacks a grounding in fact. I do not mean to say that certain perceptions do not exist in some quarters, although when reading some of the newspaper reports I am reminded of Nye Bevan, who, when asked whether he read the newspapers, said that of course he did because it was his one continuous source of fiction.

I consider the so-called legal siege to be a mirage. The former Chief of the Defence Staff, the noble and gallant Lord Boyce, who has been much quoted today, could not give a single real example of how this intangible concept is supposedly affecting operational effectiveness. During the Select Committee stage, when asked by my hon. Friend the Member for North Durham (Mr. Jones), the then Chief of the Defence Staff, General Sir Michael Walker, gave the same reply:

"If you ask me to give you a physical concrete example, I cannot."

I would remind Members of some wise words that we heard in the Committee's hearings, which I quoted earlier:

"I am sure that we all could play a better role in trying to dampen down this particular worry, and people like myself who are standing up and speaking in the House of Lords debates and so forth perhaps need to re-look at how we are saying things in order not to fuel anxieties of this nature."

Those were the words of Admiral Lord Boyce himself, and I was grateful for his candour when he gave us that evidence in Committee.

Perception stems from what is said in this place and in the press. If it is said often enough, it becomes a self-fulfilling prophecy. Members—of this House and the other place—should be more temperate in their comments, otherwise they feed a perception that undermines the morale of our forces.

We have had much discussion in Standing Committee and this evening on the role of commanding officer. I should like to conclude by making it plain that the Bill has the support of the forces and that the changes that we are making to the role of the commanding officer will be supported and welcomed. Indeed, many of our forces have welcomed the removal of the power to dismiss serious charges. I have a high regard for General Sir Mike Jackson, and he put it perfectly:

"As far as the Army is concerned, I would echo the fundamental place of the Commanding Officer in holding good order and military discipline and we are content that the new Bill secures that position. There have been changes but they are not changes which we think in any way are significantly detrimental to that pole position which we would wish the Commanding Officer to hold."

I subscribe to his remarks.

When we considered harmonising the powers of commanding officers, naval captains had perhaps most to lose. It was once said of the Navy in Nelson's time that on board ship, the captain was second only to God, and that was only a matter of seniority. The Bill updates powers in the age of e-mail and satellite communications, and the then First Sea Lord made it clear when he gave evidence to our Committee that he was entirely happy with what has been retained. The changes in the Bill allow commanding officers to get on with what they do best: commanding, training and looking after the men and women under their command.

As I said on Second Reading, we place an enormous responsibility on the shoulders of our servicemen and women. We ask them to operate in circumstances that are often difficult, unpredictable and dangerous. We ask them to perform tasks that have no parallel in the civilian world. When young men and women sign on to serve in our armed forces, they know that they may face circumstances in which they put their lives on the line. That does not happen to those who join Barclays bank or Tesco. It is the peculiar and special position of those who join our armed forces. Sometimes, they make the ultimate sacrifice. We have again recently mourned the deaths of our young servicemen and women in Iraq.

Parliament and the armed forces demand high standards of behaviour from our forces, whether overseas on operations or training at home. Discipline is essential and service law is essential to enforce it. Ultimately we all want an effective and efficient fighting force.

There is no doubt that we need a separate system of law for the armed forces and that it needs to reflect the increasingly joint nature of their work. The Bill delivers that. The forces want the measure. It will provide strong legislation for service discipline in the 21st century. I hope that it will have the wholehearted support of the other place and that it will soon be on the statute book.

9.42 pm

Bob Russell: I pay tribute to the hon. Member for Islwyn (Mr. Touhig) for his past service as Under-Secretary. I believe that the Prime Minister has treated him shabbily by taking away the job after he piloted the

[Bob Russell]

Bill almost to the finishing post. It is something when one is deemed, at 58, to be too old to be the Veterans Minister. However, I warmly welcome his replacement, the hon. Member for West Bromwich, East (Mr. Watson). As has been said, he performed spectacularly tonight and I wish him well in the future.

We welcome the Bill. It has been a long haul and it now goes to the other place, where there will be an opportunity to do the fine tuning that perhaps some people feel is still required. I join other speakers in thanking the Bill Committee team for all their work in briefing hon. Members and helping them through the various Committee stages. I say "various" because it is the first time that I have served on a Committee that evolved in such a way, through Standing and Select Committee structures. I found it very useful and informative, and I hope that it will become the pattern for future Bills.

The Bill will bring about the harmonisation of military disciplinary matters going back decades, if not centuries. It is not only the armed forces discipline Acts of 1955 and 1957—half a century ago—that are being updated. Certain measures go right back to the 19th century. It is right that, in the third millennium, we should have disciplinary procedures for the military that are fit for purpose, and that reflect the changing times and the increasing tendency for our armed forces to be on joint deployment, as we found when we visited British troops in Oman, Cyprus and Iraq as part of our investigation. I was impressed to see in Cyprus, for example, the military police from all three services working successfully as a single unit. In Iraq, we met helicopter pilots drawn from the RAF, the Army and the Navy working as a single unit. Joint deployment must not take away from the fact that each service has a special ethos, however. A naval helicopter pilot, for example, needs training and disciplines in maritime conditions, whereas those in the Army—such as those in 16 Air Assault Brigade from Colchester—need to operate rapid attack helicopters to get troops in at low level.

I was delighted that, in addition to visiting Iraq, Cyprus and Oman, the Committee had the good sense to visit the military corrective training centre at Colchester. It sets an example that the prison service could follow, in that it provides a good way of training young men—and, occasionally, young women—who have committed misdemeanours but who are nevertheless an important part of the military, and of getting them back into military service.

It is a special privilege to represent a garrison town, and I am particularly interested in the welfare of military discipline matters. We have heard a lot today about the command structure. In our garrison towns, we have garrison commanders. However, by the end of the year they will no longer be there, because the reconfiguration will result in brigade commanders taking over the role. I discovered that yesterday, and I also found, to my horror, that Colchester's garrison commander, Colonel Tony Barton, will no longer be there. In fact, he is leaving the service because he feels that he is being forced out. That cannot be right, because garrison commanders are all part of the chain of command, and garrison boundaries and brigade commanders' boundaries are not always coterminous. I foresee problems arising from this change.

I would like the Minister to comment on another matter, which I have raised in Committee. It is the potential conflict between Ministry of Defence police and the civilian police as a result of the growing tendency, following the forced privatisation of married quarters by the previous Tory Government, to sell the houses on. There is now uncertainty on one Army estate in Colchester as to what is military and what is civilian, and whether the MOD police or the civilian police should prevail. I am sure that the problem can be worked out, but it does need to be addressed.

I am disappointed that our debate today dragged on in the way that it did, because it meant that we did not reach the amendment tabled by the hon. Member for Thurrock (Andrew Mackinlay). However, I hope that his proposal will come back at another time in another place.

Will the Minister also confirm in his summing up that the disciplinary procedures will apply to the Gurkhas serving in the British Army? I mention that because I want to put on record that the United British Gurkhas Ex-servicemen's Association from Nepal presented a petition at No. 10 Downing street today about the injustices and unfairness suffered by those veterans. I hope that the Minister will confirm that today's Gurkhas will be treated on equal terms with the rest of the British Army.

One interesting aspect of military discipline that was new to all of us on the Committee was AGAI 67—it is just as well that the number was not two more than that. Anyway, it stands for Army general and administrative instructions, which are low-level disciplinary procedures that can be carried out by sergeants and corporals as a form of immediate disciplinary action. I understand that the Bill will enable the Royal Navy and Royal Air Force also to introduce AGAI 67 minor sanctions.

The Liberal Democrats support the Bill. It is important, however, that the ethos of the different services and the distinctiveness of the Army, Navy and Air Force are maintained and retained while at the same time harmonising disciplinary procedures, especially when we have joint deployments. I wish the Minister well as he takes the Bill through the House.

9.50 pm

Mrs. Humble: Like other Members, I want to compliment both the former and current Minister and the whole team involved in this important Bill. However, the legislation must not only satisfy the needs of the armed forces but the needs of families who, sadly, have lost children serving in the armed forces and in peacetime barracks. They, too, are looking for answers in the Bill.

The experience of Army life is of immense benefit to the overwhelming majority of young men and women able to take advantage of that career. At the same time, young soldiers are in a vulnerable position. Service life requires strict discipline and a tough regime. Sometimes, however, discipline and toughness become bullying and harassment. Our task is to minimise the

opportunities for that to happen, and when it does, to provide a ready source of remedy to those so abused and harassed.

I referred earlier to Nicholas Blake QC, who undertook the inquiry into the deaths at Deepcut. Like him, I do not believe that the current proposals in the Bill go far enough to ensure independent supervision and review of the discipline and complaints system. Like him, I believe that there is

"a danger that an historic opportunity will be lost for the Armed Forces to obtain independent assistance to achieve the goals they have set themselves to ensure the welfare of trainees and soldiers is effectively addressed."

I, too, believe that the

"establishment of the office of a 'Commissioner of Military Complaints' is now an essential step in improving confidence, transparency and justice".

Regrettably, we did not have an opportunity to examine in detail new clause 4. When my hon. Friend the Minister considers the detail of the 34 recommendations that Nicholas Blake put forward, I urge him to consider especially his recommendation for an independent armed forces ombudsman—someone who is genuinely independent and has power to investigate complaints.

Jim Dobbin (Heywood and Middleton) (Lab/Co-op): Is my hon. Friend aware that my constituent, Norma Langford, whose son, Corporal Ian Holt, died in Belize on non-combat duty in 1991, would be thrilled were such an independent inspectorate set up? At present, such investigations are usually left to the special investigation branch of the military police. She would like the whole system to be open and transparent.

Mrs. Humble: As chair of the all-party group on Army deaths, I have met my hon. Friend's constituent when she has attended meetings of the Deepcut and Beyond families group at Westminster. One of the most important things that I and other members of that group do is to meet families who have lost their loved ones. I am sure that Mrs. Langford would be pleased were such an armed forces commissioner and ombudsman set up.

I also advise my hon. Friend the Minister that Nicholas Blake says in his report that he has informally discussed the possible role of such a commissioner with commanding officers and others, and has understood that there is no objection in principle or practice to such independent oversight of the system, and nor is there concern that it will undermine military discipline. In further debate on this excellent Bill, I urge my hon. Friend to make it even better than it already is by introducing exactly such a system of independent oversight.

9.54 pm

Sarah McCarthy-Fry: I welcome the Minister to his new role. I think that, given his performance today, he will be a formidable addition to the Defence team. I also welcome the process by which the Bill was examined. We went through reams of written evidence in the Select Committee, and also had an opportunity to examine witnesses. For me, however, one of the most important parts of the process was the Committee's visit to Cyprus, Oman and Iraq, where we were able to speak to the guys and girls on the ground who would be influenced by and subject to the Bill.

We ask our armed forces to operate in dangerous places and we ask them to put their lives at risk, so it is obvious that they must obey orders from their commanding officers. It emerged clearly today that we cannot allow people to operate like maverick losers. I think that the best way to prevent that is to foster team work, and to make a joint commitment to a common goal. Team work is much more likely to be generated by trust, transparency and openness than by operation as a secret closed group.

Two issues became very clear to me as we debated the Bill. One was the removal of the power of the commanding officer to dismiss a case, which has been much debated this evening. It was also discussed extensively with serving personnel during our visits. I do not accept that it damages the chain of command; I think that it enhances the reputation of our armed services. It represents a willingness not just to ensure that serious cases are investigated properly but to ensure that they are seen to be investigated properly, so that our armed services are held in the high esteem that we know they deserve, not just in this country but on the world stage.

The second issue is the duty of care and redress of complaints, mentioned by my hon. Friend the Member for Blackpool, North and Fleetwood (Mrs. Humble). We want our young people to choose the armed services as a valued career path where their capabilities will be stretched and their mettle will be tested, but where there is also a duty of care and an open and transparent redress procedure.

I represent a city with a long and proud history of its sons and daughters going to sea to defend our shores in armed service. I have a vested interest in ensuring the safety and security of my constituency, which in the past has been a military target, and in ensuring that my country is protected by an effective and professional armed service. However, I also have an interest in ensuring that individual serving soldiers, sailors and airmen are protected by a duty of care, and that potential recruits are not deterred by the perception of a bullying culture or complaints hidden under the carpet.

Despite the omission of an independent commissioner, which I hope will be discussed again when the Bill goes to another place, I believe that the Bill brings service discipline up to date. It reflects the modern world—the very different threats that face us and our armed services and the highly visible theatre in which they now operate, with "embedded" journalists and images posted on websites and television stations. I am grateful for the opportunity to participate in the Bill's progress, and I hope that every Member will support it this evening.

Question put and agreed to.

Bill accordingly read the Third time, and passed.

DELEGATED LEGISLATION

Motion made, and Question put forthwith, pursuant to Standing Order No. 118(6) (Standing Committees on Delegated Legislation).

Income Tax

That the draft Tax Information Exchange Agreement (Taxes on Income) (Gibraltar) Order 2006, which was laid before this House on 20th April, be approved. —*[Mike Penning.]*

Question agreed to.

Mr. Speaker: It may be convenient to take motions Nos. 3 and 4 together.

Motion made, and Question put forthwith, pursuant to Standing Order No. 118(6) (Standing Committees on Delegated Legislation),

INCOME TAX

That an humble Address be presented to Her Majesty, praying that the Double Taxation Relief (Taxes on Income) (Botswana) Order 2006 be made in the form of the draft laid before this House on 20th April.

That an humble Address be presented to Her Majesty, praying that the Double Taxation Relief (Taxes on Income) (Japan) Order 2006 be made in the form of the draft laid before this House on 20th April.—*[Huw Irranca-Davies.]*

Question agreed to.

Motion made, and Question put forthwith pursuant to Standing Order No. 118(6) (Standing Committees on Delegated Legislation),

ELECTRONIC COMMUNICATIONS

That the draft Wireless Telegraphy (Pre-Consolidation Amendment) Order 2006, which was laid before this House on 27th April, be approved.—*[Huw Irranca-Davies.]*

Question agreed to.

EUROPEAN UNION DOCUMENTS

Motion made, and Question put forthwith, pursuant to Standing Order No. 119(9) (European Standing Committees),

INTERNAL MARKET FOR SERVICES

That this House takes note of European Union Document No. 8413/06, Commission Communication: Amended Draft Directive on Services in the Internal Market; and supports the Government's approach to securing practical and proportionate legislation that promotes economic growth, competitiveness and job creation within the context of an Internal Market for Services.—*[Huw Irranca-Davies.]*

Question agreed to.

DELEGATED LEGISLATION

Ordered,

That the Welfare of Animals (Slaughter or Killing) (Amendment) (England) Regulations 2006 (S.I., 2006, No. 1200), dated 28th April 2006 be referred to a Standing Committee on Delegated Legislation.—*[Huw Irranca-Davies.]*

COMMITTEES

Mr. Speaker: It may be convenient to take motions Nos. 8, 9 and 10 together.

Ordered,

PUBLIC ACCOUNTS

That Mr Alistair Carmichael be discharged from the Public Accounts Committee and Dr John Pugh be added.

EDUCATION AND SKILLS

That Tim Farron be discharged from the Education and Skills Committee and Paul Holmes be added.

ENVIRONMENTAL AUDIT

That Lynne Featherstone be discharged from the Environmental Audit Committee and Tim Farron be added.—*[Rosemary McKenna, on behalf of the Committee of Selection.]*

Guantanamo Bay

Motion made, and Question proposed, That this House do now adjourn.—*[Huw Irranca-Davies.]*

9.59 pm

Keith Vaz (Leicester, East) (Lab): I want to thank you, Mr. Speaker, for allowing me the opportunity to discuss detention without trial at Guantanamo Bay. I am pleased to see the Minister for the Middle East, my hon. Friend the Member for Pontypridd (Dr. Howells), on the Front Bench tonight, and I am glad that so many other Members of the House have taken such a strong interest in this subject. I am particularly pleased to see my hon. Friend the Member for Tooting (Mr. Khan) here, and I know that my hon. Friend the Member for Hackney, North and Stoke Newington (Ms Abbott) hopes to join us later.

This is the fourth such debate to be held in the four years since the detention facility was established in early 2002, and the first since the release of the remaining British citizens a year ago. It takes place at an appropriate time—on the back of recent comments made by my right hon. and learned Friend Lord Goldsmith, the Attorney-General, and of the publication last Friday, just in time for this debate, of the United Nations convention against torture's critical report on Guantanamo.

Also on Friday, I was sorry to hear of reports by the BBC and other news agencies that four detainees attempted to commit suicide, and that the efforts of prison guards to stop those attempts were met by violent resistance from other inmates. Sadly, it now appears that prolonged exposure to the conditions within the facility have caused the inmates to look to suicide as the only alternative. With that in mind, the recent speech of the Attorney-General deserves even greater consideration.

On 10 May, the Attorney-General used a speech to the Royal United Services Institute to make clear his opposition to the continued detention without fair trial of those imprisoned at Guantanamo Bay. Lord Goldsmith stated that the camp should be closed "as a matter of principle". Although he made it clear that on this issue he was speaking in a personal capacity, as he is one of this country's foremost and most respected legal experts—and, indeed, the Government's chief legal adviser—his speech's significance cannot be underestimated. We all know of his intellectual prowess and determination. When he spoke, he meant what he said.

The Attorney-General's opinion is the most recent development concerning this subject. On 17 February, the Secretary of State for Northern Ireland and for Wales, my right hon. Friend the Member for Neath (Mr. Hain), said that he would like to see the camp at Guantanamo Bay closed. Our Prime Minister, who has fostered an excellent relationship with the United States, has gone so far as to call the detention centre an "anomaly"—a view that he repeated at Question Time last week. Those three statements clearly reveal that the Government have not yet developed a coherent position on how the current situation should be resolved. Now is an excellent time for them to make such a statement.

Only two weeks ago, President Bush, during a visit to the United States by Chancellor Angela Merkel, stated

his desire to end detention at Guantanamo and to get the detainees into court. As everyone appears concerned, why is Guantanamo still open? The opinion of such figures clearly shows that the arguments about what has become known as Camp X-Ray are progressing in the same direction. Guantanamo cannot continue. Detention without trial at Guantanamo is not a necessary part of the global fight against extremism and fundamentalism—also known as the war against terrorism. Rather, it is counter-productive to the efforts of the international community.

The tragic events of 11 September clearly demonstrated how vulnerable open and democratic societies are to the threat of organised terrorist networks. The subsequent military campaign in Afghanistan—fully supported by this Government, NATO and the United Nations—resulted in individuals suspected of belonging to the al-Qaeda network being captured by the American military forces. More than 600 of these alleged terrorists have been received in the detention facility since 2002. Although some 270 have since been released without charge, almost 500 still remain. These include 220 from Afghanistan, 119 from Saudi Arabia, 94 from Yemen, 57 from Pakistan and smaller numbers of men from 35 different countries. Although all eight British citizens have been released, there remain another eight men who claim to have long-term British residency permits.

I consider the United States to be a great friend and ally of this country, not merely through historical ties or present circumstances, but because of the very real values and interests that our countries share. As the Attorney-General remarked, the US is a great beacon of freedom, liberty and justice. That is the basis on which the strongest arguments can be made against the detention camp in its present form. Every day that those men are made to wait to face justice is a day that degrades the reputation of the US.

That reputation for fairness and equal treatment, whatever one's race, religion or ethnicity, is one of the greatest tools we have in the battle for the hearts and minds of millions across the world and in the face of propaganda by such organisations as al-Qaeda. In that context, the existence of Guantanamo Bay damages the efforts of the American and British Governments to isolate the terrorists and prevent them from recruiting further converts to their cause. It helps extremists to fuel perceptions that the US, and the west in general, targets Muslims and denies them their human rights.

The agenda of such extremist groups is obvious and can be discounted. What cannot be ignored is the list of independent and respected Governments and non-governmental organisations that have made clear their opposition to the camp's existence. The UN Secretary-General, Kofi Annan, has called for the camp's closure. Organisations such as Amnesty International and Human Rights Watch have been consistent in their condemnation. Amnesty is concerned at news of hunger strikes and suicide attempts by inmates and has called Guantanamo "a moral disgrace", an "emotional abyss" for those affected and "a legal black hole".

As I said earlier, it can be seen from the number of hon. Members in their places, including my hon. Friends the Members for Kingston upon Hull, North (Ms Johnson), for Tooting, for Islington, South and Finsbury (Emily Thornberry), for Hackney, North and Stoke Newington and for Brent, South (Ms Butler), that this issue is of real concern. The legal arguments surrounding Guantanamo have become complex and polarised, with no consensus existing. None the less, it is a popular view, at least outside the US, that the basis for the detention camp rests on shaky legal foundations.

The right to fair trial without prolonged detention is a fundamental and well-established tenet of international law, which is explicit in articles 10 and 11 of the universal declaration of human rights and articles 14, 15 and 16 of the international covenant on civil and political rights. If it is argued that the laws of war apply, the Geneva convention has strict criteria governing the treatment that prisoners of war should receive.

The US Government argue that those prisoners are not in legal limbo but, pending a decision by the US Supreme Court, are nearing the time at which they will face trial before the military commission. Within the judicial process, it is claimed, the accused will have two opportunities to appeal to a fully civilian federal appeals court. However, that is not a reason to believe that the transportation of hundreds of individuals thousands of miles from their homelands and families and their imprisonment for years before trial is in any way justifiable.

Unfortunately, whatever the legal basis for the detention, the damage has been done. It is now a popular view in this country and other countries that the US Government have operated outside international law, with a clear disregard for the concerns of the international community and its closest friends.

In a series of statements from the State Department and the Department of Defence, the US has condemned the use of torture or inhumane techniques and pledged to prosecute any citizen found to have committed such acts. However, last week the United Nations committee against torture published its report on the detention policies of the US and judged them according to the convention against torture that the US ratified in 1994. The report concluded that the conditions for prisoners at Guantanamo Bay constituted torture and called for the camp to be closed as soon as possible.

Allegations of torture must be taken seriously. The right not to face torture or inhumane or degrading treatment is an absolute right. After the appalling images of torture at committed by soldiers at Abu Ghraib prison in Iraq, it is essential that the United States and our Government make every possible effort to make it clear that any such abuse is unacceptable and should not take place. Unfortunately, in the case of Guantanamo, the closed nature of the camp, where even UN officials were prevented from meeting detainees without first signing a confidentiality agreement, has ensured that serious allegations about treatment proliferate.

What we know comes from the American Army's Schmidt report, which details techniques also known as "torture lite". Many of sections of the Schmidt report are still censored, but it details techniques such as 18 to 20 hours a day of questioning for 48 in 54 days, blasting prisoners with strobe lights and ear-splitting rock music, the use of snarling dogs, threatening to hurt detainees' families and sexual humiliation. On that

[Keith Vaz]

basis, I propose that a delegation of British parliamentarians be allowed to visit the detention complex in Guantanamo to assess the treatment of detainees. I should be grateful for the Minister's support for such a visit. If that is not possible, he should consider arranging a visit by our excellent Attorney-General so that he can assess the conditions of the detainees, as he has made his interest in the matter clear.

Sir Winston Churchill noted that America always does the right thing after exhausting every possible alternative. In the case of Guantanamo, our ally is running out of alternatives and I am sure that, in the fullness of time, Washington will indeed do the right thing. I call on the Minister and his Department to help to ensure that that happens sooner rather than later. In particular, will the Minister clarify his position about the continued imprisonment of eight individuals who claim to hold British residency?

On Thursday 5 May, representatives of two of those men lost a bid at the High Court to force the Foreign Secretary to intervene on their behalf. A Foreign Office spokesman said that the Foreign and Commonwealth Office was unable to provide consular assistance to

"those who are not British citizens"—

which is a very strict interpretation of the Foreign Office remit. British diplomatic influence is not solely limited to the protection of British citizens; it also applies to British interests, which include upholding the principle of inalienable human rights. For example, Abdul Rahman is an Afghanistani who, on conversion to Christianity, was threatened with the death penalty. At the time, the Minister was on the record as deeply troubled by the case and he sought urgent clarification from the Afghan authorities. I commend him for having done so. Mr. Rahman was not British; indeed, he was on the other side of the world at the time. Surely, that is a common precedent whereby the Government can represent our concerns about the men with British residency held at Guantanamo. Will the Minister make such representations?

The Prime Minister will be meeting President Bush later this week. I hope that he will use that visit to state the Government's concerns about the situation in Guantanamo Bay. Will the Minister confirm that that will happen?

I also ask the Minister whether he would consider positioning the UK in the role of co-ordinator for those countries that still have detainees imprisoned at Guantanamo. The UK's relationship with the United States and its experience of having a number of citizens detained at that facility for years would allow the Foreign Office to operate in that much-needed capacity. However, such measures would be only half a solution. The problem with Guantanamo Bay is the existence of the detention facility, the way that it operates and the image that it presents to the world. It runs counter to the fundamental values that we hold dear and wish to protect: the right to fair trail, the right not to be tortured or treated inhumanely and the belief in the strength of openness, transparency and accountability. I call on the Minister to support the view of the Attorney-General—Guantanamo Bay must close, and it must close now.

10.15 pm

The Minister for the Middle East (Dr. Kim Howells): I congratulate my hon. Friend the Member for Leicester, East (Keith Vaz) on securing the debate, and I welcome the opportunity to debate these issues today. First, I want to reiterate the Government's position on Guantanamo. We have made it clear that we regard the circumstances under which detainees continue to be held at Guantanamo Bay as unacceptable. The US Government know our views. As my right hon. Friend the Prime Minister has said as recently as four days ago, it would be better if Guantanamo were closed.

We continue to raise these concerns in our regular discussions on detainee-related issues with the US Government. We seek to ensure that the handling of detainees is consistent with the British Government's other objectives, including preventing further terrorist attacks, undermining the work of those who recruit terrorists and upholding respect for human rights and the rule of law. As we do so, let us reflect on the circumstances that led to Guantanamo Bay.

Ms Diane Abbott (Hackney, North and Stoke Newington) (Lab): Will my hon. Friend give way?

Dr. Howells: No, I am afraid not. If my hon. Friend will allow me, I have not much time in which to answer a very big contribution.

As my hon. Friend has reminded us, almost 3,000 people were killed during the terrorist attacks on 11 September 2001. As the Foreign Secretary told the Foreign Affairs Committee on 15 March, if September 11 had happened in this country rather than the United States, it would have changed our politics and security procedures just as it has changed those of the Americans.

It is also important to recognise the dilemma faced by the US Government in considering Guantanamo's future—how to balance collective security and respect individuals' human rights at the same time. More than 270 detainees have been moved from Guantanamo back to their home countries or their country of origin. Many more are being considered for the same, under arrangements designed to ensure that they will be treated humanely on their return. That is not an easy process; it will take time.

We expect the United States to be an example of fairness and justice, where civil liberties and human rights are protected and cherished. Sadly, they are not protected and cherished in some countries. Indeed, there are places where they hardly exist at all. The question is what happens to those who are left. One obvious answer—we have heard from some quarters—would be to release all the detainees at Guantanamo. I fear that that would not be entirely wise. It would hardly serve not only the US Government's own citizens but everyone else in the world if the Americans were suddenly to release people who could return to terrorism, as some of those already released have.

My hon. Friend's question raises a number of detailed issues that I am happy to try to address this evening. First, on the legal aspects of indefinite detention, it is useful to understand the US Government's legal position, even if one does not necessarily agree with it. The US Government believe that they are in a continuing state of at least potentially worldwide armed conflict with al-Qaeda—that is, at war. They believe therefore that

the laws of armed conflict apply to those whom they detain. The US Government's view is that under the laws of armed conflict, they are entitled to detain people until that war is over, as they did, for example, during world war two, when again no one knew how long the conflict would last.

The British Government's view is that, whatever the status of the so-called global war on terror, the detainees at Guantanamo are entitled to humane treatment and, if prosecuted, to a fair trial. We have made that clear to the United States authorities. The United States is well aware of the UK's opposition to the death penalty under all circumstances. In private diplomatic discussions, at both ministerial and official levels, the UK has made its views known to the US Government and has made representations to them about the circumstances in which, and conditions under which, detainees are held at Guantanamo.

After a lengthy series of discussions with the US, which were led for the Government by the Attorney-General, in 2004 the Government concluded that the military commissions process would not provide sufficient guarantees of a fair trial according to international standards. That eventually led to the release and return of the British detainees at Guantanamo. I am sure that hon. Members will be aware that most of the military commission's proceedings have been stayed, pending a US Supreme Court decision in June on the right of the detainees to challenge the legality of their detention.

My hon. Friend raised the question of torture and other allegations of abuse at Guantanamo. Let me make our position on torture absolutely clear. The United Kingdom condemns unreservedly the use of torture and works hard with its international partners to eradicate that abhorrent practice. We abide by our commitments under international law, including the UN convention against torture and the European convention on human rights, and we expect all other countries to comply with their international obligations. We are active in pressing them to deliver on those human rights commitments.

The US Government have given repeated assurances on this matter and on the treatment of detainees. Those assurances include the detailed public statement made by the US Secretary of State, Dr. Condoleezza Rice, on 5 December 2005, which confirmed that the US respects the rules of international law, including the UN convention on torture. Dr. Rice stated that the US does not authorise or condone the torture of detainees, and that torture and conspiracy to commit torture are crimes under US law wherever they may occur in the world. In addition, the US Detainee Treatment Act, which was enacted on 30 December 2005, provides that no individual in the custody or under the physical control of the US Government, regardless of nationality, shall be subject to cruel, inhuman or degrading treatment or punishment. That legislation makes a matter of statute what President Bush has made clear was already US Government policy.

My hon. Friend has reminded the House of a report submitted on 15 February by five holders of mandates of special procedures of the UN Commission on Human Rights. A number of serious criticisms about the reported situation of detainees in Guantanamo Bay were made in that report. In their formal reply on 10 March, the US Government strongly objected to the report both in terms of process and of substance, and argued that factual and legal assertions in it were inaccurate and flawed. It is clearly important that the US Government and the UN continue to engage on those issues.

My hon. Friend listed some of the techniques allegedly used at Guantanamo. Those allegations have surfaced previously in relation to UK nationals. I want to make it clear that, we take allegations of abuse and mistreatment made by UK nationals previously held at Guantanamo very seriously. In respect of the British detainees, we raised concerns about issues including isolation, lack of access to daylight, lack of exercise and delays with mail. We pursued those concerns with the US authorities and secured a number of improvements in the physical conditions of the detention of the detainees, as well as improvements to the exercise regime and mail service.

The nine visits made by Foreign and Commonwealth Office officials to check on the British detainees' welfare showed us that, overall, the detainees appeared in sound physical health. The families of the detainees were given read-outs of the visits and statements were made to Parliament. Our visits found that medical facilities at Guantanamo were of a high standard. On each of the nine visits, we gave the British detainees the opportunity to express concerns about their treatment. None of them alleged to us that they were systematically mistreated at Guantanamo.

Over the past few months, several right hon. and hon. Members have raised the circumstances of the former UK residents who are detained in Guantanamo. It is the longstanding policy of the UK Government not to offer consular assistance to non-British nationals, except in cases in which a specific agreement to do so exists with another state. My hon. Friend spoke of exceptions to that rule, such as the case of Abdul Rahman, the Christian convert in Afghanistan who faced the threat—it was a remote possibility—of the death penalty.

Hon. Members will no doubt be aware of the recent judicial review of the former Foreign Secretary's decision not to make formal representations to the United States Government for the release and return to the UK of three of the detainees held at Guantanamo Bay who were formerly resident in the UK. The court held that there was no duty on the Foreign Secretary in domestic or international law to make the formal request sought by the claimants. The claimants have been granted leave to appeal, so it would not be appropriate for me to say any more about the case at the moment.

The court also recognised that the Government have made informal representations on humanitarian grounds to the US Government in respect of the detainee claimants. In 2005, my predecessor, Baroness Symons, agreed exceptionally to meet the families and representatives of those detainees who we knew were formerly resident in the UK, but were not British nationals, on a humanitarian basis. We passed on the concerns expressed to us by the families to the US authorities.

I fully agree with my hon. Friend that there needs to be greater understanding of how Guantanamo operates. A visit by, say, the Foreign Affairs Committee

[Dr. Howells]

would clearly help to achieve that. I understand that the Committee is already in touch with the US Administration about visiting the detention facility at Guantanamo Bay.

As I have said, it is important that we never forget the context in which Guantanamo came about: the slaughter of 3,000 innocent people on 11 September. That was followed by atrocities in Madrid, Bali, Sharm el Sheikh, Amman, Istanbul, Riyadh and Moscow, and then last summer by the attacks on the London underground. The intent is clear. In Iraq and Afghanistan, the terrorists want to destroy new-found freedom and democracy and to kill people. I was in Baghdad when al-Zarqawi's suicide bombers murdered hundreds of innocent Shi'a Iraqis in just a couple of bloody days. Understandably, I suppose, the fate of those poor people has not been the subject of intense legal and human rights scrutiny in the way in which the detaining of terrorist suspects at Guantanamo has. We do not expect civilised behaviour from al-Qaeda henchmen, but we should not forget that those people had human rights, too. It is right that Britain should stand firm with our friends and allies against such evil.

All of us who care for the cause of civil liberties and human rights should pause and recall that those who were so brutally murdered in London on 7 July and in many other atrocities had human rights. Self-appointed executioners took those rights away from them, so we will continue to pursue those who commit acts of terrorism. At the same time, we shall maintain absolutely our commitment to civil liberties and human rights.

Emily Thornberry (Islington, South and Finsbury) (Lab): Will my hon. Friend give way?

Dr. Howells: No, I will not.

It will not surprise my hon. Friend the Member for Leicester, East that it is not in my gift, nor, indeed, in the UK Government's, to close Guantanamo Bay. Our position is clear and consistent: it would be better if Guantanamo were closed. We will do what we can to bring that about, but hon. Members should recognise that that is not an easy task and that balancing security and liberty never has been easy.

Question put and agreed to.

Adjourned accordingly at twenty-eight minutes past Ten o'clock.

House of Commons

Tuesday 23 May 2006

The House met at half-past Two o'clock

PRAYERS

[MR. SPEAKER *in the Chair*]

PRIVATE BUSINESS

LEICESTER CITY COUNCIL BILL

Bill read the Third time, and passed.

LIVERPOOL CITY COUNCIL BILL

Bill read the Third time, and passed.

MAIDSTONE BOROUGH COUNCIL BILL

Bill read the Third time, and passed.

Oral Answers to Questions

FOREIGN AND COMMONWEALTH OFFICE

The Secretary of State was asked—

Iran

1. **Mr. Ian Austin** (Dudley, North) (Lab): What her most recent assessment is of the threat posed to regional security by Iran's nuclear programme. [72677]

The Secretary of State for Foreign and Commonwealth Affairs (Margaret Beckett) *rose—*

Hon. Members: Hear, hear.

Margaret Beckett: Thank you. Iran is undermining the authority of the International Atomic Energy Agency through its failure to take the confidence-building measures repeatedly requested of it by the IAEA. In the process, Iran is undermining the credibility of the non-proliferation regime, which remains a cornerstone of international peace and security. Iran's insistence on this approach is raising regional and international tensions and risks destabilising the region.

Mr. Austin: I thank my right hon. Friend for that answer and congratulate her on her new position. Does she agree that President Ahmadinejad's apparent determination to develop nuclear weapons is made all the more worrying by his sponsorship of terrorist organisations such as Hezbollah, his denial of the holocaust, his threat to wipe Israel off the map, and the middle eastern arms race that would result from such development? What is the UK doing to build international support to ensure that this course of action does not take place?

Margaret Beckett: I share the view of my hon. Friend that all the things that he has identified heighten concern about the stance of the Iranian regime. He asks me what the UK is doing. We are part of the EU3, which has been discussing these issues. We are now discussing them with the United States, Russia and China in an attempt to accelerate realisation within Iran that the international community as a whole is united in wishing Iran to return to compliance with what is urged on it by the IAEA. We have been engaged in substantial talks on that—particularly my predecessor, to whom I pay tribute in this respect—and we will continue to be so until, as we hope, success is achieved.

Sir Malcolm Rifkind (Kensington and Chelsea) (Con): Will the right hon. Lady accept my good wishes? Is she already learning that diplomats are people who can be disarming, especially when their countries are not? With regard to Iran, will she share with her American colleague the view that while the Americans are right to say that no option, including the military option, can at this stage be taken off the table, they ought also to be more generous in offering to Iran the kind of normalisation that they have felt able to achieve with Libya, in exchange for a full renunciation of nuclear weapons and a uranium enrichment programme?

Margaret Beckett: I am grateful to the right hon. and learned Gentleman for his good wishes, and also for his advice. Although I may not have been engaged in negotiations in the Foreign Office in the past, I have a certain amount of experience of negotiations at large—

Andrew Mackinlay (Thurrock) (Lab): Not least in the Labour party.

Margaret Beckett: Particularly, perhaps, in the Labour party.

Although I take the point that the right hon. and learned Member for Kensington and Chelsea (Sir Malcolm Rifkind) makes, as part of the discussions to which I have just referred we should try to put together a balanced approach that clearly indicates the danger of sanctions against Iran unless it is prepared to come back into compliance with the will of the international community, but there is also a great deal of discussion about whether it is possible to offer a substantial package of incentives. That balance is important to give Iran a clear choice which it can sensibly, reasonably and viably make.

Mr. Doug Henderson (Newcastle upon Tyne, North) (Lab): I echo the words of my hon. Friend the Member for Dudley, North (Mr. Austin) in welcoming my right hon. Friend to her new post. She will be aware that there is considerable concern in the House not only about the potential for nuclear proliferation in Iran, but about some of the likely repercussions of a response to try to deter such proliferation. I am particularly concerned about what the impact might be not only on the middle east generally, but specifically on Iraq, and the need to keep the Shi'ite community on the side of the international parties involved there. Will she discount any military action in Iran unless it is explicitly called for by a United Nations resolution?

Margaret Beckett: I am grateful to my hon. Friend for his good wishes. Everyone must recognise the

dangers to the region as a whole of problems in Iran and Iraq. It is clearly not the intention of the international community to take military action, but it is the intention of the international community to encourage Iran to see the nature of the choice that lies before it and to take the choice that is in the interests of the Iranian people.

Mr. Paul Keetch (Hereford) (LD): I, too, welcome the Foreign Secretary to her new position and join her in congratulating her predecessor on his role in the EU3. Does she agree that it is odd that in this dispute the two countries most closely concerned, the United States of America and Iran, are not speaking directly to each other? Does she agree with the chairman of the Senate Foreign Relations Committee, who has suggested that it is possibly time for negotiations between Iran and the United States? Is she prepared to act as a broker in any such negotiations?

Margaret Beckett: I am grateful to the hon. Gentleman for his good wishes and thank him for suggesting that I should put myself right in the middle of difficult and delicate international negotiations. It is clearly for Iran and the United States to decide what dialogue and negotiation should take place between them, and although it is perfectly reasonable for an American politician to comment on that matter, it would not be wise for me to do so.

Jeremy Corbyn (Islington, North) (Lab): I congratulate the Foreign Secretary on her appointment and ask her whether she considers that Iran has broken the non-proliferation treaty, and if so, in what way. Is she conducting any direct discussions or negotiations with Iran, which is, after all, the only country in the region that is still a signatory to the NPT; and does she think that the NPT is an important treaty and document?

Margaret Beckett: We take the view that Iran has contravened some of its obligations, but whether or not we take that view matters much less than the fact that the IAEA board has clearly stated that it shares our concern, as has the international community at large. The breach concerns the apparent concealment by Iran of some of its activities. I thank my hon. Friend for his remarks, but my concern is to encourage Iran to see the nature of the choice that lies before it and to make a choice that will contribute to peace and security in Iran and, indeed, provide Iran with civil nuclear power, if that is what it wants, while also contributing to peace and security in the wider world.

Mr. William Hague (Richmond, Yorks) (Con): I join in the welcome to the Foreign Secretary and congratulate her on her first diplomatic triumph in persuading the Prime Minister that the idea of splitting responsibility for the Foreign Office and creating a Secretary of State for Europe was truly bizarre—the idea had to be abandoned on the day of the reshuffle within about two hours of being embarked upon. After that diplomatic triumph, will she indicate when a formal offer will be made by the EU3 to Iran, and can she tell the House any more about the nature of that offer? Given that the Iranian Government have described the suspension of uranium enrichment as "not on the agenda", if they maintain that position after the receipt of the EU3 offer, will she be prepared to give vocal support to meaningful sanctions against Iran as part of her balanced approach, including a ban on the sale of all military, nuclear and dual-use technology?

Margaret Beckett: I thank the right hon. Gentleman for his good wishes. Just as the right hon. and learned Member for Kensington and Chelsea (Sir Malcolm Rifkind) gave me good advice about diplomats, he should not believe everything that he reads in the media about the nature of negotiations within the Government. I cannot say much more to him at the moment about the nature of the offer that might be made. Work is continuing and, as I am sure that he will appreciate, the greater the anxiety to make a substantial and worthwhile offer, the more important it is that detailed and careful work is carried out.

I cannot say much more about the nature of the offer or whether it is likely to come in the next few days, but I assure the right hon. Gentleman that thorough work is continuing. Given that what Iran has indicated will be unacceptable, it is clear that Iran is likely to face a stark choice. We all hope that it will not be necessary to move towards sanctions, but if it is necessary to do so, the sanctions will be those that people feel are capable of having an effect. At this point, I no more want to discuss the exact nature of those sanctions than I want to say much more about any formal offer.

Iraq

2. **Paddy Tipping** (Sherwood) (Lab): What discussions she has had with representatives of the Iraqi Government on that Government's new structure. [72678]

The Secretary of State for Foreign and Commonwealth Affairs (Margaret Beckett): Earlier today, I spoke to the Iraqi Foreign Minister, Dr. Hoshyar Zebari to congratulate him on his reappointment. I will continue the regular and close dialogue with Iraqi leaders established by my right hon. Friend the Leader of the House.

Paddy Tipping: I warmly welcome the Foreign Secretary to her new post. I welcome, too, the formation of the first broadly based elected Government in Iraq. It has been a long process. Will she commit to stay with the task, however difficult, until democratic renewal is finally achieved?

Margaret Beckett: I am grateful to my hon. Friend. I share his view that it is extremely important that we welcome the formation of a Government of national unity in Iraq and commit ourselves to work with them. Although the conventional wisdom is that it has been a long process—I understand that people would have liked it to be shorter—I would point out that there was initially the period of election verification, and then the period of coalition building. Considering that the Iraqis have no experience of this kind of democracy at all, compared with what has happened in other nation states with rather more experience, we should perhaps be congratulating them on their speed.

Mr. Alex Salmond (Banff and Buchan) (SNP): I welcome the Foreign Secretary to her post. Is the four-year timetable for the withdrawal of the significant presence of UK troops from Iraq an official position; how exactly did it emerge yesterday; and, if it is not the official position, what is the timetable for withdrawal?

Margaret Beckett: I thank the hon. Gentleman for his good wishes. What has been said very clearly about the potential for withdrawal is that it is hoped to move towards Iraqi control of particular cities and provinces. A process of assessment is now under way, and we expect the report from that quite soon. It would be what I might call a conditional process, in the sense that it would depend on what the conditions were assessed as being in those cities and provinces and whether the Iraqis were able to take control of the security situation there, which would be a precursor to troops being withdrawn. As he will appreciate, it is potentially a step-by-step process. I am not going to attempt to put a timetable on it. The process has not yet begun. We hope that it will be able to begin soon, because that will demonstrate how Iraq is moving to a more peaceful position.

Mr. Michael Moore (Berwickshire, Roxburgh and Selkirk) (LD): I join the many others who have congratulated the Foreign Secretary on her new position and wish her every success in her new role. A quick glance at today's Order Paper shows that she has quite a bit to be getting on with.

Yesterday, the new Iraqi Prime Minister said very clearly, in public:

"There is an agreement for the transfer of security under a timetable which starts in June."

He indicated that by the end of this year most provinces will be under Iraqi control. Is there an agreed timetable, or are there even agreed criteria, for the transfer of security responsibilities? When will we get a chance to have a detailed strategy for Iraq from the Government which we can debate in this House?

Margaret Beckett: The remarks made yesterday by the Iraqi Prime Minister about June refer to the process of assessment that I mentioned a moment ago. We expect the report of the assessment committee in June, and it is certainly hoped that that will allow us to begin to transfer some provinces and cities. The hon. Gentleman will know, I hope, that our own Prime Minister has pointed out that it is an objective timetable. It is hoped that it will be a step-by-step process, but it will depend on the position in those cities and provinces. Of course, people can express all kinds of hopes for the speed with which the process will continue, but it will be, I hope, a measured speed based on conditions on the ground, not on some artificial timetable.

EU Constitution

1. **Mr. David Gauke** (South-West Hertfordshire) (Con): What the Government's policy is on pursuing ratification of the EU constitution. [58579]

The Minister for Europe (Mr. Geoffrey Hoon): The Government have made it clear that the constitutional treaty will be ratified in the UK only after a referendum. However, following the rejection of the treaty in the Dutch and French referendums, the European Council agreed on a period of reflection to consider the way forward. The European Council will come back to the matter this June. We will participate constructively in these discussions.

Mr. Gauke: First, I wish the Minister for Europe well in his post. I do not know whether congratulations are in order, but I certainly wish him well.

Given that, in recent weeks, the German Chancellor, the Italian Prime Minister and the President of the European Commission have said that there may yet be life in the European constitution, does not the right hon. Gentleman believe that it is time to make it clear that the British Government oppose trying to resuscitate it and that we will not support its integrationist policies and objectives, such as giving more powers to European institutions over criminal justice?

Mr. Hoon: The Government have made it clear that they will participate effectively in any discussions on the future of the treaty. As I have seen in my first 10 days back in the job, there is a range of views throughout the European Union about the best way forward. It is sensible to consider them and to discuss with our partners an appropriate way forward. We should not make early decisions—we are not doing that, and it is right and proper, in the best interests of this country, to remain fully engaged in those conversations with our European partners.

Keith Vaz (Leicester, East) (Lab): I welcome my right hon. Friend back to the Foreign Office as Minister for Europe. He obviously did the job so well last time that the Prime Minister had to have him back. As he knows, last week, the EU published a report, which showed that Bulgaria and Romania were generally on track to join the EU in January next year. Given that the EU's rules and regulations were designed for the EU at 15 and that the constitution was designed to update its efficiency, does he agree that it is important that those elements of the constitution that can be taken forward with our colleagues and will result in a more efficient and effective EU should be effected before other steps are taken to ratify it?

Mr. Hoon: I am grateful for my hon. Friend's good wishes. I am delighted that I made such an impact in the two short months when I did the job previously. He is characteristically modest in refraining from adding that he succeeded me in the position and that whatever work I was able to do was clearly overshadowed by his contribution.

My hon. Friend is right that the process of enlargement has necessarily led in the past to institutional change. It is perhaps stating the obvious that, as the EU has grown, it has been necessary to adjust the way in which decisions are made to reflect the new reality. However, as I said earlier, it is important at this stage to continue to hold conversations with our European partners so that we are not isolated and to ensure that the voice of Britain is heard at those discussions. That is the position that the Government will take.

Mr. Graham Brady (Altrincham and Sale, West) (Con): With several member states working towards reviving the EU constitution at next month's summit, it appears increasingly likely that the British Government, owing to their failure to show leadership, may, for a second time, be pushed into accepting a constitution that they do not want. Does the Minister agree that it would save everyone a great deal of confusion and wasted effort if he said emphatically today that Britain will not accept the EU constitution or any of the increased powers in it? If the Government are again swept along by those who want an integrated Europe, will he guarantee that this country has a referendum before any further transfer of powers to the EU?

Mr. Hoon: I have made the position on the European treaty absolutely clear. I repeat that the Government have said that the constitutional treaty will be ratified in the United Kingdom only after a referendum.

On leadership and isolation, the hon. Gentleman may like to know that, in the course of my various conversations in the past 10 days, I have met a range of leaders from the Christian Democrats—hitherto allies of the Conservative party—and, if any political party is isolated in Europe today, it is the Conservative party. I have received several complaints from Christian Democrats who clearly believe that I have some influence with the Conservative party—I had to tell them that I did not. The Conservative party is leaderless on Europe and has drifted well to the right.

Andrew Mackinlay (Thurrock) (Lab): May I tell the Secretary of State—*[Interruption.]* I mean the Minister for Europe, recycled. May I tell him that I am so pro-European that if he cut me in half, he would find yellow stars running through me, as in a stick of rock? However, those of us who are pro-European do not have a stomach for the constitution. We much prefer the gradualist approach, which has been the EU's strength in its development. It would be much more prudent if the UK pursued that policy rather than a grand constitution, which confused people and caused unnecessary alarm. We should stick to the gradualist approach, which has been a success for the past 30 years.

Mr. Hoon: My hon. Friend has added to the debate on this question, and I will endeavour to do my best to represent his views when we have further conversations with our European partners. The whole House will recognise that there is a range of opinions on this matter in the European Union—and in the House—and it is necessary for the United Kingdom Government to engage in those conversations. The problem with those on the Conservative Front Bench is that they simply stand on one side, saying that everyone is isolated except the Conservative party, and not participating in any way to defend Britain's best interests.

Palestinian Authority

4. **Mr. Philip Hollobone** (Kettering) (Con): If she will make a statement on financial assistance to the Palestinian Authority. [72680]

The Secretary of State for Foreign and Commonwealth Affairs (Margaret Beckett): We remain committed to supporting the Palestinian people. On 25 April, we gave £15 million to the United Nations Relief and Works Agency. We strongly support the Quartet and the General Affairs and External Relations Council's proposal to establish a mechanism to provide assistance to the Palestinian people. However, until the Hamas-led Palestinian Authority commits to the three Quartet principles, which it has so far failed to do, direct budgetary assistance to the PA will remain suspended.

Mr. Hollobone: Is it not the case that corrupt officialdom in the Palestinian Authority, together with Hamas's refusal to recognise the right of Israel to exist, are impoverishing the Palestinian people and stoking the flames of Palestinian civil war?

Margaret Beckett: I very much hope that the hon. Gentleman is wrong in his final remark. I certainly agree, however, that the factors that he mentioned do nothing to improve either the security situation or the prospects for the Palestinian people. Our prime concern is that we should be able to mitigate the sufferings and difficulties of those people as much as we can, and that will continue to be our goal. We will also continue to urge Hamas to recognise how much better it would be for the people it has been elected to lead if it recognised the needs of the international community.

Sir Gerald Kaufman (Manchester, Gorton) (Lab): In welcoming my right hon. Friend to her very well merited appointment, and commending the fine work of her predecessor, may I ask her to bear in mind that the withholding of aid and revenues from the Palestinians by the international community, the withholding of revenues that rightly belong to the Palestinians by the Israeli Government, the illegal expansion of illegal settlements announced during the past few days by the Israeli Government, the continued expansion of the illegal wall—

Hon. Members: Too long!

Mr. Speaker: Order. The right hon. Gentleman has certainly made his point. I call the Foreign Secretary.

Margaret Beckett: I am grateful to my right hon. Friend for his remarks and his support. I accept the basic point that he is making about the real risks involved in the deteriorating situation with regard to the flow of revenues. However, people are working now on establishing a temporary mechanism, and we very much hope that, by that means, we shall be able to alleviate some of the difficulties that the Palestinian people in particular will face. We will continue to work on that, as well as urging all parties to return to the road map and to a negotiated path to peace.

Mr. William Hague (Richmond, Yorks) (Con): The Quartet has rightly suspended budgetary aid and endorsed a temporary international mechanism to deliver assistance to the Palestinian people. Will the Foreign Secretary tell us what proposals the United Kingdom has put forward for that mechanism, and

when it will be launched? Does she accept, on the basis of what I saw for myself last week in the occupied territories, that the Palestinian economy is now contracting very sharply indeed? Provided that such a mechanism cannot be abused, it needs to be established with all possible speed if serious humanitarian problems are to be avoided.

Margaret Beckett: I entirely take the point that the right hon. Gentleman makes. As much speed as can be achieved is of the essence. I cannot say much more to him about the detail, because there is still a lot of discussion to take place, but it appears likely that the first priority will be assistance with health care. There is a clear recognition, however, of the potential and actual damage being done both to the economy of Palestine and the ability of the Palestinian people to support themselves. I assure him that the urgency that he urges on us is very much present in our minds.

Helen Goodman (Bishop Auckland) (Lab): I congratulate the Foreign Secretary on being the first woman to hold that post in this country. How does she believe that the provision of basic health and education services to the Palestinian people can be maintained if the salaries of those working in those services cannot be paid, as they are ultimately employed by the Palestinian Authority?

Margaret Beckett: I thank my hon. Friend for her kind remarks. Everyone is conscious both of the need for health and education services to be maintained and of the difficulties caused if funding is not available to pay salaries. Consideration is being given to the best ways in which we can offer practical help, as the course that she urges on us raises some genuine practical difficulties. I assure her, however, that we are considering what we can best achieve in the fastest way possible.

Zimbabwe

5. **Sir Nicholas Winterton** (Macclesfield) (Con): What recent action the Government have taken to influence world opinion on the situation in Zimbabwe. [72681]

The Minister for Europe (Mr. Geoffrey Hoon): During the past six months, the Government have worked with our EU partners to maintain travel, financial and military sanctions on the Mugabe regime; ensured that the International Monetary Fund keeps Zimbabwe suspended; kept Zimbabwe under scrutiny by the Security Council; worked with the UN Secretary-General to address Zimbabwe's governance problems; and, with the US and leading allies, maintained international pressure for change. We will sustain that pressure.

Sir Nicholas Winterton: Does the Minister agree with the United Nations, which reflects world opinion, that Zimbabwe is in meltdown? With 700,000 people losing their jobs and homes as a result of Mr. Mugabe's clearance policies, inflation at more than 500 per cent., unemployment at 80 per cent., and 70 per cent. of the population having only one meal or less per day, do the Government have a new agenda to use world opinion to remove from brutality and deprivation the good people of Zimbabwe?

Mr. Hoon: I agree with the hon. Gentleman about the appalling state of affairs in Zimbabwe. That is entirely the responsibility of the Mugabe regime. I set out to the House the range of measures over which the Government have influence in informing world opinion, both through the EU and the UN, to keep the pressure on that regime. Change can come only from inside Zimbabwe, and we want to see that change in the interests of the people of that country.

Kate Hoey (Vauxhall) (Lab): Have Her Majesty's Government made any protest to the European Commission about the fact that the Humanitarian Aid and Development Commissioner met the Zimbabwean Finance Minister in Brussels recently? He was given a visa—perhaps, technically, he was allowed to have one—but surely his meeting with the commissioner goes against the whole spirit of the European Union sanctions. It sends out the message that if the European Union will meet Zimbabwe, why should the African Union not do so?

Mr. Hoon: I know that my hon. Friend has taken a long and sustained interest in the situation in Zimbabwe, and I know from her observations in the House of her personal commitment to trying to resolve the appalling situation faced by the people of Zimbabwe. That is really the issue. Clearly, we want to see sustained pressure on the regime and further international action to isolate Mugabe's leadership. At the same time, we have no quarrel whatever with the people of Zimbabwe, and we need to continue to find effective ways to allow food aid in particular to reach them. Above all, the tragedy of Zimbabwe is that it was the country that fed many other countries of southern Africa over a long period, and it is now incapable of feeding itself. We need to ensure that we do not take action that further damages the interests of the people of that country.

Mrs. Nadine Dorries (Mid-Bedfordshire) (Con): On relinquishing her previous post, the Foreign Secretary left behind a trail of failure, disaster and unpaid farmers in my constituency. What—

Mr. Speaker: Order. The hon. Lady is out of order.

Afghanistan

6. **Dr. Roberta Blackman-Woods** (City of Durham) (Lab): What recent assessment she has made of progress with reconstruction in Afghanistan. [72682]

The Minister for the Middle East (Dr. Kim Howells): Afghanistan has made rapid progress over the past four years. It has established a new constitution and a democratically elected president and parliament. The Afghan Government are committed to economic and social reconstruction. Economic growth is good and is forecast to be 14 per cent for 2005-06. There are now 60 per cent. more functioning health clinics, nearly 2,000 schools have been built or rehabilitated, and 60,000 former combatants have been disarmed since 2001.

Dr. Blackman-Woods: I hope that my hon. Friend agrees that efforts to improve security in Afghanistan are an essential part of the reconstruction process. What is being done to ensure that the Foreign Office, the Ministry of Defence and the Department for International Development work together, so that the progress of which he speaks not only continues but thrives?

Dr. Howells: I can reassure my hon. Friend that the United Kingdom is committed to supporting the United Nations-authorised and NATO-led international security assistance force mission in Afghanistan. Stage 3 of ISAF expansion involves helping it to achieve its goal and enabling the Afghan Government to extend their authority across the entire country.

I have seen for myself many DFID projects throughout Afghanistan that are achieving great things for the people there. Most important, 37 per cent. of children being educated in Afghanistan are girls. That would not have been allowed under the despotic Taliban regime, and it will make the greatest change to Afghanistan. I am very proud to welcome that development.

Mr. Mark Harper (Forest of Dean) (Con): The Minister will know that one of our key tasks in Afghanistan is to provide alternative livelihoods for poppy farmers. DFID has said that the success of alternative livelihood programmes will depend on the security situation. The former Secretary of State for Defence said that the success of our security operations would depend on the success of the alternative livelihood programmes. Which of those comes first?

Dr. Howells: It is not a chicken-and-egg situation, although it may sound like one. The fact is that we cannot afford to pay every farmer to produce crops other than the opium poppy. It is impossible: the costs would be astronomical. What we must do, therefore, is help to build a new infrastructure in Afghanistan, and provide people with skills enabling them to do the jobs that are required for the economy to be made viable.

We are trying to do that, although there are people in Afghanistan—the Taliban, the drugs mafia and others—who do not want it to happen. They thrive on anarchy. They thrive in a country where there is no law and order, and where people can be killed very cheaply and easily. We and our military must work on that, and the 35 other countries in Afghanistan, along with the United Nations, must help to bring law and order to the country. That is precisely what we are doing now.

The short answer to the hon. Gentleman's question is that we must do both those things at the same time. It is not easy, but I am confident that we can do it.

Joan Ruddock (Lewisham, Deptford) (Lab): Is my hon. Friend aware that a newly elected woman Member of Parliament, Malalai Joya, was recently attacked in the Parliament and is so threatened that she has to move to a safe house every night; that Salima Sharif and Raazia Balloch, who are councillors in Helmand, have both received death threats; and that Fauzia Ulomi, the head of the women's affairs department in that province, narrowly escaped assassination? Bearing in mind the Government's commitment to United Nations Security Council resolution 1325 on women, peace and security, will my hon. Friend undertake to discuss with the Afghan Government how they can further advance women's equality, and how they can do more to protect the status and security of their elected women representatives?

Dr. Howells: My hon. Friend has reinforced what I said a moment ago. We must ensure that we give whatever help we can to improve the general security position in Afghanistan—and certainly we must protect those brave women who, after many years of authoritarian, cruel Taliban rule, have put their heads above the parapet, stood for election and been elected. Indeed, President Karzai told me that he is very pleased with the number of women MPs who have been elected in Afghanistan, and that the proportion is higher than that in the British Parliament. That is something to be proud of.

Mr. Geoffrey Clifton-Brown (Cotswold) (Con): I am very pleased that the Minister has been able to give us some good news about capacity building in Afghanistan. However, he told me in written answers on 9 February 2006, at columns 1444-45W of the *Official Report*, that, according to the figures for 2004-05—the last year for which figures are available—some 4,100 tonnes of opium were produced in Afghanistan, of which a paltry 160 tonnes were seized. When does he expect the British Government's approach to assisting the national drugs control strategy in Afghanistan to have a better effect?

Dr. Howells: The hon. Gentleman is right that that year's opium poppy harvest was huge and this year's will, I think, be at least as big. Between now and September, when the next planting season begins, we have got to try to convince people not to grow poppies, especially in Helmand, where, according to figures that I saw the other day, some 23 per cent. of Afghanistan's opium poppies are grown. The hon. Member for Forest of Dean (Mr. Harper) asked how we can do that, and the answer is that we have to convince people that something else can be grown, and that there are other jobs that will allow them to earn money. An enormous amount of aid is going in to provide help in that regard. Some of those jobs will be paid jobs, such as road-building, providing coolers for agricultural produce and providing the means of getting such produce out of the area. It was not so very long ago that Afghanistan was one of the biggest exporters to the EU of dessert grapes. Of course, the Taliban, in their wisdom, decided that there was a link between grapes and alcohol and they grubbed the vineyards. What did the farmers do? They started to grow opium. That has not been attacked, of course, by the Taliban or by anybody else. They now find it convenient to work with the opium barons to ensure that anarchy persists in that country, but we will do all that we can to ensure that they do not succeed.

Muslim Democracies

7. **Mr. Gordon Prentice** (Pendle) (Lab): What assessment she has made of the likelihood of more democracies emerging in the next decade in countries that have wholly or predominantly Muslim populations. [72683]

The Minister for the Middle East (Dr. Kim Howells): Change is happening in many of those countries. Some will progress faster than others, but there is a demonstrable demand for greater democracy from the people of those countries, which should sustain the momentum for change. I welcome the conclusions of last December's summit of the Organisation of the Islamic Conference, which recognised the need for Governments to respond to that demand. Surveys such as those in the Arab human development report show a real desire for democracy, as Muslim countries from Mauritania to Indonesia feel the pressure to cope with huge demographic changes and significant increases in youth unemployment, combined with a revolution in worldwide communications that affects us all.

Mr. Prentice: The Library tells me that, according to an independent survey carried out this year of 46 countries with Muslim majority populations, 23 were not free, 20 were partly free and only three were free—up from one a decade ago. There is no inherent contradiction between, or conflict between, Islam and democracy, but why has progress been so painfully slow?

Dr. Howells: There are probably many reasons. Certainly, there is no lack of examples of Muslim countries that have become successful democracies. One thinks of Malaysia, Indonesia and Turkey, and we are seeing big moves toward democracy in Lebanon. We have witnessed, moreover, the first free presidential and parliamentary elections in Egypt, so things are moving. If my hon. Friend is saying that there is some inherent contradiction between a country's being Muslim and its ability to become a democracy, I would have to disagree with him.

Mr. Greg Hands (Hammersmith and Fulham) (Con): Five of the 46 countries in question are in central Asia. What pressure is the Minister bringing to bear on EU partners to ensure that the visa ban and arms embargo on Uzbekistan, which will be essential in trying to foster democracy in that country, will be extended beyond October?

Dr. Howells: The hon. Gentleman can be sure that we will look carefully into anything that will further human rights in countries such as Uzbekistan and advance the cause of democracy and capacity building so that democracies can emerge. We are not in the business of trying to help dictators of whatever colour to thrive in their own country and certainly not to spread their influence beyond their own frontiers.

Richard Burden (Birmingham, Northfield) (Lab): As one of the international observers to the Palestinian parliamentary elections in January, I know that, whatever else one might say about Hamas, nobody can say that the election was not democratic or that it was not democratically elected. If the international community is saying to that democratic Government that international acceptance is dependent on them abiding by their international obligations, particularly in respect of recognising their neighbours, is the international community prepared to say the same thing to the new democratically elected Government of Israel? We know that Israel's new Prime Minister is suggesting that he will establish borders for the country—in defiance of international law—along the route of the wall and illegal settlements.

Dr. Howells: The United Kingdom is the friend of both the Israeli and the Palestinian peoples and we have made it clear all along that we expect Israel to abide by the UN Security Council resolutions, in the same way that we expect the forces that have caused such chaos in Palestine to do. I have made it clear many times that I consider the building of the barrier by the Israelis so that it incorporates Palestinian territory to be wrong: it is illegal and it should not happen. It will do nothing to promote peace in the middle east and will generate only further terrorism among people in Palestine and elsewhere. I call on the Israelis to understand the significance of what they are doing in that respect. They certainly have a right to defend themselves, but they do not have the right to capture land that is not theirs.

Jeremy Wright (Rugby and Kenilworth) (Con): Does the Minister agree that one of the best ways of encouraging Muslim democracies is to encourage a modern, effective secular democracy in Turkey and that one of the best ways to achieve that is to argue for Turkish membership of the European Union?

Dr. Howells: That is exactly what we have been doing. During my visits to Turkey, I have been struck by the great efforts made to make Turkey a more democratic country. There are many reasons why we need that, and we need it urgently. A great deal of Afghanistan heroin moves through Turkey into the EU and western Europe. We need to be able to co-operate with Turkey with confidence in order to disrupt those supplies before they get into the veins of children in this country.

International Arms Trade Treaty

8. **Mr. David Kidney** (Stafford) (Lab): If she will make a statement on progress towards an international arms trade treaty. [72684]

The Secretary of State for Foreign and Commonwealth Affairs (Margaret Beckett): We are building support for a UN-based process towards an international arms trade treaty. In 2005, we secured broad support from both the EU and the Commonwealth. A further global lobbying exercise is now under way, involving all of our overseas posts. We are in contact with a wide range of partners to secure agreement for the start of a formal process at the UN General Assembly later this year.

Mr. Kidney: It is a pleasure to see my right hon. Friend in her new post and I am also pleased to hear that we are at the head of international efforts to secure control over the proliferation and misuse of conventional arms. Will she give some credit to non-governmental organisations such as Oxfam and Amnesty International for their persistence in pushing that agenda? Does she accept that a still broader coalition could be built between Governments, NGOs, trade unions and legitimate business interests to secure the treaty through the UN?

Margaret Beckett: I thank my hon. Friend and can tell him that I am very happy to give full credit to NGOs, including Amnesty, for the way in which they have consistently pushed the agenda, even at discouraging times. He is absolutely right that, if we to be successful in promoting such a treaty, we will need an even wider and deeper international consensus. We share his view about its components and we are helping to build it.

Mr. Shailesh Vara (North-West Cambridgeshire) (Con): I congratulate the right hon. Lady on her appointment. Will she kindly inform the House what discussions she has had about the arms treaty with the Ministry of Defence and the Department of Trade and Industry?

Margaret Beckett: Although I have had a substantial number of discussions since my appointment, I have not, as it happens, had discussions with the Ministry of Defence. However, it is my understanding that there is full support for that move and full recognition of the important contribution that it can make.

Tony Lloyd (Manchester, Central) (Lab): I, too, welcome my right hon. Friend to her new post. In terms of the arms trade, it is small weapons that are most often used to kill people, and the death toll is outrageous. The arms trade treaty is central to bearing down on that, but will she also try to develop the political will? For example, we know that states aspiring to join the EU are trading in small arms and helping to take the lives of millions of people.

Margaret Beckett: I am grateful to my hon. Friend for his welcome and I accept his basic point about the dangers of small arms. He will know that some agreements—although they are not legally binding—are already under review, and we hope that we can strengthen them. When I said to my hon. Friend the Member for Stafford (Mr. Kidney) that we wished to continue to work to build an international consensus, that of course includes our many partners, because we recognise the dangers to which my hon. Friend the Member for Manchester, Central (Tony Lloyd) alluded.

Muslim Brotherhood

9. **Michael Gove** (Surrey Heath) (Con): If she will make a statement on contact between her officials and members of the Muslim Brotherhood. [72685]

The Minister for the Middle East (Dr. Kim Howells): British officials have varying degrees of contact in a range of countries with those regarded as Muslim Brotherhood. This is during the normal course of their work to encourage democratic and tolerant societies that embrace the rule of law and universal human rights principles. We will continue to promote this agenda and to challenge those views with which we disagree.

Michael Gove: I thank the Minister for his answer. He will be aware that Mr. Mockbul Ali, Islamic issues adviser at the Foreign Office, recently co-authored a presentation describing the Muslim Brotherhood as "reformist, liberal and progressive". Given that the Muslim Brotherhood and its spiritual leader, Sheikh Qaradawi, support suicide bombing, the persecution of homosexuals and the establishment of sharia law across the middle east, can the Minister tell me just what aspects of the brotherhood's agenda his officials have told him are reformist, liberal or progressive?

Dr. Howells: I certainly wish to emphasise that we do not seek to speak with those engaged in violence. Nor do we go out of our way to engage with non-violent organisations or individuals that support extremism and violence by others, but when we come across such cases, we press them to reject violence as a solution. We should be extremely careful not to paint all Islamists as violent, because they most certainly are not, and we are ready to engage with organisations and individuals who uphold the values of democracy and use peaceful means to achieve their objectives, challenging their views as necessary. Some of those have been elected, for example to the Egyptian Parliament, as independents, but are clearly associated with the Muslim Brotherhood. Our diplomats have met such people on occasion. We do not go out of our way to engage in such meetings, but when they occur, we argue the case for a non-violent approach. We argue against terrorism and we seek co-operation.

Mrs. Louise Ellman (Liverpool, Riverside) (Lab/Co-op): Is my hon. Friend aware that Mr. Mockbul Ali advised the Foreign Office that Sheikh Qaradawi should be admitted to this country, partly on the ground that to do otherwise would fuel Muslim views that there was a Jewish conspiracy throughout the world? Does my hon. Friend think that that is good advice and is Mr. Ali a good adviser?

Dr. Howells: We get all sorts of advice from civil servants and I hope that my hon. Friend will accept that sometimes we accept that advice and sometimes we do not.

Mr. Keith Simpson (Mid-Norfolk) (Con): So that the Minister does not feel left out, I congratulate him on having survived the recent purge—I mean, reshuffle—because I am glad to see him in his usual place. Following the point raised by my hon. Friend the Member for Surrey Heath (Michael Gove) and the hon. Member for Liverpool, Riverside (Mrs. Ellman), can the Minister tell the House whether the Foreign Office has any direct evidence that people in the Muslim Brotherhood to whom it has talked have been directly involved in the planning and execution of terrorist acts?

Dr. Howells: I certainly have no information on that, and I am not aware that anyone to whom we have spoken has been involved in such acts. The hon. Gentleman will recall, of course, that this Parliament has some history of engaging in secret talks with terrorist organisations, such as the IRA. Wherever possible, I shall endeavour to ensure that we do not engage with anyone who advocates terror, whether it be Islamist terrorism or some other sort, that threatens to kill innocent people.

St. Helena

10. **Mr. Anthony Steen** (Totnes) (Con): If she will visit St. Helena to discuss ways of improving relations with the UK. [72636]

The Minister for Europe (Mr. Geoffrey Hoon): The Government value our relationship with St. Helena. We have demonstrated our commitment by agreeing to invest in the construction of an airport on the island. In addition, other UK financial assistance for St. Helena will amount to more than £14 million this financial year.

Foreign engagements for my right hon. Friend the Foreign Secretary and other Ministers are kept under constant review. It is not our practice to announce such visits until they are firmly established in the diary. Because of the unpredictable nature of world events, final decisions on overseas visits are often not possible until very shortly before the day of travel.

Mr. Steen: One way for the Government to improve their relations with St. Helena would be for a Foreign Office Minister to go there. None ever has, although I know that the journey takes 10 days. The Minister referred to the airport that is to be built, but the island's 3,800 inhabitants are concerned about the health implications. They are worried that the large numbers of foreign workers needed to build the airport could bring with them diseases that are alien to the island, such as HIV/AIDS. What can the Minister do to help in that regard?

Mr. Hoon: I am genuinely sorry that it has not been possible for Foreign Office Ministers to visit St. Helena, either in recent times or at all, although I know that my Front-Bench colleagues share an ambition to do so. I recognise the substantial concern that the hon. Gentleman identifies, and I assure him that the Government are taking very seriously the need to find appropriate ways to screen workers arriving on the island.

Mr. Lindsay Hoyle (Chorley) (Lab): I welcome the Government's commitment to helping the people of St. Helena by building the airport. That runway will bring new lifeblood to the island, as the lack of employment has caused many people to leave. I hope that my right hon. Friend will make a visit—perhaps he will take with him my right hon. Friend the Foreign Secretary—and that he will also call in at the Falklands and Gibraltar, to ensure that the people there get the proper representation that they deserve.

Mr. Hoon: I am sure that my hon. Friend is aware that the airstrip is not planned to be finished until 2010. Given what I said about Ministers' engagement diaries, I cannot commit my right hon. Friend the Foreign Secretary to such a visit. However, the new airport is clearly important to the islanders, and the Government are delighted to be able to make the money available. I have visited Ascension island several times and had the opportunity then to meet a number of people from St. Helena. My hon. Friend is right that many islanders have had to leave to find employment, but we believe that the airstrip will change that and offer valuable economic opportunities, not least in respect of tourism, as it becomes easier for people to visit the island.

Dr. Vincent Cable (Twickenham) (LD): When the Minister met those St. Helenians on Ascension island—which is a British dependent territory and an American base—did they communicate to him their enormous sense of betrayal? Five years ago, they were assured by the Governor of St. Helena and the British Government that they would have permanent residency rights. However, those rights have now been withdrawn, much as they were on Diego Garcia a generation ago.

Mr. Hoon: In fact, that issue did arise. It is something that we have taken very seriously.

Kashmir

11. **Margaret Moran** (Luton, South) (Lab): What recent discussions she has had with the Governments of India and Pakistan on the line of control in Kashmir. [72687]

The Minister for the Middle East (Dr. Kim Howells): Before I answer the question, I should like to take this opportunity to condemn yesterday's ambush by terrorists of a bus carrying Indian tourists in Indian-administered Kashmir. I understand that the bus driver was killed, and that further casualties may be announced. That is just the latest in a succession of atrocities, including the murder by terrorists of people participating in a rally in Srinagar last Sunday. Such crimes are designed to derail the peace process, but I understand that, as of today, talks are still making incremental progress.

Margaret Moran: I thank my hon. Friend for that answer and join him in condemning the bombing reported today. We all welcomed the relaxation of movement over the line of control during the earthquake period, which brought division and terrible tragedy to families. Does my hon. Friend agree that the time is right for us to encourage both countries to relax the line of control further, to enable the movement of families between the countries and particularly to invite in human rights organisations to ensure that atrocities of the sort that we see daily are at least monitored, if not prevented?

Dr. Howells: The kinds of answer suggested by my hon. Friend to this intractable problem are interesting. Ultimately, they have to be agreed and decided on by the two parties—India and Pakistan. I was glad to see a relaxation of the line of control during the earthquake. It helped rescue and rebuilding, especially in Pakistan-controlled Kashmir. It is good to see the Pakistan Government closing down some of the terrorist camps and support bases for terrorists in Indian-controlled Kashmir and I very much hope that will continue. I know that all sides will look carefully at the types of suggestion made by my hon. Friend, and I shall be interested in their responses.

Points of Order

3.31 pm

Mr. Andrew Turner (Isle of Wight) (Con): On a point of order, Mr. Speaker. I have received five replies to questions to the Home Office dated from 15 May back to 18 April, all of which promise a proper reply either shortly or as soon as possible, yet I have received none. Nor have I received replies to questions I tabled on 29 March and 14 March. Can you advise me, Mr. Speaker, of the further steps I can take to persuade Ministers to reply to parliamentary questions?

Mr. Speaker: Even five replies is good going—the hon. Gentleman is doing well. He should persevere and keep at the Ministers concerned; he should get on the phone and ask them why his questions have not been answered.

Dr. Julian Lewis (New Forest, East) (Con): Further to that point of order, Mr. Speaker. As soon as the Deputy Prime Minister was appointed to his new responsibilities, I tabled a written question asking him what criteria he would be applying for future visits to Dorneywood, which I would have thought would not require a great deal of research. Several days ago I received a holding answer, so I put down another question asking when the right hon. Gentleman would answer, but I have had no reply to that either. Do you think that perhaps the Deputy Prime Minister is overtaxed by his new responsibilities, Mr. Speaker?

Mr. Speaker: I will not get drawn into those arguments.

Corruption

3.32 pm

Hugh Bayley (City of York) (Lab): I beg to move,

That leave be given to bring in a Bill to make provision about corruption.

I begin by declaring my interests, both as chair of the Africa all-party parliamentary group, which received funding from KPMG and Deloitte to print and publish its recent report on corruption in Africa, and for the advice and assistance with preparing the Bill that I received from Transparency International (UK).

In 1998 I sought to introduce a Bill to criminalise transnational bribery. It was opposed by the hon. Member for Lichfield (Michael Fabricant), who argued that it could put British business at a disadvantage in some international markets. I see that the hon. Gentleman is in the Chamber; I have discussed this Bill with him and I am grateful for his support for it. Much has changed since 1998.

Both the Organisation for Economic Co-operation and Development and the United Nations have adopted international conventions against bribery and corruption, and the limited purpose of my 1998 Bill was eventually enacted as a Government measure in 2001. There is no longer a risk of putting British companies at a disadvantage compared with their competitors, because all OECD countries, and all UN states, are now expected to legislate against corruption to similar standards.

Arguably, the United Kingdom has fallen behind, because it appears to be applying the conventions less rigorously than some other states. The OECD review of the UK's compliance with the OECD convention noted that the United States and France, for example, had prosecuted companies registered in their countries for transnational bribery offences while the UK had not, although I know that some UK cases are under investigation.

As a member of the International Development Committee, I have seen at first hand the devastating consequences of international and domestic corruption for poor people in poor countries. Their already precarious incomes are reduced further when corrupt officials demand bribes for services that are supposed to be provided free of charge. Everybody loses out when a high official or a Minister pockets public money that should be used to buy medicine or education, or to build roads.

The Prime Minister's Commission for Africa reported that

"systemic corruption can add as much as 25 per cent to the costs of government procurement",

and that

"of the US$4 trillion spent worldwide on government public contracts each year, some $400 billion is lost to bribery."

That $400 billion is more than the total annual income of every person in Africa. It would build a lot of schools and roads, and is 140 times the amount spent by the Global Fund on treating AIDS, tuberculosis and malaria in Africa in the first five years of the fund's existence.

The impact of corruption goes far further than the money lost. It creates a blight on investment and private sector development, and it holds back economic growth. Corruption funds and facilitates organised crime and terrorism. The proceeds flow into money-laundering structures, and the UK is involved because of the importance of the City of London and some UK Crown dependencies and overseas territories as international financial centres. To their credit, the UK Government led the international donor community last year in doubling aid to Africa, but the UK needs to take a similar leadership role in tackling the supply side of international corruption.

The current law on corruption rests on a confusing mix of common law and statutes—principally the Prevention of Corruption Acts of 1889, 1906 and 1916. The Law Commission published proposals for reform in March 1998. The proposals were taken forward in a draft Bill published by the Government in 2003, and referred for scrutiny to an all-party Joint Committee. The Bill tried to define corrupt activity by using an artificially extended concept of agency, which was of byzantine complexity. The Joint Committee's report on the Bill was clear, unanimous and trenchant. It concluded that the Government's approach would not be understood by police, prosecutors, jurors or the public—including, especially, the business and public sector communities and their advisers, both here and abroad. The Committee suggested a more straightforward way to define corrupt activity. That was initially rejected by the Government in December 2003, but last December the Home Office reopened its proposals to consultation.

The all-party Africa group, and an all-party panel of Members campaigning against corruption, submitted evidence calling for a wholly new Bill to address contemporary problems and to replace the existing legislation, which is 100 years old. To take that idea forwards, Transparency International (UK), with funding from the York-based Joseph Rowntree Charitable Trust, drafted a corruption Bill, which, with some minor amendments, I am introducing today.

The key objective of the Bill is to reform the law of bribery in a way that will be readily intelligible, responsive to contemporary problems and fully compliant with the OECD and UN conventions. That would improve the prospects for successful prosecutions and help the Government to develop a coherent anti-corruption strategy. A clear new law is in the national interest. By enacting the Bill, the UK will demonstrate its willingness to assume a leading role in fighting corruption worldwide. That will reinforce the leading role of the City of London as the marketplace for world trade, finance and investment, and strengthen the UK's role in the international campaigns against terrorism and organised crime.

The fight against corruption is not anti-business. Promoting high standards of business integrity will maintain confidence in the UK's equities and securities markets, and tough laws outlawing corrupt practices strengthen business and markets, because they remove unacceptable levels of risk and anti-competitive conduct. The Bill defines bribery by reference to the improper conduct that is intended to result from the bribe. It defines corruption in law in the way that most people think of corruption and bribery. It is much clearer than the 2003 draft Bill.

My Bill also includes several new features of anti-corruption law. There is an offence of bribery of foreign public officials that corresponds precisely with the requirements of the OECD and UN conventions. There is a new offence of foreign bid rigging in competitive tendering. That problem was identified by the Joint Committee and does not fall easily within normal definitions of bribery. There is a new offence designed to safeguard the integrity of sporting events by criminalising the fixing of a race or match. That activity is frequently rooted in betting and linked to organised crime. With London hosting the 2012 Olympics, the creation of such an offence would send out an important message.

The Bill includes two new duties to be enforced through criminal sanctions. One requires UK companies to take steps to ensure that subsidiary companies and other contractually related parties do not commit corruption offences. The other requires public servants to report offers of bribes, or reasonable suspicions of corrupt practices. The Bill would remove the pointless and embarrassing requirement for the consent of the Attorney-General for any prosecution for corruption. It would empower the Serious Fraud Office to prosecute corruption cases without having to show that fraud is involved.

The Bill is worthy of a leading G8 nation that has ratified the international anti-corruption conventions, including the UN convention now in force. It would destroy the myth that there is competitive advantage for UK companies and nationals in being free to bribe abroad—a behaviour that few businesses would contemplate in this country. It is a timely and necessary Bill, and I commend it to the House.

Question put and agreed to.

Bill ordered to be brought in by Hugh Bayley, Mr. John Denham, Mike Gapes, Malcolm Bruce, Mr. Chris Mullin, John Bercow, Ms Sally Keeble, Mr. Gary Streeter, Tony Baldry, James Duddridge, Norman Lamb and Mr. Tom Clarke.

Corruption

Hugh Bayley accordingly presented a Bill to make provision about corruption: And the same was read the First time; and ordered to be read a Second time on Friday 20 October, and to be printed [Bill 185].

Education and Inspections Bill (Programme) (No. 2)

Motion made, and Question proposed,

That the Order of 15th March 2006 (Education and Inspections Bill (Programme)) be varied as follows–

1. Paragraphs 5 and 6 of the Order shall be omitted.

2. Proceedings on consideration shall be taken on each of the days as shown in the following Table and in the order so shown.

3. Each part of the proceedings shall (so far as not previously concluded) be brought to a conclusion at the time specified in relation to it in the second column of the Table.

First Day

Proceedings	*Time for conclusion of proceedings*
New Clauses and new Schedules relating to Part 2 except those relating to the closure of special schools, new Clauses and new Schedules relating to foundations, amendments to Clauses 7 to 31, amendments to Schedules 2 and 3, remaining Government new Clauses and new Schedules, new Clauses and new Schedules relating to allegations against teachers, new Clauses and new Schedules relating to school discipline or home-school contracts, amendments to Part 7, new Clauses and new Schedules relating to grouping by ability.	The moment of interruption or, if later, six hours after the commencement of the proceedings on the motion for this Order.

Second Day

Proceedings	*Time for conclusion of proceedings*
Remaining new Clauses and new Schedules except those relating to school admissions or to the general duties of local education authorities in relation to the provision of education.	Two hours after the commencement of proceedings on the Bill on the second day.
New Clauses and new Schedules relating to school admissions, amendments to Clauses 36 to 48, new Clauses and new Schedules relating to the general duties of local education authorities in relation to the provision of education, remaining proceedings on consideration.	Five hours after the commencement of proceedings on the Bill on the second day.

4. Proceedings on Third Reading shall (so far as not previously concluded) be brought to a conclusion at the moment of interruption on the second day or, if later, six hours after the commencement of proceedings on the Bill on the second day.—*[Jim Knight.]*

3.43 pm

Mr. Nick Gibb (Bognor Regis and Littlehampton) (Con): I do not intend to detain the House on the programme motion. We support the broad principles of the Bill because it will make it easier for parent groups and other non-profit organisations to establish new schools and the new trust school concept will enable schools to have greater independence in their day-to-day running. We also support the Bill because it will make it easier to close bad schools and will put the disciplinary powers of teachers on a statutory basis.

However, we want the Bill to be debated in full, not least because we are less than happy with several of its elements. We thought that the programme motion moved after Second Reading provided insufficient time in Committee. In the end, the Government had to add an extra eight hours of Committee time, with two extended evening sittings and an extra day's sitting. Even with that, several clauses were not debated because they were lost to the knife.

Given the amount of interest in the Bill, it is likely that some groups of amendments, such as those on false allegations against teachers and the new clauses on the teaching of reading and the welfare of vulnerable pupils, are unlikely to be reached. However, we are keen for the good elements of the Bill to pass swiftly on to the statute book, so we will not oppose the motion.

3.44 pm

Sarah Teather (Brent, East) (LD): May I begin by welcoming the Secretary of State, and congratulating him on his new role? A reshuffle in the middle of Committee stage is hardly a dream, but I am sure that he will dazzle us with his mastery of his brief. I look forward to debating with him in the months ahead.

In common with Conservative spokesmen, we are concerned that the programme motion provides inadequate time to debate our concerns. In particular, we are worried that we will not reach the new clauses on vulnerable pupils that we tabled in Committee; indeed, we did not have enough time to reach them then. We do not wish to waste the time of the House, so we will not oppose the programme motion. Nevertheless, we wish to place on the record our concern that inadequate time has been provided.

3.45 pm

Mr. John Redwood (Wokingham) (Con): I do not want to delay the business either, as this is an important Bill that we wish to scrutinise carefully. Like other contributors, I fear that there is not enough time under the timetabling motion. I am particularly disturbed that the National Union of Teachers is running a campaign to influence hon. Members, as I have received two or three standard letters asking us to use this opportunity to vote down all selection by aptitude or ability. Two very fine grammar schools serve my constituency. The majority of my constituents and I want to sustain them so that they can flourish, and I am not sure that there is adequate time under the programme motion to debate that crucial point and remain in order. I hope that the Government will join us in saying that fine grammar schools that are well supported by local communities have every right to life and should not be threatened. I am not sure why the NUT think that we can vote today or tomorrow to stop that practice, but it is important to tell people outside the House about its campaign to destroy fine grammar schools, and to put on the record our staunch support for those schools.

Question put and agreed to.

Orders of the Day

Education and Inspections Bill

[1ST ALLOTTED DAY]

As amended in the Standing Committee, considered.

[Relevant documents: The Eighteenth Report from the Joint Committee on Human Rights, Session 2005-06, Legislative Scrutiny: Ninth Progress Report, HC 1098, and the letter from the Secretary of State for Education and Skills to the Chairman of the Committee, dated 22nd May 2006.]

New Clause 33

PROPOSALS UNDER SECTION 7 RELATING TO COMMUNITY OR COMMUNITY SPECIAL SCHOOLS

'(1) A local education authority may by virtue of subsection (5)(b)(ii) of section 7 publish proposals under that section for the establishment of a community or community special school—

(a) only if at a prescribed time prescribed conditions are met in relation to the authority, and

(b) except where further prescribed conditions are also met in relation to the authority at that time, only with the consent of the Secretary of State.

(2) The conditions prescribed for the purposes of subsection (1)(a) or (b) must include conditions relating to the standards achieved by the authority in performing the functions to which Chapter 4 of Part 8 (inspection and review of local authorities in England) applies.

(3) The other conditions that may be prescribed for those purposes are conditions relating to either or both of the following—

(a) the standards of performance achieved by any relevant school, and

(b) the extent of diversity among relevant schools.

(4) The matters to which the Secretary of State is to have regard in determining whether to give consent under subsection (1)(b) include standards of the kind mentioned in subsections (2) and (3)(a) and the extent of diversity among relevant schools.

(5) The power by virtue of subsection (2) or (3)(a) to prescribe standards includes power to prescribe them by reference to the opinion of the Chief Inspector or by reference to any rating awarded by the Chief Inspector following an inspection or review under any enactment.

(6) In this section—

"Chief Inspector" means Her Majesty's Chief Inspector of Education, Children's Services and Skills;

"maintained school" does not include a maintained nursery school;

"relevant school", in relation to a local education authority, means a maintained school maintained by the authority or an Academy, city technology college or city college for the technology of the arts in the area of the authority.'. —*[Alan Johnson.]*

Brought up, and read the First time.

3.47 pm

The Secretary of State for Education and Skills (Alan Johnson): I beg to move, That the clause be read a Second time.

Mr. Speaker: With this it will be convenient to discuss the following: New clause 16—*Ballot of parents on change of category from community school to foundation school—*

'(1) A proposal for a prescribed alteration involving a change of category from community school to foundation school may be implemented only if the proposal has been approved by a ballot of parents of pupils attending the school to which the proposal relates.

(2) The Secretary of State may make regulations about ballots under subsection (1).'.

New clause 17—*Ballot of parents before publication of proposals under section 7—*

'(1) The local education authority may publish a proposal under section 7 only if the proposal has been approved by a ballot of parents of pupils attending schools which, in the opinion of the local education authority, may be affected by the proposal.

(2) The Secretary of State may make regulations about ballots under subsection (1).

(3) Subsection (1) does not apply to a proposal under section 7(5)(b)(ii) for the establishment of a community or community special school.'.

New clause 18—*Duty to establish new school where current provision is inadequate—*

'Where—

(a) fewer than 15 per cent. of schools in the area of a local education authority are foundation, voluntary or foundation special schools, or an Academy, or

(b) more than 15 per cent. of schools in the area of a local authority are in Ofsted category 4,

the local authority must publish a notice under section 7 inviting proposals for a new foundation, voluntary or foundation special school.'.

New clause 19—*Duty to establish new school when supported in adequate numbers—*

'(1) Where a local education authority in England receive representations from parents of 100 or more qualifying children demanding the establishment of a new foundation, voluntary or foundation special school, the authority must publish a notice under section 7.

(2) In this section "qualifying child", in relation to a local education authority, means any child in the authority's area who is of or under compulsory school age.'.

New clause 21—*Establishment of community schools—*

'Where the Secretary of State is asked to grant consent for the proposal of a new community school under section 7 or 9, he shall act with a view to encouraging all schools to become foundation, voluntary or foundation special schools, and to acquire a foundation.'.

New clause 22—*Assistance for proposals for new schools—*

'(1) A local education authority in England shall provide advice and assistance to parents of children in the area of the authority in connection with developing a proposal for the establishment of a new school under sections 7 and 9.

(2) In particular, the authority shall provide support, which shall include dedicated consultancy support, to parents to ensure that any proposals brought forward are viable.

(3) In exercising its functions under this section, the authority shall act with a view to ensuring the development of viable proposals by parents.

(4) An authority may not refuse to assist a parent solely on the grounds that the original proposal is underdeveloped, unworkable or in practical respects substandard.'.

[Mr. Speaker]

New clause 23—*Parental ballot etc. on change of category from foundation school to community school—*

'(1) If it appears to the Secretary of State that at least one-fifth of the parents of pupils attending a foundation (or foundation special) school are in favour of a change of the category of that school to community (or community special) school, the Secretary of State must designate such person or body as he considers appropriate ("the designated body") to act for the purposes of this section.

(2) The Secretary of State may, if he sees fit, designate the governing body of the school or the local education authority as the designated body.

(3) The designated body must initiate a proposal for the change of category referred to in subsection (1).

(4) The Secretary of State may by regulations make such provision as he considers expedient to amend, vary or supplement the provisions of this Part in relation to proposals under subsection (3).

(5) A proposal under subsection (3) may be implemented only if the proposal has been approved by a ballot of parents of pupils attending the school to which the proposal relates.

(6) The Secretary of State may make regulations about ballots under subsection (5).'.

New clause 25—*Duties of the schools commissioner—*

'(1) The Schools Commissioner shall establish and make publicly available a list of potential trustees whom he has approved as appropriate for the role in accordance with guidance from the Secretary of State.

(2) A local education authority shall not consider any proposals under sections 7, 9 or 10 or alterations under sections 17 or 20 made by organisations other than those approved and listed by the Schools Commissioner.

(3) School governing bodies shall not enter negotiations or foundation agreements with trustee partners who have not been approved by the Schools Commissioner.'.

New clause 35—*Role of the schools commissioner—*

'(1) The Schools Commissioner shall promote fair access, choice, and diversity for all maintained schools.

(2) The Schools Commissioner shall provide advice and assistance to governing bodies and local education authorities in respect of—

(a) setting up new foundation schools, and

(b) an alteration of a maintained school to the category of foundation school, particularly with regard to supporting schools and raising standards in disadvantaged or deprived areas.

(3) The Schools Commissioner shall have responsibility for strategic oversight and monitoring of the admissions process in local authority areas, with particular regard to fair access and equitable admission policies for children with special educational needs.

(4) The Schools Commissioner shall monitor the collaboration and co-operation among new foundation schools.

(5) The Schools Commissioner shall report annually to both Houses of Parliament and, in particular, to the Education and Skills Committee of the House of Commons on his responsibilities and on his annual report.'.

New clause 38—*Secretary of State's consent for community and community special school proposals—*

'The Secretary of State shall consent to the publication of proposals under subsection 7(5)(b)(ii) or subsection 9(1) as the case may be unless he is satisfied that the proposal so to be published would not result in the improvement of the quality of education for pupils in the area concerned.'.

New clause 44—*School governing body to hold meeting of parents on change of category—*

'Where—

(a) a local education authority or the governing body of a maintained school wish to consider a proposal to make a prescribed alteration such as is mentioned in subsection 17(2), and

(b) the local education authority or the governing body is capable of proposing that alteration,

no decision to make the proposal shall be made without there having first been convened by the local authority or the governing body (as the case may be) a meeting at which the parents of pupils registered at the school concerned shall have been provided with the opportunity to discuss and make representations on a draft of the proposal.'.

New clause 53—*Duty to encourage schools to become self-governing and to acquire a trust—*

'(1) A person to whom this section applies shall ensure that their functions relating to maintained schools are (so far as they are capable of being exercised) exercised with a view to encouraging all maintained schools to become self-governing, and to acquire a foundation.

(2) In this section "self-governing" in relation to a maintained school means a foundation, voluntary aided or foundation special school, or an Academy.

(3) This section applies to—

(a) a local education authority in England;

(b) the Secretary of State.'.

New clause 56—*Abolition of surplus places rule—*

'A local education authority in England may not reject a proposal for the establishment or alteration of a maintained school solely on the grounds that it would create surplus places at other schools in the area.'.

New clause 57—*Prohibition on the establishment of new community schools—*

'No new community or community special school may be established in England after the coming into force of this Act.'.

New clause 58—*Role of local authorities—*

'(1) A local authority in England may not publish its own proposal for the establishment of new community schools.

(2) In exercising its functions in relation to school organisation a local authority in England must act with a view to commissioning school places rather than providing them directly.'.

New clause 61—*Schools commissioner—*

'(1) There shall be a Schools Commissioner.

(2) The Schools Commissioner shall have a duty to encourage schools to become Trust schools.

(3) For the purposes of subsection (2), a Trust school is a foundation school with a foundation.'.

New clause 62—*Power of Secretary of State to require a school to become a foundation school—*

'(1) If the Secretary of State determines that education at a school is unsatisfactory, he may by order require the governing body of a school to acquire foundation status.

(2) Where the Secretary of State issues an order under subsection (1), the governing body of the school shall publish proposals in accordance with sections 18 to 20.'.

New clause 64—*Adoption of foundation status—*

'All existing maintained schools may apply to the Secretary of State to adopt foundation status, and the Secretary of State shall grant such foundation status unless there are overriding circumstances which make this impossible.'.

New clause 48—*Register of institutions approved to act as a foundation of a school*—

'(1) The Secretary of State shall establish and maintain a register of all institutions approved by him to act as or take part in the foundation of a foundation school.

(2) In considering whether to approve an institution under this section, the Secretary of State shall consider evidence that the institution is—

(a) capable of contributing to the raising of school standards,

(b) capable of promoting community cohesion,

(c) not involved in activities inappropriate for children and young people,

(d) capable of conforming to the charitable objectives of the foundation, and

(e) able to demonstrate that its trustees are not involved in illegal activities or any other activities incompatible with the good reputation of any school of which it may be the foundation or in the foundation of which it may participate.

(3) An institution may not act as nor take any part in the foundation of a foundation school unless registered as approved by the Secretary of State under this section.

(4) Regulations under this section may make provision as to—

(a) the form and manner in which applications for registration are to be made;

(b) the documentary and other evidence which is to accompany applications for registration;

(c) the registration, on the establishment of the register, of institutions which have not made such applications;

(d) the matters which are to be recorded in the register against the institutions registered in it;

(e) the restoration and alteration of entries;

(f) the information contained in the register which may be made available for inspection by members of the public, and the circumstances in which and the conditions subject to which that information may be made available; and

(g) such other matters as may be determined by the Secretary of State.'.

Amendment No. 88, in page 7, line 2 [Clause 7], at end insert—

'(ba) state whether or not the proposed school is to be a federated school'.

Government amendment No. 42

Amendment No. 15, in page 7, line 18 [Clause 7], leave out

'with the consent of the Secretary of State,'.

Amendment No. 101, in page 7 [Clause 7], leave out lines 18 to 20.

Amendment No. 5, in page 7, line 28 [Clause 8], leave out subsection (1).

Amendment No. 102, in page 7 [Clause 9], leave out line 39.

Amendment No. 111, in page 8, line 6 [Clause 9], at end insert—

'(2A) The Secretary of State shall not give consent for the establishment of a new community or community special school under subsection (1)(a) above unless—

(a) no other provider expresses an interest in establishing a similar school, and

(b) the local authority is rated "very good" or "good" by Ofsted.'.

Amendment No. 89, in page 9, line 28 [Clause 11], leave out '7, 9 or 10' and insert '9 and 10(1)'.

Amendment No. 90, in page 9, line 31 [Clause 11], at end insert—

'(1A) Proposals under section 7 or 10(2) for the establishment of a new school in England must relate to the establishment of the school as a federated school.'.

Amendment No. 12, in page 12, line 30 [Clause 17], leave out 'foundation or'.

Amendment No. 13, in page 12, line 32 [Clause 17], leave out paragraph (d).

Amendment No. 91, in page 12, line 39 [Clause 17], at end insert—

'(g) any change from federated foundation school to non-federated foundation school.'.

Amendment No. 14, in page 13, line 17 [Clause 18], at end insert

', and

(iv) a change of category from foundation school to community school or from foundation special school to community special school.'.

Amendment No. 105, in page 14, line 34 [Clause 20], after 'school,', insert 'with or'.

Amendment No. 106, in page 14, line 37 [Clause 20], after 'school,' , insert 'with or'.

Amendment No. 107, in page 15 [Clause 20], leave out lines 1 to 23.

Amendment No. 108, in page 15 [Clause 21], leave out lines 25 to 41.

Government amendment No. 43

Amendment No. 96, in page 21, line 39 [Clause 31], after 'description,', insert—

'(aa) is registered on the list maintained by the Secretary of State under section [Register of institutions approved to act as a foundation of a school],'.

Government amendments Nos. 44 and 45.

Amendment No. 9, in page 21, line 43 [Clause 31], leave out '20' and insert '50'.

Amendment No. 10, in page 22, line 4 [Clause 31], leave out '20' and and insert '50'.

Amendment No. 11, in page 22, line 7 [Clause 31], leave out '20' and and insert '50'.

Government amendment No. 46

Amendment No. 92, in page 22, line 12 [Clause 31], after 'foundation', insert

'including its duties to act in a collaborative fashion with other maintained schools in the local authority area'.

Government amendments Nos. 47, 70, 84 to 86 and 71 to 75.

New clause 26—*Requirements as to composition of governing bodies*—

'(1) The governing body of a maintained school, Academy, city technology college or city college for the technology of the arts may comprise—

(a) foundation governors;

(b) elected parent governors;

(c) staff representatives; and

(d) community representatives.

(2) Foundation schools shall not appoint a majority of governors who are foundation governors and in no case shall governors who are foundation governors outnumber elected parent governors.'.

[Mr. Speaker]

Amendment No. 7, in page 2, line 14 [Clause 2], at end insert—

'(3B) A local education authority may discharge its duty under subsection (3A)(a) in relation to secondary schools by encouraging a diversity of specialism among the community and voluntary schools which it maintains.'.

Alan Johnson: May I set out the Government's position on the new clause and the other propositions in this group of amendments?

At the heart of the Bill is the Government's desire and determination to ensure that every child is able to fulfil their potential. That means ensuring that every school achieves the standards of the best but, above all, it means ensuring that children from deprived backgrounds receive the same educational opportunities as more fortunate children. The determination that all of our children should able to fulfil their potential lies behind the school organisation provisions in part 2. We are creating a new system in which all schools operate with as much freedom as possible within a strong framework that guarantees fairness and promotes collaboration.

Clause 1 demonstrates our commitment in that respect, and it gives local authorities new duties to carry out all their education functions with a view to ensuring high standards for every pupil and, if our amendment is accepted later in proceedings, to promote fair access. Over the past nine years, we have made significant progress in achieving these aspirations. Last year's results at every key stage were the best ever. We have radically reformed the work-force—there are more, better trained teachers supported by a wide range of professionals—and we have ensured that there are fewer schools in special measures. Schools that are in difficulties are turned round more quickly.

Those are impressive achievements, but we cannot afford to stand still. There are still too many underperforming schools and too many children, especially in deprived areas, who are not given the educational opportunities that they need. We know what works. The best schools are self-confident, with strong leadership and governance infusing everything that they do. They harness other available sources of expertise, whether from other schools, colleges, businesses or the voluntary and community sectors. We have seen the benefits of such an approach through the success of specialist schools and academies. The proposals in the Bill extend those opportunities to all schools and give local authorities a distinct new role as the commissioners, rather than the providers, of school places, the champions of parents and pupils and the guarantors of high standards.

Local authorities are central to the new system. Rather than sounding the death knell for local authority involvement in education, as some have suggested, if anything the Bill marks a rebirth of their role. There are new powers to intervene in failing schools and to take the lead in commissioning school places in line with the needs of the communities that they serve. For the first time local authorities will be able to propose expansion to or the addition of special educational needs provision to all maintained schools, and they will take a leading role in ensuring fairness and helping to overcome disadvantage.

The Bill also puts parents at the heart of the system. Clause 3 gives local authorities a duty to respond to parental concerns, and we have published illustrative guidance which sets out how this duty should be met. Clause 35 requires all governing bodies to have regard to the views of parents, and any proposals relating to new schools or the acquisition of trusts must be subject to full consultation with parents and the wider community.

We believe that these provisions provide the right degree of rigour, tempered by local flexibility. For that reason, we think that compulsory local ballots are an unnecessary red herring, whether they are designed to trigger competitions, as the Opposition suggest in new clause 19, to approve proposals within competitions, as proposed by my hon. Friends in new clause 17 and amendment No. 5, or to approve proposals to become a foundation school, as proposed by my hon. Friends in new clause 16. Compulsory ballots or petitions on any of these issues would be unnecessarily bureaucratic, requiring expensive procedures and precise definitions of process and electorates that would in many cases be inappropriate.

In respect of new clause 16 and the proposition to ballot parents if a school plans to become a trust, I remind the House that a governing body that wished to hold a ballot would be entirely free to do so as part of locally determined arrangements for consultation, but that should be its choice, not a requirement dictated from Whitehall. Where there is controversy, it may make sense to hold a ballot. It is certainly important that we ensure that parental views are adequately taken into account through consultation. Where a school decides to acquire a trust, the local authority has the power to refer that decision to the adjudicator if it believes that the consultation process has not been followed properly or that adequate attention has not been paid to the views of respondents. That is an extremely important check on the autonomy of the governing body.

Mr. Nick Gibb (Bognor Regis and Littlehampton) (Con): Can the Secretary of State confirm that it will not be regarded as a poor consultation process if a governing body decides not to conduct an indicative ballot, and that that therefore will not be grounds for the local authority to refer it to the schools adjudicator? Can he confirm that he will put nothing to that effect in the guidance when he firms up the draft?

Alan Johnson: I can, in the sense that not holding a ballot would not be failure to consult, but if the local authority was aware that there was a very strong body of opinion among parents or a demand among parent governors for a ballot, and that the outcome of the consultation in some way conflicted with that view, it may then refer the matter to the adjudicator. The local authority must make sure that there has been adequate consultation with parents, and if that consultation has taken place, that the parental views are reflected in the outcome. What we say is that to insist in legislation that on every occasion, irrespective of circumstances and regardless of how controversial the change may be—and I predict that most will not be controversial—the only method of consultation must be a ballot is too dictatorial and unnecessarily prescriptive.

Paul Farrelly (Newcastle-under-Lyme) (Lab): Ballots are mandatory when a change is in prospect from a grammar school to a community school, so why should the same principle not apply to a change from community school status to foundation status?

Alan Johnson: Because this is not a change from a grammar school to a community school. We set out the arrangements when we were in opposition in 1996, and we set them out again when we entered government in 1997. Incidentally, the matter is different from grant-maintained schools, for which ballots were also required. We are discussing a school that remains part of the local authority, that continues to pay the same terms and conditions to its teachers and that is funded in exactly the same way as any other community school by the local authority. If the governing body wants to move to trust status, it will be required to consult parents; incidentally, consultation with parents in feeder schools is also part of the procedures and guidance. It is unnecessarily bureaucratic to insist prescriptively that there must be a ballot in all circumstances.

Tom Levitt (High Peak) (Lab): My right hon. Friend has mentioned grant-maintained schools. Does he agree that one of the many failings of grant-maintained schools concerned the issue of the ballot in which the parent whose child was just about to leave the school had the same vote as the parent whose child was going to spend another five years at the school, while the parent of the child who was just about to join the school had no vote at all? The ballot raised more problems that it solved. Because schools have many partners these days, it is important that consultation goes wider than simply parents.

Alan Johnson: My hon. Friend is right. I believe that grant-maintained schools had to hold a ballot every year, but Conservative Members know more about that than me. All I know is that that was a bad policy which it would be bad to replicate, particularly in relation to ballots, where the problems that my hon. Friend has mentioned were apparent.

I am more sympathetic to new clause 44 tabled by my hon. Friend the Member for Bury, North (Mr. Chaytor). In practice, however, I believe that many governing bodies will hold the sort of public meeting required by his proposed new clause, and I do not think that we should make such a meeting an absolute requirement.

Mrs. Louise Ellman (Liverpool, Riverside) (Lab/Co-op): The change from a community school to a trust school is fundamental. Will my right hon. Friend indicate how he can ensure that adequate consultation is carried out involving all the people who could be affected by the potential change?

Alan Johnson: My hon. Friend will know that we have set out guidance on that matter, which is available in the House of Commons Library. The proposal is that the governing body must agree, and if it does not agree, then the matter will go no further. If the governing body believes that the proposal should be put to consultation, then it must be consultation not only with parents at that school, but with parents at feeder schools, too. That consultation must be meaningful and real, which is why we have introduced the back-stop of the local authority being able to refer the issue to the schools adjudicator, if it believes that the consultation has not been done properly. There are many ways to consult, and my point is that a ballot is not the only one.

Tony Baldry (Banbury) (Con): I have a different problem. Will the Secretary of State explain why the governors of, for example, Banbury school should want to change to trust status? Given all those caveats, what is in it for the parents and children of a school such as Banbury school in my constituency to acquire trust status? It may be that I am being particularly stupid, but I have not got that yet.

Alan Johnson: I would never accuse the hon. Gentleman of being particularly stupid. A school would take that decision to give it more control, to introduce autonomy and to federate and co-operate with, for example, a university, a successful school, a further education college or a business trust. Such arrangements exist at the moment, but they are precarious. Sometimes they depend on one or two head teachers or local authority leaders being particularly forceful, but when such people move on, the federation falls apart. The provision will establish such federations on a more permanent basis. For all those reasons, particularly that of having more control and more decision making locally at the school, it is a very good proposition.

Mr. Simon Burns (West Chelmsford) (Con): Could the Secretary of State help me with something that has slightly amazed me? This morning, I received by fax a letter about this group of amendments and the Bill in general that urged me to vote against the amendments and against the Bill on Third Reading. It came from the West Chelmsford Labour party. Why does he think that it has done that?

Alan Johnson: I have spent many happy hours deliberating on how the West Chelmsford Labour party reached its decision, but I still have not managed to fathom it out.

4 pm

Mr. John Redwood (Wokingham) (Con): Like some of my hon. Friends, I do not think that there are enough powers for foundation schools. Would it be possible to extend under order the powers that are available to them if they are a success?

Alan Johnson: There are no plans to move further than what is currently in the regulations. We now have a real opportunity to learn from what works best and to apply that. At the moment, schools can opt for various strands, including being a specialist school or an academy, but a whole host of bureaucracy is associated with all of them. The formulation of trusts maintaining those schools within the local authority family of schools is a very attractive proposition, which is why I think that it will be widely supported.

Mr. James Clappison (Hertsmere) (Con): I welcome the Secretary of State to his post. Does he agree that the attributes that he ascribed to new foundation schools are precisely those that applied to grant-maintained schools, except that they did not have a ballot or benefit from some of the unusual funding arrangements from which foundation schools may benefit? None the less, in view of the very successful grant-maintained schools in my constituency, I welcome the foundation schools that he is introducing.

Alan Johnson: I do not agree with the hon. Gentleman. Grant-maintained schools could select, had more money, were outside the local authority family, and could pay their staff on the basis of different terms and conditions. There is a world of difference between our proposals and grant-maintained schools.

Mr. Gordon Prentice (Pendle) (Lab): I have a very simple question. How many schools does the Secretary of State believe will go for trust status, say, by the end of this Parliament?

Alan Johnson: If I were to hazard a guess—I may be making myself a hostage to fortune—I would say a great many.

John Bercow (Buckingham) (Con): Can the Secretary of State confirm that the new clause does not prohibit a school from federating or otherwise forging a link with a private university? I ask that because the University of Buckingham, an outstanding institution in my constituency, is the only independent university in the United Kingdom.

Alan Johnson: It is also the only university that does a two-year degree. There would be nothing to stop a school federating with that university.

Trust schools will provide the drive and innovation of new approaches and new partners. In some cases, the governing body might wish the trust to appoint a majority of governors where it believes that a charitable foundation can strengthen the leadership and governance of a school. We are therefore resisting new clause 26, tabled by the Liberal Democrats, which would prevent that possibility. Majority governance is not at the expense of parental engagement. Parents will continue to make up one third of the governing body in trust schools, as in all maintained schools. Furthermore, a trust that appoints the majority of governors will be required to establish a parent council.

Sarah Teather (Brent, East) (LD): But surely the point is that there would be a reduction in the number of elected parent governors. It is not adequate to substitute a parent council where there is a duty to consult. As elected politicians we should be supporting the right to have that kind of democratic decision making.

Alan Johnson: It is a matter for the governing body to decide. It can decide whether to become a trust, and then decide whether to allow the trust to have a majority. That happens in a voluntary-aided school in my constituency, and it has worked successfully for many years. If the governing body makes that decision, parents must make up the same proportion of the governing body. As for whether they are elected parents or appointed parents, they are parents. The safeguards in the Bill maintain the voice of parents. New clause 26 would take away the right to have that majority.

Helen Jones (Warrington, North) (Lab): My right hon. Friend knows that the Select Committee recommended that all parent governors on a trust should be elected. How can he argue that parents on a trust represent parents with children at a school unless those parents have a right to elect their representatives?

Alan Johnson: I believe that governing bodies that decide to have a majority trust—I stress that it is governing bodies' decision—will predominantly be of successful schools that federate with unsuccessful schools and try to raise the standards in the unsuccessful school. When part of the reason for the former's success is the quality of its governing body, I believe that the preponderance of governors from the trust, including parents, will try to replicate that in the unsuccessful school. However, that can be done only with the complete agreement of the governing body. If the governing body decides not to take that route, it still has a trust, but not majority trust representation on it.

Frank Dobson (Holborn and St. Pancras) (Lab): If a governing body decided go for trust status, would it be required, before it was granted that status, to declare its attitude towards parent representation?

Alan Johnson: No, it would not. The other important point to bear in mind is that, if the circumstances that I have described occur—that is, there is a majority on the board of governors from the trust—a parent council must be set up. It will be an important voice in the way in which the school is run. All trust school governing bodies would still be required to have at least one elected parent and many would have more.

I am confident that many schools will use the opportunity of trust status to put existing collaborative arrangements on a more secure footing. However, forcing new schools to be part of federations, for which amendments Nos. 88 to 92, tabled by my hon. Friend the Member for Blackpool, South (Mr. Marsden), would provide, is unnecessarily restrictive. For example, it would be unreasonable for a prospective new school to have to receive the agreement of at least one other school in the area that they would have a single governing body before it could be established.

Mr. Gordon Marsden (Blackpool, South) (Lab): My right hon. Friend has expressed reservations about including a requirement for federation in the Bill. It is therefore incumbent on him to spell out a little more precisely how he envisages collaboration, which, he says, is already inherent in the process, working between trust schools and other schools in the local authority area. Will he do that?

Alan Johnson: Once we have established the schools commissioner, his role will be to act as a broker for schools interested in forging trusts with universities, colleges, business trusts, charities and so on, and setting

up the arrangements. We greatly favour encouraging federations. The problem with amendment No. 88 is that it is prescriptive and would provide that there must be a federation on every occasion. Some schools will want to have the benefits of being a foundation without having a federation. The vast majority will not, especially given the 14 to 19 factors, which will put vocational education back at the top of the agenda, where it should have been probably 62 years ago.

Mr. Marsden: My right hon. Friend mentioned the schools commissioner. Does he envisage the schools commissioner playing a key role in brokering collaboration between trust schools and others in a local authority area?

Alan Johnson: Yes, as would the local authority.

We are firmly persuaded that trust schools represent an important step in our ambition to raise standards for all. Good governance allied to effective leadership, high quality teaching and a flexible curriculum need to be a feature of every school. We have listened to the representations of, among others, the Education and Skills Committee. Consequently, we have agreed that, in some circumstances, a new community school could make sense in a specific area.

My right hon. Friend the Member for Redditch (Jacqui Smith), who is now the Chief Whip—and whose wisdom and sagacity we have all long admired, even before she became Chief Whip—set out in Committee the criteria that we intend to use in determining whether a local authority should be allowed to enter a community school into a competition. We have now tabled amendment No. 42 and new clause 33 to give effect to those commitments.

The criteria would allow local authorities with an annual performance assessment—APA—score of 4 automatically to enter a community school proposal. There are 11 authorities in that category at present. Conversely, some authorities would not be allowed to enter a community school proposal until their performance improved. That group would comprise authorities with an APA score of 1, and those with an APA score of 2 and either more than 15 per cent. failing schools or fewer than 15 per cent. voluntary and foundation schools or academies for the relevant phase. At present, 10 authorities fall into that group at secondary level.

The majority of authorities will need to apply for consent. Each case will be considered on its merits, but I would expect to approve requests from local authorities that have an APA score of 3 and either a lower than average percentage of failing schools or a higher than average percentage of voluntary and foundation schools or academies. This presumption would also apply to authorities that have an APA score of 2, a high percentage of voluntary and foundation schools or academies and no failing schools. Some 90 authorities would benefit from this presumption at secondary level.

For the remaining minority of 40 or so authorities, I would like to make it clear that all applications will be considered on their merits, and that there will be no presumption against consent. In particular, no authority will be ruled out simply because it has no, or only a few, faith schools. I recognise that there is more to diversity than labels and governance structures. Schools may have different curriculum specialisms and different approaches to education that give them a distinct character or ethos. So, while I am committed to retaining the simple, objective test of diversity, as I have just set out, I will consider a much wider range of factors relating to diversity in reaching a decision on whether to give consent for those authorities that want to enter a competition.

Helen Jones: The key here is surely the way in which we define diversity. The Secretary of State has talked about diversity in terms of structures, and he will be aware that I have tabled an amendment that picks up on much of what he has said. It would allow local authorities to satisfy the diversity criteria by maintaining a range of specialisms in their maintained schools. What is the Government's attitude to my amendment?

Alan Johnson: I shall come to that in just a second, if my hon. Friend will be patient.

Ms Angela C. Smith (Sheffield, Hillsborough) (Lab): Does my right hon. Friend agree that the criteria should act as a spur to local authorities not only to develop their strategic capacity, but to deliver excellence in our schools?

Alan Johnson: My hon. Friend has made a crucial point. In places with a long history of failing schools, we really need to galvanise people's attention. These measures will give a real incentive to local authorities in that regard.

Anne Snelgrove (South Swindon) (Lab): Does my right hon. Friend agree that our right hon. Friend the Member for Redditch (Jacqui Smith) was extremely generous when she considered the criteria in Committee and examined the number of local authorities that would be able to enter schools for competitions? Will the Secretary of State also confirm that there are now many more, following the representations of Labour Back Benchers?

Alan Johnson: That was as a result of the representations of not only Labour Back Benchers, but the Local Government Association, which is not particularly dominated by members of the Labour party. The LGA made a number of very important points on this matter. We have therefore come to an arrangement that strikes the right balance.

Sarah Teather: Does the Secretary of State recognise that the annual performance assessment relates to the overall performance of a local authority? A council's ability to collect rubbish might not necessarily relate to its ability to run schools.

Alan Johnson: The ability to collect rubbish is very important, but we depend on educational attainment in regard to this particular score.

Tom Levitt: Further to the question from my hon. Friend the Member for Sheffield, Hillsborough (Ms Smith), can the Secretary of State spell out his answer, given that that there is no reason why, five years down the line, every education authority should not be a grade three or grade four, thus effectively relieving him of an obligation to use the veto?

Alan Johnson: That is an important point. If the Bill allows that to take place, it will be beneficial to every Member's constituency, as there are some constituencies that have very good schools but that still have too many failing schools nearby.

4.15 pm

Mr. John Denham (Southampton, Itchen) (Lab): I welcome what my right hon. Friend has said about the way in which he will approach diversity, as he has extended considerably the number of local authorities that can reasonably expect to be able to enter the competition. Will he confirm that he would expect the adjudicator, in adjudicating on the competition, to take a similar approach to the question of diversity?

Alan Johnson: Yes, the adjudicator will do that, as that will be part of the regulations that we will produce.

Judy Mallaber (Amber Valley) (Lab): Following that last point, as my right hon. Friend has mentioned faith schools, will he specifically instruct the adjudicator that diversity of faith is not one of the criteria in determining whether a local authority has diverse provision or, in a competition, whether a particular school should be allowed to go forward in a particular form?

Alan Johnson: I repeat: the fact that a local authority does not have a faith school, or has few faith schools, would not be a factor for me to veto that application. That would be the case with the schools adjudicator, too, as we would be working from the same regulations. Those factors will be incorporated into regulations that will be made under the proposed new clause. Clearly, this secondary consideration is a more subjective test than the percentage of different categories of school, which remains the prior test. Therefore, it will be for the authority to set out in its application how a new community school would build on existing diversity in the area.

I assure my hon. Friends who have tabled amendment No. 7, including my hon. Friend the Member for Warrington, North (Helen Jones) who just intervened, that the wider definition of diversity would extend to clause 2. Therefore, there is no need to set out its meaning in the Bill. The arrangements will enable high-performing authorities and those with diverse provision to publish proposals for a new community school. We also want to demonstrate to the weakest and least diverse authorities that they should open up opportunities to other providers, on which my hon. Friends have made points in interventions. It will then be for the schools adjudicator to consider all proposals submitted and to make the final decision on which proposal should be approved.

We believe that that approach strikes the right balance. We do not accept amendment No. 15, tabled by the Liberal Democrats, which would allow all local authorities to publish proposals for new community schools. Nor do we accept new clauses 57 and 58 and amendments Nos. 101 and 102, tabled by the official Opposition, which would mean that no local authority would do so. As ever, between those two extremes, we are taking the third and most sensible way. Similarly, amendment No. 111, submitted by the hon. Member for Reading, East (Mr. Wilson), would prevent all but the best local authorities from proposing new community schools outside competitions. As set out in Committee, we would relax the need for a competition only where there were good reasons for doing so, such as in the case of the amalgamation of an infant and junior school or to facilitate a fresh start in that school.

John Bercow: The Secretary of State referred a few moments ago to regulations that were imminent or to be published in due course, which is something of a legislative hobby horse of mine. Can he tell the House whether those regulations are to be subject to the negative procedure of the House or to its affirmative counterpart? Are they available now in draft form? If so, can we see them? And if not, given their importance and centrality—I ask in the politest possible way—why not?

Alan Johnson: First, they will be subject to the negative procedure. Secondly, we tried hard, as Members who served on the Committee will accept, to get guidance and regulations published in draft form so that they could be scrutinised in Committee. That has not happened, and the hon. Gentleman will know, from the nine years that we have been in the House together, that that does not happen on every Bill. We have tried hard, and we will try hard in relation to those regulations as the Bill goes through the Lords, to make sure that Members have the benefit of that information.

Angela Eagle (Wallasey) (Lab): I congratulate my right hon. Friend and his predecessor on making the new skeleton admissions code available to the Standing Committee for scrutiny: it helped us greatly to understand how much tougher the protections against bad admission practices would be.

Amendment No. 41 gives local education authorities an extra duty to ensure

"fair access to educational opportunity".

How does my right hon. Friend think that that will work in practice? He skated over it quite quickly at the beginning.

Alan Johnson: I expect it to operate in the context of admissions forums. I hope to say more about that later, but if my hon. Friend thinks that I have not dealt with it adequately, I will allow her to intervene again.

Judy Mallaber: Will my right hon. Friend give way?

Alan Johnson: I will take one more intervention. Then I must make some progress.

Judy Mallaber: Will my right hon. Friend confirm that he just said that if an infant school and a junior school amalgamated to form a primary school, they would not have to be subject to a competition?

Alan Johnson: Yes. That is the kind of provision that clause 9 makes.

Mr. David Willetts (Havant) (Con): I hope very much that the Secretary of State will join us in making

a robust case for the Government's school reforms, and I look forward to working with him on that.

The Secretary of State just described one of our new clauses, which provides for new schools not to be community schools, as extreme. Will he confirm that our new clause is based on the Government's own schools White Paper, which states:

"All new schools will be self-governing Foundation, voluntary aided, Trust schools or Academies"?

When did he decide that the Government's own White Paper was extreme?

Alan Johnson: Last time I was at the Dispatch Box talking about higher education, the hon. Gentleman and his party were supporting a policy that the hon. Member for "Have I Got News For You" recently described as "bonkers". I am pleased that Conservative Members have come down from the planet Zog and engaged in a proper debate about education.

As part of that debate, let me mention that very few published White Papers end up in a perfect form, so that every chapter and verse and every dot and comma are reflected in the ensuing Bill. The whole point of a White Paper is to precede consultation, and our consultation has been very fruitful—not just the consultation among Labour Members, but consultation with Members in all parts of the House and, as I have said, with the Local Government Association. I believe that there are two extremes, and that as a result of our consultation we have found a perfect third way.

We believe that the approach I have described is preferable to new clause 38, tabled by my hon. Friend the Member for Bury, North, which would require a local authority to work up its proposals before knowing whether it would be given permission to enter them. I believe that that could lead to a significant amount of unnecessary work.

While we accept that there may be a role for new community schools, we do not agree that there should be a mechanism allowing foundation schools to revert to community status. We have included provisions that enable the governing body to remove a trust, and if a foundation school is failing, the local authority will be able to intervene and can, if necessary, close the school and trigger a new competition. For those reasons, we shall resist new clause 23 and amendments Nos. 12 to 14.

Anne Snelgrove: Is this not one of the issues that put clear red water between us and the Opposition? We have examined the strategic role of local education authorities, and have strengthened it. We are bringing trust schools into the family of schools within LEAs. Grant-maintained schools removed money and set school against school; our trust schools will not be like that.

Alan Johnson: I agree. If we examine the strategic role of local authorities in the context of "Every Child Matters", the Green Paper on youth issues and the 14-to-19 agenda, we see an exciting new role for commissioners of education rather than providers, which entrenches the part played by those authorities in a much more meaningful way.

Jon Trickett (Hemsworth) (Lab): My right hon. Friend referred to new clause 23, which I tabled, and to subsequent amendments. Will he confirm that he has just told the House that the move from comprehensive to trust status is an irreversible, one-directional process? A comprehensive school can become a trust school, but once it is a trust school it cannot revert to being a comprehensive.

Alan Johnson: Let me make it absolutely clear: if the governing body of a trust decided that it wanted to leave the trust, only a third of governors would be needed to trigger that process. At least two thirds of governors have to vote in favour of maintaining the trust for it to continue, so there are important safeguards and trigger mechanisms in the system.

Several hon. Members *rose—*

Alan Johnson: I give way to my hon. Friend the Member for Sheffield, Hillsborough (Ms Smith).

Ms Angela C. Smith: Does my right hon. Friend agree that trust schools will not be community schools, and that they will remain comprehensive schools?

Alan Johnson: My hon. Friend is absolutely right; indeed, the only voluntary aided school in my constituency uses banding—and has done so for many years—which is pure comprehensive intake. She has made a really important contribution in dealing with the misapprehension that a trust school will not be a comprehensive school.

Paul Farrelly *rose—*

Alan Johnson: I will give way one more time and then make some progress.

Paul Farrelly: I congratulate my right hon. Friend on introducing the safeguard concerning the removal of a majority of governors or of a foundation that is not performing. But if he is not going to provide a safeguard concerning the proportion of parents who are elected governors, how can we guarantee that there will be a sufficient proportion of independent governors to trigger the safeguard that he has installed?

Alan Johnson: At least a third of governors will have to be parents, and in the circumstances that my hon. Friend envisages, where there is a majority trust, there would be the parent council. Teachers and the local community would also be represented on the trust. The local authority, moreover, must be represented on the governing body, so I believe that enough safeguards are in place.

We believe that there needs to be a clear distinction between provider and commissioner in relation to trust schools. Therefore, while it is appropriate that local authorities play a part in trusts, the extent of their role should be limited to 20 per cent. of the membership or voting rights. That is consistent with provisions in local government legislation on local authority involvement in companies. We are therefore resisting amendments Nos. 9 to 11, which would grant local authorities 50 per cent. membership of trusts.

[Alan Johnson]

Of course, the key role of local authorities will be their ability to take strategic decisions about the provision of school places across their area. They will decide, taking on board the views of local people, when new schools are required and how best to use the record capital investment that we are making available through the building schools for the future programme.

New clause 18, tabled by the Conservatives, would fetter local authorities' discretion by requiring them to establish new schools if certain conditions relating to the number of failing schools or a lack of diversity were met. I am sympathetic to the aim of the new clause—to create more choice for parents—but I do not believe that such a mechanistic approach is appropriate. On new clause 56, also tabled by the Conservatives, I can confirm that there is no surplus places rule that would prevent a local authority from running a competition, or from agreeing proposals to expand a good school, simply because there are more than enough places available. Capital support for authorities is now formula-based and there is no bar to its use, whatever the state of surplus in a given area.

Mr. Redwood: Does the Secretary of State share my anger at the fact that some people have absolutely no choice and have to send their children to a very unsatisfactory school, whereas the rich have an enormous amount of choice? What is he really going to do to narrow that gap?

Alan Johnson: I hesitate before saying that I share the right hon. Gentleman's anger, but I do think it a matter of considerable concern that in all our constituencies—certainly in mine—this lack of choice dogs many constituents. Provisions in the Bill such as free transport will help to provide such choice, but the biggest guarantor of the educational choice and diversity that we want to see is the record levels of investment that we are putting into our schools.

On new clause 56, which is entitled "Abolition of surplus places rule", as I said, there is no such rule. Let me reaffirm something that my predecessor made clear on Second Reading. No school will be forced to acquire a trust or to become a foundation school. New clauses 21 and 53, proposed by the Conservatives, are designed to place duties on the Secretary of State and local authorities to encourage schools to become trust schools. There is a danger that such statutory duties could lead to an undue amount of pressure being applied. We firmly believe that trust status has to be a decision freely entered into by a governing body. The only exception is for failing schools, where local authorities will be able to use their new intervention powers to force collaboration. However, we do not accept new clause 62, tabled by the hon. Member for Reading, East (Mr. Wilson), which would allow the Secretary of State to impose a change of foundation status. It has to be a local decision that meets local needs.

4.30 pm

Mr. David Anderson (Blaydon) (Lab): On the day after Second Reading, the previous Secretary of State confirmed that schools choosing not to go down the trust route would not be disadvantaged in any way. Will my right hon. Friend confirm that and tell me exactly where in the Bill that is made clear?

Alan Johnson: I can confirm that. Perhaps my hon. Friend and I could have a chat afterwards, so I could point to the various clauses that insist that local authority maintained schools receive their funding on exactly the same basis, with the same pay and conditions for teachers, as other schools. There are several additional safeguards. I can happily give my hon. Friend the affirmation that he seeks.

The role of the schools commissioner will be to provide support and encouragement to schools. New clause 61, tabled by the hon. Member for Reading, East, would establish the schools commissioner as a statutory office. While I agree with the role set out in the new clause, it is not necessary to define every facet directly in the Bill. The different facets have been included in the job description for applicants for the schools commissioner post. I reassure Members that the commissioner's annual report will be made available to both Houses of Parliament and to the Select Committee on Education and Skills.

Mr. Marsden: I am grateful to my right hon. Friend for confirming that the schools commissioner will have a role in reporting regularly both to Parliament and to the Select Committee, but there is an important omission in his predecessor's letter to the Standing Committee, which defined the role. It did not include reference to children with special educational needs. Can my right hon. Friend confirm today that that will also be part of the schools commissioner's remit in ensuring fair admissions?

Alan Johnson: I can confirm that. I am aware that my hon. Friend has had discussions about children with special educational needs. We intend to deal with the matter in a separate tranche of measures, so I can give him the assurance that he seeks.

Support provided by the schools commissioner and by local authorities may include consultancy advice to groups of parents wishing to set up a new school or to enter a competition, but I cannot accept the strictures of the Conservatives' new clause 22, which could lead to a local authority having to expend considerable resources supporting proposals that would ultimately fail. Our guidance to local authorities in clause 3 sets out a much more proportionate approach for responding to parental demands about the provision of schools.

On the important matter of safeguards, my predecessor said on Second Reading that there would be

"strong safeguards to ensure that all trusts operate in the best interest of children. All trusts will be charitable, and I will issue guidance to prevent the acquisition of inappropriate trusts."

She added that

"perhaps the most important safeguard will be the common sense of parents and governing bodies. They will decide whether it is in a school's interest to adopt a particular trust."—[*Official Report*, 15 March 2006; Vol. 443, c. 1464-65.]

Draft guidance was sent to members of the Committee on 20 April and is available in the Library. First, all trusts must meet the legal requirements set out

in the Bill; that is, they must be incorporated charities. Secondly, there must be adequate consultation. If a governing body has not consulted, or has not properly taken into account the representations received, the local authority may refer its decision to the schools adjudicator.

Thirdly, proposals must set out evidence that the trust will contribute to raising standards at the school and will promote community cohesion. The local authority may refer the decision to the schools adjudicator if it believes that the trust will have a negative impact on standards. The ability of a local authority to refer proposals to the adjudicator is an important safeguard. We cannot therefore accept amendments Nos. 105 to 108, by which the Conservatives seek to remove that power to refer.

Mr. David Chaytor (Bury, North) (Lab): Can my right hon. Friend confirm whether a local authority will have the power to refer to the adjudicator a case where it thinks that the trust may not be able to fulfil its duty to promote social cohesion?

Alan Johnson: I think that I have set out the reasons for the local authority to refer to the schools adjudicator. They include standards and whether parents have been properly consulted and whether that consultation has been listened to. The schools adjudicator must take into account community cohesion in making decisions. The fourth point that I was coming to is that trust members—

Mrs. Nadine Dorries (Mid-Bedfordshire) (Con): Will the Secretary of State give way?

Alan Johnson: I am never going to get to the fourth point. I will give way.

Mrs. Dorries: If a school were not performing as well as it should but felt that it could improve standards by embracing trust schools status, and if a local authority's objection to that school's proposal was that it should not become a trust school because of the prevailing standards in the school, what would the adjudicator do?

Alan Johnson: The hon. Lady will forgive me if I do not go into hypothetical situations. The whole point is that the local authority can refer and the schools adjudicator will make the decision. That is a very important safeguard.

Fourthly, trust members and proposed trustees must not be involved in activities that may be considered inappropriate for children and young people—for example, those associated with tobacco, gambling, adult entertainment and alcohol—or that could bring the school into disrepute. Fifthly, regulations will disqualify specific categories of people from being trustees. In addition, the Secretary of State will have a reserve power to remove and to appoint individual trustees.

Sixth in this list of safeguards is the fact that trust schools will remain local authority maintained schools, with the budget delegated to the governing body, not to the trust. The trust's functions will be to appoint governors to the school and to hold assets on trust for the school. The Bill will place new protections around the disposal of assets held by foundations.

I am adding a seventh safeguard: I confirm for those hon. Members who have raised the matter with me that trust schools will be inspected by Ofsted in the same way as other publicly funded schools. Ofsted will introduce a number of changes to school inspection to capture the contribution of trusts to their schools. It will add specific references to trusts in the self-evaluation form—the basis on which the new school inspections will be undertaken. The changes will require trust schools to identify their status and to describe their distinctive aims and special features. Inspectors would use that information as the starting point in assessing a trust's contribution to the school's overall performance.

The framework for school inspection already provides opportunity for inspectors to examine and to comment on a trust's impact on the leadership and management of a school, and thereby on all other aspects of the school's work. However, to make that explicit, Ofsted will amend the guidance on conducting the inspection to include a requirement for inspectors to assess the impact of governors appointed by a trust on the school's work.

Mr. Nick Raynsford (Greenwich and Woolwich) (Lab): I am appreciative of the many safeguards that my right hon. Friend outlines. There has been a significant movement in that respect, but I put it to him that a slightly cumbersome structure will be put in place. If Ofsted, in carrying out the very welcome inspection that he confirms will now cover trust schools, and indeed trusts, uncovers grounds for concern about a trust's performance, it is not clear to me what mechanism will ensure that the trust is brought to an end. How will an alternative mechanism be put in place to ensure that the school is properly managed in future?

Alan Johnson: The important points are the Secretary of State's powers and the obligation on the governing body to respond to the Ofsted report. A combination of all the powers, now set out in nine different safeguards, will allow us to meet the concerns that my right hon. Friend and others have raised with us.

Martin Salter (Reading, West) (Lab): What on earth were my right hon. Friend's predecessors thinking when they considered a regime in which the Charity Commission would have been the regulatory body for trust schools?

Alan Johnson: My hon. Friend asks an impossible question: I cannot say what previous Ministers were thinking. The Charity Commission has an important role as one of the safeguards, but it is not the only safeguard. The fact that the schools will be registered charitable trusts means that the commission has to have an input. The point that he has raised consistently is that that is not enough of a safeguard to meet the real fears that hon. Members on both sides of the House have had about inappropriate trusts, and I have set out in detail some real safeguards that I hope will meet their concerns.

Clive Efford (Eltham) (Lab): Will my right hon. Friend clarify the answer he gave to my right hon. Friend the Member for Greenwich and Woolwich (Mr. Raynsford)? Is he saying that trust schools will be inspected to the same standards that will apply to local authority schools? The White Paper said that a failing school would be given a year to turn itself around, but did he consider that extreme?

Alan Johnson: No. My hon. Friend mixes two different points. Trust schools will be subject to the same regime, but with the added safeguards that I have described to meet the concerns about inappropriate trusts. We also want to be able to turn around failing schools in 12 months, which at present takes on average 21 months. When we came to power, it took 24 months, but it is still too long. The measures in the Bill to turn failing schools around more quickly are accepted by every contributor to the debate.

Mr. Rob Wilson (Reading, East) (Con): Can the Secretary of State confirm that trust schools will not have to pay for inspections by Ofsted, as some other independent schools have to do? *[Interruption.]*

Alan Johnson: As my hon. Friends point out, the problem with that question is that trust schools will not be independent schools. The Ofsted regime for trust schools will be exactly the same as that for any other local authority schools.

As a further safeguard, the schools commissioner will hold a detailed record of all proposals relating to trusts and make it available via the departmental website. That will allow a school interested in acquiring a trust to access information about a particular trust and to follow up any questions with the school or trust in question.

Barbara Keeley (Worsley) (Lab): On the point about turning failing schools around, a school in my constituency had to be put on special measures, but has now improved its teaching standards from 36 per cent. to 94 per cent. in 12 months. Ofsted said that that was one of the fastest turnarounds it had seen. The school had a lot of problems, but my constituents have seen real improvements.

Alan Johnson: My hon. Friend is right. All hon. Members want to see such schools turned around as quickly as possible, and she confirms that it can be done.

Angela Watkinson (Upminster) (Con): The Secretary of State has mentioned all the safeguards relating to Ofsted inspections. What safeguards exist to ensure the consistency of Ofsted teams? Visits to schools by some teams are very positive experiences, but on occasions an Ofsted team has a destructive effect on the school and its community.

Alan Johnson: The hon. Lady raises some important issues that have been considered as part of the review of Ofsted, which is of course responsible to Her Majesty's inspectorate. I accept that important issues need to be addressed, but they fall outside this Bill and are not specifically related to the point that I am making about Ofsted being a new and added safeguard to meet the concerns that people have about trusts.

We believe that such a record, combined with the safeguards I have outlined, is preferable to the formal register of approved trusts that would be required by new clause 25, which was tabled by the Liberal Democrats; by new clause 48, tabled by my hon. Friends; and by amendment No. 96. Allowing schools to choose a trust partner only from a register would fetter the freedom of governing bodies to decide what is best for their schools, in light of their individual circumstances. It would lead to additional bureaucracy and delay, especially when schools were considering local, community-based trusts that would not benefit from a centralised process for formal approval.

4.45 pm

Dr. Alan Whitehead (Southampton, Test) (Lab): Does my right hon. Friend envisage that the website to which he has referred will be updated regularly, with trusts being entered in such a way that people accessing the site will be able to regard it as a register?

Alan Johnson: My hon. Friend makes a nice try, and I agree that that website, like all websites, should be updated regularly. It is an informal focal point for the provision of information. He might try to call it a register, but I would not.

Meg Hillier (Hackney, South and Shoreditch) (Lab/Co-op): Is my right hon. Friend aware that two city academies—the Mossbourne and the Petchey academies—have been set up, in my constituency and in the neighbouring area of Hackney, North and Stoke Newington, by trusts connected with two Hackney boys who made good? So far, those trusts have shown no interest in running schools in other parts of the country. They are Hackney focused, and we in Hackney welcome that.

Alan Johnson: My hon. Friend makes an important point. In my two weeks as Secretary of State, Mossbourne is the only school that I have been able to visit so far. I confirm everything that she says about that excellent school.

The former Minister for Schools committed to include in the Bill a requirement for all trusts to advance education and to promote community cohesion. Government amendments Nos. 43 to 47 make good that commitment. We want there to be no doubt that trust schools, like any other maintained school, will have a role in developing in pupils an understanding and appreciation of the values of others. They will provide equal opportunities for students from different backgrounds and encourage strong and positive relationships between them.

Margaret Moran (Luton, South) (Lab): I very much welcome the promotion of community cohesion. Is my right hon. Friend aware that, since 1997, there have been more failing schools than successful ones in my constituency, and that the LEA has been very poor? The fact that parents are choosing to send their children to schools outside Luton is dividing the community and

creating poor community cohesion. Will he say more about how community cohesion will be promoted as a result of this Bill?

Alan Johnson: My hon. Friend repeats what has been people's experience in too many parts of the country. The Bill is aimed at dealing with the problem that she describes. The term "community cohesion" has been used by the Home Office in the past, and it has a specific definition. We believe that that definition sums up what local authorities should aim for in their work with schools and governors to deal with the problem that she identifies.

Sir Peter Soulsby (Leicester, South) (Lab): Does the Secretary of State accept that fragmenting the governance of schools is a risky enterprise, especially in areas of considerable faith diversity? Is it not likely to imperil community cohesion to a significant extent?

Alan Johnson: No, I do not accept that. We are talking not about fragmenting governing bodies, but about increasing the variety of schools. We want schools in the local authority family to have much more responsibility, and to make decisions for themselves. An exciting agenda is emerging from the proposals that will allow us to address some of the problems described by my hon. Friend the Member for Luton, South (Margaret Moran). It will not make those problems worse.

Mr. Chaytor: I accept the argument that trust schools should have a duty to promote community cohesion but, given local authorities' new strategic powers, why is my right hon. Friend resistant to the idea that they should have a similar duty?

Alan Johnson: Local authorities already have that duty. The point made earlier was that a failure to promote community cohesion should be one of the reasons for referring a trust to the schools adjudicator. The Bill contains three such reasons, and I believe that it covers the waterfront in that respect. In no way do the proposals detract from local authorities' responsibility to promote community cohesion and social inclusion.

Finally, Government amendments Nos. 70 to 75 and 84 to 86 are purely drafting changes to ensure that all references in that part of the Bill are consistent. I have tried to do justice to the scope of the amendments in this important group. The changes we are making to define a strategic role for local authorities, to bring parents to the heart of the system and to encourage innovation and new providers are, as I have explained, central to our desire to improve outcomes for children, particularly those from disadvantaged backgrounds.

We believe that the process of debate in which we have been engaged since the White Paper has strengthened our proposals. Our amendments on community schools and community cohesion represent further improvements, and I urge hon. Members on both sides of the House to accept them.

Mr. Gibb: I add my congratulations to the Secretary of State on his appointment. He is a sure pair of hands as well as a former higher education Minister and will be adept at resisting pressure from the Labour rebels on the left. On the Opposition Benches at least, we wish him well in his appointment and his new responsibilities.

We had a good and interesting Committee; it was an unusual one for such a controversial and high-profile Bill, as its broad principles were supported by the Opposition. Nevertheless, some significant differences of view were brought out, on which we tried to amend the Bill, tabling about 219 amendments. As well as fundamental differences over the admissions code, the ban on interviews, home-school contracts, charging for school travel and special schools, some of which we shall debate later, we also had differences of view even about the Bill's broad principles. In short, the Opposition are more Government than the Government in respect of the Bill.

The new clause and Government amendment No. 42 both relate to the use of the Secretary of State's veto on whether a local authority can propose a new community school in a competition for a new primary or secondary school. It was of course never part of the Government's original vision that a local authority could propose a new community school, which is why, in a speech on the day before the White Paper was published last October, the Prime Minister said:

> "We need to see every local authority moving from provider to commissioner, so that the system acquires a local dynamism responsive to the needs of their communities and open to change and new forms of school provision.
>
> This will liberate local authorities from too often feeling the need to defend the status quo, so that instead they become the champions of innovation and diversity."

That was the vision: more diversity among providers of education. But with 63 per cent. of schools already community schools, how will it help to create that diversity if we simply pile on more community schools?

Meg Hillier: The hon Gentleman seems to be contradicting himself. He suggests that every community school is homogenous and that there is only one type. Community, trust, foundation and voluntary-aided schools are different from each other and within each category. Surely we should welcome that diversity on both sides of the House.

Mr. Gibb: That is one form of the diversity that we want, but we also want diversity in structure that will help to create an even more diverse range of schools, which was, I thought, the objective set out in the White Paper. I thought, too, that it was the original judgment of both the Prime Minister and the Secretary of State about what was best for the education system. Indeed, on page 116, the White Paper states:

> "We will also remove the right for local authorities to publish their own proposals for the establishment of new community schools."

That was their judgment; it is the judgment of the Government and we share that view on the Conservative Benches.

Mr. Raynsford: Can the hon. Gentleman reconcile the clear statement that his party is opposed to giving local authorities discretion to reach a judgment about what is best for their area with the views being put about by the hon. Member for Meriden (Mrs. Spelman), who speaks for his party on local government, and pretends that a Conservative Government would do just that?

Mr. Gibb: This is not an anti-local authority issue, as I will come on to say. Under the White Paper and the Bill, it is still possible for local authorities to propose foundation schools. The issue is not about being anti-local authority or being prescriptive in that respect—I am defending the Government's policy again. The purpose behind the White Paper is to create diversity in the system, but the concessions that the Government have made will hamper that original judgment.

Kali Mountford (Colne Valley) (Lab): If the hon. Gentleman and his party were ever to be in power—God forbid—he would have to learn that Governments need to listen. Is it not important that, having listened, we recognise that community schools play an important role in diversity of provision? It is important that that reflects local need and not just what he wants.

Mr. Gibb: Of course, parents will initially set out the determination to have one of the new schools. Those who really want more parental choice should realise that the provisions in the Bill that encourage parents to set up new schools and new providers to come in are the way to create a much more responsive education system—responsive to parents, not just to local authorities.

Mr. Redwood: Does my hon. Friend understand why Labour Members seem to want to leave the rich with a complete choice of many good schools and to offer no choice to those without sufficient money?

Mr. Gibb: My right hon. Friend makes a good point and his pertinent intervention has encapsulated the history of education reform over the past 40 years.

Meg Hillier: I am driven to rise to my feet again. In Hackney in my constituency, we have a new city academy, to which the Secretary of State referred. It is fully comprehensive and the rich, whom the right hon. Member for Wokingham (Mr. Redwood) mentioned, want their children to get into it. It is full of children from a diverse range of backgrounds, including poor backgrounds, and is representative of my constituency. That is the sort of school that Labour Members want to see more of. I challenge the hon. Member for Bognor Regis and Littlehampton (Mr. Gibb) to say whether he really wants that as well.

Mr. Gibb: I could not agree more with the hon. Lady. That is precisely what Conservative Members want. We want to see more academies such as the Petchey academy in her constituency, more foundation schools with foundations, more trust schools, and more voluntary-aided schools. We want the kind of diversity in our constituencies that she wants in her constituency, and which the Secretary of State wants too.

Paul Farrelly: Clearly, the Bill not only proposes a new form of school, but sets some limits. Will the hon. Gentleman confirm that, in supporting the Government's policy and the Bill, the Conservative party subscribes to the principle that there should be no further selection by academic ability?

Mr. Gibb: The Conservative party has already set out its position and there will be a debate on admissions tomorrow. We have said that an incoming Conservative Government would not see a return to wholesale selection across the board. We will not see new grammar schools and secondary moderns being established outside areas that do not already have grammar schools.

The White Paper contained a sensible set of proposals, but then Lord Kinnock intervened and 53 Labour rebels eventually went on to vote against the Bill. In their alternative White Paper, they said:

"local authorities should retain the power to decide whether to function solely as commissioners, and not providers, of education. There should be no outright ban on new schools being developed as local authority community schools."

That looming Labour rebellion between the publication of the White Paper last October and the publication of the Bill at the end of February this year resulted in the famous concession letter from the then Secretary of State to the Chairman of the Education and Skills Committee. In that letter, the Secretary of State said:

"there may be occasions where a community school might best meet local needs. In such cases, if a local authority wished to enter a community school in a competition—and the Secretary of State felt that there was merit in such a proposal—the competition would be judged by the Adjudicator...In judging the competition, the Adjudicator would take into account the track record of the local authority in terms of educational performance, the degree of diversity in the local...system and parental preference."

That represents a complete change of view—a change that was not based on the judgment of the Prime Minister or the then Secretary of State as to what would best serve the interests of this country in creating a high quality education system, but which was occasioned by problems in the Labour party. The change of policy was all about internal Labour party management.

Mr. Marsden: I know that it suits the hon. Gentleman's perspective to present what happened as an enormous concession to a particular group of Labour Members. However, will he reflect on the fact that the letter was sent to the Chairman of the Education and Skills Committee on the basis of the report that that Committee produced? Will he also take into account the fact that the then Secretary of State quite rightly took action on the matters that we discovered and discussed and then presented in our report?

5 pm

Mr. Gibb: Select Committees bring out reports all the time and the Government respond to them, but such reports do not always result in changes to a Bill after a White Paper has been published. What happened was due to the management of the Labour party.

It was not even the case that the proposals had to be changed to get the Bill through the House. Conservative Members always said that they would support the Bill, and we did, which was why it received its Second Reading with a majority of 343. The Government claim that the concessions were made as a result of consultation on the White Paper. They will cite bodies such as the National Union of Teachers and the Local Government Association, but those bodies

were always opposed to measures to take away local authorities' ability to establish community schools, regardless of the White Paper. The process thus had nothing to do with consultation.

Mr. John Gummer (Suffolk, Coastal) (Con): Does my hon. Friend agree that the NUT is still entirely opposed to any aspect of the Bill that gives greater power to parents to play their part in their children's education and insists that the power should lie in the hands of the NUT and local authorities?

Mr. Gibb: My right hon. Friend makes the point well enough. It is very much a producer-capture situation.

If the Government are claiming that the consultation took place with MPs, we should consider the make-up of the House of Commons. We must assume that all Labour Members, except the 100 who signed the early-day motion, and all Conservative Members supported the proposals to remove the right of local authorities to propose new community schools.

Mr. Raynsford: The hon. Gentleman rightly highlights the fact that the Members who signed the alternative White Paper were all from one party. At the same time, does he accept that the Local Government Association, which set out its opposition to the proposals that he is endorsing, represents all parties and, indeed, has a Conservative majority?

Mr. Gibb: There is a diverse range of views in the Conservative party and we are proud of that fact.

Anne Snelgrove: On diverse views, the hon. Member for Gainsborough (Mr. Leigh) tabled interesting and informative amendments in Committee, most of which we were happy to vote down and some of which were withdrawn. Those amendments showed that Conservative Members, or at least a considerable number of them, look forward to the return of grammar schools. What is the view of the hon. Member for Bognor Regis and Littlehampton (Mr. Gibb) about the split in his party on the Bill?

Mr. Gibb: There are cross-party views on all kinds of education issues. I am speaking for the Opposition, yet defending the White Paper and Bill of the Prime Minister who leads the hon. Lady's party. Let us not talk about splits in the Conservative party when she can see splits all over the Labour Benches. Her point is irrelevant to the important principles behind the Bill.

The Government's excuse about consultation is a smokescreen. In reality, the concessions were made for reasons of internal Labour party management, rather than as part of a considered approach to education reform. We have thus tabled amendments Nos. 101 and 102 and new clauses 53 and 58, which would put back into the Bill the original vision that the Prime Minister set out with clarity, passion and sincerity on 24 October.

New clauses 53 and 58 would simply insert in the Bill the wording used in the White Paper. New clause 58 comes from page 116 of the White Paper and new clause 53 is taken from paragraph 2.5 on page 25, which says:

> "We will encourage all primary and secondary schools to be self-governing and to acquire a Trust."

Throughout our time in Committee, Conservative Members tried to restore the Bill to a form that corresponded to the original vision in the White Paper. As such, if the Government do not accept new clause 53, we hope that it will be possible to press the principles that it sets out to a Division.

The concessions made in the then Secretary of State's letter of 6 February could have provided ample reason for the official Opposition to vote against the Bill's Second Reading on 15 March. Such a vote would have been decisive, because it would have killed the Bill. However, we took the view—and we still hold it—that half a loaf is better than none. The Conservative party is serious about raising the quality of education in our schools. It is unacceptable that, according to the National Audit Office, 23 per cent. of secondary schools are underperforming and a similar proportion is probably coasting. On page 138 of the regulatory impact assessment, the Government consider the four school grading categories used by Ofsted—excellent, good, satisfactory and poor—and say:

> "'Satisfactory' is no longer good enough—as that may mean that some children will not achieve their full potential."

We agree. We have moved into a global jobs market, in which prosperity for individuals and the country depends on the acquisition of a high-quality knowledge-based education, and that is why we take education reform seriously.

It is not just a matter of economics. A thorough education enables us to enjoy life to the full and to appreciate and contribute to our culture. The Bill, with all its flaws and concessions, is still a step in the right direction. As my right hon. Friend the Leader of the Opposition said, when the Government do the right thing, we will support them. The concept of trust schools is right. On Second Reading, we accepted the concession that local authorities could, subject to agreement by the Secretary of State, propose a community school as part of a competition for a new school. It was an unnecessary concession, but we accepted it rather than lose the Bill. Under the White Paper proposals, local authorities can, as I said earlier, propose a foundation school. This is not an anti-local authority issue—it is about creating a more diverse range of provision. We therefore listened carefully to the right hon. Member for Redditch (Jacqui Smith), the then Minister for Schools, when she clarified in Committee when the Secretary of State would or would not exercise the veto. We did not want her clarification to amount to further unnecessary concessions to the Labour left. We wanted to be sure that the principle behind the use of the veto was in line with the principle established by the letter from the previous Secretary of State and by the Government's response to the Select Committee report. In that response, which was published on 6 February, three weeks before the publication of the Bill, the Government said:

> "Where a local authority with a good track record in education proposes a community school...the Secretary of State will not normally intervene."

We are happy that the concessions are in line with those principles.

Andrew Gwynne (Denton and Reddish) (Lab): I wish to declare my interest as a member of Tameside metropolitan borough council, and to draw to the attention of the House the fact that my wife is the council cabinet member responsible for services to children and young people. Returning to the role of local education authorities, it is not inconceivable that a very good local authority with an excellent track record of providing community schools should be responsible for a diverse group of schools, whether foundation schools, city academies or trust schools. Under the provisions, might it not want to propose a community school, because that is precisely what the community wants?

Mr. Gibb: The hon. Gentleman makes a valid point, which is why we are not averse to supporting the Bill with those concessions in it. The main purpose of the White Paper is to try to create a greater diversity of schools throughout the country. A total of 63 per cent. of schools are community schools, so we will not create diversity if every new school is yet another community school. With school rolls and population demand falling, the number of new schools is lower than we might otherwise wish. On 20 April, the then Minister for Schools said in Committee that a local authority with an annual performance assessment of 4—the highest level—could propose a community school without consent. There are 11 such authorities. She said, too, that the worst local authorities with an APA of 1 would never be able to propose a new community school. For the remainder, it would depend on the diversity of provision in the area and the quality of the schools that they provide.

Mr. Andrew Turner (Isle of Wight) (Con): I share my hon. Friend's satisfaction that the Bill has been amended as it has. Is it not the adjudicator who will make the decision, and will the adjudicator not sing to tune of the Secretary of State, if not of No. 10, in deciding whether to go for a bog-standard community school or one of the new diverse schools that the Prime Minister clearly wants?

Mr. Gibb: My hon. Friend makes a valid point, which I wish I had made myself. When there is a competition in which the local authorities take part, they are no longer the judge, the matter is referred to the adjudicator, and it is for him to decide whether the school will go ahead. I hope very much that he will err on the side of diversity in making those decisions.

Jon Trickett: I listened carefully to the Secretary of State, who offered a welcome clarification of the principle of diversity. He clearly stated that diversity would be defined by him and by the adjudicator to cover ethos, not necessarily governance. That is a major shift by the Government—a major clarification. Will the hon. Gentleman still vote with the Government on Third Reading? Will he not join us now and try to defeat the Bill?

Mr. Gibb: People are more interested in how the hon. Gentleman and his colleagues will vote tomorrow than in how the Opposition will vote. We have adopted one of the principles from the Minister's clarification. Where local authorities do not have a diverse range of schools, or where more than 15 per cent. of schools in a local authority area are of poor quality, our new clause 18 would provide that a local authority must publish a notice under clause 7 inviting proposals for a new school. Where the range of schools in a local authority area is of poor quality, it is unacceptable that those schools can languish year after year, providing a substandard education to our children. Children have only one chance of an education, and we cannot stand idly by while local authorities preside over such provision.

Ms Diana R. Johnson (Kingston upon Hull, North) (Lab): May I take the hon. Gentleman back to a comment that he made about local education authorities that have an annual performance assessment of 1? He said that they would be not allowed to submit an application for a community school. That is not correct. My LEA, unfortunately, would fall into the category of having an APA of 1, but with the strides that it is making, it may well have the opportunity to make such an application in future.

Mr. Gibb: Of course. I meant that if the local education authority ceased to have that poor rating of 1 it would fall into another category, but if it remained in category 1, it would never be able to establish a community school.

Judy Mallaber: Does the hon. Gentleman accept that there can be a diverse range of ethoses and styles of schools, even when they are all community schools? Does he also accept that a community school such as Aldercar in my constituency, which used to have an A to C attainment level of 19 per cent. and now has one of 60 per cent., can pull itself up by its bootstraps with an excellent head, an excellent team and an excellent supportive local authority, but remain a community school, although with a specialism in languages? Does the hon. Gentleman accept that that is possible?

Mr. Gibb: Of course I accept that. The then Minister for Schools told us that the plural of ethos is ethoi, so we all learn something in Committee. If we want to accelerate the diversity of ethoi and school provision, the best way to achieve that is through a diversity of structural approaches to schools. Even after the Bill has been in force for several years, there will still be plenty of community schools and they will still probably be the majority type of school in Britain.

Helen Jones: I understand the hon. Gentleman's concern about the need to tackle failing schools, which is shared in all parts of the House. However, he seems to be making a simplistic link by saying that the only way to improve schools is for them to be something other than community schools. May I remind him what the Select Committee found in its inquiry? It stated:

"No causal link has been demonstrated between external partners and the success of a school, or between the independence of a school from local authority control and its success."

Is the matter not far more complicated than he portrays? The success of schools depends on good heads and good teachers. It is not necessarily related to the type of school.

Mr. Gibb: Of course, the hon. Lady is right. Conservative Members have never said that we can solve all the problems in our state education system by passing this Bill and introducing a variety of structural provision. There are a huge number of issues related to the curriculum, ethos, discipline, quality of teaching and quality of heads. The variety of structural provision is only one element, but let us not deny ourselves that element, because it is important.

5.15 pm

Mr. Barry Sheerman (Huddersfield) (Lab/Co-op): The hon. Gentleman was a member of the Education and Skills Committee and signed up to the report quoted by my hon. Friend the Member for Warrington, North (Helen Jones). When he was a member of our Committee, he was not known for giving the impression that all the schools up and down our country were underperforming, miserable places where children do not get a proper chance at education. I thought that he agreed that many fine community schools do a very good job for their children. Is he not doing himself a disservice by making a speech redolent of the Chris Woodhead philosophy, rather than the philosophy that he held only a few months ago?

Mr. Gibb: I still hold the philosophy to which the hon. Gentleman refers. In my time as shadow education spokesman, I have visited many good community schools and state schools around the country. I am not talking about all schools; I am talking about the 23 per cent. of schools to which the National Audit Office has referred, and the similar percentage of coasting schools. We must tackle those schools.

Clauses 3 and 7 are significant, and they are the principal reasons why we support this Bill. They enable parents to make representations to the local authority calling on it to establish a new school because they are dissatisfied by the quantity or quality of existing provision. We hope that over the next few years we will see the establishment of a large number of trust schools with greater autonomy and independence in their day-to-day running.

The Thomas Telford city technology college in Telford, Shropshire, is not a trust school—it is a CTC, which is similar to the academy model—but the principle of autonomy in the day-to-day running of the school is similar. The principal of that school, Sir Kevin Satchwell, has told me that one of the great advantages of CTC status is that heads do not have to attend interminable meetings with the local authority, which means that they can stay in school and focus on raising standards. That is why at the Thomas Telford school, which has an intake of all abilities and in which 11 per cent. of pupils are entitled to free school meals, 100 per cent. of pupils achieve not only five or more GCSEs at grades A* to C, but 12 or more GCSEs or equivalent at grades A* to C. Even when one strips out the GNVQs, it is still the best performing comprehensive school in the country—as I have said, 100 per cent. of pupils achieve five or more GCSEs at grades A* to C, including English and Maths. That is what autonomy can achieve, which is why the Conservative party is so serious about the benefits of the Bill and so excited about the prospect of hundreds of trust schools being established in the years ahead.

It became clear in Committee that the Government, too, are serious about promoting new trust schools and helping parents.

Frank Dobson: In view of the hon. Gentleman's remarks about the school in Telford, does he believe that if every school in and around Telford had similar status, they would all achieve the 100 per cent. ratings that he has discussed?

Mr. Gibb: That would be an exaggeration. The Thomas Telford school has high-quality leadership, but it would help if schools were given autonomy. Some 66 per cent. of pupils in schools with CTC status achieve five or more good GCSEs at grades A* to C, which, while it is not the same as the 100 per cent. rating at the Thomas Telford school, is significantly higher than the national average and higher than the average for community schools.

In Committee, it became clear how much in favour of promoting such schools the Government are. Paragraph 30 of the draft guidance on clause 3 states:

> "Where the level of parental demand for a new school appears to be considerable and where a group of parent promoters come forward then the local authority should offer help and support for parents in developing their proposals."

Paragraph 34 says:

> "The kind of material help and support which local authorities should offer includes dedicated consultancy support".

Paragraph 35 goes on to say:

> "In helping to develop and facilitate proposals local authorities should be flexible in earmarking potential sites and creative in removing capital barriers."

We regard that guidance as very helpful, which is why we incorporated it into new clause 22.

I cited those paragraphs not to annoy those on the left who believe that local authorities should run all schools directly, and that all schools should be the same homogenous bog standard, but to assure my hon. Friends—

Angela Eagle: Will the hon. Gentleman give way?

Mr. Gibb: Not at the moment.

I want to assure my hon. Friends that this is a Bill and a policy that we can and should support, not because it is perfect—it is far from perfect—but because it goes a long way towards implementing an education model that helps parents and non-profit and charitable groups to establish independent-type schools within the state sector without fees. It is the very model that has formed the basis of Conservative education policy in recent years, and which we believe will lead to higher standards and a higher quality of education in our schools.

To push that principle a stage further, new clause 19 proposes that where parents of 100 or more children of school age in a local authority area make representations to a local authority for a new school, the local authority must—not may—publish a notice under clause 7 inviting proposals for a new school. That would add to parent power and, as in the American model, make involvement in the community real and effective.

Ann Winterton (Congleton) (Con): My hon. Friend talks about parent consultation. Where a school changes status to, say, a trust school, is he equally in favour of parents being formally consulted through a ballot? We all know that "consultation" is a weasel word that can often be skewed in the wrong way.

Mr. Gibb: I hate to disagree with my hon. Friend, but I think that those are matters for the governing body of a school. I would be opposed to any formal intervention that required a ballot.

Ian Stewart (Eccles) (Lab) *rose—*

Mr. Paul Truswell (Pudsey) (Lab) *rose—*

Mr. Gibb: I am going to make some progress, if I may.

Our amendments Nos. 105, 106 and 107 would make it easier for a foundation school to become a trust school and easier for a trust school to enable the foundation to appoint the majority of governors of a foundation school. The amendments would prevent the local authority from stopping or delaying the proposals by referring them to the adjudicator. It would simply be a matter for the governing body of the school. We want to make it as easy as possible for governing bodies of schools to create trust schools. The amendments would prevent local authorities hostile to the whole concept of trust schools from being able to scupper the proposals.

The amendments contrast sharply with new clauses 25 and 26, tabled by the Liberals. New clause 26 would prevent a trust school from having a majority of its governors from the trust. Being able to appoint a majority of governors is a key component of the reforms in the Bill. Without that possibility, it is unlikely that any charitable trust or group of parents would want to establish such schools, as the Liberals well understand; that is why they tabled the new clause. They are fundamentally opposed to reform on the model established by the Bill. For them, localism extends only as far as the local council, not down to the level of the local school, which they want to remain under the direct day-to-day control of local councillors.

Similarly, new clause 25 is a reflection of the Liberals' hostility to the reforms. It would require the school commissioner to establish a list of potential trustees—a bureaucratic and unnecessary impediment.

Sarah Teather: I am surprised that the hon. Gentleman is not keener on that new clause. It would make it easier for schools to become trust schools, because instead of having to go through the whole bureaucratic process of checking the guidance themselves, they would have a ready-made list.

Mr. Gibb: I do not accept that. As we witnessed in Committee, all the Liberal amendments are designed to thwart the reforms.

Paragraph 13 of the Government's draft guidance, entitled "Decision Makers Guidance on Acquisition of Trusts", sets out detailed guidelines that schools should follow, including unacceptable types of industry, which the funders of a charitable trust should avoid. They include, as the Secretary of State said, tobacco, gambling, adult entertainment and alcohol. That guidance should be enough for the hon. Lady and the hon. Member for Bury, North (Mr. Chaytor), who tabled new clause 48, which would establish a register of approved institutions.

There comes a point when one has to rely on the good judgment of people in decision-making positions. No governing body will acquire a trust funded by Ann Summers. Governors are as keen as, if not keener than the hon. Member for Bury, North to protect and enhance the reputation of their school. With all the other protections that the Bill contains about the character of individual charitable trustees, enhanced by Government amendment No. 46 and the specific requirements of Government amendments Nos. 43 and 44 that the purpose of a foundation must be the advancement of education, I believe that new clause 48 over-eggs the pudding and is designed mainly to thwart the reforms.

Thwarting the reforms is the main purpose of rebel new clauses 16 and 17, which seek a ballot before any school can become a foundation school. Doubtless the hon. Members whose names are attached to those new clauses will argue that their proposals simply the follow the model that the previous Conservative Government used for grant-maintained schools—and they would be right. However, most Conservative Members now believe that the requirement for a full-scale ballot before a school could become a grant-maintained school was probably a mistake.

Mr. Marsden: Does the hon. Gentleman's reluctance to accept the principle of the ballot have anything to do with the fact that, outside London and the south-east, few ballots for grant-maintained schools were won?

Mr. Gibb: That is not true. I oppose the ballot because in the case of grant-maintained schools, it led to the politicisation of the process, with local left-wing groups and others who opposed the concept mobilising to prevent the change.

The prospect of fighting such a campaign will put off many, or at least some, potential governors, especially people who become governors simply because they are interested in running a school and providing education and have no interest in politics or engaging in a political campaign with the hon. Member for Bury, North.

Despite such hurdles, some 668 schools became grant maintained, but that was out of approximately 3,500 secondary schools. In 1998, grant-maintained schools became foundation schools. Their results, compared with those of community schools, show how much more successful they are. In 2004-05, 38 per cent. of pupils in community schools achieved five or more GCSEs at grades A* to C, including English and maths, compared with 44 per cent. in foundation schools, 49 per cent. in voluntary-aided schools and 66 per cent. in city technology colleges. That answers a question that the right hon. Member for Holborn and St. Pancras (Frank Dobson) asked earlier.

The amendments try to place in front of foundation schools the same hurdles that applied to grant-maintained schools to frustrate the policy direction of the Bill. If the new clauses are pressed to a vote, I urge hon. Members of all parties to reject them.

Frank Dobson: When the old Etonian Leader of the Opposition goes around saying that he wishes to hand power to parents, why is he not willing to give them the power to vote for or against a trust?

Mr. Gibb: Because the ballots would not be used for that. They would be used by people such as the right hon. Gentleman, who will set out to oppose any initiatives, even those of parents, which clause 3 allows. He will be out there, campaigning against those parents.

We are worried about some of the comments that the Secretary of State made about ballots. In his "Dear Colleague" letter, which someone helpfully sent me, he stated:

"We have also ensured that when a school decides to join a Trust it has to consult its parents, through a ballot if necessary".

The Minister for Schools repeated that on the "Today" programme this morning. Nothing in the Bill provides for that, the draft guidance contains nothing about it and there is no wording to that effect in the draft regulations. I was reassured by the Secretary of State's comments, in response to my intervention, that he will not include that wording in the guidance, and that he will not refer to an indicative ballot in the regulations.

I was also reassured that it is not the Government's intention that a consultation process would be regarded as inadequate simply on the ground that an indicative ballot of parents had not taken place, thus presenting grounds for a local authority to refer the proposal to a schools adjudicator. If it had been the Government's intention to make reference to an indicative ballot in either the guidance or the regulations, it would have been very damaging to the successful implementation of the proposals.

5.30 pm

Helen Jones: Will the hon. Gentleman give way?

Mr. Gibb: I will not give way to the hon. Lady. I am just coming to the end of my speech.

Ian Stewart: Will the hon. Gentleman give way?

Mr. Gibb: I am sorry, I will not give way to the hon. Gentleman.

Our amendments and new clauses are designed to make the structural changes in the Bill more effective. Unlike the amendments tabled by the Liberals and the Labour left, they are supportive amendments designed to take the Bill back towards the original vision of the Prime Minister and the Secretary of State. They are designed to increase the quality of the education offered in our schools, and I urge hon. Members to support new clause 53 if the Government refuse to accept it.

Mr. John Grogan (Selby) (Lab): It is a great pleasure to follow the hon. Member for Bognor Regis and Littlehampton (Mr. Gibb), and I want to engage with some of his arguments. After sitting on these Benches for nine years, I want to make one last effort to impress by speaking to these amendments and new clauses. After all, we now have a new Chief Whip.

I want to speak to a series of radical, reforming and modernising amendments tabled in the very best traditions of new Labour. After all, new Labour started around the principle of one person, one vote. I remember helping to organise the Prime Minister's internal election campaign in Yorkshire, when he stood for the leadership, and that was very much one of our principles. What is so wrong with one parent, one vote? That is the principle behind new clauses 16, 17 and 23, and I urge those on my Front Bench to resist the forces of conservatism. They must not be hidebound by the past; they must reach out to the future and involve parents in the fullest possible way.

New clause 16 would allow for a ballot in the case of a community school moving to a foundation school. New clause 17 would allow for a ballot when a local authority proposed to establish a foundation school. New clause 23, tabled in the name of my hon. Friend the Member for Hemsworth (Jon Trickett), deals with the situation in which a foundation school might want to revert to being a community school. In the interests of parental choice and freedom, that should surely be a possibility, and a ballot would be a means of legitimising the process.

I have listened carefully to the arguments against ballots, and some of them have shocked me. My right hon. Friend the Secretary of State said recently in *The Sunday Times*:

"The governors have to make a decision. The school decides whether to be a trust. If it does, there has to be consultation with parents. But turning that into a ballot strikes us as unnecessary."

My right hon. Friend has a proud tradition of advocating democracy in trade unions. Let us therefore imagine that quote, but with the following words substituted: "The union executive has to make a decision. The union executive decides whether there is to be a strike. If it does, there has to be consultation with members. But turning that into a ballot strikes us as unnecessary." I am a great admirer of my right hon. Friend—he is a rising star and I am sure that he has further to rise—but when he put forward his argument for rejecting ballots, it was not his finest hour.

Alan Johnson: The rule books of most unions—including mine—state that there must be a ballot of members before a strike can take place. My union rule book also gives a great deal of discretion to the executive to decide on other measures. Indeed, an argument is taking place at the moment in one trade union in the higher education sector about whether the executive should put a pay offer to a ballot or agree to it. It is up to the executive to decide in all those circumstances. My hon. Friend is right in regard to strike action, but wrong in regard to many other aspects of trade union law.

Mr. Grogan: I thank my right hon. Friend for that clarification. I think that a school's decision to become a foundation is a fundamental one. It is interesting to consider some of the other arguments. It has been stated that a ballot would be too expensive, and the Minister for Schools has said that it would be unnecessary bureaucracy. A consultation will involve a good deal of expense, possibly more than a one parent, one vote ballot.

Ann Winterton: I assure the hon. Gentleman that a consultation costs nothing if not many people are consulted. The recent so-called consultation about the future of a school in my constituency, to which I referred earlier, was almost meaningless. However, while I disagree with him on that point, I assure him that I agree with some of his other points.

Mr. Grogan: I thank the hon. Lady for that. Clearly, these radical, reforming, modernising ideas are spreading like wildfire across the House, even as we speak.

Ministers have said that there might be ballots in certain circumstances. In some cases, they would simply be inappropriate. However, where there was a significant body of opinion, according to one Minister, there might be a case for a ballot. There is a real possibility of sheer confusion, with governing bodies not knowing whether they are meant to hold a ballot. Will Ministers have guidelines as to how they should hold a ballot, if they decide to hold one? It could be very confusing. Surely it would be much simpler to have ballots in all cases.

Some people say that such a proposal is designed as a hindrance to the creation of trusts. I must admit that, with the two Front Benches thinking as they do, it is likely that the Bill will carry the House tomorrow, and that there will be trusts. However, the question is: should trusts ultimately be set up by perhaps three or four governors, on a wet December evening, after having engaged in some form of consultation? Would not it be more legitimate to have one parent, one vote?

Barbara Keeley: On that point, I used to be responsible for education in Trafford, which was a complicated authority because it retained grammar schools and had difficult structures. I have been involved in ballots previously in relation to grant- maintained schools and so on. My experience in education suggests to me that the most important thing in such consultations is to involve all those who need to be involved in the change of status of a school—other local schools, schools in other local authority areas and, often, dioceses, learning and skills councils and further education colleges. Just consulting parents, and even a small group of parents, and letting them decide, is not appropriate, as far too many other stakeholders are involved. I believe that these things ought to be settled locally, as there are so many different situations pertaining up and down the country. I think that it is wrong—

Mr. Deputy Speaker (Sir Alan Haselhurst): Order. The hon. Lady has gone beyond the bounds of an intervention.

Mr. Grogan: Many of those stakeholders are, of course, represented on the governing body, which will come to a decision as to whether to make a trust proposal. Clearly, the consultation can be wider. Ultimately, however, the simplest way to decide matters of controversy in our democracy is one person, one vote. A general election is not a hindrance to forming a Government; it is a way of stopping a Government being formed by tanks rolling down Whitehall.

Paul Farrelly: I warmly welcome my hon. Friend's amendment, which is a good start. In relation to the necessity of ballots in grammar schools, should their lordships wish to build on his good start—if the amendment carries the House—would he welcome extending a secondary school's ballot to parents of primary feeder schools? That would make the provisions relating to foundations symmetrical with those relating to the removal of grammar schools.

Mr. Grogan: I am delighted that my hon. Friend thinks that I have made a good start. Should Ministers want to hold discussions behind the Speaker's Chair about how to improve these proposals, I would be delighted. Now, however, I want to address the Opposition's argument against ballots.

It is in the finest traditions of the Conservative party over 300 years to try to think of arguments against democracy. It said that we have made a mistake. In the ballots that it held under the Education Reform Act 1988, however, it was interesting how many people voted. On average, in the first two years, 67.5 per cent. voted, and by 1995, 84 per cent. voted. I understand that about 2,000 ballots took place, and more of those rejected the proposals, but a substantial number supported the creation of grant- maintained schools. I think it a little tortuous to suggest that local left-wing elements would take over our democracy. It would be equally ridiculous for Conservative Front-Benchers to suggest that there should not be union ballots for that reason.

Helen Jones: The argument from the Conservative Front Bench seemed to be that parents would be so overwhelmed by all the various types of propaganda that they would be incapable of deciding for themselves. That is an insult to most parents.

Mr. Grogan: I agree. The beauty of one person, one vote is that it does not give the loudest voice the final say, whether that loudest voice be a left-wing element or two or three governors promoting a pet scheme. The beauty of one person, one vote is that everyone, whoever they are, can assess the arguments and—in the privacy of a booth, at home or by means of a postal vote—can vote in the way that they think best. That is a tremendous thing.

Mr. Ken Purchase (Wolverhampton, North-East) (Lab/Co-op): My hon. Friend has put his finger on the heart of the debate. He says that democracy is important. I believe—and I think my hon. Friend shares my view—that democracy has been the greatest force for progress that the world has ever known.

Does my hon. Friend consider it perverse that a Labour Secretary of State—a Labour Secretary of State!—should propose the establishment of a commissar—sorry, commissioner—who would be able to override the decision of a properly and fully elected local authority? Does he not find that perverse and anti-democratic, as I do?

Mr. Grogan: I do find it sad. I have probably taken up too much of the House's time—[Hon. Members: "More! More!"]—but I want to make one final point.

Mr. Andrew Turner: Will the hon. Gentleman give way?

Mr. Grogan: I want to make this final point. Others may have an opportunity to speak later.

I think that this debate is about the whole nature of public service reform. Both Front Benches seem to argue that public service reform is entirely about involving private interests and different providers in public service. That is a very consumerist view of public service reform. I think there is a view of public service reform that favours the involvement of local people as citizens in deciding models of public service. We are suggesting a modest way of giving all parents the chance to vote—one parent, one vote—when a trust school is proposed. I urge Members on both sides of the House to back our proposals, and I give notice that if the possibility arises, I shall press new clause 16 to a vote.

Sarah Teather: It is a great pleasure to follow the hon. Member for Selby (Mr. Grogan), who made an excellent and funny speech. I shall take up some of his points, but I want to focus on new clause 25, amendment No. 15 and new clause 26, tabled by me and my Liberal Democrat colleagues. They contain what are key aspects of principle for us, relating to accountability and the vetting of trusts. Had there been more time, we would have wanted to press all three proposals to the vote in order to test the opinion of the House. However, we are particularly anxious to test the House's opinion on new clause 26.

As the Secretary of State said earlier, new clause 25—like new clause 48, tabled by the hon. Member for Bury, North (Mr. Chaytor)—proposes the establishment of a central register for those eligible to act as trusts, from which schools may then choose. The system would ensure that all on the register had met the basic standards in the guidance mentioned by the Secretary of State earlier in the debate. We like to think of it as an A-list for candidates. It would conform with the basic set of principles—perhaps diversity could be included—but, as is the case with the local party, schools would be able to choose from the list, while feeling confident that it met those basic standards. It would not set new standards. It would include the standards laid down in the Secretary of State's guidance, but we want to link those standards with legislation.

Unlike the Secretary of State and those on the Conservative Front Bench, we believe that our proposal would make the system easier and simpler, and would remove a burden from schools. Surely if schools know that the basic checks have already been carried out, they can choose between the different ethoi—or whatever the plural of "ethos" is—in the trusts on offer, rather than having to establish whether a particular trust has a particular background. Someone on the trust could have a background in pornography or selling alcohol, or in any of the other examples laid out in the guidance. We are simply trying to establish a safeguard that would make it a lot easier for such schools to know what they are dealing with. The Government should be interested in building confidence in the system and in letting schools know that such checks have already been done.

5.45 pm

Dr. Roberta Blackman-Woods (City of Durham) (Lab): I am not actually sure whether the hon. Lady is speaking in favour of trusts or against them; perhaps she can clarify that point at some stage. Has she considered what is likely to happen in constituencies such as mine? A local company might wish to partner up with a particular school but not with schools in other areas, so it would not want to go on a central register.

Sarah Teather: There is no reason why such a company should not meet the basic standards, or why someone should not check centrally that those standards are being met to enable the school in question to know what they are dealing with. That would take the load off the school, which would not then be required to carry out such checks.

The point is that all the safeguards laid out earlier by the Secretary of State are contained in guidance—they are not written into the Bill. As I understand it, the concession that he gave earlier concerning Ofsted would also not be included in the Bill; rather, guidance would simply be issued. So despite all the concessions that have been made, there are still no such safeguards in the Bill or in regulations. The regulatory framework remains that given to charities under the Charity Commission. As the hon. Member for Reading, West (Martin Salter) pointed out earlier, that is hardly a body with a great record of efficiency. People do fall through the net.

Anyone setting up a charity to work with children or vulnerable adults is required to go through a Criminal Records Bureau check. However, as the *Daily Mirror* highlighted earlier this year, a charity that was set up in the name of a convicted paedophile fell through the net and did not get picked up by the Charity Commission. What kind of CRB check will be required for trust bodies? Will it be the standard check or an enhanced one? Of course, such issues were picked up following the Soham tragedy, which showed that those on the periphery of education are subject to the standard check, rather than an enhanced one. When the Minister winds up, I hope that he will say whether these trusts will be subject to the standard CRB check or an enhanced one. That is an important factor to be considered.

Of course, in many other fields where we expect there to be a test of character, such a test is written into the relevant legislation. For example, a considerable test of character is included in the legislation governing those who ask for a personal licence to sell alcohol. However, there is no such character test in the Bill before us for those who will run our schools. That is not adequate.

Several hon. Members *rose—*

Sarah Teather: I give way first to the hon. Member for Hackney, South and Shoreditch (Meg Hillier).

Meg Hillier: I thank the hon. Lady for giving way. She is making some interesting points. Does she think that locally elected councillors should be CRB checked?

Sarah Teather: That depends on the extent to which they are involved with children. Perhaps we can debate

[Sarah Teather]

that issue on another occasion—I suspect that it is slightly outside the remit of the point that I am trying to make.

Several hon. Members *rose—*

Sarah Teather: I will give way to the hon. Member for Isle of Wight (Mr. Turner) and then I will make some progress.

Mr. Andrew Turner: I thank the hon. Lady for giving way. The hon. Member for Hackney, South and Shoreditch (Meg Hillier) has rather made my point. Of course, local councillors may serve on governing bodies and trusts may appoint people to governing bodies. But it is the governors and trustees who are appointed to the governing bodies who—if they work with children—have to be CRB checked, not the people who make the appointments.

Sarah Teather: I suspect that the Minister will have to clarify this issue, because my understanding is that governors do have to be CRB checked, regardless of whether or not they are local councillors. I will allow the Minister, with the help of his civil servants, to answer that question.

I turn to amendment No. 15, which goes to the heart of the relationship between central Government and local government. In my view, this issue has very little to do with education—we could be discussing it in the context of almost any Bill that the Government introduce. For me, the proper place for taking decisions about the provision of local services is at the locally elected, locally accountable tier of government level closest to the area where the service is delivered: that is, local government. I cannot understand why we are going through the process of attempting to fetter and describe the Secretary of State's veto when it should surely be a point of principle with which the Government agree.

In the 10-year plan for what used to be the Office of the Deputy Prime Minister—I have entirely lost track of what it is called now—one of the stated objectives was to encourage more devolution and delegation to the front line, giving local leaders responsibility, accountability and the opportunity to design services around the needs of local people. Is not that precisely what we are dealing with here, giving the local authority the right to decide what provision is best for local people?

The real question is what the Government believe local government is for. Is it an arm of the central Government's public service delivery or is it a separate, discrete, autonomous and directly elected tier of government able to take its own decisions, accountable to the community, free to pursue policies that are relevant to a local area and free to disagree with the central Government? Is not the central point about democracy and devolution the fact that a locally elected tier of government should be able to make political choices that are different from those of the central Government?

Mr. Turner: The hon. Lady seems to be defending the White Paper as originally presented, which gave the local authority the power to decide in a competition. That power has been removed only because some people insisted on the local authority being able to enter the competition, so it obviously cannot be the judge as well.

Sarah Teather: I am making the point that authorities should be allowed to decide whether a community school is the best provision for the local area. I think that that is perfectly sensible and I am surprised that the hon. Gentleman has attempted to change the point.

Surely it is nonsense to suggest that the Secretary of State knows all of the local circumstances better than the local authority. If the Secretary of State assumes that he does, it profoundly changes the relationship between central and local government. New clause 33 attempts to describe when the veto will be used, but it is the Secretary of State who will describe when the Secretary of State will veto a decision, so it does not represent much of a step forward. I simply think that the Secretary of State should not be meddling at all.

Finally, new clause 26 is designed to prevent a trust from appointing a majority of the governing body. Specifically, it is intended to prevent trusts from appointing governors that would outnumber elected parent governors on the governing body. In the light of all the spin we have heard about parent power and about giving parents choice, it seems nonsensical to pursue a policy that would reduce the elected component of parents on the governing body. Simply saying that a school would have to set up a council is not enough: welcome as councils may be, they are advisory, and having an advisory role is a sop in exchange for taking away the power to vote on and take decisions. Accountability should go to the heart of our own democracy, and we elected politicians should view it as precious and try to preserve it. I would therefore like to test the House's opinion on the new clause, which is very much a point of principle for us.

The Conservatives have tabled a range of amendments, but I am left rather confused about their position: they say that we should trust parents, but they will not accept ballots; they say that they believe in parent power, but they want to reduce the influence of elected parent governors on the governing body; and they say that they believe in localism, but they do not trust local government. There is a disjunction between one part of their rhetoric and another, which makes it difficult to understand.

We will support new clause 16, proposed by the hon. Member for Selby (Mr. Grogan), precisely because we support the principle of giving parents choice and power—

Ms Angela C. Smith *rose—*

Sarah Teather: I am finishing my speech now.

I am surprised that the Government will resist that new clause.

Mr. Marsden: I am pleased to speak to new clause 35, tabled by myself and my hon. Friends, and to comment on some other amendments dealing with federations.

I shall explain from the outset the genesis of our concern about putting some clear definition of the schools commissioner's role directly in the Bill. It started when I and my Select Committee colleagues became worried about the initially narrow way of envisaging the role and the extent to which the schools commissioner would be accountable in discharging it. When the former Secretary of State came before the Select Committee, we pressed her quite hard on the narrowness of the role of acting as a cheerleader for trusts and asked her how it was possible for the schools commissioner to be both poacher and gamekeeper at the same time, if I may put it that way.

As was made clear and as the Government have continued to make clear, the position of the schools commissioner is that of a career civil servant. In proposing the new clause today, my hon. Friends and I are concerned to get more movement in the direction of the schools commissioner being not just a civil servant, but having a far wider and more independent remit to oversee educational provision. We believe that it should include overall monitoring of admissions policies.

Dr. Blackman-Woods: Does my hon. Friend not accept that the guidance that has been issued about the schools commissioner goes a long way towards addressing his concerns? Will he clarify what exactly is missing from the guidance?

Mr. Marsden: I thank my hon. Friend for that intervention. The letter that was issued on 2 May to members of the Select Committee on Education and Skills did indeed give some clarification about the schools commissioner's role. Indeed, the Secretary of State has said further helpful things in connection with the schools commissioner's role in fair admissions for children with special educational needs, but we need to tease out further things from the Government: other hon. Members have already alluded to an important principle about the extent to which we rely on letters and guidance, as opposed to regulation and things stated in the Bill.

Nothing lasts for ever. As I have said on a previous occasion, not even Labour Governments last for ever, and it is therefore important that we should tease out to the maximum extent whether the schools commissioner will have the role of promoting co-operation and fair access, not of being merely a cheerleader for the trusts. I say that advisedly, because concern has been expressed not just by me, my colleagues on the Select Committee and those hon. Members who support the new clause, but by other organisations in commenting on the Bill.

The Association of Teachers and Lecturers said in its initial response that the role of the schools commissioner, as originally defined, was far too narrow and could be used simply to promote trust schools, and it still has that concern. It is also important that the schools commissioner has a strategic role in overseeing admissions policies across the whole local authority area—again, something that the letter of 2 May does not make absolutely specific. So my hon. Friends and I will be looking for further guidance and clarification from Ministers—picking up the Secretary of State's welcome words earlier—about how the schools commissioner will carry out that broader remit. That is important, particularly in the context of the collaboration issue.

Many of the concerns that Labour Members have expressed about the Bill's structure and the direction of travel have been caused by doubts about whether trust schools might act in an atomised fashion—in fact, in the sort of fashion that the hon. Member for Bognor Regis and Littlehampton (Mr. Gibb) so enthusiastically endorsed only a few moments ago. Welcome clarifications of the Bill's direction of travel have been provided by the Secretary of State and, indeed, by the letter that his predecessor sent to the Chairman of the Select Committee. However, it would be helpful to Labour Members, especially those who have continuing concerns about the collaboration issue, if Ministers were able to give more chapter and verse about how the schools commissioner will operate in that respect, and how he or she will be answerable to Parliament and to the Select Committee. However, I accept that we have already seen significant movement on that.

6 pm

My right hon. Friend the Secretary of State referred to federation and said that the amendments on that subject were either too drastic or over-prescriptive. Again, the issue is direction of travel. Many Labour Members and organisations involved have been concerned about what force lies behind attempts to get trust schools to collaborate, not just with other trust schools, but with other schools in their local authority. That is why I welcomed the comments by my right hon. Friend earlier. However, we have to consider delivery. The Association of School and College Leaders said in its response to the Bill that it was concerned that trust schools would reinforce a hierarchy of schools, instead of the focus being on making every school a good school.

The Government need to provide stronger incentives to encourage collaboration and partnership work. After all, we have models for that in previous education legislation and in the excellence in cities programme. The whole specialist schools programme is predicated on the principle of sharing and spreading good practice across local authorities. The Institute of Education regrets the fact that the Government have not made federation the chosen model for trust schools, which they could have done on the face of the Bill, given the rhetoric about encouraging federation and collaboration. If Ministers will not accept prescriptive amendments on federation, my hon. Friends and I hope for stronger assurances that further attention will be paid to how the collaborative process will work. The issue goes beyond the narrow confines of the Bill and is a question of—if hon. Members will excuse the pun—trust in trusts. We need to trust trusts not to operate as rogue elephants but as central providers across a local authority area and to do so in conjunction with the new and expanded role for local authorities.

I welcome some of the reassurances that have been given, but I want to see further progress. I also want further detail, because—as always—the devil is in the detail, on how the assurances about co-operation and collaboration will operate in practice.

Mr. Edward Leigh (Gainsborough) (Con): I wish to speak briefly to new clause 64, which I tabled, and other amendments. I hope to be brief because I sat through 55 hours of the Bill in Committee and listened to debates on numerous amendments—some 500 were tabled, but only a handful were accepted. I do not need to detain the House at any great length, partly because I am confident that new clause 64 will not be accepted either. However, I throw bouquets to Ministers in the hope that one of them may be picked up.

The Secretary of State spent more than an hour trying to reassure Labour Members about the Bill. It is in everybody's interests, certainly of Front Benchers on both sides of the House, to claim more for the Bill than it contains. It is in the interests of the Prime Minister, because he wants to show that he can still bring in something radical, that he is not a lame duck and that he believes in the state being the enabler, not the provider. It is in the interests of those who oppose him on the left of the Labour party. I accept that they have strong principles on this issue, but they also want to burnish their belief that the Prime Minister is some kind of closet Tory—I do not think that he is. It is also in the interests of my Front Bench colleagues to claim more for the Bill than it contains because they want to set out their stall as a constructive Opposition—an understandable and correct point of view.

The truth is, as everybody knows, that the Bill will not make much difference to the educational establishment in this country. Indeed, the Secretary of State assured us that these radical new schools—which according to some opponents of the Bill will allow middle class parents to opt out of the system—will remain in the local authority family. Numerous clauses in the Bill will enhance the powers of local authorities, the Secretary of State and local adjudicators. It is nonsense to suggest that the new schools will be anything like the grant-maintained model, and I see no reason why anybody has anything to fear from them. A fair number of schools may take up the offer to change status, but given that some 63 per cent. of schools are already community schools, the Bill will not amount to an historic change. My Front-Bench colleagues have made the point, and I agree, that this Bill is not an historic change like the education legislation in 1944 or 1988, but we still need to have this debate.

The speech by the hon. Member for Selby (Mr. Grogan) was excellent and he put his finger on the issue. It is in the interest of those who support more schools having independent status not to have ballots. If we are honest about it, we do not want ballots because they favour the forces of conservatism. People do not like change. Those who were opposed to grant-maintained schools on any basis whipped up sentiment against them, but parents could be persuaded because they are conservative and do not want change. That is why the Secretary of State does not want ballots and why my party does not favour them. We recognise that we made a huge error in introducing ballots for grant-maintained status, because it led to the politicisation of the system. It was only because of opposition in the House of Lords, which certainly represents the forces of conservatism—radical Conservatives like me are always worried about it—that we introduced ballots.

Annette Brooke (Mid-Dorset and North Poole) (LD): Does not the hon. Gentleman think that if parents perceived that their children would benefit from a change in the status of their school, they would vote accordingly?

Mr. Leigh: Yes, I must not exaggerate my argument. Nearly 20 per cent. of schools became grant-maintained after the arguments had been set out. No doubt if we had ballots, some would be won by the governors and those who support the new model. However, the trouble with introducing the equivalent of grant-maintained schools is that people will say that they will be given special treatment and funding, as well as other benefits and advantages that are not available to other schools. If all schools were first foundation schools and then grant-maintained, it would be difficult to argue against them on the basis that they were taking more resources than they were entitled to. The one accurate argument that the Labour Opposition had against grant-maintained schools, and it was true—although denied at the time—was that they were given better funding arrangements in certain circumstances. That was unfair, but the simple way to overcome that argument would be to make all schools grant-maintained. Deep down, that is where the Government are coming from and I suspect that the Prime Minister has been frustrated by the lack of progress in state education.

Despite our differences, all hon. Members should be very frustrated about what is going on. We know about the independent report from the National Audit Office that says that 23 per cent. of schools are underperforming. That affects 1 million kids. We all know that something radical needs to be done, so why deny the elementary truth that the Prime Minister has cottoned on to—that there must be radical change in our education structure? That is what lay behind the White Paper and the excellent notion that local authorities should be commissioners and not providers. It is a pity that we have not managed to sail along more with the Prime Minister in the direction that he wanted.

The Minister for Schools (Jim Knight): I am sorry to interrupt the hon. Gentleman's flow, but does he accept that the NAO figure of 23 per cent. includes schools that have been described in this debate as "coasting"? Will he confirm that it would be inaccurate for the House to believe that 23 per cent. of schools were failing?

Mr. Leigh: I do confirm that, and am sorry to have given the opposite impression, but is not a school that is merely coasting still failing its students? I think that it is. We want all schools to be excellent, although that may not be possible in the real world. However, it is a matter of serious interest if 1 million children are in coasting or under-performing schools. Presumably, that is what prompted the Education White Paper, and why the Prime Minister felt that we needed these radical proposals. It is a pity that he cannot use his massive parliamentary majority to get his way in this matter.

I have tabled my amendments because the Bill places all sorts of obstacles in the way of schools. For example, a school that decides to become a new foundation school has to publish a proposal, then consult the LEA and other schools, parents and teachers in the area, and then consult any national faith

group that provides the school. If the proposed foundation school does not have a religious character, it must consult the trust or foundation that provides the school. If proposals affect the provision of full-time 14 to 19 education, the Learning and Skills Council must be consulted. Local MPs must also be consulted, as must local district, parish and community councils. The school must also consult any other person considered to be appropriate by the governing body, and any other interested party. Special schools must consult the local NHS primary care trust. All proposals must be published, in a newspaper and at all the school's main entrances, and they must also be sent to the LEA and the Secretary of State. The list of requirements goes on and on.

Ian Stewart: What is the hon. Gentleman's problem with democracy?

Mr. Leigh: I have no problem with democracy, but the requirements amount to a fig leaf for the Government. They want to reassure their supporters that there is no need to worry, as comparatively few schools will go down that route. Already, 63 per cent. of schools are community based. It is possible that another 100, 200, 300 or even 500 schools will choose to become one of the new foundation schools, but what difference will that make, when there are more than 20,000 schools in this country?

That is the reality. I am not afraid of democracy, but I want the debate to be honest. So far this afternoon, the debate in this Chamber has not been honest.

Mr. Andrew Turner: My hon. Friend asks what difference 500 schools choosing foundation status would make, but the fact is that a very small number of schools can make a considerable difference to how even this Government try to reorganise our education system. It is clear that Lord Adonis has recognised that from day one.

Introducing this Bill is not the seminal act by this Government. The seminal act was when they passed the Education Act 2002. Section 2 of that Act allowed innovation and deregulation, and gave the Secretary of State the power to suspend any statutory requirement in response to the wishes of a governing body or LEA. That is—

Mr. Deputy Speaker: Order. That has been a long intervention.

Mr. Leigh: But it was an excellent intervention, Mr. Deputy Speaker. Lord Adonis is one of my heroes, and he faces an uphill struggle. However, I may have been unfair to the Government. I may have listened too much to what has been said in this Chamber, when I should have paid more attention to the subtext. Perhaps representing foundation schools as beacons and gradually giving them more independence will do the trick and cause good practice to spread. Even so, all sorts of problems remain with the model proposed.

Paul Farrelly: Does the hon. Gentleman agree that it is extremely important for the future of children's education that trusts and trustees should be properly vetted? Is not consultation an integral part of that? The debate has focused on secondary schools and large academies, but the Bill reaches down to the smallest village school. It is very important that no Tom, Dick or Harry—or Roman Abramovich—is able to take over a school without being properly vetted. That is another argument in favour of ballots, as local parents know what is going on in their area.

6.15 pm

Mr. Leigh: The hon. Gentleman identifies a fundamental difference of opinion between us, which leads me on to my final point. Last Friday, I attended a debate at the Harvard Business School. Professors spoke about educational problems in America and described precisely the same problems that have been identified this afternoon. In America, one option is known as the Edmonton model, by which schools are given complete independence to do as they like. The other model gives much more control to school boards. Under that model, outsiders have to be vetted carefully in exactly the way set out by the hon. Member for Newcastle-under-Lyme (Paul Farrelly).

In its wisdom, the Harvard Business School has determined that structure makes much less difference than the quality of a given head teacher. That may be the only element of my speech to find general agreement around the House. So why are we so obsessed with structure, when we know that it makes very little difference?

If we agree that the quality of the head teacher is crucial to a school's success, why do we lack the confidence to give head teachers the power to run their schools as they want? They are the professionals: why do we in this Chamber think that we must always second-guess them? Why can we never trust the people who have been trained, at such expense, to run our schools?

Helen Jones: A school's head teacher is crucial to its success, but he or she will not get every decision right. No human being does, so is that not why we need a series of checks and balances in the system? That includes giving parents a right to have a say, as it is their children's future at stake. If there is to be a fundamental change in a school's character, parents should be consulted. That is what I would want if my son's school were involved, and I am sure that the same is true for other parents.

Mr. Leigh: Of course that is right, and it is why I want head teachers to be subject to governing bodies. I should be happy for those bodies to be elected by the parents of children attending the school, but I should also like the head teacher who reports to that governing body to have maximum freedom. I do not see why that statement should be regarded as too radical, or simply wrong.

The hon. Member for Warrington, North (Helen Jones) is right: head teachers are human and they will make mistakes, but we should let them. However, if a school does not deliver what parents want, those parents have some power. If a school's success depends on students wanting to attend it—and I hope that we still believe in allowing money to follow the pupil—people

[Mr. Leigh]

will vote with their feet and the school will have to reform its ways. That is what real consumer choice is all about. It does not lie in this Chamber but in the millions of decisions that ordinary citizens make.

Ms Angela C. Smith: Does the hon. Gentleman accept that head teachers already have considerable freedom in how they run their schools? That was started by the previous Conservative Government, but it has been continued by this Labour Government. Does he agree that the Bill offers head teachers new freedoms to bring in external partners to help them and the governors improve their schools still further?

Mr. Leigh: That is the hon. Lady's third or fourth intervention, and all have been excellent and very loyal to the Bill. I wish her well, but she asks a question that is not my business. I am in favour of anything that gives head teachers more independence or more power to bring in external partners, and I approve of anything that gives them power to federate. I have no problem with any of that but, to get the Bill through the House, the Government have given more power to the Secretary of State rather than less. That is something that we should be worried about.

Annette Brooke: The hon. Gentleman and I both had the honour of attending the Harvard Business School lecture. He might also have pointed out that leadership at district level was identified as the most important factor. The role of the local education authority is critical in the Bill.

Mr. Leigh: It all goes to show that one's views of a lecture are always subjective; one's innate prejudices affect one's approach. I thought that the lecturers presented two arguments: the Edmonton argument, to which I referred, of complete independence for schools, and the argument that local school boards should have a lot of control in achieving collaboration. At the end of the day, however, there was no overwhelming evidence that changing structures changed very much. I think that that is what the lecturers said, but if I am wrong I apologise to the hon. Lady and to them, although I am sure that they will not mind if I misquote them—they are very unlikely to read these words in any case.

In Committee and on Report, I have tried to set out my alternative structure for education. I realise that the Government will not pick up on it, but as my hon. Friends work out their education policy over the next 18 months, I hope that they might move towards a policy of all schools becoming independent charitable trusts, to fulfil the Prime Minister's vision that all state schools should be genuinely independent.

We need not get bogged down by whether we are in favour of or against grammar schools; I am not interested in that. All I am interested in is that schools be allowed to hire and fire, select and deselect and run their budgets as they please. That does not mean that there will be a rush of new super-selective schools. Many people, not just the middle classes but people stuck in working-class ghettoes, favour diversity. To refer again to the US, where voucher schemes are being introduced in many states, it is often black parents in poor neighbourhoods who favour education credits and vouchers as a means of escaping from the ghetto.

I realise that I have not yet persuaded my Front-Bench colleagues to adopt education credits but I live in hope that that day will come, because it is an obvious and inescapable way of breaking down the social apartheid in education. Why does this country alone among European countries have such a large private education sector? It does not exist in France, Germany, Italy or Spain, so does not that lead Labour Members to question the economic rationale? Private education is not illegal in France, Spain or Germany, so why do as many as 50 per cent. of parents in some of our boroughs feel that the only way to obtain a decent education for their kids is either to get a chit from the parish priest so that the child can go to a faith school or to pay for independent schools?

Why do the conservatives sitting on the Labour Benches below the Gangway believe that so many parents want to opt out of state education or want to escape from community schools to faith schools? What is the reason? Education is failing in this country because we do not have sufficient trust and faith in the ability of head teachers to run schools as they want. All my amendments were tabled in the hope of achieving that. None of them will be accepted, but one day I believe that we shall win that crusade.

Mr. Chaytor: I support new clause 16, proposed by my hon. Friend the Member for Selby (Mr. Grogan) in favour of ballots, and I want briefly to speak in support of the three amendments tabled in my name.

My right hon. Friend the Secretary of State made a powerful case in his opening statement for the Bill as it now stands. I shall support it on Third Reading because it is in much better shape than we were led to believe would be the case when the White Paper was published. Its long-term and short-term effects will actually be slightly less than its most fervent advocates hoped and its fiercest opponents feared. It will not be earth-shattering legislation but it has many important provisions, especially on school discipline, the reform of the curriculum, school travel and school meals, quite apart from the changes in governance and structure, which will be beneficial.

I shall support new clause 16 because I tabled an amendment on similar lines in Committee; it was not put to the vote, but the arguments were valid. However, I approach the question of ballots from a slightly different point of view. I start from the Education Reform Act 1988. It is interesting that a number of Conservative speakers, including Front-Bench Members, now accept that their ballot system, introduced under that Act, was a mistake. But had that legislation not included provision for ballots, what would have been the position of the Labour Opposition at the time? Would we have accepted that it was entirely legitimate for a simple majority in a governing body to opt out of the local authority, with the huge additional resources that went with that, without further consultation with parents? Of course not.

We thought that the ballot process in the 1988 Act was necessary. We participated in many ballots across the country and ensured that fierce local debate took

place. We also ensured that when the result of the ballot had been announced it settled the issue, because the ballot conferred legitimacy.

I take a slightly different view because I do not fully accept the argument that new clause 16 would reduce the number of schools that will opt for trust status. The advantage of a ballot is that it would encourage much better-informed debate about the implications of transfer to trust status. The hon. Member for Gainsborough (Mr. Leigh), who made an interesting speech, pointed out that people are naturally conservative and reluctant to change. That is a reasonable generalisation when the status quo is acceptable, but when it is not, and when parents are conscious of difficulties in respect of their children's education or the capacity of their school, they are very open to alternative ways forward. That is why the use of a ballot would provide far better-informed local debate and would not necessarily result in a reduced number of schools taking that route.

In the short term, I do not think there will be a huge wave of new trust schools. I am not opposed to the concept. We already have foundation schools, although few people seemed to know that they existed before the White Paper was published, and nobody has ever argued that we should abolish them, so I can see no great objection to having more of them, if it is the outcome of serious local debate and there is general agreement that they are a useful way forward.

It has been argued that the ballot is a distraction or somehow not legitimate, and that other forms of consultation are preferable. Of course, it is important that there are other forms of consultation and that the ballot is not free-standing. My reading of new clause 16 is that the ballot would be a precondition for transfer to trust status but that it would not inevitably result in such a move, precisely because there would be other forms of consultation. The local authority would have the right to be consulted and to refer the matter to the adjudicator and neighbouring schools would also have the right to be consulted.

It is important that we maintain the basic principle of one parent, one vote, but that there is also another set of procedures for consultation. As I said in Committee, in response to Conservative amendments that would have allowed 50 parents to demand that a new school be built, I am not at all in favour of small numbers of parents, who may not be representative, sidetracking or hijacking normal democratic procedures. However, where such proper procedures are built into the system, they give greater weight to decisions.

My right hon. Friend the Secretary of State referred to one of my proposals, new clause 44, which provides that before a decision on trust status is taken, there should at least be a parents' meeting. He expressed interest in that suggestion, so I hope that he might accept the new clause when he responds to the debate. However, it seems ironic and illogical that at precisely the moment at which we are relieving governing bodies of the burden of holding an annual parents' meeting—because we know that the experience of annual parents' meetings has been less than satisfactory and that the attendance is almost derisory—we are arguing that an annual parents' meeting is a better means of resolving the issues than a ballot. I see the parents' meeting as another part of a package of measures that would make up the consultation procedure. That package would include a ballot and consultation with the local authority and neighbouring schools.

6.30 pm

Ms Angela C. Smith: One of the most controversial and difficult decisions that a school governing body ever has to take is the decision to close a school. That is also a situation in which parents become conservative and resistant to change. Does my hon. Friend recommend ballots in those situations as well? Is that not the logical conclusion of his argument?

Mr. Chaytor: In the case of school closure, it is entirely reasonable that a ballot should be part of the overall decision-making process. We are not talking about school closures at the moment, but, yes, I agree. Denying parents a vote on an issue of central importance will inevitably lead to greater division and a lower level of legitimacy for the final decision. The weakness in the argument that schools or governing bodies may choose to have a ballot, but it will not be mandatory, is that we then face the prospect of a series of different kinds of ballot being held according to different kinds of rules. If we have a democracy, everybody should play by the same rules. We cannot have school A holding a ballot with a particular definition of the electorate and according to a particular procedure, and school B, a mile down the road, doing things differently. That would be a recipe for chaos and would lead to challenges. It would be a huge job creation programme for the schools adjudicator's office. There will be hundreds of appeals to the adjudicator if we do not ensure that consensus is at the heart of the process and if we allow a comparatively small number of people on a small governing body to have the final say—perhaps by a tiny majority.

Sir Peter Soulsby: Does my hon. Friend agree that many of us already have experience of consultation without ballots in the context of the establishment of academies in our constituencies? I know from my own experience that that so-called consultation involved professional consultants, a lot of money and a professional selling job. I hope that he would agree that that sort of consultation is based on no real understanding of the issues and no real say for parents, and that there is really no alternative to proper information, proper debate and a vote.

Mr. Chaytor: That is the heart of my argument: the ballot process ensures that the decision is made on the basis of the best possible information. It ensures that everything is on the table and that, after the decision has been taken, nobody can say that they were not consulted or that the arguments were not presented properly.

New clause 38 deals with the question of the Secretary of State's veto and simply requires that the Secretary of State has to have regard to standards as the key criterion before giving his or her approval. New clause 33 deals with many of the concerns that Labour Members, in particular, had about the Secretary of State's role and veto. The model put forward of local authorities in different categories being able to make their own bids for new community schools is absolutely

[Mr. Chaytor]

right. As I think was said earlier, we hope that, as time goes by, more local authorities will move out of the lowest categories, so logically there should be less need for the Secretary of State to exercise the veto. I am therefore comparatively happy that the Secretary of State has responded to those concerns.

I want to say a word or two about new clause 48, which relates to the register. Having listened to what was said earlier, I am not sure that there is very much difference between a register that is compiled in advance and a website compiled retrospectively. The two sides are moving very close together. However, just as the ballot ultimately serves to legitimise the policy and to protect those who argue the case for it, the register serves to legitimise the policy by giving a guarantee—as far as the Government can give that guarantee—that a trust on the register is a suitable trust. The register also protects the Government.

I ask the Minister to think of the tabloid hysteria in the week before this year's municipal elections. What would happen if, in the week before next year's municipal elections or the general election in three or perhaps four years' time, we had similar tabloid hysteria because one individual in one trust that had not been properly vetted in advance by the Department, but had nevertheless formed a relationship with a school, had been involved in one of the activities that the guidance proscribes? I am talking about tobacco, gambling and various other things. If we found ourselves in that situation, not only would the trust policy be undermined, because it would be seen to have led to inappropriate people becoming involved in schools, but the Government would be undermined. The argument for the register is that it protects the Government as well as the policy.

Dr. Blackman-Woods: My intervention relates to ballots. Will my hon. Friend explain why, in the context of the decision, he is giving so much weight to local parents who currently have children at the school? They may have a child at that school for only three, four or five months. Why do their views outweigh the desires of the wider community, including child care partnerships, the local authority and parish councils?

Mr. Chaytor: My hon. Friend makes an important point. Obviously, there are limitations with any electorate. The reason for being part of that electorate can be greater or lesser. However, although some parents at the school may not have a long-term interest in it—having said that, parents of children in year 11 may have children about to join the school in year 7—the same argument could equally apply to the governing body. There will be people on the governing body who may no longer be governors in three or six months' time. We have to accept that, whoever is given the job of taking the decision, there will be some difficulties and anomalies of the kind that she has identified.

Margaret Moran: Will my hon. Friend explain how the parents of children in schools in my constituency that feed into South Luton high school, which has been a failing school for many years, can have the influence that they want to improve that school, either as a trust school or as an academy? Surely those parents have a right to influence the decision. Their children will be going to that school and those children's future education is at stake.

Mr. Chaytor: I entirely agree, but it then becomes a matter for the governing bodies of the feeder primary schools to decide whether they wish to hold a ballot and provide that level of consultation with parents. My argument is that no one group should have a veto or supreme power. The issue is about getting the right checks and balances between the rights and responsibilities of parents, school governors and the local authority, and of parents and governors in neighbouring schools. I return to my point that, as I read new clause 16, the ballot is a precondition for the move to trust status, but does not automatically lead to trust status, because that decision will be dependent on the wider forms of consultation, as well.

Paul Farrelly: I am glad that my hon. Friend supports the new clause in the name of my hon. Friend the Member for Selby (Mr. Grogan), which will be put to a vote later. I have carefully read the new clauses tabled by my hon. Friend the Member for Bury, North (Mr. Chaytor) and they are excellent. They are well drafted and make powerful points. They have attracted a great many signatures from Labour Members. Which out of new clause 38, new clause 44, new clause 48 and the consequential amendment No. 96 does he intend to push to a vote later tonight?

Mr. Chaytor: None of them, for the reasons that I gave earlier.

Let me make my final point on new clause 16. When a school has been in difficulties, we must assume that its governing body has not been entirely effective—I do not want to make any stronger criticism than that. We know that many governing bodies throughout the land, of both primary and secondary schools, are not entirely effective. Is it not completely illogical that the decision about a transfer to trust status should be put in the hands of the people who were responsible for the decline of the school in the first place? We must return to the point that no one group of people should either have a veto, or be solely responsible for taking the decision. Such a decision could have an impact on many people and, perhaps, throughout a whole local authority because other schools would have to be involved. We must consider current parents and future parents with children coming through from primary schools. All voices must be heard, but a requirement to hold a ballot of parents in the school that is most directly and immediately involved should be paramount.

Mr. Kenneth Clarke (Rushcliffe) (Con): It was a pleasant and unusual experience to speak on Second Reading, because I was able to support an education White Paper that had been put forward by a Labour Government and vote in favour of a Bill that largely, although not entirely, lived up to the expectations of that White Paper. It was certainly most unusual to find myself voting in a parliamentary majority of well over 300 for an education Bill because, regrettably, education has probably been one of the most divisive political topics that the House has contemplated over many years. I could not help reflecting on how much

the Ministers who embarked on the process of public service reform in various areas during the late 1980s and early 1990s would have wished for such an emerging consensus on the principles that we were progressing. We would no doubt have got a lot further by now if we had not had many years of dispute and—when the Labour party first got back into office—retreat, before getting back more or less to where we started.

Despite the consensus, when the Bill went into Committee I was worried about how much the Government would retreat from what they had put forward. Of course, I welcome parliamentary discussion of a Bill's details. I always welcome it when Governments of any complexion make concessions in response to arguments that have persuaded them, but the process for this Bill was most unusual. Governments are normally most inclined to make changes to legislation when their usual parliamentary majority is squeezed, and they thus feel under pressure and in need of restoring support. However, the proposals that the Prime Minister wished to get through the House of Commons were supported by an overwhelming majority, but the Government were obliged to enter into horse-trading with, and to make concessions to, a significant minority of their Back Benchers, most of whom opposed the principles of reform as a whole.

After considering the amendments, I share the judgment of my right hon. and hon. Friends who speak from the Front Bench that the Government have not retreated too far and the essential virtues of the Bill remain, so I will continue to support it. However, new clause 33 shrieks of compromise and is a long way away from the Prime Minister's stated preference, which I take to be that set out in the White Paper—that local authorities should steadily move towards encompassing more of a commissioning role and stop thinking of themselves solely as the providers of services. But there we are—the proposal looks workable and no doubt the guidance and regulations could be amended by a future Government if it turns out to give rise to practical problems, so I am quite content.

As I have agreed with everything that has been said by Conservative Members, I will confine myself to making the point that induced me to participate in the debate. I urge the Minister and his colleagues to continue until the end of the Bill's legislative process to resist strongly the arguments in favour of ballots that are supposed to determine the extent of progress. I like to look forward on these subjects, so I will try not to burden the House too much with my past experience—but I think that I was one of the Ministers who were right in the middle of what I regard as the experiment of balloting on such changes that took place in the late 1980s and early 1990s. The experience was unhappy and divisive and did this country's education system no service, so I really do not think that we should go back to it.

Ian Stewart: Why is it that Members who argue against balloting do not have the eyes to see, or the ears to hear, that what was divisive was the principle of the proposals in the first place?

6.45 pm

Mr. Kenneth Clarke: It turned out that balloting was used as an excuse to try to wreck the principles underlying the reform, as I shall briefly explain. I will not repeat the principles on which the majority consensus in the House agrees. We are looking for a better form of localism in so far as structure is relevant to improving the quality of service, although I agree with all those who have expressed reservations about whether structural reform in itself can guarantee success. There are more important factors, but such reform is an important contributor nevertheless. We are moving back towards a situation in which we are striving to give people who deliver services at the local level more autonomy, discretion and control over what they can provide. We are trying to determine whether we can introduce a greater diversity of providers and have some competition among them, because we think that the process will thus become more consumer-oriented and, in the case of education, that parents will get used to the feeling that they are able to exercise more choice and real influence over the schools that they choose when they get into the education system.

Kenneth Baker—now my noble Friend Lord Baker—embarked us on such a process in 1988. However, that was part of a whole package of reform. We had grant-maintained schools and city technology colleges. In the health service we had NHS trusts and GP fundholding practices. We also had housing action trusts. All those things followed the same underlying principles of localising and moving towards more local discretion and a greater diversity of supply. We did not have ballots for most of those proposals—when we started out, we were not advocating local ballots for any of them. We had ballots on housing action trusts and grant-maintained schools, but my recollection is that that was not the intention of the Government in whom I served when we first put the proposals forward. I recall that we were defeated in both cases by the House of Lords, which insisted that when setting up housing action trusts, which took the management of housing out of local authority control—they achieved great improvements in many cases—or allowing schools to take up grant-maintained status, the matter should be subject to a ballot.

I am sure that the arguments that then appealed to their lordships were very similar to the reasonable-sounding arguments that have been put forward by the hon. Members for Bury, North (Mr. Chaytor) and for Selby (Mr. Grogan). The arguments are, "We're all democrats. Why can't we have an intelligent local discussion? If the reforms are so attractive, surely you'll find that the proposals will be carried forward by the people who will benefit from them. What are you frightened of?" Their lordships were attracted by that democratic appeal—such appeals usually attract them on any argument except that concerning their own status and composition—and we were rather unsure whether we had an adequate majority to overturn them, so away we went with ballots built into the proposals.

I have been involved in many such proposals at various stages. It was always my intention that NHS trusts should eventually become the norm in the health service, as they have. It was always my intention that grant-maintained schools should be the norm. However, we never imposed them and no one is suggesting that they should be imposed now. The whole point of introducing changes to the structure was that local people—governors and head teachers, in the case

[Mr. Kenneth Clarke]

of schools—should put forward the proposals and volunteer for the change. The likelihood of success is increased enormously if that happens. The people who opted for NHS trust status, the GPs who wanted fundholding practices, and the governors and head teachers who opted for grant-maintained status were thereby committing themselves to making a success of the changes that they were introducing. They chose to do that not at the behest of the Conservative party or Whitehall, but because they believed that they could demonstrate to their communities that they could produce a better service if they did.

That is the basis on which we proceeded. NHS trusts spread like mad, and they were the norm when the Labour party came to power, which is why the right hon. Member for Holborn and St. Pancras (Frank Dobson) could not abolish NHS trust status when he was Secretary of State. If we had been in power for longer, GP fundholding would have become the norm. It would not have been reversed, so the Government would not have been obliged to return to it, as they are currently doing.

There were hundreds of grant-maintained schools, but they did not become the norm. All those ballots were bitter political and ideological battles. There were about 10 such schools when I assumed responsibility for education. By the time I had finished there were more than 100, and I could probably list all their names. We fought a battle from trench to trench across the country as those ballots took place. We should not be under any illusion. I heard the charm in the voices of left-wing members of the Labour party who asked what was wrong with a ballot—but head teachers and governing bodies required great courage to subject themselves to the ordeal, and it left some of them badly knocked about. Local authorities, including Conservative ones, defended their institutional interests by devoting large amounts of money and a great deal of officer time and effort to campaign against the proposals. They were supported by the teaching trade unions, which contributed a great deal of money. Local Labour organisations were wheeled into action to distribute leaflets, and everything became a political battle, in which we could not even agree on the facts.

In my county—but not in my constituency—the local authority mounted an elaborate and successful case. Contrary to the general argument that grant-maintained schools were unfairly financed, it persuaded parents that such schools would lose money, so there would be less money per pupil. There was a predictable effect on parents, who were not initially hostile, and had been attracted to the proposal when it was first made by the head teacher and governors, whom they knew.

As my hon. Friend the Member for Gainsborough (Mr. Leigh) said, the public are instinctively conservative; that is one reason why we make such slow progress on these subjects. The secret of referendums and local ballots is that people always vote against change. Parents are naturally cautious about change, but they are prepared to listen to head teachers and governors explaining that they will do better under the proposals. However, they may discover that they have wished on their community a ferocious political battle, and there may be welter of warnings and even threats. Staff who make a commitment to support grant-maintained status worry about what will happen if they lose the ballot and find themselves back in the employ of the local authority, which expended a great deal of effort resisting change.

In some cases that battle was bitter and extreme, and we lost most of the ballots—*[Interruption.]* I am delighted to be told that we won most of them; we obviously began to improve as time went on, and subsequent Ministers assumed those responsibilities. Personally, however, I lost quite a lot. Whether those battles were won or lost, the process politicised and poisoned the atmosphere in schools, and it took a long time to recover. If anyone tries to seduce us with arguments about gentle local democracy giving more legitimacy to change, they are defying our experience in the early 1990s.

Mr. Andrew Turner *rose—*

Mr. Clarke: I shall give way to my hon. Friend, who was very much involved at that time.

Mr. Turner: I apologise for the vehemence with which I tried to set the record straight a moment ago. I do not feel particularly strongly about ballots, but is it not a regrettable fact that areas where people were confident were more likely to benefit from grant-maintained status? Areas that were likely to bamboozled by the forces of conservatism, whether those were represented by the hon. Member for Bury, North (Mr. Chaytor) or others, lost out.

Mr. Clarke: Yes, with the inevitable result that we tended to do better in middle-class, articulate areas that were familiar with arguments about management. However, as we all agree in the House, the need for educational reform is often strongest in deprived areas where people are not used to being involved.

Madam Deputy Speaker (Sylvia Heal): The right hon. and learned Gentleman has taken us on a historic tour of the battles over grant-maintained schools. Perhaps he can now bring that experience to bear on the new clause.

Mr. Clarke: I am not the only Member who, as well as discussing where we are now, enjoys reminiscing. You are quite right, Madam Deputy Speaker, to say that I have done enough of that—but it explains my belief that we should not go any further than the Government have gone with their highly elaborate and bureaucratic consultation. We should not allow arguments about ballots to make further progress, and the House of Lords should not be seduced by such arguments.

I agree with my hon. Friends the Members for Gainsborough and for Isle of Wight (Mr. Turner) that there is a danger that we will elevate all those things and give them symbolic significance, which they probably do not deserve. Nevertheless, this is an important step. We have experimented with city technology colleges, grant-maintained schools and city academies, and some of them have made substantial advances that they would not otherwise have achieved.

They also have a much wider effect on the education system as a whole, as they provide an example of what can be achieved and they help to spread best practice. I trust that that will happen in this case.

I hope that the spirit of consensus will be restored once the Bill completes its legislative passage. In a few years' time, people will wonder what the fuss was about, compared with 1988—to which I am forbidden to return. In 10 years' time, people will marvel that the House continued to resist the idea that parents could be trusted with much more control and influence. The provision of education services by a much wider diversity of providers will come to be regarded as the norm. I hope that this particular debate will be seen as the last thrashing about by a part of the House that has done absolutely nothing to contribute to educational reform or change. It is a small minority, whose members do not realise the urgency of reform or understand its importance for our society.

Helen Jones: After years of being referred to on my home turf as the hammer of the Trots, it is a pleasure to be referred to as a left winger by the right hon. and learned Member for Rushcliffe (Mr. Clarke). If my hon. Friend the Member for Crewe and Nantwich (Mrs. Dunwoody) were in the Chamber, she would be similarly amused.

I wish to speak in support of new clause 16, which was tabled by my hon. Friend the Member for Selby (Mr. Grogan), and to touch on a couple of new clauses that stand in my name. Some of the arguments against allowing parents to conduct a ballot on a major change in their child's school are extremely flawed. My hon. Friend the Member for City of Durham (Dr. Blackman-Woods) asked why parents should hold a ballot. The answer is set out in the White Paper, in which the Government say that they want a to move to a position where

"the system as a whole is increasingly driven by parents and by choice."

If we want to give people a choice, we must accept the risk that they will make choices that we do not like. That is what democracy is about. Some of the suggestions that we have heard apply to any election. It was suggested, for example, that it is unfair to hold ballots, because a great deal of information is sent to people. Contentious views are expressed, and the process became politicised. So be it—we must trust parents to sift the information and make a decision. We trust them to do so in a general election, so why not trust them in a ballot on their school?

It was suggested, too, that parents of children who would soon leave the school would not have long-term interests in its future. That was answered very well by my hon. Friend the Member for Bury, North (Mr. Chaytor), who said that that is true of all electorates. I invite my hon. Friends and Opposition Members who subscribe to that view to apply it to the electorate voting in a general election. "You may not survive for the whole of this Parliament. You might pop your clogs very soon. You won't have a vested interest, so we'll not allow you to vote." One can say that about every electorate in every election.

7 pm

New clause 16 does not preclude further ballots taking place. It does not preclude involving parents at feeder schools. It does not preclude other consultations. It states that if we are serious about parents being at the heart of the system and if we are serious about choice, we must allow them to make that choice. Some in the Chamber have come close to saying this afternoon—the right hon. and learned Member for Rushcliffe almost said it in these terms—that they did not like ballots because they did not produce the results that they wanted. That is not a tenable position in a democracy, and it is a very dangerous road for politicians of any stripe to go down.

If the Government are convinced that trusts will be popular with parents and that that is the right way to go, let us have the argument and let parents have a say. There is nothing to fear from a real debate. If we do not accept the new clauses and amendments, let us consider the choice that we are offering to the parent of a child at a school whose nature and ethos is to change radically. I think of how I as a parent would react.

There are a number of reasons why a parent may disagree with the school's decision to become a trust. The parent may believe strongly in community schools, or may object to the people who will be coming in to run the trust, perhaps because the parent objects to their business values or does not like their religious ethos. There could be any number of reasons. That leaves the parent with the choice of leaving their child in a school with whose ethos they fundamentally disagree, or disrupting the child's education by moving them. We give them that choice without letting them have any real say in a ballot on the school's future. That is not a tenable position.

We must tell parents that we trust them to read the information, consider the contending arguments and have their say in a ballot. If we do not, we are implicitly saying that we do not think parents are bright enough to determine the outcome or to decide among all the contending groups. That is nonsensical.

Ann Winterton: In spite of her opposition to the grant-maintained school example, does the hon. Lady agree that ballots in the schools that became grant-maintained strengthened those schools because they had a head teacher who gave a lead—*[Interruption.]* More money, possibly, but that was not the only reason. Does she agree that those schools had a head teacher who was go-ahead, and a supportive and excellent governing body, who knew that they were supported by the body of parents?

Helen Jones: In any school the support of parents is needed. The school will not work properly if it cannot carry the parents with it. I take strong exception to what was said earlier. The implication was that because parents in working class communities voted against grant-maintained schools, they were not au fait with the arguments. In my experience, they were. They simply had a particular view of how they wanted the schools in their community to be organised.

Tom Levitt: I hope that those listening to the debate are not unintentionally misled by something that my hon. Friend just said. She spoke about parents perhaps being concerned about the religious ethos or the business values of a trust, but the trust cannot be a

[Tom Levitt]

religious organisation and must be a charity, so that would not arise. Similarly, she spoke about the ballot making a decision. That is not what new clause 16 says, and I do not think it is what my hon. Friend intended.

Helen Jones: I think that my hon. Friend misunderstands the position on trusts. He is right that the trust will be a charity, but it quite possible for it to be a charity and to have behind it a business organisation or a religious organisation. One of my great concerns about the setting up of trusts has been all along—I said it on Second Reading—that there are fundamentalist organisations waiting in the wings to set up charitable arms in order to run trust schools. As a parent I have a right to say whether I think that is appropriate for my child, and every other parent has a right to have their say on that as well.

Ms Diana R. Johnson: My hon. Friend mentioned general elections and local authority elections, where the electorate is clearly defined by the electoral register. My concern about ballots is that they involve the parents of children who currently attend the school. The school belongs to the community, not just the present parents. I worry about how it would be possible to ballot opinion in the community effectively.

Helen Jones: The point was well made by my hon. Friend the Member for Bury, North. Clearly, there is a register of parents whose children attend a particular school. That does not preclude consultation with other members of the community. If my hon. Friend the Member for Kingston upon Hull, North (Ms Johnson) is concerned about making sure that the community is involved in trust schools, I hope she will support the amendments to increase the percentage that a local authority can nominate to trust schools. One cannot argue both ways, though one can try.

I shall deal briefly with amendment No. 7 in my name. I have attempted to clarify what we mean by diversity. Clause 2 presents a problem. Local authorities have a duty to promote diversity. Those on the Front Bench say that it is not their intention to force trusts on anybody. I accept their assurance on that, but if we define diversity only in terms of structures, we have a problem when it comes to making decisions on new schools. My amendment, which I think accords with what my right hon. Friend the Secretary of State said earlier, enables a local authority to discharge its duty to promote diversity in secondary schools by encouraging a range of specialist provision in those schools. I think that is the right way to go.

We have heard repeatedly in the debate that what makes a good school is the head and the teachers in that school, rather than the structure, and that what makes for diversity and gives real choices to our young people are the different kinds of specialism on offer and the different kinds of ethos of a school, not simply the structure under which it is set up. If it is true, as my right hon. Friend said earlier from the Front Bench—if I understood him correctly—that the Government want diversity to be seen in those terms, why will they not write that into the Bill? My amendment seems uncontentious and in accord with what the Secretary of State said. He touched on the regulations that would be introduced, but that requires a leap of faith, because we have not seen them.

I hope that when the Minister sums up, we will hear from him about how the Government intend to draft the regulations on diversity. It is vital that when we talk about a range of schools, we are talking about a range of options on offer to our young people—specialisms in languages, arts and so on. We must allow them a real choice. There can be many different structures but still no real choice. Choice and diversity are not the same thing, though they are often confused.

Paul Farrelly: On choice, I hope that my hon. Friend will also speak to amendments Nos. 9, 10 and 11, which are in her name. It seems odd that a school that has all that choice can choose to have a majority of trustees from a foundation, but it cannot choose to have more than 20 per cent. LEA-appointed governors. My hon. Friend's amendment does not state that that figure must be 50 per cent. It states that the number should not exceed 50 per cent., so it gives more choice than a restriction to 20 per cent.

Helen Jones: I will come on to that matter in a moment.

I may wish to test the opinion of the House on the amendment on diversity—I understand that a vote would happen tomorrow—depending on the response from Ministers, whom I hope will reassure me that the Government will take diversity into account.

Amendments Nos. 9 to 11 relate to the maximum percentage of members on a foundation nominated by a local authority. We heard earlier that the Government will resist those amendments because they believe that trusts should be treated in the same way as companies that include a local authority. I contend that that is exactly the wrong model to apply to a school, because if a school is to succeed, it needs to be involved in a partnership. If we want a partnership, we should give people the opportunity to form real partnerships, where those from trusts, the local authority and others have the chance to be equally represented, which may well be a model that many schools want to adopt.

If that is not possible, it will raise a number of problems. The Government have said that they want trusts to be part of the local family of schools, but much of what is now done in schools and much of what we want to do in the future depends on co-operation between different bodies. The 14-to-19 agenda, "Every Child Matters", the youth service White Paper and the extended schools programme depend not only on schools themselves, but on interaction between schools and other services run by local authorities.

It may well be that some schools think it appropriate to have a more equal partnership on their governing bodies. I think that we should allow them to make that choice, if they so wish. That is particularly true in the case of local authorities, which may want to federate all their schools into one foundation. Are we saying that if that were to happen, local authority nominees can hold only 20 per cent. of the positions? In my view, that would be a disincentive to taking such an approach, rather than an incentive.

The Select Committee also pointed out that when local authorities have to hand over their schools to another body to run, it is difficult for them to take long-term decisions on investment, because they have received no assurance that they will have a stake in those schools in the future. I think that it would be much better for local authorities to have that stake, which would encourage them to undertake long-term financial planning.

I support the amendments on ballots and hope that I will hear more from Ministers about my other amendments. Some of the comments that we have heard today are worrying in a democracy, particularly when we are discussing ballots. If one is a democratic politician, one needs to trust the electorate and to accept that people will sometimes make decisions that one does not like and with which one disagrees. That is democracy, and when the amendment on ballots is moved tonight, I hope that my hon. Friends will bear those points in mind.

Mr. Rob Wilson: It is always a pleasure to follow the hon. Member for Warrington, North (Helen Jones), or perhaps she should be styled, "Hammer of the Trots." I could have done with her help earlier in the week, because I have had a nasty stomach bug myself, which was probably brought on by 55 hours in Standing Committee. Seriously, it is always a pleasure to follow such a passionate debater, and she always makes a great contribution to education debates.

I want to discuss new clauses 61 and 62 and amendment No. 111, which stand in my name. On new clause 61, like Conservative Front Benchers, I am keen to hold the Government to their original White Paper promises. I hope that Labour Members remember the White Paper—I see that quite a few of them would like to forget it—which states that the schools commissioner will

"act as a national champion for the development of trust schools and to work with potential trusts."

The Government clearly saw the schools commissioner's role as promoting trust schools and acting as their champion. In my view, that is a worthy endeavour and one that I fully support, particularly if one considers the educational forces ranged against the success and spread of trust schools. Indeed, my right hon. and learned Friend the Member for Rushcliffe (Mr. Clarke) has outlined some of the forces that are ranged against the success and spread of trust schools.

Evidence taken by the Education and Skills Committee on the White Paper demonstrated to me the considerable clout of the educational establishment. Its knee-jerk response is to oppose anything that might weaken its iron grip on what happens in schools or that increases its accountability to parents and children. I was thoroughly disheartened by some of the witnesses, who utterly failed to have an open mind about the progress and change that the White Paper and Bill could bring. Many of them simply see trust schools and the commissioner's role as a threat to the status quo, which would be a reasonable or even worthy position, if the status quo had not failed so many of our children. My hon. Friend the Member for Bognor Regis and Littlehampton (Mr. Gibb) has pointed out that 23 per cent. of schools are failing, which involves 1 million children, and that a similar percentage of schools are coasting.

The local education authorities and unions that we saw in the Education and Skills Committee were a particular disappointment, and it is likely that both will do all in their power to block progress to reforming and widening choice and diversity. We must not allow them to prevail, which is why I included a section in the Select Committee minority report on the White Paper calling on the Government to allow the schools commissioner to promote trust schools. As hon. Members will see from new clause 62, I believe that we must go further against the powerful educational forces ranged against the success of trust schools.

7.15 pm

I have not changed my view on the schools commissioner, and I am delighted that Conservative Front Benchers are thinking along similar lines. However, we may need to do more in government than appoint a single champion if trust schools are to succeed. I am therefore delighted that Conservative Front Benchers have tabled new clauses 21, 56, 57 and 58, which support the original thrust of the White Paper and should have been introduced by the Government. They would support and encourage a state-run independent school system. That was Lord Adonis's original vision, which the Prime Minister clearly endorsed in the foreword to the White Paper:

"Our aim is the creation of a system of independent non-fee paying state schools".

That vision should not have been watered down, as the original approach in the White Paper would quickly have destroyed the appalling comprehensive system with which this country has been saddled for far too long. The watering down will mean that it will take longer to change that system, but I hope that the result will be the same. I also hope that Conservative Front Benchers push some of the new clauses to a vote tonight.

As I have said, we might require more than a champion to ensure that trust schools take root and flourish, as the odds are stacked against them. New clause 62 attempts to redress the balance with the LEAs and unions, which will do all that they can to stop trust schools succeeding and multiplying. The opposition from those groups could be formal or informal, like the opposition to grant-maintained schools. For example, we all know how some governing bodies are heavily influenced by LEA appointees—councillors and others who have similar objectives and motives.

If there are schools that are coasting or that are providing unsatisfactory education to pupils, why should not the Secretary of State order governing bodies to acquire foundation status? That process would not have to be undertaken in one school at a time. After bedding in, if the trusts are working, the Secretary of State may want to cut a swathe through underperforming schools. Trust schools would then largely replace bog standard comprehensive schools, and schools independent of the LEA would largely replace community schools. I want to see trust schools perform as it is hoped they will. There is every prospect that they will perform well, and we should therefore encourage and support them on their way.

Anne Snelgrove: Does the hon. Gentleman consider that the schools in the Reading authority—Kendrick, St. John's, Caversham, All Saints and Churchend—that received outstanding Ofsted reports in the 2005-06 school year are bog standard? I do not think so. His LEA has worked very hard to improve all those schools in order to reach that level.

Mr. Wilson: I think that the hon. Lady should do her homework, as reciting grammar schools in support of her case is probably not the most intelligent thing for a Labour Member to do. I will certainly encourage and support schools in my constituency in setting up trust schools and improving choice and diversity among schools open to all pupils. Clause 56 will stop poor performing and backward-looking LEAs such as Reading from using surplus places as an excuse to prevent good schools from expanding or new schools coming into an area.

Finally, I turn to my amendment No. 111. New clause 33 sets out the conditions that an LEA must meet if the Secretary of State is not to veto its proposals for a new community school. Councils have the right to enter competitions to open a new community school, but they have to earn that right. Even those modest proposals are being opposed by the Local Government Association, along with Labour rebels and unions. I would rather that the Government had stuck to their original White Paper commitment that LEAs will be

"commissioners rather than providers of education."

That splitting of responsibility, which gives LEAs a role to champion parents and promote choice, was right when the White Paper was launched, and it is right now. I know that Labour attack dogs have needed to be thrown a bone, but weakening the commissioner-provider split in responsibility was not the right one to throw. The Secretary of State should accept new clause 57, which would restore the Bill to the position of the White Paper, but he has already said that he will reject it. The only saving grace is that the Secretary of State will have a veto, which at least tries to retain the integrity of Lord Adonis' original thinking—after all, that is the essence of the Bill. I certainly cannot foresee any circumstances in which a new community school will be agreed by a Conservative Secretary of State—nor, I hope, a Labour one.

If the Government were to accept my amendment, which would reinforce their new clause 33, that would go some way towards ensuring that there is little likelihood of a new community school being set up. That would allow LEAs to focus on their tasks of promoting choice and diversity, mapping out what is needed in their area, ensuring that sufficient places are available, focusing efforts on school improvement partners, and running the competitions for new and replacement schools. Schools could then manage and run themselves while LEAs got on with less influential administration matters, which would mean that they were unable to damage our children's educational prospects as they have previously.

I believe that that is what the Government ultimately want to achieve, but cannot say so as it will upset too many of their core supporters, not least a sizeable number of Labour MPs. However, the Government do want an end to a bog standard comprehensive education system, just as much as Conservative Members do. That is what they want, and that is what they will ultimately get.

David Taylor (North-West Leicestershire) (Lab/Co-op) *rose—*

Mr. Wilson: I am just finishing.

However, the Government may wish to dress it up for the rebels and the educational establishment.

Several hon. Members *rose—*

Madam Deputy Speaker: Order. The hon. Gentleman clearly does not intend to give way.

Mr. Wilson: I wish the Bill every success.

Jon Trickett: I want to remind the House of precisely what happens when a community school becomes a trust and why it is so important that we agree to the new clauses on ballots, particularly new clause 23, which stands in my name.

When a governing body decides that a community school should become a trust, it is effectively a one-way street with no way back; it remains an irreversible decision in perpetuity. That is spelled out in clause 17. When a governing body decides that a community school should become a trust school—or a foundation school, as it is described in the Bill—the school that is established is removed from the local authority family in terms of admissions. As a result, a marketplace will begin to exist. That is the fundamental philosophical underpinning of the Bill. Parents and children will be turned into consumers as opposed to citizens in an active democracy.

The foundation school will determine its own ethos and, to some extent, curriculum. That again means moving away from the local authority family. Competition will develop between schools for those parents who are more mobile than others. A marketplace will come into existence and some schools will be seen to be successful while others fail. A discourse will come about whereby we begin to talk about mergers and acquisitions, profitable schools, failing schools and bankrupt schools. The language and practices of the stock exchange and the marketplace will enter into our state education provision. That is Labour Members' fundamental objection to this operation. It will be a socially, ethnically and religiously divisive process whereby some schools and some generations of children, particularly from working class communities, will be left in schools that are destined to perish. I should have thought that that was anathema to any Labour education principle.

The assets—property, buildings, land and playing fields—that lay within the remit of the local authority will be removed from it and go into the foundation. It may interest Members who have not studied the Bill to know that local authority duties are covered in six lines which simply say that the local authority will promote diversity and parental choice, while 27 pages are to do with assets, property and buildings. That tells one about

the priorities that lie behind the Bill. Frankly, it is about asset disposal and a form of privatisation. That is a further reason why I believe that why we should support amendments that weaken it and reject it on Third Reading.

As I said, the process of moving from a community school or comprehensive to a foundation school is a one-way street with no way back. Indeed, the Bill expressly forbids the possibility that a trust, once established, can ever revert to being a community school. The Secretary of State accepted that in his impressive maiden speech in that role. Let us reflect on that irreversible process and how it is produced. How will a community school become a trust, or foundation, school? In the final analysis, it will be done by a simple majority vote of those governors present. I could have asked the Secretary of State what he thinks is the quorum for a governing body of a comprehensive, but I did not want to set him that test in case he did not know the answer. In fact, a third of the governing body comprises a quorum. It is therefore possible—almost probable—that in a governing body of, say, 24 people, with a quorum of eight, five governors could dispose of a comprehensive school that has served the community for 10, 20 or 30 years.

I accept that the Bill provides for obligations to consult but, ultimately, the decision is for the governing body, by simple majority. It is wholly inappropriate to allow five members out of a governing body of 24 to make an irreversible decision to put land and property outwith local authority use and take on an admissions policy in perpetuity to determine the ethos and character of the school. The least that we can ask from the Secretary of State is for a parental ballot so that it can be determined whether the 2,000 or probably more parents with children at the school want that irreversible process to begin. With all deference to the Secretary of State, five members of my hypothetical governing body could not outweigh the votes of thousands of parents.

7.30 pm

What arguments have been used this afternoon against holding such a ballot? The Opposition's arguments have been a disgrace. I do not know if all my hon. Friends were present to hear it said that, if a ballot were held, groups of left-wing people might come together and argue the case. The right hon. and learned Member for Rushcliffe (Mr. Clarke), who is no longer in his place, developed another argument, which was that most parents would vote for the status quo, not many ballots would be won and we should not therefore hold them. There was an anarchist slogan, "If voting changed anything, they'd abolish it." That argument has been reversed this afternoon. It was argued that, because parents would vote for a community school in a proper, organic relationship with its community rather than an ideological experiment in education, ballots should not be held. That argument is in *Hansard* for all to see.

Mr. Gibb: Of course, 1,100 ballots were won for the grant-maintained system. We oppose ballots for foundation schools because they will drive away many potential funders of trusts who do not want to engage in a highly politicised local campaign. They simply want to benefit schools and raise the standard of education.

Jon Trickett: The hon. Gentleman had another argument. He claimed that a ballot was divisive and would politicise the process. I shall deal with that shortly. However, if the substance of his argument is that we should be afraid of giving parents a choice in case the vested private interest, charitable interest or religious sect that may take over their school will be horrified at the prospect, that is fallacious. If those interests are so afraid of parents expressing a view about their appropriateness to govern the school, why on earth should we, as legislators, have any faith in their capacity to manage a school?

Mr. Gibb: I have every confidence that the ballots would be won. That is why 1,100 ballots were won in the process towards grant-maintained status. We are worried that the people who fund the charitable trusts do not want to engage in a campaign. It is not that they fear the result, but that they do not want to go through the process of having to engage in a highly politicised campaign that will drive away many charitable trusts.

Jon Trickett: If I understand the hon. Gentleman correctly, we should either keep those organisations in the dark, in some obscure room, so that a ballot can take place, or there cannot be a ballot because they have to be brought into the full light of day. If those private interests, sometimes backed by profit-making organisations, are so afraid of the light of day and holding a debate about their character and what they will bring to the school, why should we have any confidence in their capacity to govern the school?

Ian Stewart: My hon. Friend should not to listen to the siren voices on the other side of the Chamber who claim a great victory for 1,100 ballots for grant-maintained schools. There were many thousands of schools and the only reason why 1,100 voted for grant-maintained status was the previous Conservative Government's use of a money bribe.

Jon Trickett: My hon. Friend makes the point and I do not need to add to it.

Other arguments have been presented against democracy and the ballots. It has been claimed that democracy is divisive, expensive and, worst of all, bureaucratic. I am ashamed to say that my right hon. Friend the Secretary of State fell—I am sure by accident—into using some of those arguments. I am sure that he has a stronger case than the one that we heard. However, all those arguments were used against working men having the vote in the 19th century and against women having it in the 20th century. None of them stacks up in the 21st century, which must be about democracy, citizenship and devolution of power.

Helen Jones: One of the arguments against giving women the vote was that they were incapable of understanding the issues. That is exactly the argument that has been used about parents today.

Jon Trickett: Indeed. The same arguments were used to refute arguments in this place for the abolition of slavery.

Paul Farrelly: I am not sitting with my hon. Friend because I do not want to be called left-wing, which I have been labelled for the first time tonight. Labour Members have dealt with the objections about parents and the ballot. If the new clauses are viewed as establishing the principle of the ballot, it is clearly open to the Government to table amendments in the other place. However, worries have been expressed about the composition of governing bodies, and especially about whether parents are elected or co-opted governors. The Secretary of State has introduced a safeguard of 33 per cent., but when local authorities and properly independent governors are limited to 20 per cent, the safeguard may not be enough, especially in a case in which a trust in a failing school tries to cling on and manipulate matters so as not to admit failure. A ballot is an important safeguard of making the right choice in the first place.

Jon Trickett: Of course. My hon. Friend makes an important point. The three new clauses on ballots allow the Secretary of State to draw up regulations. If he was minded to accept the overwhelming arguments in favour of democracy, it is in his power to say so in his reply or reflect upon it and have amendments tabled in another place.

I feel that a spirit haunts the Chamber—that of the late, great right honourable Member for Bromley and Chislehurst (Mr. Forth). I can imagine the expression on his face when he realised that there was another case of Members of both Front Benches agreeing. His face was a picture whenever that happened. He would say that

"Something is rotten in the state of Denmark"

when Members of both Front Benches worked together. When their views coalesce around the idea of refusing democratic principles, one has to worry.

Meg Hillier: Will my hon. Friend give way?

Jon Trickett: I shall not give way to a Member who has just come in.

All the arguments for citizens rather than consumers and for strategic planning rather than marketised distribution of services are arguments for a modern, social democratic state.

I urge all my hon. Friends to use their informed judgment on this matter. Many of them have sat here for hours making loyal interventions, but I would ask them to think about the arguments that have been made. The case against ballots has not been made. For once, for God's sake, vote with your conscience.

Tom Levitt: The conventions of the House quite rightly allow that, in a debate on Report, those who have tabled amendments are called to speak first in the Back-Bench debate. I am sure that that is the only reason why we are four hours into the debate before the first speaker who is not supporting any of the amendments has been called. I accept that convention, but I think that it is worth putting that on record.

Jon Trickett: I tabled new clauses 17 and 23, and that is why I was called to speak.

Tom Levitt: That was exactly my point. I was not arguing against the convention. It is quite right that the people who have tabled amendments should speak first. I was simply explaining why it had taken four hours to call someone who had not tabled an amendment. So I am not getting at my hon. Friend —not yet.

I agree with my hon. Friend that the intervention made on him by the hon. Member for Bognor Regis and Littlehampton (Mr. Gibb) was pretty fatuous. The hon. Gentleman said that the trust backers would not want a ballot because they would not want to be involved in a campaign. But trusts do not have to have funds. In fact, we do not anticipate that they would have them, so that argument does not arise.

Equally, the scenario that my hon. Friend described for half his speech about five governors making an irrevocable decision about the future of a school could not arise either. One of the things that many Labour Members have been doing—either front of house or backstage—over the past few weeks is to try to get back into the Bill greater authority and responsibility for the local education authorities. And one provision that we have got back into it is that the local authority would have to decide whether the consultation had been legitimate and genuine. I cannot imagine any local authority in the country accepting as legitimate or genuine the scenario that my hon. Friend has been describing. It would therefore be ruled out. My hon. Friend is not listening to me, but he can read what I have said in *Hansard* tomorrow.

I want to tackle the issue of ballots head on. Contrary to the impression that some hon. Members have given, the Bill will not ban ballots. It will not prevent schools or governing bodies from holding ballots if they wish to do so. Nor does it say that, if they do hold ballots, they should organise them in a particular way. I remember only one such ballot being held. There was only one ballot on a grant-maintained school in my constituency, and only one primary school in my constituency became grant maintained. The ballot had a majority of one. That was one of the last schools to become grant maintained so, fortunately, it had one of the shortest careers as a GM school. However, the ballot was binding, and it was carried by a majority of one parent, making that school become grant maintained. That could not happen under the provisions of the Bill, because the local authority will now have a veto if it does not consider the ballot to have been properly conducted.

My hon. Friend the Member for Leicester, South (Sir Peter Soulsby) told us in an intervention that a ballot would protect us from the organisations with the most money, the most eloquence and the most force dominating the debate. That could not possibly happen in a ballot, could it? Yes, of course it could, and it happened in GM ballots time after time.

Helen Jones: My hon. Friend is missing the point that the new clauses include a power for the Secretary of State to make regulations on ballots. It would therefore be possible for the Secretary of State to regulate the amount of spending and the amount of material that could be put out.

Tom Levitt: I thank my hon. Friend for that intervention.

Sir Peter Soulsby: I think that my hon. Friend has unintentionally misrepresented the point that I was trying to make earlier. I said that, without ballots, it is possible—as I have seen in an academy in my constituency—to employ very well paid professional consultants to carry out consultations. My point was that that kind of so-called consultation is no more than a selling job, and that, when important decisions are taken about the educational structure that will govern the schools in which our children are educated, we want properly informed debate and, at the end of the process, a vote.

7.45 pm

Tom Levitt: Apart from that last clause, I accept the point that my hon. Friend has made. Indeed, I also accept the point that my hon. Friend the Member for Warrington, North (Helen Jones) made earlier. However, their points do not detract from my argument, because schools considering trust status could still hold ballots if they so wished.

My hon. Friend the Member for Warrington, North mentioned regulations. In a sense, that is where the problem arises. In an earlier intervention, I asked who should be balloted. There seems to be consensus that it should be the parents of the children currently in the school, because that is the easiest way of doing it. It is not necessarily the right way, but it is the easiest. So the ballot would include the parents of children who were just about to leave, yet it would exclude the parents of children just about to join the school. Why not include the parents of children at the feeder schools? Why not include the children at the school in the consultation, particularly if it were a secondary school? Why not include all the stakeholders in the education system? In my constituency, every secondary school is already a specialist school, and there are partners—in some cases private sector partners—to be considered as well. Their opinion also needs to be taken on board.

However, at the end of the day, under the Bill, it will be the local authority that decides whether the consultation was appropriate and valid, and whether the conclusions drawn by the governors were consistent with the process and content of the consultation that has taken place.

David Taylor: I am listening with interest to the points that my hon. Friend is making. Is he about to refute the fundamental principle of the new clauses, and to describe why the requirement for a ballot—and for the governing body to observe its result—is so fatally flawed?

Tom Levitt: I have explained why a ballot should not be binding. As I understand it, new clause 16 does not require the ballot to be binding. There are many types of ballot that could be used, to ballot different stakeholder groups and so on, but whatever type of consultation is used, the local authority will have an obligation to decide that it has been demonstrably valid, inclusive and appropriate.

Some of us have fought long and hard, behind the scenes as well as in front, to re-establish the role of local authorities in the Bill, in a way that it was not on Second Reading. I think that we have done a good job, and that Ministers have listened and been sympathetic. A requirement that ballots should be binding flies in the face of that progress because it would undermine the role of the local authority envisaged in the Bill. It would give the local authority less power to implement the obligations that the Bill places on it to improve schools, which is its prime function. If the local authority were cut out of that process, as the amendment proposes, the procedure would simply not be worth doing.

I remind colleagues on the Labour Benches that we have received a letter today from the Labour group of the Local Government Association, which says:

> "We are therefore prepared to recommend support for Third Reading of a Bill which now goes a long way to meet our shared objectives...There is too much of value to lose if the Bill does not gain a Third Reading."

That letter does not advocate support for any particular amendments that have been tabled. I urge Members to get behind the Bill. It is a far better Bill than it was, so let us ensure that it gets on to the statute book without any unnecessary division.

Barbara Keeley: Following the comments of my hon. Friend the Member for High Peak (Tom Levitt), I want to speak briefly against the proposals to make parental ballots compulsory.

The method of consulting stakeholders, including parents, should be decided locally, subject to the guidance of the Secretary of State or the regulations described in clause 8. I say that from my experience as the council cabinet member with responsibility for education in Trafford. The time that I served in that capacity led me to understand that the range of those who should be involved in the establishment or change of status of a school is necessarily wide. Of the local schools, the feeder schools especially have a key role, and leaving them out of the decision making would not be appropriate. As for schools in nearby local authority areas, Trafford was particularly affected by children coming in from Manchester and Salford. Sometimes the borders were such that a catchment area of a quarter or half a mile took one into Manchester or Salford. The effects of such boundaries are an important consideration. Organisations such as dioceses, learning and skills councils, FE colleges and child care organisations, as were mentioned earlier, all have a role to play, especially as schools develop their functions. They ought to be consulted and weight should be attached to their views.

It is not right that a parental ballot should be either compulsory or the major deciding factor. That could leave the development of a school open to campaigns by small but vocal groups. Other Members have reflected on the fact that parents have an interest in a school only for the period that their child is at the school. In response to the trust model in the Bill, the National Confederation of Parent Teacher Associations stated:

> "Ask any parent to provide the definition of a Trust school and most probably won't be able to tell you. It's not that they aren't interested, but that they see their children's education as the product of individual schools and/or teachers. On the other hand, most would probably say that they would like schools to

[Barbara Keeley]

have more control and authority. This is because parents want their child to receive an education which is tailored to meet their individual needs."

It continued:

"Therefore, parents must instinctively welcome the notion of a Trust school. However, this would need to be weighed against their concern about further fundamental change within the education system and another cohort of children—their children—being the guinea pigs".

Having spent several years as a local education authority governor in both a primary and secondary school, I always found that the parent governors with whom I worked tended to have that narrow focus. That is not appropriate. It is not a wide enough body of people to make a decision about a change of status. The focus of that governing body is too short-term to take a long-term decision about a change in a family of schools. Those who should be involved in such decisions include affected feeder schools, schools in neighbouring authorities, dioceses, FE colleges and staff. They should all have a say, because the decision is important to all of them.

As for the main thrust of school changes, young people aged 11 to 16 cannot wait, yet there has been much debate about process and things that would take many months to implement. On behalf of those young people, and particularly the children in my constituency, I want to see improvement from which they can benefit start soon. One high school in my constituency achieved GCSE pass rates this year of 74 per cent. Another school in my constituency, however, has been in special measures, and achieved a pass rate of only 20 per cent. I want to close that gap. I want to see improved and better-performing secondary schools in my constituency and generally.

With other Labour Members, including my hon. Friend the Member for Selby (Mr. Grogan), I recently visited schools in Stockholm. We visited a municipal school and a free school. The latter is similar to a foundation or trust school as defined in the Bill. We felt—and I am sure that most Members would agree—that both schools seemed to work well. The young people at both schools were confident and enjoying their schools. The schools were different, however, and would probably suit different types of children. Stockholm's council cabinet member, in reply to our questions, said that the Social Democrats there would not change back from the system of free schools, as they had brought innovation and choice, which had caused improvements in the municipal schools in response.

We need the possibility of innovation and improvement in our secondary schools. That must be accompanied by wide consultation, which will develop the consensus required. That is the way forward.

Sammy Wilson (East Antrim) (DUP): As I have listened to the debate, I have felt like an outsider intruding on a family row. The debate has really been between the two warring factions of the family on the Labour Benches.

However, while the Bill will not apply to Northern Ireland, and Northern Ireland has not had trust schools, it has had a body of schools with some degree of autonomy—voluntary grammar schools. Those have been subject to some local control, with the greatest control resting with the boards of governors and the headmasters who run those schools. That flexibility has been beneficial in making decisions. On Second Reading, the Democratic Unionist party supported the Government in their aim to increase the degree of diversity and autonomy where schools decided that they wished to have that. I am pleased that the Prime Minister and the Government have not been influenced by the forces on their Back Benches who wish to see substantial changes made to the Bill.

As the debate has progressed, it has become clear that the argument about the local ballot has really been an argument about how those who know that they are likely to lose today's debate can find some way of thwarting the main elements of the Bill when it is implemented locally. The ballot is seen to be the means by which that will be done. [HON. MEMBERS: "It is called democracy."] Hon. Members may say that, but in what system of democracy would such fundamental change, especially that which is designed to improve the quality of education for youngsters and have a dramatic impact on their lives, be subject to such a veto? Let us not forget that the argument about the ballot is really about placing a veto in the hands of one narrowly defined group of stakeholders—the parents of youngsters currently at the school. That is what would happen were the new clause to be accepted. Such a small group of people should not be handed the right to exercise a veto on something that would lead to such fundamental and, I believe, advantageous change.

As some Members have pointed out, should not parents of children who might attend the school in future be involved? Should not parents of children who have not currently chosen the school but who might choose it were there a change of status also be involved? Why are they excluded? Why should we focus on such a narrow group of people and give them a veto? The hon. Member for Bury, North (Mr. Chaytor) did not tell us the reason why a veto should be given to people to change the nature of a school when the same veto would not be given to people on a more dramatic decision such as the closure of an unsustainable school. We would not dream of giving parents that veto, and it would not be practical to do so. However, those Members who tabled the amendments say that a veto should be given on a decision much less fundamental than that.

Paul Farrelly: The hon. Gentleman is speaking from long experience of wielding a veto in Northern Ireland. Does he agree that if the principle of a ballot of parents—which is not perfect, for many of the reasons that have been advanced—is conceded, it is open to the Government to table further amendments in the other place that address all the consultees that my hon. Friend the Member for Worsley (Barbara Keeley) has mentioned? That would infinitely improve the process.

Sammy Wilson: According to my understanding of the Bill, parents will have the right to be consulted, as will others. The result of all that consultation must be collated, and a final decision must then be made. First, it must be established that a proper consultation process has been undertaken. Secondly, it must be established that all the arguments have been weighed

up. After that, the change can be effected. In my view, that constitutes a much better safeguard than a provision allowing one narrow stakeholder group to have the right of veto.

8 pm

My second point was made earlier by the right hon. and learned Member for Rushcliffe (Mr. Clarke). This will become a battleground. I do not want to intrude on another family embarrassment for the Labour party, but already, whether we like it or not, difficulties will have arisen for people who would have made money available for academies and the like. Those backers will already be reluctant to support some of the trust schools. Why should we place yet another barrier in their path, in the form of a fight over whether the status of schools should be changed?

If this is indeed a good change, I want as few barriers as possible to be placed in the way of it. I think that the ballot would be divisive. Whether we like it or not, there are substantial forces ranged against the change. As usual, the teachers unions are on the wrong side of the argument. Local authorities, who will have a stake in the issue, will take a particular view. The argument will tend to be one-sided in many areas, and much more resources will be available to those who do not want change. Many of those who wish to engage in the foundation system will simply want to improve youngsters' education, rather than becoming involved in a political debate or a political fight.

David Taylor: Can the hon. Gentleman explain why the views of the great and the good on the governing bodies should override hundreds, perhaps thousands, of views expressed by parents? I used to chair the governing body of a large school before I became an MP. The views of 1,600 students and possibly 3,000 parents might provide an overwhelming feedback on a trust school application, but it might be ignored just as though they were bolshie police authorities that did not want to be reorganised.

Sammy Wilson: That is an exaggeration, for the simple reason that the views of parents must be collected. The governing body's views will of course carry some weight as well, but, as has been said, the local authority will also be able to adjudicate, and to decide whether the balance of the argument has been correct. There is already a safeguard. Ultimately, however, if a governing body has identified deficiencies in a school that it has not been able to remedy with the existing resources and within the existing structure, of course it should have a large say in whether there should be a move to a new arrangement that could solve the school's difficulties.

Earlier, we heard the enticing argument that a ballot somehow conferred a veneer of respectability and allowed an element of democracy to become involved. I do not believe that that will apply in this case. I do not believe that democratic rights should be handed to one particular group. For that reason, we shall be voting with the Government on the Bill.

Alan Johnson: I shall be brief. We have had a vigorous and extremely interesting debate on an important group of new clauses and amendments. I believe that we have established a satisfactory procedure for community schools. I hope that my points about diversity, which have been written on to the record and will be in regulations, will satisfy Members—including my hon. Friend the Member for Warrington, North (Helen Jones), who I know feels strongly about the issue.

The hon. Member for Brent, East (Sarah Teather) raised some important points about safeguards. She said that the nine safeguards that I had listed were not in the Bill. Some are not in the Bill, but they are in statutory guidance and in regulations, which makes them very important. Four of them are in the Bill. The community cohesion provision will be there, if our new clause is carried. The provision for trust schools to be maintained schools is already there. The provision for trustees not to be involved in inappropriate activities is in statutory guidance, and the fact that trusts are incorporated charities, with all the safeguards that that involves, is in the Bill.

The hon. Lady mentioned governors, and in particular, Criminal Records Bureau checks. Certain categories of person are disqualified from being school governors and will be disqualified from being trustees—for instance, those who have been banned from working with children or young persons—and enhanced checks will apply in all those cases.

Let me now deal with what has become the central issue—ballots. My hon. Friend the Member for Selby (Mr. Grogan) made an entertaining and good-natured speech about that. I believe that it has been blown up out of all proportion to the issue with which I was trying to deal when I tabled our new clauses and amendments. Talk about Wilberforce and slavery and women's suffrage suggests that we have gone just a teeny bit over the top.

My hon. Friend the Member for Wolverhampton, North-East (Mr. Purchase) is not present, but in an intervention earlier he paraphrased Neil Kinnock, saying that a Labour Secretary of State would disgracefully overrule an elected local authority by referring matters to the schools commissioner. That will not happen: nothing will be referred to the schools commissioner. While we are on the subject, let me add that local authorities will take on new powers as a result of the Bill. When the schools organisation committee, which currently makes a number of decisions, is disbanded, those decisions will be made by the local authority.

The main issue, however, is whether in all circumstances trusts must ballot parents, and whether that is really central to the democratic process. Unlike Opposition Members, I do not argue that it will be open to left-wing groups to influence debate. My argument is perfectly rational: it is for the local governing body to consult. It must ensure that the consultation is fair, and the local authority will have a role in ensuring that it has been conducted properly and has reflected the views expressed. It may or may not decide to do that by means of a ballot.

My hon. Friend the Member for Hemsworth (Jon Trickett) made an interesting speech. He is entitled to his own views but, as an American politician once said, he is not entitled to his own facts. He said that trust status was irreversible. It is not. As I said at the outset,

[Alan Johnson]

a minority—one third of the governors—can trigger the process of pulling out. Thereafter, it will be up to the other two thirds whether to vote in favour of retaining trust status.

Jon Trickett: Will my right hon. Friend give way?

Alan Johnson: I will in a moment.

Part of my hon. Friend's argument is that trusts are intrinsically evil and a terrible thing. On the basis of that view, he said that they would have their own admissions authority—that, indeed, they would be their own admissions authority. It is a fact that 30 per cent. of comprehensive schools are their own admissions authority. Being their own admissions authority means that the schools are part of the local authority family of schools. They comply with the national curriculum, they discuss and are part of the admissions forum, and they must apply all the rules that are not just in the Bill but in regulations—no selection, no interviews and so forth.

Jon Trickett: If my right hon. Friend will not accept my facts, will he accept those in the Bill? Clause 17(4) states:

"None of the following alterations may be made to a maintained school".

Subsection (c) lists one of those alterations, which is:

"any change of category from foundation...school to community school".

Is that not irrefutable evidence? I understand from a legal opinion that I received that it is possible for a foundation school to cease to have a foundation, but that it would still be a foundation school. So the preposterous situation could arise of a foundation school with no foundation, but there is no possibility of a foundation school—or trust, in effect—becoming a comprehensive school. My right hon. Friend says that we think that trust schools are evil. Well, we do. We want to see them rejected.

Alan Johnson: My hon. Friend is describing the situation at the moment. I do not want to get into discussing the intricacies of a foundation school with or without a foundation, but there is a problem with his argument, which he has repeated. The argument seems to be that there is one group of schools called comprehensives and another called trusts, or foundation schools—but that is not the case. Many comprehensive schools are foundation schools.

A ballot is not a touchstone for democracy. We have had these debates on many occasions; indeed, we had them in the trade union movement. To put the argument on a different level, this House debated whether there should be a referendum on the European Convention, or whether Parliament should take the decision. The hon. Member for East Antrim (Sammy Wilson) made a very good point about ballots in the context of schools. No one is seeking a ballot on school closures.

Let me take the argument a little further. Members of this House have accepted that a change—a big one—can be made from a voluntary-aided to a voluntary-controlled school without the need for a ballot, and without falling to the floor sobbing because of a breach of a great democratic principle. A community school or a voluntary-controlled school can move to foundation school status by a simple vote of the governing body. We can expand a school without balloting parents; indeed, many such expansions involve adding on a special educational needs unit, which has a much more profound effect on the school than changing to trust status. However, no one is suggesting that not having a ballot in those circumstances is somehow a breach of democracy.

We are blowing this issue out of all proportion. Trust schools are not grant-maintained schools. The Bill rectifies many anomalies, some of which have existed for 62 years, since the Education Act 1944—the Butler Act. Others that it rectifies, relating to discipline and behaviour, have existed for 20 years, since the time of the Elton report. The real reason why I object to this characterisation is that it suggests that we are arguing for the creation of grant-maintained schools. We are not, and we should not get the two concepts confused. To argue that there should be a ballot in all such circumstances because that is what happened in other situations is to fall into that trap.

Several hon. Members *rose—*

Alan Johnson: I shall give way once—to my hon. Friend the Member for Newcastle-under-Lyme (Paul Farrelly).

Paul Farrelly: I thank my right hon. Friend for giving way. I am sure that he does not want to discuss the issue of ballots completely out of context. That context is a package of safeguards that we are reasonably seeking in respect of a very important change to a school's status. Concerns have been expressed about the composition of governing bodies. The Bill stipulates that trusts can appoint a majority of trustees to the governing body, and there is a maximum percentage for LEA-appointed governors. Will my right hon. Friend consider tabling in the other place an amendment stipulating a minimum percentage of elected parent governors on a trust school's governing body?

Alan Johnson: No. The 20 per cent. limit is right—but my hon. Friend has reminded me of another issue. A Labour-controlled local authority in Yorkshire—I will not name it in case that would embarrass him, although I doubt whether it would—is keen to introduce trusts as part of the building schools for the future programme. Indeed, the representatives of that authority came to visit me only this week. Insisting that there must be a ballot on every occasion when a school changes to trust status would breach another democratic principle, which my hon. Friend has helpfully reminded me of—that elected local authorities have a role to play. Many local authorities throughout the country will want to take advantage of these provisions.

Let us not get this issue out of proportion. We are not countering the argument advanced by some of my hon. Friends that there must be ballots in all circumstances with the argument that there can never

be ballots. We say that it is a matter for the local governing body to decide, and for parents themselves to decide as part of that process. It is up to the local authority to decide whether the consultation process was good. Arguing that there has to be a ballot in every circumstance and on every occasion, irrespective of the background, is not a sensible proposition.

Question put and agreed to.

Clause read a Second time, and added to the Bill.

New Clause 16

BALLOT OF PARENTS ON CHANGE OF CATEGORY FROM COMMUNITY SCHOOL TO FOUNDATION SCHOOL

'(1) A proposal for a prescribed alteration involving a change of category from community school to foundation school may be implemented only if the proposal has been approved by a ballot of parents of pupils attending the school to which the proposal relates.

(2) The Secretary of State may make regulations about ballots under subsection (1).'. —*[Mr. Grogan.]*

Brought up, and read the First time.

Motion made, and Question put, That the clause be read a Second time:—

The House divided: Ayes 121, Noes 412.

Division No. 247] **[8.16 pm**

AYES

Abbott, Ms Diane
Alexander, Danny
Austin, John
Baker, Norman
Barrett, John
Berry, Roger
Betts, Mr. Clive
Brake, Tom
Breed, Mr. Colin
Brooke, Annette
Browne, Mr. Jeremy
Burden, Richard
Burgon, Colin
Burt, Lorely
Cable, Dr. Vincent
Campbell, rh Sir Menzies
Carmichael, Mr. Alistair
Caton, Mr. Martin
Challen, Colin
Chaytor, Mr. David
Clapham, Mr. Michael
Clark, Ms Katy
Clegg, Mr. Nick
Cohen, Harry
Corbyn, Jeremy
Crausby, Mr. David
Cruddas, Jon
Cummings, John
Davidson, Mr. Ian
Devine, Mr. Jim
Dismore, Mr. Andrew
Dobbin, Jim
Dobson, rh Frank
Drew, Mr. David
Dunwoody, Mrs. Gwyneth
Eagle, Angela
Ellman, Mrs. Louise
Farrelly, Paul
Farron, Tim
Featherstone, Lynne
Fisher, Mark
Flynn, Paul
Foster, Mr. Don
Gerrard, Mr. Neil
Gibson, Dr. Ian
Goldsworthy, Julia
Grogan, Mr. John
Hamilton, Mr. Fabian
Hancock, Mr. Mike
Harris, Dr. Evan
Harvey, Nick
Havard, Mr. Dai
Heath, Mr. David
Hermon, Lady
Heyes, David
Holmes, Paul
Horwood, Martin
Hoyle, Mr. Lindsay
Hughes, Simon
Huhne, Chris
Humble, Mrs. Joan
Hunter, Mark
Illsley, Mr. Eric
Jackson, Glenda
Jones, Helen
Jones, Lynne
Keetch, Mr. Paul
Kennedy, rh Mr. Charles
Kilfoyle, Mr. Peter
Kramer, Susan
Lamb, Norman
Laws, Mr. David
Leech, Mr. John
Lloyd, Tony
Marris, Rob
Marshall-Andrews, Mr. Robert
McCafferty, Chris
McDonnell, John
Meacher, rh Mr. Michael
Moore, Mr. Michael
Mudie, Mr. George
Mulholland, Greg
Murphy, Mr. Denis
Öpik, Lembit
Prentice, Mr. Gordon
Prosser, Gwyn
Pugh, Dr. John
Purchase, Mr. Ken
Reid, Mr. Alan
Rennie, Willie
Riordan, Mrs. Linda
Rogerson, Mr. Dan
Rowen, Paul
Russell, Bob
Salter, Martin
Short, rh Clare
Simpson, Alan
Skinner, Mr. Dennis
Smith, Geraldine
Smith, Sir Robert
Soulsby, Sir Peter
Stunell, Andrew
Swinson, Jo
Taylor, David
Taylor, Matthew
Teather, Sarah
Thurso, John
Trickett, Jon
Truswell, Mr. Paul
Turner, Dr. Desmond
Walley, Joan
Wareing, Mr. Robert N.
Webb, Steve
Williams, Mark
Williams, Mr. Roger
Williams, Stephen
Willis, Mr. Phil
Willott, Jenny
Wood, Mike
Wright, Mr. Anthony
Younger-Ross, Richard

Tellers for the Ayes:
Kelvin Hopkins and Clive Efford

NOES

Afriyie, Adam
Ainger, Nick
Ainsworth, Mr. Peter
Alexander, rh Mr. Douglas
Allen, Mr. Graham
Anderson, Mr. David
Arbuthnot, rh Mr. James
Armstrong, rh Hilary
Atkinson, Mr. Peter
Austin, Mr. Ian
Bacon, Mr. Richard
Bailey, Mr. Adrian
Baird, Vera
Baldry, Tony
Balls, Ed
Banks, Gordon
Barlow, Ms Celia
Baron, Mr. John
Battle, rh John
Bayley, Hugh
Beckett, rh Margaret
Begg, Miss Anne
Bell, Sir Stuart
Bellingham, Mr. Henry
Benn, rh Hilary
Benton, Mr. Joe
Berryon, Mr. Richard
Bercow, John
Binley, Mr. Brian
Blackman, Liz
Blackman-Woods, Dr. Roberta
Blair, rh Mr. Tony
Blears, rh Hazel
Blunkett, rh Mr. David
Blunt, Mr. Crispin
Bone, Mr. Peter
Borrow, Mr. David S.
Boswell, Mr. Tim
Bradshaw, Mr. Ben
Brady, Mr. Graham
Brazier, Mr. Julian
Brokenshire, James
Brown, rh Mr. Gordon
Brown, Lyn
Brown, rh Mr. Nicholas
Brown, Mr. Russell
Browne, rh Des
Browning, Angela
Bryant, Chris
Burnham, Andy
Burns, Mr. Simon
Burrowes, Mr. David
Butler, Ms Dawn
Butterfill, Sir John
Byers, rh Mr. Stephen
Byrne, Mr. Liam
Caborn, rh Mr. Richard
Cairns, David
Campbell, Mr. Alan
Campbell, Mr. Gregory
Carswell, Mr. Douglas
Cash, Mr. William
Cawsey, Mr. Ian
Clark, Greg
Clark, Paul
Clarke, rh Mr. Charles
Clarke, rh Mr. Kenneth
Clarke, rh Mr. Tom
Clifton-Brown, Mr. Geoffrey
Clwyd, rh Ann
Coaker, Mr. Vernon
Coffey, Ann
Conway, Derek
Cooper, Rosie
Cooper, Yvette
Cousins, Jim
Cox, Mr. Geoffrey
Crabb, Mr. Stephen
Creagh, Mary
Cunningham, Mr. Jim
Cunningham, Tony
Curry, rh Mr. David
Curtis-Thomas, Mrs. Claire
Darling, rh Mr. Alistair
David, Mr. Wayne
Davies, David T.C. *(Monmouth)*
Davies, Mr. Quentin
Davis, rh David *(Haltemprice and Howden)*
Dean, Mrs. Janet
Denham, rh Mr. John

Dhanda, Mr. Parmjit
Djanogly, Mr. Jonathan
Dodds, Mr. Nigel
Donohoe, Mr. Brian H.
Doran, Mr. Frank
Dorrell, rh Mr. Stephen
Dorries, Mrs. Nadine
Duncan, Mr. Alan
Duncan Smith, rh Mr. Iain
Dunne, Mr. Philip
Eagle, Maria
Ellwood, Mr. Tobias
Engel, Natascha
Ennis, Jeff
Etherington, Bill
Evans, Mr. Nigel
Evennett, Mr. David
Fabricant, Michael
Fallon, Mr. Michael
Field, rh Mr. Frank
Field, Mr. Mark
Fitzpatrick, Jim
Fiello, Mr. Robert
Flint, Caroline
Follett, Barbara
Foster, Mr. Michael *(Worcester)*
Foster, Michael Jabez *(Hastings and Rye)*
Fox, Dr. Liam
Francis, Dr. Hywel
Francois, Mr. Mark
Fraser, Mr. Christopher
Gapes, Mike
Gardiner, Barry
Garnier, Mr. Edward
Gauke, Mr. David
George, rh Mr. Bruce
Gibb, Mr. Nick
Gilroy, Linda
Godsiff, Mr. Roger
Goggins, Paul
Goodman, Helen
Goodman, Mr. Paul
Goodwill, Mr. Robert
Gove, Michael
Gray, Mr. James
Grayling, Chris
Green, Damian
Greening, Justine
Greenway, Mr. John
Grieve, Mr. Dominic
Griffith, Nia
Griffiths, Nigel
Gummer, rh Mr. John
Gwynne, Andrew
Hain, rh Mr. Peter
Hall, Patrick
Hammond, Mr. Philip
Hands, Mr. Greg
Hanson, Mr. David
Harman, rh Ms Harriet
Harper, Mr. Mark
Harris, Mr. Tom
Hayes, Mr. John
Heald, Mr. Oliver
Healey, John
Heathcoat-Amory, rh Mr. David
Henderson, Mr. Doug
Hendrick, Mr. Mark
Hendry, Charles
Hepburn, Mr. Stephen
Heppell, Mr. John
Herbert, Nick
Hesford, Stephen
Hewitt, rh Ms Patricia
Hill, rh Keith
Hillier, Meg
Hoban, Mr. Mark
Hodge, rh Margaret
Hodgson, Mrs. Sharon
Hoey, Kate
Hollobone, Mr. Philip
Holloway, Mr. Adam
Hoon, rh Mr. Geoffrey
Hope, Phil
Horam, Mr. John
Howells, Dr. Kim
Hughes, rh Beverley
Hunt, Mr. Jeremy
Hurd, Mr. Nick
Hutton, rh Mr. John
Iddon, Dr. Brian
Ingram, rh Mr. Adam
Irranca-Davies, Huw
Jack, rh Mr. Michael
Jackson, Mr. Stewart
James, Mrs. Siân C.
Jenkin, Mr. Bernard
Jenkins, Mr. Brian
Johnson, rh Alan
Johnson, Mr. Boris
Johnson, Ms Diana R.
Jones, Mr. David
Jones, Mr. Kevan
Jones, Mr. Martyn
Jowell, rh Tessa
Joyce, Mr. Eric
Kaufman, rh Sir Gerald
Kawczynski, Daniel
Keeble, Ms Sally
Keeley, Barbara
Keen, Ann
Kelly, rh Ruth
Kemp, Mr. Fraser
Kennedy, rh Jane
Khabra, Mr. Piara S.
Khan, Mr. Sadiq
Kidney, Mr. David
Kirkbride, Miss Julie
Knight, rh Mr. Greg
Knight, Jim
Kumar, Dr. Ashok
Ladyman, Dr. Stephen
Laing, Mrs. Eleanor
Lait, Mrs. Jacqui
Lammy, Mr. David
Lancaster, Mr. Mark
Lansley, Mr. Andrew
Laxton, Mr. Bob
Lazarowicz, Mark
Leigh, Mr. Edward
Lepper, David
Lewin, rh Mr. Oliver
Levitt, Tom
Lewis, Dr. Julian
Liddell-Grainger, Mr. Ian
Lidington, Mr. David
Lilley, rh Mr. Peter
Linton, Martin
Loughton, Tim
Love, Mr. Andrew
Lucas, Ian
Luff, Peter
MacDougall, Mr. John
Mackay, rh Mr. Andrew
Mackinlay, Andrew
Maclean, rh David
MacShane, rh Mr. Denis
Mactaggart, Fiona
Mahmood, Mr. Khalid
Malik, Mr. Shahid
Malins, Mr. Humfrey
Mallaber, Judy
Mann, John
Maples, Mr. John
Marsden, Mr. Gordon
Marshall, Mr. David
Martlew, Mr. Eric
Maude, rh Mr. Francis
May, rh Mrs. Theresa
McAvoy, rh Mr. Thomas
McCabe, Steve
McCarthy, Kerry
McCarthy-Fry, Sarah
McCartney, rh Mr. Ian
McCrea, Dr. William
McDonagh, Siobhain
McFadden, Mr. Pat
McFall, rh Mr. John
McGovern, Mr. Jim
McGuire, Mrs. Anne
McIntosh, Miss Anne
McIsaac, Shona
McKechin, Ann
McKenna, Rosemary
McNulty, Mr. Tony
Meale, Mr. Alan
Mercer, Patrick
Merron, Gillian
Michael, rh Alun
Milburn, rh Mr. Alan
Miliband, rh David
Miliband, Edward
Miller, Mrs. Maria
Milton, Anne
Mitchell, Mr. Andrew
Moffat, Anne
Moffatt, Laura
Mole, Chris
Moon, Mrs. Madeleine
Moran, Margaret
Morden, Jessica
Morley, Mr. Elliot
Moss, Mr. Malcolm
Mountford, Kali
Mullin, Mr. Chris
Munn, Meg
Murphy, Mr. Jim
Murrison, Dr. Andrew
Newmark, Mr. Brooks
Norris, Dan
O'Brien, Mr. Mike
O'Brien, Mr. Stephen
O'Hara, Mr. Edward
Olner, Mr. Bill
Osborne, Mr. George
Osborne, Sandra
Paice, Mr. James
Paisley, rh Rev. Ian
Palmer, Dr. Nick
Paterson, Mr. Owen
Pearson, Ian
Pelling, Mr. Andrew
Penrose, John
Pickles, Mr. Eric
Plaskitt, Mr. James
Pope, Mr. Greg
Pound, Stephen
Prentice, Bridget
Prescott, rh Mr. John
Primarolo, rh Dawn
Prisk, Mr. Mark
Pritchard, Mark
Purnell, James
Rammell, Bill
Randall, Mr. John
Raynsford, rh Mr. Nick
Redwood, rh Mr. John
Reed, Mr. Andy
Reed, Mr. Jamie
Robathan, Mr. Andrew
Robertson, Hugh
Robertson, John
Robertson, Mr. Laurence
Robinson, Mr. Geoffrey
Robinson, Mrs. Iris
Robinson, Mr. Peter
Rooney, Mr. Terry
Roy, Mr. Frank
Ruane, Chris
Ruffley, Mr. David
Russell, Christine
Ryan, Joan
Sarwar, Mr. Mohammad
Scott, Mr. Lee
Seabeck, Alison
Selous, Andrew
Shapps, Grant
Sheerman, Mr. Barry
Shepherd, Mr. Richard
Sheridan, Jim
Simmonds, Mark
Simon, Mr. Siôn
Simpson, David
Simpson, Mr. Keith
Slaughter, Mr. Andrew
Smith, rh Mr. Andrew
Smith, Ms Angela C. *(Sheffield, Hillsborough)*
Smith, Angela E. *(Basildon)*
Smith, rh Jacqui
Snelgrove, Anne
Spellar, rh Mr. John
Spelman, Mrs. Caroline
Spicer, Sir Michael
Spink, Bob
Spring, Mr. Richard
Stanley, rh Sir John
Starkey, Dr. Phyllis
Steen, Mr. Anthony
Straw, rh Mr. Jack
Streeter, Mr. Gary
Stuart, Ms Gisela
Stuart, Mr. Graham
Sutcliffe, Mr. Gerry
Swayne, Mr. Desmond
Swire, Mr. Hugo
Syms, Mr. Robert
Tami, Mark
Tapsell, Sir Peter
Thomas, Mr. Gareth
Thornberry, Emily
Timms, Mr. Stephen
Tipping, Paddy
Todd, Mr. Mark
Touhig, Mr. Don

Tredinnick, David
Turner, Mr. Andrew
Twigg, Derek
Tyrie, Mr. Andrew
Ussher, Kitty
Vaizey, Mr. Edward
Vara, Mr. Shailesh
Viggers, Peter
Villiers, Mrs. Theresa
Vis, Dr. Rudi
Walker, Mr. Charles
Wallace, Mr. Ben
Waltho, Lynda
Ward, Claire
Waterson, Mr. Nigel
Watkinson, Angela
Watson, Mr. Tom
Watts, Mr. Dave
Whitehead, Dr. Alan
Wicks, Malcolm
Widdecombe, rh Miss Ann
Wiggin, Bill
Willetts, Mr. David
Williams, rh Mr. Alan
Wills, Mr. Michael
Wilshire, Mr. David
Wilson, Mr. Rob
Wilson, Sammy
Winterton, Sir Nicholas
Winterton, Ms Rosie
Woodward, Mr. Shaun
Woolas, Mr. Phil
Wright, David
Wright, Mr. Iain
Wright, Jeremy
Wright, Dr. Tony
Wyatt, Derek
Young, rh Sir George

Tellers for the Noes:
Kevin Brennan and Jonathan Shaw

Question accordingly negatived.

New Clause 53

DUTY TO ENCOURAGE SCHOOLS TO BECOME SELF-GOVERNING AND TO ACQUIRE A TRUST

'(1) A person to whom this section applies shall ensure that their functions relating to maintained schools are (so far as they are capable of being exercised) exercised with a view to encouraging all maintained schools to become self-governing, and to acquire a foundation.

(2) In this section "self-governing" in relation to a maintained school means a foundation, voluntary aided or foundation special school, or an Academy.

(3) This section applies to—

(a) a local education authority in England;

(b) the Secretary of State.'. —*[Mr. Gibb.]*

Brought up, and read the First time.

Motion made, and Question put, That the clause be read a Second time:—

The House divided: Ayes 169, Noes 376.

Division No. 248] **[8.33 pm**

AYES

Afriyie, Adam
Ainsworth, Mr. Peter
Arbuthnot, rh Mr. James
Atkinson, Mr. Peter
Bacon, Mr. Richard
Baldry, Tony
Baron, Mr. John
Benyon, Mr. Richard
Bercow, John
Binley, Mr. Brian
Blunt, Mr. Crispin
Bone, Mr. Peter
Boswell, Mr. Tim
Brady, Mr. Graham
Brazier, Mr. Julian
Brokenshire, James
Browning, Angela
Burns, Mr. Simon
Burrowes, Mr. David
Burt, Alistair
Butterfill, Sir John
Campbell, Mr. Gregory
Carswell, Mr. Douglas
Cash, Mr. William
Clappison, Mr. James
Clark, Greg
Clarke, rh Mr. Kenneth
Clifton-Brown, Mr. Geoffrey
Conway, Derek
Cox, Mr. Geoffrey
Crabb, Mr. Stephen
Curry, rh Mr. David
Davies, David T.C. *(Monmouth)*
Davies, Mr. Quentin
Davis, rh David *(Haltemprice and Howden)*
Djanogly, Mr. Jonathan
Dodds, Mr. Nigel
Dorrell, rh Mr. Stephen
Dorries, Mrs. Nadine
Duncan, Mr. Alan
Duncan Smith, rh Mr. Iain
Dunne, Mr. Philip
Ellwood, Mr. Tobias
Evans, Mr. Nigel
Fabricant, Michael
Fallon, Mr. Michael
Field, Mr. Mark
Fox, Dr. Liam
Francois, Mr. Mark
Fraser, Mr. Christopher
Garnier, Mr. Edward
Gauke, Mr. David
Gibb, Mr. Nick
Goodman, Mr. Paul
Goodwill, Mr. Robert
Gove, Michael
Gray, Mr. James
Grayling, Chris
Green, Damian
Greening, Justine
Greenway, Mr. John
Grieve, Mr. Dominic
Gummer, rh Mr. John
Hammond, Mr. Philip
Hands, Mr. Greg
Harper, Mr. Mark
Hayes, Mr. John
Heald, Mr. Oliver
Heathcoat-Amory, rh Mr. David
Hendry, Charles
Herbert, Nick
Hoban, Mr. Mark
Hollobone, Mr. Philip
Holloway, Mr. Adam
Horam, Mr. John
Hunt, Mr. Jeremy
Hurd, Mr. Nick
Jack, rh Mr. Michael
Jackson, Mr. Stewart
Jenkin, Mr. Bernard
Johnson, Mr. Boris
Jones, Mr. David
Kawczynski, Daniel
Kirkbride, Miss Julie
Knight, rh Mr. Greg
Laing, Mrs. Eleanor
Lait, Mrs. Jacqui
Lancaster, Mr. Mark
Lansley, Mr. Andrew
Leigh, Mr. Edward
Letwin, rh Mr. Oliver
Lewis, Dr. Julian
Liddell-Grainger, Mr. Ian
Lidington, Mr. David
Lilley, rh Mr. Peter
Loughton, Tim
Luff, Peter
Mackay, rh Mr. Andrew
Malins, Mr. Humfrey
Maples, Mr. John
Maude, rh Mr. Francis
May, rh Mrs. Theresa
McCrea, Dr. William
McIntosh, Miss Anne
Mercer, Patrick
Miller, Mrs. Maria
Milton, Anne
Mitchell, Mr. Andrew
Moss, Mr. Malcolm
Murrison, Dr. Andrew
Newmark, Mr. Brooks
O'Brien, Mr. Stephen
Osborne, Mr. George
Paice, Mr. James
Paisley, rh Rev. Ian
Paterson, Mr. Owen
Pelling, Mr. Andrew
Penrose, John
Pickles, Mr. Eric
Prisk, Mr. Mark
Pritchard, Mark
Randall, Mr. John
Redwood, rh Mr. John
Robathan, Mr. Andrew
Robertson, Hugh
Robertson, Mr. Laurence
Robinson, Mrs. Iris
Robinson, Mr. Peter
Ruffley, Mr. David
Scott, Mr. Lee
Selous, Andrew
Shapps, Grant
Shepherd, Mr. Richard
Simmonds, Mark
Simpson, David
Simpson, Mr. Keith
Spelman, Mrs. Caroline
Spicer, Sir Michael
Spink, Bob
Spring, Mr. Richard
Stanley, rh Sir John
Steen, Mr. Anthony
Streeter, Mr. Gary
Stuart, Mr. Graham
Swayne, Mr. Desmond
Swire, Mr. Hugo
Syms, Mr. Robert
Tapsell, Sir Peter
Tredinnick, David
Turner, Mr. Andrew
Tyrie, Mr. Andrew
Vaizey, Mr. Edward
Vara, Mr. Shailesh
Viggers, Peter
Villiers, Mrs. Theresa
Walker, Mr. Charles
Wallace, Mr. Ben
Waterson, Mr. Nigel
Watkinson, Angela
Widdecombe, rh Miss Ann
Wiggin, Bill
Willetts, Mr. David
Wilshire, Mr. David
Wilson, Mr. Rob
Wilson, Sammy
Winterton, Ann
Winterton, Sir Nicholas
Wright, Jeremy
Young, rh Sir George

Tellers for the Ayes:
Mr. David Evennett and Mr. Henry Bellingham

NOES

Abbott, Ms Diane
Ainger, Nick
Alexander, Danny
Alexander, rh Mr. Douglas
Allen, Mr. Graham
Anderson, Mr. David

Armstrong, rh Hilary
Austin, Mr. Ian
Austin, John
Bailey, Mr. Adrian
Baird, Vera
Baker, Norman
Balls, Ed
Banks, Gordon
Barlow, Ms Celia
Barrett, John
Battle, rh John
Bayley, Hugh
Beckett, rh Margaret
Begg, Miss Anne
Bell, Sir Stuart
Benn, rh Hilary
Benton, Mr. Joe
Berry, Roger
Betts, Mr. Clive
Blackman-Woods, Dr. Roberta
Blair, rh Mr. Tony
Blears, rh Hazel
Blunkett, rh Mr. David
Borrow, Mr. David S.
Bradshaw, Mr. Ben
Brake, Tom
Breed, Mr. Colin
Brooke, Annette
Brown, rh Mr. Gordon
Brown, Lyn
Brown, rh Mr. Nicholas
Brown, Mr. Russell
Browne, rh Des
Browne, Mr. Jeremy
Bryant, Chris
Buck, Ms Karen
Burden, Richard
Burgon, Colin
Burnham, Andy
Burt, Lorely
Butler, Ms Dawn
Byers, rh Mr. Stephen
Byrne, Mr. Liam
Cable, Dr. Vincent
Caborn, rh Mr. Richard
Cairns, David
Campbell, Mr. Alan
Campbell, rh Sir Menzies
Carmichael, Mr. Alistair
Caton, Mr. Martin
Cawsey, Mr. Ian
Challen, Colin
Chaytor, Mr. David
Clapham, Mr. Michael
Clark, Ms Katy
Clark, Paul
Clarke, rh Mr. Charles
Clarke, rh Mr. Tom
Clegg, Mr. Nick
Clelland, Mr. David
Clwyd, rh Ann
Coaker, Mr. Vernon
Coffey, Ann
Cohen, Harry
Cooper, Rosie
Cooper, Yvette
Corbyn, Jeremy
Cousins, Jim
Crausby, Mr. David
Creagh, Mary
Cruddas, Jon
Cryer, Mrs. Ann
Cummings, John
Cunningham, Mr. Jim
Cunningham, Tony
Curtis-Thomas, Mrs. Claire
Darling, rh Mr. Alistair
David, Mr. Wayne
Davidson, Mr. Ian
Dean, Mrs. Janet
Denham, rh Mr. John
Devine, Mr. Jim
Dhanda, Mr. Parmjit
Dismore, Mr. Andrew
Dobbin, Jim
Dobson, rh Frank
Donohoe, Mr. Brian H.
Doran, Mr. Frank
Drew, Mr. David
Dunwoody, Mrs. Gwyneth
Eagle, Angela
Eagle, Maria
Efford, Clive
Ellman, Mrs. Louise
Engel, Natascha
Ennis, Jeff
Etherington, Bill
Farrelly, Paul
Farron, Tim
Featherstone, Lynne
Field, rh Mr. Frank
Fisher, Mark
Fitzpatrick, Jim
Flello, Mr. Robert
Flint, Caroline
Flynn, Paul
Follett, Barbara
Foster, Mr. Don
Foster, Mr. Michael *(Worcester)*
Foster, Michael Jabez *(Hastings and Rye)*
Francis, Dr. Hywel
Gapes, Mike
Gardiner, Barry
George, rh Mr. Bruce
Gerrard, Mr. Neil
Gibson, Dr. Ian
Gilroy, Linda
Godsiff, Mr. Roger
Goggins, Paul
Goldsworthy, Julia
Goodman, Helen
Griffith, Nia
Griffiths, Nigel
Grogan, Mr. John
Gwynne, Andrew
Hain, rh Mr. Peter
Hall, Patrick
Hamilton, Mr. Fabian
Hancock, Mr. Mike
Hanson, Mr. David
Harman, rh Ms Harriet
Harris, Dr. Evan
Harris, Mr. Tom
Harvey, Nick
Havard, Mr. Dai
Healey, John
Heath, Mr. David
Henderson, Mr. Doug
Hendrick, Mr. Mark
Hepburn, Mr. Stephen
Heppell, Mr. John
Hermon, Lady
Hesford, Stephen
Hewitt, rh Ms Patricia
Heyes, David
Hill, rh Keith
Hillier, Meg
Hodge, rh Margaret
Hodgson, Mrs. Sharon
Hoey, Kate
Holmes, Paul
Hoon, rh Mr. Geoffrey
Hope, Phil
Hopkins, Kelvin
Horwood, Martin
Howells, Dr. Kim
Hoyle, Mr. Lindsay
Hughes, rh Beverley
Hughes, Simon
Huhne, Chris
Humble, Mrs. Joan
Hunter, Mark
Hutton, rh Mr. John
Iddon, Dr. Brian
Illsley, Mr. Eric
Ingram, rh Mr. Adam
Irranca-Davies, Huw
Jackson, Glenda
James, Mrs. Siân C.
Jenkins, Mr. Brian
Johnson, rh Alan
Johnson, Ms Diana R.
Jones, Helen
Jones, Mr. Kevan
Jones, Lynne
Jones, Mr. Martyn
Jowell, rh Tessa
Joyce, Mr. Eric
Kaufman, rh Sir Gerald
Keeble, Ms Sally
Keeley, Barbara
Keen, Ann
Kestch, Mr. Paul
Kelly, rh Ruth
Kemp, Mr. Fraser
Kennedy, rh Mr. Charles
Kennedy, rh Jane
Khabra, Mr. Piara S.
Khan, Mr. Sadiq
Kidney, Mr. David
Knight, Jim
Kramer, Susan
Kumar, Dr. Ashok
Ladyman, Dr. Stephen
Lamb, Norman
Lammy, Mr. David
Laws, Mr. David
Laxton, Mr. Bob
Lazarowicz, Mark
Leech, Mr. John
Lepper, David
Levitt, Tom
Linton, Martin
Lloyd, Tony
Love, Mr. Andrew
Lucas, Ian
MacDougall, Mr. John
Mackinlay, Andrew
MacShane, rh Mr. Denis
Mactaggart, Fiona
Mahmood, Mr. Khalid
Malik, Mr. Shahid
Mallaber, Judy
Mann, John
Marris, Rob
Marsden, Mr. Gordon
Marshall, Mr. David
Marshall-Andrews, Mr. Robert
Martlew, Mr. Eric
McAvoy, rh Mr. Thomas
McCabe, Steve
McCafferty, Chris
McCarthy, Kerry
McCarthy-Fry, Sarah
McCartney, rh Mr. Ian
McDonagh, Siobhain
McDonnell, John
McFadden, Mr. Pat
McFall, rh Mr. John
McGovern, Mr. Jim
McGuire, Mrs. Anne
McIsaac, Shona
McKechin, Ann
McKenna, Rosemary
McNulty, Mr. Tony
Meacher, rh Mr. Michael
Meale, Mr. Alan
Merron, Gillian
Michael, rh Alun
Milburn, rh Mr. Alan
Miliband, rh David
Miliband, Edward
Moffat, Anne
Moffatt, Laura
Mole, Chris
Moon, Mrs. Madeleine
Moore, Mr. Michael
Moran, Margaret
Morden, Jessica
Morgan, Julie
Morley, Mr. Elliot
Mountford, Kali
Mudie, Mr. George
Mulholland, Greg
Mullin, Mr. Chris
Munn, Meg
Murphy, Mr. Denis
Murphy, Mr. Jim
Norris, Dan
O'Brien, Mr. Mike
O'Hara, Mr. Edward
Olner, Mr. Bill
Öpik, Lembit
Osborne, Sandra
Palmer, Dr. Nick
Pearson, Ian
Plaskitt, Mr. James
Pope, Mr. Greg
Pound, Stephen
Prentice, Bridget
Prentice, Mr. Gordon
Prescott, rh Mr. John
Primarolo, rh Dawn
Prosser, Gwyn
Pugh, Dr. John
Purchase, Mr. Ken
Purnell, James
Rammell, Bill
Raynsford, rh Mr. Nick
Reed, Mr. Andy
Reed, Mr. Jamie
Reid, Mr. Alan
Reid, rh John
Rennie, Willie
Riordan, Mrs. Linda
Robertson, John

Robinson, Mr. Geoffrey
Rogerson, Mr. Dan
Rooney, Mr. Terry
Rowen, Paul
Roy, Mr. Frank
Ruane, Chris
Ruddock, Joan
Russell, Bob
Russell, Christine
Ryan, Joan
Salter, Martin
Sarwar, Mr. Mohammad
Seabeck, Alison
Shaw, Jonathan
Sheerman, Mr. Barry
Sheridan, Jim
Short, rh Clare
Simon, Mr. Siôn
Simpson, Alan
Singh, Mr. Marsha
Skinner, Mr. Dennis
Slaughter, Mr. Andrew
Smith, rh Mr. Andrew
Smith, Ms Angela C. *(Sheffield, Hillsborough)*
Smith, Angela E. *(Basildon)*
Smith, Geraldine
Smith, rh Jacqui
Smith, John
Smith, Sir Robert
Snelgrove, Anne
Soulsby, Sir Peter
Spellar, rh Mr. John
Starkey, Dr. Phyllis
Stewart, Ian
Straw, rh Mr. Jack
Stuart, Ms Gisela
Stunell, Andrew
Sutcliffe, Mr. Gerry
Swinson, Jo
Tami, Mark
Taylor, David
Taylor, Matthew
Teather, Sarah
Thomas, Mr. Gareth
Thornberry, Emily
Thurso, John
Timms, Mr. Stephen
Tipping, Paddy
Todd, Mr. Mark
Touhig, Mr. Don
Trickett, Jon
Truswell, Mr. Paul
Turner, Dr. Desmond
Twigg, Derek
Usher, Kitty
Vis, Dr. Rudi
Walley, Joan
Waltho, Lynda
Ward, Claire
Wareing, Mr. Robert N.
Watson, Mr. Tom
Watts, Mr. Dave
Webb, Steve
Whitehead, Dr. Alan
Wicks, Malcolm
Williams, rh Mr. Alan
Williams, Mrs. Betty
Williams, Mark
Williams, Mr. Roger
Williams, Stephen
Willis, Mr. Phil
Willott, Jenny
Wills, Mr. Michael
Winnick, Mr. David
Winterton, Ms Rosie
Wood, Mike
Woodward, Mr. Shaun
Woolas, Mr. Phil
Wright, Mr. Anthony
Wright, David
Wright, Mr. Iain
Wright, Dr. Tony
Wyatt, Derek
Younger-Ross, Richard

Tellers for the Noes:
Kevin Brennan and
Liz Blackman

Question accordingly negatived.

Clause 7

INVITATION FOR PROPOSALS FOR ESTABLISHMENT OF NEW SCHOOLS

Amendment made: No. 42, in page 7, line 18, leave out

'with the consent of the Secretary of State'

and insert

'if section (Proposals under section 7 relating to community or community special schools) permits them to do so'. —*[Huw Irranca-Davies.]*

Clause 31

REQUIREMENTS AS TO FOUNDATIONS

Amendments made: No. 43, in page 21, line 39, leave out 'and'.

No. 44, in page 21, line 40, at end insert

'and

(c) it has as its purpose, or one of its purposes, the advancement of the education of pupils at the school or schools in respect of which it acts as the foundation.'.

No. 45, in page 21, line 40, at end insert—

'(2A) The foundation of a school to which this section applies shall, in carrying out its functions in relation to the school, promote community cohesion.'.

No. 46, in page 22, leave out lines 9 to 14 and insert—

'(5) Regulations may disqualify persons from acting as charity trustee in relation to a school to which this section applies.'.

No. 47, in page 22, line 23, at end insert—

' "purpose" includes object'. —*[Huw Irranca-Davies.]*

Schedule 2

PROPOSALS FOR ESTABLISHMENT OR DISCONTINUANCE OF SCHOOLS IN ENGLAND

Amendments made: No. 70, in page 121, line 38, leave out 'local education' and insert 'relevant'.

No. 84, in page 124, line 39, leave out 'local education' and insert 'relevant'.

No. 85, in page 124, line 43, leave out 'local education' and insert 'relevant'.

No. 86, in page 125, line 18, leave out 'a local education' and insert 'the relevant'.

No. 71, in page 125, line 24, leave out 'local education' and insert 'relevant'.

No. 72, in page 125, line 26, leave out 'local education' and insert 'relevant'.

No. 73, in page 127, line 38, after '8' insert

'and not referred to the adjudicator'.

No. 74, in page 128, line 24, after 'proposals' insert 'under section 14'.

No. 75, in page 128, line 32, leave out 'a local education' and insert 'the relevant'.—*[Huw Irranca-Davies.]*

New Clause 34

OFFENCES RELATING TO INDEPENDENT SCHOOLS

'(1) Part 10 of EA 2002 (independent schools) is amended as follows.

(2) After section 168 insert—

"168A Proceedings for offences

No proceedings for an offence under this Chapter shall be instituted except by or with the consent of the registration authority.

168B Offences by bodies corporate

(1) Where an offence under this Chapter committed by a body corporate is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of—

(a) any director, manager, secretary or other similar officer of the body corporate, or

(b) any person who was purporting to act in any such capacity,

he (as well as the body corporate) is guilty of the offence and liable to be proceeded against and punished accordingly.

(2) Where the affairs of a body corporate are managed by its members, subsection (1) applies in relation to the acts and defaults of a member in connection with his functions of management as it applies to a director of a body corporate.

168C Offences by unincorporated bodies

(1) Proceedings for an offence alleged to have been committed under this Chapter by an unincorporated body are to be brought

in the name of that body (and not in that of any of its members) and, for the purposes of any such proceedings, any rules of court relating to the service of documents have effect as if that body were a corporation.

(2) A fine imposed on an unincorporated body on its conviction of an offence under this Chapter is to be paid out of the funds of that body.

(3) If an unincorporated body is charged with an offence under this Chapter, section 33 of the Criminal Justice Act 1925 and Schedule 3 to the Magistrates' Courts Act 1980 (procedure on charge of an offence against a corporation) apply as they do in relation to a body corporate.

(4) Where an offence under this Chapter committed by an unincorporated body (other than a partnership) is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, any officer of the body or any member of its governing body, he as well as the body is guilty of the offence and liable to be proceeded against and punished accordingly.

(5) Where an offence under this Chapter committed by a partnership is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, a partner, he as well as the partnership is guilty of the offence and liable to be proceeded against and punished accordingly."

(3) In section 159 (unregistered schools), omit subsection (3).

(4) Sections 168B and 168C of EA 2002 do not have effect in relation to offences committed before the commencement of this section.'. —*[Phil Hope.]*

Brought up, and read the First time.

The Parliamentary Under-Secretary of State for Education and Skills (Phil Hope): I beg to move, That the clause be read a Second time.

Mr. Deputy Speaker (Sir Michael Lord): With this it will be convenient to discuss Government amendments Nos. 69 and 79.

Phil Hope: New clause 34 will allow the registration authority for independent schools to institute proceedings against any person or persons who commit any offence relating to independent schools, as set out in chapter 1 of part 10 of the Education Act 2002. The registration authority in England is the Secretary of State and the authority in Wales is the National Assembly for Wales.

Subsection (2) of the new clause also clarifies the existing powers for proceedings to be instituted. It allows the registration authority to institute proceedings and requires the authority to give consent before any other body institutes such proceedings. The clause also extends that authority to all offences in chapter 1. Such authority had previously been directed at those operating an unregistered—illegal—school. The measure will enable the registration authority to prosecute after the provision comes into force for offences committed before or after the commencement of the provision.

The new clause also extends the definition of who may be prosecuted to include bodies corporate and specified members of that body. It is increasingly common for independent schools to be owned and managed by companies, rather than sole proprietors. The existing provision allows for the prosecution of a person, but the new clause reflects more accurately current practice in the independent sector. The new clause further extends the definition to cover unincorporated bodies and partnerships and their members for the same reasons.

Subsection (3) of the new clause is a consequential amendment in view of the extension of the authority of the Secretary of State and the Assembly to all offences in chapter 1. Subsection (4) of the new clause provides that the provisions extending the definition of those who may be prosecuted will not have effect in relation to offences committed before the commencement date. Government amendments Nos. 69 and 79 are consequential amendments.

Question put and agreed to.

Clause read a Second time, and added to the Bill.

New Clause 1

DUTY IN RELATION TO ALLEGATIONS AGAINST TEACHERS

'(1) This section applies where it is alleged that a teacher or member of staff, including a volunteer at an educational institution providing education for persons under 18 years of age, has—

(a) behaved in a way that has harmed a child, or may have harmed a child,

(b) committed a criminal offence against or related to a child, or

(c) behaved towards a child or children in a way that indicates he is unsuitable to work with children.

(2) Any person involved in investigating such an allegation must act with a view to ensuring the confidentiality of any information that might identify—

(a) the person who made the allegation;

(b) the person in respect of whom the allegation is made.

(3) The governing body of a maintained school shall in particular ensure that policies and procedures in relation to allegations against teachers or members of staff provide for disciplinary action to be taken against any teacher or member of staff who discloses any information to which subsection (2) applies without the express authorisation of the governing body.

(4) This section ceases to apply—

(a) in the case of a criminal offence, where the teacher or member of staff is found guilty in a court in respect of the offence, or

(b) in other cases, when at the completion of investigation and consideration of the allegation it has been determined that the allegation is proved.'. —*[Mr. Willetts.]*

Brought up, and read the First time.

Mr. Willetts: I beg to move, That the clause be read a Second time.

Mr. Deputy Speaker: With this it will be convenient to discuss amendment No. 4, in title, line 9, at end insert

'to make provision in relation to allegations against teachers;'.

Mr. Willetts: New clause 1 would place a duty on individuals investigating allegations against teachers to ensure the confidentiality of information that might identify the alleged offender until the allegation had been proven. It would place a duty on the governing body of a maintained school to ensure that its school policy provided for disciplinary action to be taken against any member of staff who disclosed such information.

We were concerned to ensure that the new clause was within the terms of the Bill, which was why we drafted it in such a way. We realise that it might have been simpler to provide for full anonymity that was backed up by a criminal penalty, but as that would be a criminal justice measure, we understand that it would be outside the scope of an education Bill. We have tabled the new clause in such a form because it is the best way of which we are aware of trying to provide greater protection for teachers within the scope of the Bill.

I assure the Government that we would not die in the last ditch about the exact form that the provision should take. The Government have access to parliamentary draftsmen, and there might be other mechanisms that the Minister can propose that would achieve the same objective of providing much more protection for teachers who face such allegations than they have at the moment. We hope to hear tonight from the Government a clear commitment in principle to legislate in some way, ideally through the Bill, to tackle a source of deep distress and concern to many teachers. I am sure that hon. Members on both sides of the House will be familiar with worrying cases in which teachers are accused, often without any foundation whatsoever, of assaulting a child in some way. The allegations might not even lead to charges, but the name of the teacher can be dragged through the media because it has leaked out.

That can severely damage their professional reputation and cause them enormous personal distress. Sadly, in many cases it can ruin their lives. They simply do not have the protection that the Opposition believe they deserve. The Minister will be familiar with the examples assembled by SecEd as part of an impressive campaign, to which I pay tribute. I shall cite two of those examples. In 2001, a 47-year-old teacher was arrested and charged with actual bodily harm and common assault after she spilled fruit juice on a pupil's head. The case was dropped by the Director of Public Prosecutions, but she was still mentioned in the national and local press. She was harassed and threatened by neighbours, and could not go shopping without exciting public recognition. She finally took long-term sick leave as a result of anxiety and depression. That is an example of the problems caused when such allegations surface in the press.

In a later case, a teacher was accused of physically assaulting a pupil and, as a result, a front-page story appeared in the local newspaper. After interviewing the teacher, the police decided not to take action, but the newspaper reported inaccurately that the Crown Prosecution Service wished to press charges. Eventually, it published a small apology. Colleagues on both sides of the House will be aware of other incidents that cause teachers great concern. There are arguments about whether the protection of anonymity should extend only to the point at which charges are brought or to the point at which someone is found guilty of an offence. We are happy to listen to the opinions of Members on both sides of the House, but we should all accept that teachers have been lost to the teaching profession following the broadcast of unfounded allegations in the media that ruin their lives.

The NASUWT has raised the matter with us and, I am sure, with the Minister, too. Its president, Brian Garvey, said at its annual conference earlier this year:

> "Respect for authority has undoubtedly diminished and this is visible in all areas of society, not just in schools...I was walking through my local village recently and overheard a youth of about 15 saying to his mother that a friend of his had one ambition and that was to get a teacher sacked before he left school."

Such allegations are used deliberately by a tiny minority of pupils to undermine teachers' authority and demoralise them. Sadly, they sometimes succeed, so hon. Members on both sides of the House wish to provide tougher protection for teachers in those circumstance.

I accept that there is enormous sensitivity about the treatment of sex offenders and that it is important to be as rigorous as possible when there is any such risk to children. However, the general secretary of the NASUWT has pressed for anonymity:

> "This is not an attempt to protect those who abuse children. Such behaviour cannot be tolerated...Providing anonymity does not hinder a proper investigation or protect abusers. It simply enables justice to be done in a civilised and fair manner, strengthening the principle of innocent until proven guilty and avoiding trial by media."

The statistics reveal the scale of the problem. Of 1,782 accusations of abuse against members of the NASUWT in 2005, only 69 resulted in conviction. Many members of teaching unions report that they have been the victim of exaggerated, false or malicious allegations of child abuse, but in many instances there was no case to answer.

The Government have already made some progress in tackling the problem. The guidance safeguarding children in education and dealing with allegations of abuse against teachers and other staff is a welcome step forward. We strongly support the guidance, which contains a paragraph on confidentiality with which we agree. It states:

> "Every effort should be made to maintain confidentiality and guard against unwanted publicity while an allegation is being investigation/considered."

It goes on to say that

> "the police will not normally provide any information to the Press or media that might identify an individual who is under investigation".

Mr. David Drew (Stroud) (Lab/Co-op): What happens if the loss of confidentiality occurs through the arrest process? It is not unknown for the police to have spoken to somebody. Is action possible against the police for failing to protect the confidentiality of that individual?

Mr. Willetts: That would not be possible within the framework of the new clause that we propose, as it relates only to educational establishments. There is an argument for wider protection for teachers, which would require provisions under criminal justice legislation that go beyond the Bill. If it could be shown that there had been a leak from the police contrary to the Government's existing guidance, I hope that that would be an offence and that people would have some redress. Unfortunately, it has not been possible for us, with our advisers, to put that in a new clause that would be in order. We have not been able to crack that within the framework of the Bill. Perhaps the Minister has better advice.

We are suggesting that the current guidance should have greater legal force. It should have full statutory

[Mr. Willetts]

force, and people who breach the provisions on confidentiality in the guidance should be committing an offence. That is what we are trying to achieve. If I may say so, I think the arguments in favour of our approach would be widely appreciated across the House.

We all know that in terms of a balance of rights and responsibilities, many people in the teaching profession feel that they are on the receiving end of a rights culture which is sometimes skilfully understood by extremely young children, but that the rights of teachers are not properly protected. There is a strong case for giving teachers at least a right to anonymity similar to that which those who accuse them often enjoy.

Mr. Drew: The hon. Gentleman is generous in giving way and he is doing the right thing by moving the new clause. If a child has made an allegation against a teacher, the child, as a minor, enjoys confidentiality. What happens if the parent of that child chooses to make the same allegation against the teacher? What recourse is there against the adult? A court case may follow, but in the meantime the teacher has lost their confidentiality.

Mr. Willetts: If a parent has broken the confidentiality in those circumstances, that should be an offence. The protection that we are trying to provide for teachers is a general protection. The hon. Gentleman is right. The protection of anonymity is enjoyed only by children. Often it is the child versus the teacher. We want as much protection as possible for teachers when they face such allegations.

I know that there are arguments against what we are proposing. One argument—which we hear from people who have reputations that we respect for their work with children who are genuine victims of abuse—is that children already find it difficult to make allegations of abuse, that many children suffer in silence, and that the proposal may make it even harder for them in future. The evidence that I quoted earlier shows that that is not the problem. The problem appears to be the very high proportion of allegations against teachers which are not well founded and which do not lead to a charge, let alone a successful conviction, but which cause enormous distress to many teachers, in some cases causing them to leave the teaching profession.

It should be possible in some way or other for the Government to put the proposed guidance on to a clear statutory basis. We would like to go wider by, for example, implementing some of the proposals in the Home Affairs Committee fifth report, which recommended the protection of anonymity for defendants in such cases, at least until charges are made. We need clear statutory action, but in pressing for the problem to be tackled, we are speaking on behalf of many people within the teaching profession who find the use of allegations against them an increasing source of concern. Even if our particular drafting today is imperfect, I hope that it is possible for the Minister to indicate that the Government are committed to tackling the problem.

Annette Brooke: As we approached this short debate, I was particularly struck by the headline of one of the many newspaper articles on this issue, "Crippling the life of a teacher is child's play". I share many of the concerns that have been raised by the hon. Member for Havant (Mr. Willetts). All too often, teachers are subject to allegations that later prove to be either malicious or exaggerated, but the damage done to a career or to someone's personal integrity can last a lifetime and often cannot be undone. An innocent person can have their life destroyed, which, as the hon. Member for Havant has said, is not the usual presumption in British justice.

We have some concerns about the particular approach in new clause 1, but I hope that we can reach an agreement, because we all agree that more protection is needed for teachers. Anonymity up to the point of conviction is a particular concern. In past debates—for example, the debate on the Sexual Offences Act 2003—Conservative and Liberal Democrat Front Benchers came together on Report to argue for anonymity up to the point of charge. We felt that there was a strong case, which would have covered teachers.

There is a low conviction rate of teachers who are accused by pupils. That is extremely serious, and I would like some research to be undertaken on that point, because there must be something wrong with the processes of the Crown Prosecution Service if the conviction rate is particularly low. In other words, why is that the outcome in so many cases? What can be done to investigate the process from charge to conviction and the unusual outcome of so many teachers being found innocent? It seems to me that something fundamental must be wrong.

The police are currently urged not to release the names of school staff unless staff are charged, and there is guidance on that matter, which we discussed at great length during the passage of the Sexual Offences Act 2003. Although the guidance will probably be effective, the big issue is that someone else could go to the press, which would lead to the story's publication. Sadly, before the case that was mentioned previously, one of the youngest mothers in England was living in my constituency. It is possible that the parents sold the story to the press. One never knows who is going to do that. We always have to take on board how we are going to cope with any restrictions on the press.

When it comes to child protection, we need to listen to the children's organisations. We may need to build in a provision whereby reporting restrictions could be lifted in extreme cases involving really serious accusations, because it may be, for whatever reason, that that particular person must be identified. I should like everything to be turned on end. The widespread publicity that we see now should be the exception rather than the rule, and a court should have to give permission for it.

The National Union of Teachers is urging the Government to try to use the amendment to introduce legal protection. Its general secretary said:

> "The question the Government should be asking itself is whether there is a workable way of protecting teachers from mass publicity."

That is what this is all about. The guidance that was introduced last November has been very helpful, and it sets out the issues, which are well rehearsed. However, we need something with stronger teeth than mere guidance. We are looking to the Government to come up with a

statutory way of giving teachers much greater protection. There should be anonymity up to the point of charging, not trial and judgment by the media beforehand. I hope that we can move forward and achieve a consensus on this, because it involves some important principles on which we are in thorough agreement.

Mrs. Dorries: It is a long time since I was in a school classroom and had a blackboard rubber lobbed at me for talking. I hate to think what would happen to a teacher who did that today, although I am not that old and it was not that long ago. We would not have dreamed of taking action against a teacher or accusing a teacher of anything. Unfortunately, things have changed. One teacher recently said to me of her classroom, "It's a war zone in there." Today's pupils grow up in a rights-aware society—they are rights-savvy. They know what their rights are, and some use them in a way that we would not expect. Indeed, parents encourage them to do so.

We ask our teachers to put up with an incredible amount in the classroom because society has changed. We live in a society where one in four nurses is attacked in an accident and emergency department on a Saturday night.

Mr. Jim Devine (Livingston) (Lab): When the hon. Lady's party was in power, it introduced the patient's charter, but not the staff charter. Do we need something like that now?

Mrs. Dorries: I have no idea. Perhaps my hon. Friend the Member for Havant (Mr. Willetts) could answer that one for me. It is a good suggestion. The Royal College of Nursing may be considering it.

Society is changing its attitudes. We know what society thinks of politicians, journalists, nurses and doctors, so it is no surprise that in the classroom, teachers are facing similar problems. It does not happen in the majority of schools. My two children attend a comprehensive school where, fortunately, discipline levels are good. There is an exchange of respect that has been well worked out between the staff and the students; all credit to the headmaster for that. However, that is not the case everywhere. It must be scary for some teachers to work in particular classrooms, knowing that they cannot take any action and that, even if they held on to a child to restrain it, they could find themselves in difficulties.

9.15 pm

The amendment does not propose total anonymity for teachers, regardless of whether they are in the right. Once due scrutiny of any accusations against a teacher has taken place and a process has been undertaken, if the teacher is found guilty, that should be in the public domain. However, the new clause would provide protection in the initial phase when the facts are not clear and nobody knows whether the teacher is guilty or whether the allegations constitute malicious behaviour on the part of one or a group of students.

I know a story that is similar to the one told earlier. It involves a group of girls and a science teacher—the teacher who told me that the classroom is a war zone. The group of girls was out to get that teacher because she was of the old school and a disciplinarian. She taught science, which is difficult to teach and requires the full attention of the class. However, the fact that the girls were out to get her shows the mentality of some of the students teachers have to deal with.

If we want to get the best people into the teaching profession and attract the brightest and best to teach our children, we must offer them protection when they are in the classroom. They must know that their lives will not be destroyed by a one-off accusation that a pupil can make at any time for no particular reason. They have to know that teaching is a career in which they can progress and that it will not be halted or destroyed through no fault of their own, but by the actions of a malicious student.

I fully support the new clause and hope that the Government will consider it favourably and offer teachers the protection that they need. Perhaps we can consider doing that for nurses, too, through a staff charter.

Mr. Drew: As someone who spent 10 years as a teacher trade unionist and represented teachers in difficult circumstances, I am thankful that I did not have a case of a teacher suspended in the circumstances that we are considering. However, I know of cases that resulted in people having their names dragged through the newspapers. Whatever the rights and wrongs of their actions, that was a trial in itself.

There are two problems that make the new clause unworkable because of the way in which it is framed, but I have great sympathy with what Opposition Front Benchers are trying to do. First, the nature of the allegation will almost certainly result in a teacher's suspension—sometimes for their own good, given the way in which the rumour mill works in schools. A suspension means that a teacher loses some anonymity because it is difficult to hold the line on why someone has been suspended. When an allegation is made, the fact that some cases can take not only months but years to come to court puts such great pressure on the teacher that it adds to the unacceptable position. Something may therefore have to happen to try to bring those cases to some form of resolution much more quickly.

Secondly, I know of cases in which allegations have been made against a teacher, not in the context of the school or teaching activity there, but something else that the teacher does, for example, being a swimming coach. I shall not go into too much detail because this relates to a genuine case. An allegation could be made against a teacher who was also a swimming coach—nothing to do with the teaching or the fact that the person may also teach swimming at school. This was an allegation that had been made outside school.

How should such allegations be handled? Proceedings might be taken in such cases, but does the fact that they might be taken against a teacher mean that that teacher should have additional protection? Or should the teacher be treated in exactly the same way as any other adult? If charges were brought, they would of course lose their anonymity, if they had not already done so.

One of the downsides of being a teacher is that, rather like politicians, some people will always want to try them, regardless of the truth and of the process involved. Sadly, people make allegations and come to conclusions as to whether a person is innocent or guilty. I have raised these points simply to seek clarification from my own Front Bench.

Angela Watkinson: I should like to speak briefly in favour of new clause 1, and I want to illustrate its importance by sharing with the House a story about someone known to me personally. This is a case exactly like those that my hon. Friend the Member for Havant (Mr. Willetts) mentioned in his opening remarks.

I should preface my remarks by saying that they do not refer to a constituent of mine or to anyone who teaches in a school in my constituency. They refer to a very experienced teacher whom I know personally. He had a false accusation made against him, although of course it was not immediately known that it was false. He was suspended straight away, as one would expect, pending an investigation. The story immediately got into the local newspapers, however, and he was vilified and lost his reputation.

It took two years for the case to come to court, during which time my acquaintance had been unable to teach. He was found not guilty, but that did him no good whatever. His reputation had gone, and he had lost his home in the meantime. The local education authority, notwithstanding the court's decision, was very reluctant to accept him back on to the supply teachers list. It took another two years before the authority felt confident enough to allow him to go on to the list.

My acquaintance then began to get jobs in local schools. The head teacher would be pleased with him, as he would settle in well and develop a good rapport with the children. After a few weeks, however, as sure as night follows day, the gossip would start at the school gates. "Oh, that was the teacher—you remember the one—that we read about in the local papers." I should add that the local papers had printed a very small comment to the effect that he had been found not guilty. So the head teacher would ask him to leave. He would then find another job, but the same thing would happen again and again.

After three or four attempts to get back into the teaching profession, this man decided that it was impossible to recover his career. So a good teacher had been lost to the profession. Furthermore, he had been a lifelong foster parent, but as soon as the accusation had been made, he had been removed from the foster parents list. This is someone whose earlier foster children came to visit him with their children, whom he regards as his own grandchildren. He had had decades of blameless foster parenting.

This man had also spent decades as a scout leader. He would take his scout pack out every summer washing cars, cutting hedges and mowing people's lawns to earn their own money so that he could take them on holiday every year at no expense to their parents. In other words, he is just one of life's good eggs. The boy who had made the false accusation turned out to have been aggrieved because he had been dropped from the football team as a punishment for larking about. But this man has now been lost to the teaching profession, lost to the fostering service and lost to the scout movement. His reputation is irrecoverable.

That is why it is so important that all possible protection be given up to the point at which charges are brought. That would not have helped in the case that I have described, because once this man got to court, he was found not guilty. I take the point made by other Members that even if it is an offence for other people to leak such stories, it is of no great comfort to the accused person, as the very fact that their name is in the public domain means that their reputation is lost. That should not stop us at least trying to control that and giving some protection to the good reputation of teachers who have been wrongly accused.

Mr. Rob Wilson: It is always a great pleasure to follow my hon. Friend the Member for Upminster (Angela Watkinson). She made a number of valid and telling points, using a compelling example of how a life can be utterly destroyed. I was not planning to speak in this debate, but I have been encouraged gently by my Front-Bench colleagues to do so—as I value my career, of course I will do so. That apart, this is also an important and interesting debate in which to participate.

New clause 1 is extremely important, as it supports that ancient British legal right of being innocent until proven guilty. There is an old saying that mud sticks. Let me tell the House that it is at its stickiest when accusations involve teachers and other members of school staff. That is why privacy is so important when accusations are thrown around. The allegation that a teacher has harmed a child, committed a criminal offence against a child or behaved in an unsuitable way can have long-term repercussions. For example, the family life of the person and his wife and children can be put under strain. The whole school community can be affected—such allegations shock a school community. They are not a trivial, silly or straightforward matter.

My concern is that once the mud is thrown, some of it will stick, even if the accusations are later proven to be untrue. The hon. Member for Mid-Dorset and North Poole (Annette Brooke), whose constituency name I always find a tongue-twister, made an important point about the current low conviction rates in relation to teachers who are accused. If a teacher is accused of being a paedophile—of sexually interfering with a child—their reputation and family life would be destroyed, even if there is not a shred of evidence to support that allegation.

We all know that some children can stretch the truth or muddle the facts. Therefore, we must know the veracity of the claims before anything is made public. We all know from our constituencies that the press loves nothing more than a scandal at the local school and we also know that that coverage is often blown out of all proportion to the actual events at the school.

We also need to be aware, however, that we should not protect the guilty. The new clause strikes the right balance, however, between protecting the innocent and ensuring that the guilty are exposed. It builds on some of the work started by the Government, which appears useful and which we can all support, so I hope that the Government can offer reciprocal support to the new clause.

Sammy Wilson: As someone who taught for 23 years, I recognise the importance of this issue, especially in more recent times, to those in the teaching profession. When I left the teaching profession about 10 years ago, it was not such a prevalent concern. For many who are

still teaching, however, their worst nightmare is to have an allegation of assault or abuse of a child made against them. That can not only ruin their career but put terrific strain on their family lives. Several teachers with whom I served and several who are constituents have come to me about well-publicised cases in Northern Ireland.

I want to make three points about this new clause. First, in the absence of anonymity there is an incentive for youngsters to make allegations because they know that those allegations can have an almost immediate impact. I do not think it insignificant that over the past few years the number of allegations against teachers has increased fourfold. That may lead to one of two conclusions. Either the quality of the teaching profession and those who enter it is becoming worse, or youngsters who are now imbued with a knowledge of their rights, and who may want to be spiteful to teachers, are tending to use such allegations as a way of destroying a teacher's life. I suspect that that is the more likely explanation.

9.30 pm

Secondly, in an era in which we are extremely sensitive to allegations made by youngsters and newspapers are happy to take up lurid stories, boards of governors and headmasters react immediately to such allegations and, moreover, want to be seen to react. In one case in Northern Ireland, in the wake of a scandal that had been well publicised in the local newspaper following an allegation made against a teacher, the members of the board of governors tripped over themselves to state publicly that they had dealt with the matter by suspending the teacher. The teacher was named in the local press. The governors thought that they were doing the right thing. They believed that they were protecting themselves. "What a good board of governors we are," they said. "We have taken immediate action, and have told people that we have done so"—which had not happened in the last case that had featured in the paper. The teacher was found not guilty of the serious abuse that had been alleged, and the effect on him and his family was devastating.

My third point is this. The Government rightly want to attract the highest calibre of people into the teaching profession. That is one way of raising standards in schools. If such a disincentive is presented to teachers, however, it will be more difficult to attract good candidates. Who wants to put himself in a position in which not only his career but his family life can be ruined as a result of spurious allegations? I think that the new clause is right to propose the granting of anonymity up to the point of conviction, given the low conviction rate.

I suspect that that low conviction rate is yet more evidence that when such allegations are made, the police and the Crown Prosecution Service are very sensitive about the issue and will therefore give the benefit of the doubt and let the court make the decision. As a result, some cases probably go to court that in other realms would not go to court, and that compounds the problem for the teacher.

The hon. Member for Stroud (Mr. Drew) raised two issues. First, he pointed out that on suspension a teacher loses anonymity to an extent. That is true, but at least the new clause does not encourage a board of governors to rush to take away that anonymity. In fact, it charges boards of governors with a duty to protect it. While the new clause may not be perfect and may not protect teachers completely, and while there may be instances in which—as a result of suspension and news on the bush telegraph—a teacher will named, it gives more protection than exists at present.

I believe that the Government should accept at least the essence of the proposal. That is the right thing to do if we are to protect teachers from false allegations. It is also the right thing to do if we want to attract high-quality people to what is a very honourable profession.

Jim Knight: I very much appreciate the concern of the hon. Member for Havant (Mr. Willetts), expressed through this new clause, to protect teachers and other members of staff from the damaging effects of allegation. I share that concern and I am keenly aware, through my experiences as a Member of Parliament, a parent and a child, of the profound effect that false or unfounded allegations can have on a person's health, family or career—the hon. Member for Upminster (Angela Watkinson) gave one such profound example—and of how publicity can then make the impact of those allegations much more severe.

Equally, it has been my experience as a governor that some allegations of abuse are true. Being abused by a person in a position of trust and authority, such as a teacher, can have a similarly devastating effect on a child. It is because we have to strike that balance that we must be very careful in seeking to address this problem, which Members in all parts of the House want to address. The hon. Member for Mid-Dorset and North Poole (Annette Brooke) quoted the National Union of Teachers asking the Government to use this provision to find a workable way of protecting teachers from false allegation. We should continue to improve the guidance and to try to find a workable method, but it is certainly a complicated issue, as I shall try to sketch out.

In 2004, my Department's five-year strategy for children and learners included a commitment to defending teachers from false allegations, to ensuring that teachers are not subjected to damaging delays where their integrity is in question, and to ensuring that swift action can be taken against those who made false allegations. That strategy was informed by research, about which the hon. Member for Mid-Dorset and North Poole asked. The Department has in recent years put in place an audit of allegations against education staff, and the results have been published. I will make sure that a copy of those results is made available in the House Library for the hon. Lady and other Members to peruse. In 2003-04, for example, the bulk of allegations were resolved outside the courts. Of the 2 per cent. that were considered by the courts, 71 resulted in conviction. According to the research, some 23 per cent. of cases resulted in disciplinary action within schools.

Following discussions with the Home Office, the Crown Prosecution Service and the Association of Chief Police Officers, my Department consulted on new arrangements for handling allegations against teachers and other education staff. Last November, we issued guidance on this issue in England, to which the

[Jim Knight]

hon. Member for Havant referred. Governing bodies of all schools and further education institutions must take account of this guidance in making arrangements to safeguard and promote the welfare of children. The revised version of "Working Together to Safeguard Children", issued this April in England, also contains overarching guidance that can be applied to allegations against anyone working with children in any setting. It is important that we think about other people who work with children. In my own constituency, for example, there has been a series of allegations against prison officers working at a young offenders institution, which have been equally distressing for the people concerned.

As drafted, the new clause—I accept that the hon. Member for Havant said that the drafting may not be perfect—would apply only to teachers, other staff and volunteers in schools and further education institutions. However, as I said, they are not the only people who can be affected by allegations. Publicity about an allegation of abuse can have equally devastating effects for anyone who works with children. Department for Education and Skills guidance states that every effort should be made to maintain confidentiality while an allegation is being investigated, unless and until a person is charged with an offence. But it also makes it clear that in exceptional circumstances, the police may need to disclose the identity of a person under investigation.

Publicity can be helpful to an accused person in gathering support and bringing forward evidence on his or her behalf. There have been examples where responsible investigative journalism has brought to light cases of abuse. Freedom to report cases is an essential part of our criminal justice system, and we must take it very seriously.

The present system of self-regulation, overseen by the Press Complaints Commission, provides safeguards—no doubt not perfect—against the publication of inaccurate or misleading information. Certainly, hon. Members have reason to say that those safeguards might not be perfect. The PCC has recently revised its guidance on such matters. I noted what my hon. Friend the Member for Stroud (Mr. Drew) said about the police. ACPO has strengthened its guidance to police forces, aimed at preventing people from being identified if they are not charged with a criminal offence.

Subsection (3) of the new clause sets out that policies and procedures should provide for disciplinary action to be taken against any teacher or member of staff who discloses any information about an allegation without the express permission of the governing body. Schools are free to include that sort of detail in their policies on allegations, and governing bodies are responsible for ensuring that such policies are in place.

Governors should bear in mind the fact that the use of reasonable force by teachers will be allowed under clause 85. I hope that that will assuage some of the examples of unfounded allegations of bodily harm and assault that have been highlighted in the press and to which the hon. Member for Havant referred. On the basis of what he said, it sounded as though those cases involved the use of reasonable force. I hope that other measures in the Bill will also help in that respect. Legislation is already in place that permits the suspension of governors for up to six months if they breach confidentiality, and appointed governors can also be removed.

I respect greatly the reason why the issue has been raised. We have had a useful and, I hope, sensitive debate. I do not think that the House should want to divide on the issue, because I do not think that we are divided about its essence. We all agree with the intent and essence of what the Opposition are trying to do with the new clause.

Mr. Willetts: I had hoped that we could avoid dividing the House, but to help us to reach a decision, can the Minister give any indication that the Government will consider legislating to tackle the problem, because voluntary codes or codes for governing bodies are not enough?

Jim Knight: All that I can say to the hon. Gentleman—I hope that this is enough—is that I am very happy to consider, with my ministerial colleagues, whether statutory force is needed. I am sympathetic to his argument, but if we decide that such force is needed, it would need full consultation, because we could not restrict it simply to teachers; we would need to think about all the people who work with children and their vulnerability to false allegations. I am not sure whether we could get that right in time to include it in the Bill. I am being completely frank with him: I very much doubt whether we could come back with an amendment on the issue in the other place, but I will work with him, other hon. Members and ministerial colleagues to find out whether there is a way to improve the situation for everyone who works with children in this country, without jeopardising the safety of children—something that is important to all of us.

Mr. Willetts: I am trying to find a way forward, because I fully understand that we do not particularly want to divide the House if we can avoid it. Is he willing to meet a group of hon. Members to consider what the options might be to legislate beyond the code, which, although admirable, is sadly not sufficient, while recognising that such provisions might not be included in the Bill?

Jim Knight: Of course I am very happy to meet the hon. Gentleman and have that discussion, although I cannot give a commitment to legislate, as I have said. On the basis of the reassurance that I have given, I hope that he will be happy to withdraw the motion.

Annette Brooke: Will that be a cross-party meeting?

Jim Knight: The hon. Lady got in just in time. As she is my neighbour, I know that she takes the issue of children's rights very seriously, so I am naturally happy to extend the invitation to her. I hope that that consensus will allow us to move on to other issues.

9.45 pm

Mr. Willetts: I had hoped that the Minister would be able to go a bit further. I realise that our new clause is not the ideal way to tackle the problem, but I had

hoped that he could have given a Government commitment to legislate on it in some way or other. However, he has undertaken to meet us and to consider legislation, even if not through this Bill, and I look forward to discussing the matter further with him. I beg to ask leave to withdraw the motion.

Motion and clause, by leave, withdrawn.

New Clause 2

ACCEPTANCE OF SCHOOL RULES A CONDITION OF ADMISSION

'An admission authority may make it a condition of a child's admission to a school that the parent of a child agrees to secure compliance with any school rules made by the headteacher of that school.'. —*[Mr. Hayes.]*

Brought up, and read the First time.

Mr. John Hayes (South Holland and The Deepings) (Con): I beg to move, That the clause be read a Second time.

Mr. Deputy Speaker: With this it will be convenient to discuss the following: New clause 10—*Home-school contracts*—

'(1) Section 111 of SSFA 1998 is amended as follows.

(2) Omit subsections (4)(b), (4)(c) and (5)

(3) After subsection (4) insert—

"(4A) A governing body of a school to which section 110(1) applies or the local education authority where it is the admission authority for such a school may make it a condition of being admitted to the school that the parental declaration is signed in respect of the child."

(4) In the heading of sections 110 (home-school agreements) and 111 (supplementary provisions about home-school agreements) for "agreements" substitute "contracts".'.

New clause 11—*Home-school contracts (no. 2)*—

'(1) SSFA 1998 is amended as follows.

(2) After section 111 insert—

"Home-school contracts

111A Home-school contracts

(1) The governing body of a school which is—

(a) a maintained school, or

(b) a city technology college, a city college for the technology of the arts or an Academy,

may adopt a home-school contract for the school, together with a parental declaration to be used in connection with the contract.

(2) For the purposes of this section and section 111 a 'home-school contract' is a statement specifying—

(a) the school's aims and values;

(b) the school's responsibilities, namely the responsibilities which the school intends to discharge in connection with the education of pupils at the school who are of compulsory school age;

(c) the parental responsibilities, namely the responsibilities which the parents of such pupils are expected to discharge in connection with the education of their children while they are registered pupils at the school; and

(d) the school's expectations of its pupils, namely the expectations of the school as regards the conduct of such pupils while they are registered pupils there;

and 'parental declaration' means a document to be used by qualifying parents for recording that they take note of the school's aims and values and its responsibilities and that they acknowledge and accept the parental responsibilities and the school's expectations of its pupils.

(3) The governing body shall take reasonable steps to secure that the parental declaration is signed by every qualifying parent.

(4) An admissions authority may make it a condition of a child being admitted to the school that the parental declaration is signed in respect of the child.

(5) An admissions authority may not—

(a) invite any person to sign the parental declaration at a time when the child in question has not been admitted to the school, or

(b) make any decision as to whether or not to admit a child to the school by reference to whether any such declaration is or is not likely to be signed in respect of the child.

(6) Subsections (3) and (4) do not require the governing body to seek the signature of a qualifying parent if, having regard to any special circumstances relating to the parent or the pupil in question, they consider that it would be inappropriate to do so.

(7) Where the governing body considers that a registered pupil at the school has a sufficient understanding of the home-school contract as it relates to him, they may invite the pupil to sign the parental declaration as an indication that he acknowledges and accepts the school's expectations of its pupils.

(8) The governing body shall discharge its duty under subsection (3)—

(a) in the case of a pupil attending the school on the relevant date, as soon after that date as is reasonably practicable; and

(b) in the case of a pupil admitted to the school, as soon after the date of his admission as is reasonably practicable.

(9) The governing body shall from time to time review the home-school contract.

(10) Where the home-school contract is revised by the governing body following such a review, subsections (3) to (8) shall, in the case of pupils admitted to the school after the revision takes effect, accordingly apply in relation to the revised contract.

(11) Before adopting the home-school contract or parental declaration, or revising that contract, the governing body shall consult—

(a) all qualifying parents, and

(b) such other persons as may be prescribed.

(12) In this section—

'qualifying parent' means a registered parent of a pupil at the school who is of compulsory school age;

'admission authority' has the meaning given by section 88(1).

(13) Section 110 does not apply to a governing body that decides to have a home-school contract.

111B Contents of home-school contracts

(1) In discharging any function under section 111A the governing body of a school shall have regard to any guidance given from time to time by the Secretary of State.

(2) If the Secretary of State by order so provides, the governing body of a school to which subsection (1) of that section applies shall ensure that any form of words—

(a) specified in the order, or

(b) having such effect as is so specified,

is not used in a home-school contract or (as they case may be) in a parental declaration.

(3) An order under subsection (2) may apply—

(a) to any school specified in the order, or

(b) to any description of school so specified.

[Mr. Deputy Speaker]

(4) A home-school contract shall not be capable of creating any obligation in respect of whose breach any liability arises in contract or in tort.".'.

New clause 72—*Burden of proof in cases of confiscation*—

'(1) In any proceedings brought against a person in respect of his seizure or retention of an item in circumstances to which section 86 applies it shall be presumed that such seizure or retention was lawful unless the contrary is shown.

(2) In any proceedings brought against a person in respect of his disposal of an item in circumstances to which section 86 applies it shall be presumed that the disposal of the item was lawful if the item could not reasonably be restored to its lawful owner or, if a pupil, to that pupil's parent or guardian without thereby facilitating the commission of an offence or of creating the possibility that further disciplinary action might need to be taken in relation to the pupil.'.

Government amendment No. 58

Amendment No. 100, in page 64, line 36 [Clause 81], after 'measures', insert

'to ensure zero tolerance of disciplinary and behavioural problems'.

Government amendments Nos. 59 to 65, 68 and 78

Mr. Hayes: This group of new clauses and amendments deal with discipline in schools. If the objective of the Bill is to increase school autonomy, the Government should agree that a school must be completely in control of discipline. That is why the new clauses would make home-school contracts enforceable. If parents and children do not sign up to a code of behaviour, and stick to it, it would surely be inappropriate for those children to attend the school.

My proposals are also in line with the Government's White Paper. It set a clear direction and that is why Opposition Members, who share the intent to drive up quality in our schools, have broadly supported the Government since it was published. We certainly support the Government in as much as they are determined to improve discipline in our schools for the benefit of children and teachers.

The White Paper states:

"Home-school agreements can be a powerful tool in making clear to parents what they can expect from their child's school particularly when they join a new school and also setting out parents' own responsibilities in supporting the school."

It also states, in paragraph 5.14:

"Home-school agreements have been a requirement since 1999, but many schools have not yet exploited their potential."

As an example of home school agreements that work, the White Paper draws attention to Oulton Broad primary school in Suffolk. It says:

"The home-school agreement is displayed in the school's entrance hall, and sets out clearly the expectation that both the school and the family will play their part in the child's education. The school consults parents about reviewing the agreement every three years, and it is used in day-to-day conversations, where necessary, with parents to clarify responsibilities, and emphasise the role that both sides play."

That is so important in an age when people are prepared to bleat about their rights, but have little regard to their responsibilities, still less their duties.

It is in a spirit of consensus and co-operation, and of wanting to improve discipline in schools, that we suggest these improvements to the Bill to enable the Government to achieve those objectives.

Sarah Teather: We discussed this matter in Committee, when it was noted that many people—such as those who cannot read and write, and those who do not speak English as a first language—would find it difficult to sign a home-school contract or agreement. Has the hon. Gentleman taken that into account in his new amendments?

Mr. Hayes: The hon. Lady, and the whole House, will know that the protection of the vulnerable is always my top priority. I would not want to disadvantage any group of people who find it difficult to understand what is required of them, but I am sure that any good school or reasonable governing body would put in place measures to allow those who are illiterate or unable to speak fluent English to participate in the school's life. In that way, such people could understand and agree to their responsibilities in respect of pupils.

The hon. Member for Brent, East (Sarah Teather) is right that we need to be sensitive about this matter and that it needs to be handed with appropriate care, but that is no reason to vote against the new clause. Given the spirit of consensus that has emerged in the course of consideration of the Bill, I hope that she will join us in fighting for good discipline in schools, and that she will support our teachers, and good teaching and learning.

Good discipline is vital in school, but in a minority of schools and classrooms, discipline is in a state of crisis. Teachers and learners face real problems; it is estimated that 270 serious assaults are carried out on teachers every year. More than 60 children are suspended or expelled for violent behaviour every day in London schools, according to an investigation conducted in 2005 by the *Evening Standard*—*[Interruption.]* I am sorry that the hon. Member for Hove (Ms Barlow) seems to make light of a problem that has such an effect on the life of schools, the progress of other learners and the morale of teachers. It is the responsibility of all hon. Members to stand by those whose lives are being made a misery by the small minority of people who are determined to disrupt good practice in our schools. The Government have recognised that, in the White Paper and in the Bill, and have introduced measures to give additional protection to schools.

The hon. Member for Brent, East has also tabled important amendments in this group that deal with confiscation. She recognises that teachers should be able to confiscate items such as mobile phones, which can cause immense difficulty. More seriously, they should be able to confiscate objects that are weapons or could be used as weapons.

It is sad that violence is on the increase in a minority of schools and classrooms, but we must not deny that most schools in this country do a great job. We should celebrate the work of our teachers accordingly, but it would be irresponsible of us not to deal with the real problems of violence and indiscipline that permeate too many schools.

It is therefore vital that we enforce home-school contracts and link them to discipline and pupils' expectations. If pupils know what is expected of them and the conditions attached to their attendance as soon

as they join a school community, there will be little doubt about their responsibilities should problems arise later on.

Sir Alan Steer, the head teacher of Seven Kings high school in Ilford, was appointed by the Government to report on these matters. He said that schools should be "comfortable, warm, sociable places". To achieve that, we must get the right balance between discipline and security, so that students can enjoy the freedoms that they want, in the proper school atmosphere.

Mr. Andrew Turner: Does my hon. Friend think that the Bill deals adequately with the case not of sex offenders who might or might not be employed in schools, but of sex offenders who may be pupils? Will it protect other pupils from such offending pupils?

Mr. Hayes: My hon. Friend has great knowledge of educational affairs, on which he always speaks with great authority, and he is an immense champion of the interests of the people of the Isle of Wight. He is right to point out that offences such as he describes can not only disrupt the life of a school but ruin individual lives—they can be committed pupil against pupil as well as teacher against pupil. The new clause and this group of amendments do not deal with those specifics, and if I were to stray into them I have no doubt that you would call me to order, Mr. Deputy Speaker. However, my hon. Friend is right to suggest that when creating a disciplined environment in schools and setting out pupils' responsibilities and expectations such issues should be addressed. I have no doubt that in the Minister's expansive response to this short debate he will want to comment on that matter and to refer to some of the detailed measures that the Government propose for guidance in addressing it.

Throughout our consideration of the Bill, the Opposition have done the right thing, because we believe that for the most part the Government have done the right thing. That is good, responsible opposition—but it is also responsible opposition to challenge the Government and to try to improve legislation when it comes before the House. In my judgment, and in the judgment of teachers, learners, parents and families throughout the country, the amendments would improve the Bill still further, and in that spirit I commend them to the House.

Sarah Teather: With an eye on the time, I shall simply say that I would like to take up further aspects of new clause 72 with the Minister in writing, because we were not happy with the answer he gave us in Committee. If the Conservatives push new clause 2 to a vote we shall oppose it. I shall now let the Minister respond, in the three minutes that the hon. Member for South Holland and The Deepings (Mr. Hayes) has left him.

Jim Knight: I am grateful to the hon. Member for Brent, East (Sarah Teather) for indicating that she wants to take up new clause 72 in writing, which is what I wanted to do anyway.

New clauses 2 and 10 would prevent a child from being admitted to a school if the parents were unable or unwilling to sign a home-school agreement. We agree that home-school agreements are an important tool in maintaining discipline and improving behaviour in schools, but we fundamentally disagree with the hon. Member for South Holland and The Deepings (Mr. Hayes) on the issue.

In Committee, it was clear that Members making that proposal believed that if parents declined to sign a home-school agreement their child should be refused admission to a school. I cannot accept a provision that would penalise a child by refusing them access to a school because their parents had not signed a document stating that they agreed with its rules and ethos. It is much better for discussion about home-school agreements to take place after the offer of a school place has been accepted; whether a parent signs the agreement should have no bearing on the security of a child's place.

I am also concerned that allowing some schools to make signing a home-school agreement compulsory could discourage some parents from applying to those schools. Such a scheme is best undertaken as part of the process of building a positive relationship between the school and family when parents know that their child will be attending the school in question. We have no wish to see home-school agreements used as another means whereby schools can select pupils, so I invite the hon. Gentleman to withdraw the new clause.

Mr. Hayes: The hon. Gentleman has just told the House that he thinks people should go to schools without agreeing to their rules and respecting their authority, because they are not prepared to sign up to the ethos of the school. That is nonsense, as he must know. He is sending the message that he does not really care about discipline as much as he pretends. That is not a good message and it is not one that teachers or learners will welcome. Parents up and down the country will be very disappointed with him.

Jim Knight: The hon. Gentleman knows well, as will any Member who chooses to read the *Hansard* report of the full arguments in Committee, how seriously the Government take discipline in schools. That is demonstrated by all the measures on discipline in the Bill, which will really move things forward so that every child in the country can have a secure experience of school. Those powers will liberate teachers to exercise discipline without having to resort to common law. I ask the hon. Gentleman to withdraw his new clause—

It being Ten o'clock, MR. DEPUTY SPEAKER *put forthwith the Question already proposed from the Chair, pursuant to Order [this day].*

Question put, That the clause be read a Second time:—

The House divided: Ayes 166, Noes 372.

Division No. 249] **[10 pm**

AYES

Afriyie, Adam	Bone, Mr. Peter
Ainsworth, Mr. Peter	Boswell, Mr. Tim
Arbuthnot, rh Mr. James	Brady, Mr. Graham
Atkinson, Mr. Peter	Brazier, Mr. Julian
Bacon, Mr. Richard	Brokenshire, James
Baldry, Tony	Browning, Angela
Baron, Mr. John	Burns, Mr. Simon
Benyon, Mr. Richard	Burrowes, Mr. David
Bercow, John	Burt, Alistair
Binley, Mr. Brian	Butterfill, Sir John
Blunt, Mr. Crispin	Campbell, Mr. Gregory

Carswell, Mr. Douglas
Cash, Mr. William
Clark, Greg
Clarke, rh Mr. Kenneth
Clifton-Brown, Mr. Geoffrey
Conway, Derek
Cox, Mr. Geoffrey
Crabb, Mr. Stephen
Curry, rh Mr. David
Davies, David T.C. *(Monmouth)*
Davies, Mr. Quentin
Davis, rh David *(Haltemprice and Howden)*
Djanogly, Mr. Jonathan
Dodds, Mr. Nigel
Dorrell, rh Mr. Stephen
Dorries, Mrs. Nadine
Duncan, Mr. Alan
Duncan Smith, rh Mr. Iain
Dunne, Mr. Philip
Ellwood, Mr. Tobias
Evans, Mr. Nigel
Fabricant, Michael
Fallon, Mr. Michael
Field, Mr. Mark
Fox, Dr. Liam
Francois, Mr. Mark
Fraser, Mr. Christopher
Garnier, Mr. Edward
Gauke, Mr. David
Gibb, Mr. Nick
Goodman, Mr. Paul
Goodwill, Mr. Robert
Gove, Michael
Gray, Mr. James
Grayling, Chris
Greening, Justine
Greenway, Mr. John
Grieve, Mr. Dominic
Gummer, rh Mr. John
Hammond, Mr. Philip
Hands, Mr. Greg
Harper, Mr. Mark
Hayes, Mr. John
Heald, Mr. Oliver
Heathcoat-Amory, rh Mr. David
Hendry, Charles
Herbert, Nick
Hoban, Mr. Mark
Hollobone, Mr. Philip
Holloway, Mr. Adam
Horam, Mr. John
Hunt, Mr. Jeremy
Hurd, Mr. Nick
Jack, rh Mr. Michael
Jackson, Mr. Stewart
Jenkin, Mr. Bernard
Johnson, Mr. Boris
Jones, Mr. David
Kawczynski, Daniel
Kirkbride, Miss Julie
Knight, rh Mr. Greg
Laing, Mrs. Eleanor
Lait, Mrs. Jacqui
Lancaster, Mr. Mark
Lansley, Mr. Andrew
Leigh, Mr. Edward
Letwin, rh Mr. Oliver
Lewis, Dr. Julian
Liddell-Grainger, Mr. Ian
Lidington, Mr. David
Lilley, rh Mr. Peter
Loughton, Tim
Luff, Peter
Mackay, rh Mr. Andrew
Malins, Mr. Humfrey
Maples, Mr. John
Maude, rh Mr. Francis
May, rh Mrs. Theresa
McCrea, Dr. William
McIntosh, Miss Anne
Mercer, Patrick
Miller, Mrs. Maria
Milton, Anne
Mitchell, Mr. Andrew
Moss, Mr. Malcolm
Murrison, Dr. Andrew
Newmark, Mr. Brooks
O'Brien, Mr. Stephen
Paice, Mr. James
Paisley, rh Rev. Ian
Paterson, Mr. Owen
Pelling, Mr. Andrew
Penrose, John
Pickles, Mr. Eric
Prisk, Mr. Mark
Pritchard, Mark
Randall, Mr. John
Redwood, rh Mr. John
Robathan, Mr. Andrew
Robertson, Hugh
Robertson, Mr. Laurence
Robinson, Mrs. Iris
Robinson, Mr. Peter
Ruffley, Mr. David
Scott, Mr. Lee
Selous, Andrew
Shapps, Grant
Shepherd, Mr. Richard
Simmonds, Mark
Simpson, David
Simpson, Mr. Keith
Spelman, Mrs. Caroline
Spicer, Sir Michael
Spink, Bob
Spring, Mr. Richard
Stanley, rh Sir John
Steen, Mr. Anthony
Streeter, Mr. Gary
Stuart, Mr. Graham
Swayne, Mr. Desmond
Swire, Mr. Hugo
Syms, Mr. Robert
Tapsell, Sir Peter
Tredinnick, David
Turner, Mr. Andrew
Tyrie, Mr. Andrew
Vaizey, Mr. Edward
Vara, Mr. Shailesh
Viggers, Peter
Villiers, Mrs. Theresa
Walker, Mr. Charles
Wallace, Mr. Ben
Waterson, Mr. Nigel
Watkinson, Angela
Widdecombe, rh Miss Ann
Wiggin, Bill
Willetts, Mr. David
Wilshire, Mr. David
Wilson, Mr. Rob
Wilson, Sammy
Winterton, Ann
Winterton, Sir Nicholas
Wright, Jeremy
Young, rh Sir George

Tellers for the Ayes:
Mr. David Evennett and Mr. Henry Bellingham

NOES

Abbott, Ms Diane
Ainger, Nick
Alexander, Danny
Alexander, rh Mr. Douglas
Allen, Mr. Graham
Anderson, Mr. David
Armstrong, rh Hilary
Austin, Mr. Ian
Austin, John
Bailey, Mr. Adrian
Baird, Vera
Baker, Norman
Balls, Ed
Banks, Gordon
Barlow, Ms Celia
Barrett, John
Battle, rh John
Bayley, Hugh
Beckett, rh Margaret
Begg, Miss Anne
Bell, Sir Stuart
Benn, rh Hilary
Benton, Mr. Joe
Berry, Roger
Betts, Mr. Clive
Blackman-Woods, Dr. Roberta
Blears, rh Hazel
Blunkett, rh Mr. David
Borrow, Mr. David S.
Bradshaw, Mr. Ben
Brake, Tom
Breed, Mr. Colin
Brennan, Kevin
Brooke, Annette
Brown, rh Mr. Gordon
Brown, Lyn
Brown, rh Mr. Nicholas
Brown, Mr. Russell
Browne, rh Des
Browne, Mr. Jeremy
Bryant, Chris
Buck, Ms Karen
Burden, Richard
Burgon, Colin
Burnham, Andy
Burt, Lorely
Butler, Ms Dawn
Byers, rh Mr. Stephen
Byrne, Mr. Liam
Cable, Dr. Vincent
Caborn, rh Mr. Richard
Cairns, David
Campbell, Mr. Alan
Campbell, rh Sir Menzies
Carmichael, Mr. Alistair
Caton, Mr. Martin
Clwsey, Mr. Ian
Challen, Colin
Chaytor, Mr. David
Clapham, Mr. Michael
Clark, Ms Katy
Clark, Paul
Clarke, rh Mr. Charles
Clarke, rh Mr. Tom
Clegg, Mr. Nick
Clelland, Mr. David
Clwyd, rh Ann
Coaker, Mr. Vernon
Colley, Ann
Cohen, Harry
Cooper, Rosie
Cooper, Yvette
Corbyn, Jeremy
Cousins, Jim
Crausby, Mr. David
Creagh, Mary
Cruddas, Jon
Cryer, Mrs. Ann
Cummings, John
Cunningham, Mr. Jim
Cunningham, Tony
Curtis-Thomas, Mrs. Claire
Darling, rh Mr. Alistair
David, Mr. Wayne
Davidson, Mr. Ian
Dean, Mrs. Janet
Denham, rh Mr. John
Devine, Mr. Jim
Dhanda, Mr. Parmjit
Dismore, Mr. Andrew
Dobbin, Jim
Dobson, rh Frank
Donohoe, Mr. Brian H.
Doran, Mr. Frank
Drew, Mr. David
Eagle, Angela
Eagle, Maria
Efford, Clive
Ellman, Mrs. Louise
Engel, Natascha
Ennis, Jeff
Etherington, Bill
Farrelly, Paul
Farron, Tim
Featherstone, Lynne
Field, rh Mr. Frank
Fisher, Mark
Fitzpatrick, Jim
Flello, Mr. Robert
Flint, Caroline
Flynn, Paul
Follett, Barbara
Foster, Mr. Don
Foster, Mr. Michael *(Worcester)*
Foster, Michael Jabez *(Hastings and Rye)*
Francis, Dr. Hywel
Gapes, Mike
Gardiner, Barry
George, rh Mr. Bruce
Gerrard, Mr. Neil
Gibson, Dr. Ian
Gilroy, Linda
Godsiff, Mr. Roger
Goggins, Paul
Goldsworthy, Julie
Goodman, Helen
Griffith, Nia
Griffiths, Nigel
Gwynne, Andrew
Hain, rh Mr. Peter

Hall, Patrick
Hamilton, Mr. Fabian
Hancock, Mr. Mike
Hanson, Mr. David
Harman, rh Ms Harriet
Harris, Dr. Evan
Harris, Mr. Tom
Harvey, Nick
Havard, Mr. Dai
Heath, Mr. David
Henderson, Mr. Doug
Hendrick, Mr. Mark
Hepburn, Mr. Stephen
Heppell, Mr. John
Hesford, Stephen
Hewitt, rh Ms Patricia
Heyes, David
Hill, rh Keith
Hillier, Meg
Hodge, rh Margaret
Hodgson, Mrs. Sharon
Hoey, Kate
Holmes, Paul
Hoon, rh Mr. Geoffrey
Hope, Phil
Hopkins, Kelvin
Horwood, Martin
Howells, Dr. Kim
Hoyle, Mr. Lindsay
Hughes, rh Beverley
Hughes, Simon
Huhne, Chris
Humble, Mrs. Joan
Hunter, Mark
Hutton, rh Mr. John
Iddon, Dr. Brian
Illsley, Mr. Eric
Ingram, rh Mr. Adam
Irranca-Davies, Huw
Jackson, Glenda
James, Mrs. Siân C.
Jenkins, Mr. Brian
Johnson, rh Alan
Johnson, Ms Diana R.
Jones, Helen
Jones, Mr. Kevan
Jones, Lynne
Jones, Mr. Martyn
Jowell, rh Tessa
Joyce, Mr. Eric
Kaufman, rh Sir Gerald
Keeble, Ms Sally
Keeley, Barbara
Keen, Ann
Keetch, Mr. Paul
Kelly, rh Ruth
Kemp, Mr. Fraser
Kennedy, rh Mr. Charles
Kennedy, rh Jane
Khabra, Mr. Piara S.
Khan, Mr. Sadiq
Kidney, Mr. David
Knight, Jim
Kramer, Susan
Kumar, Dr. Ashok
Ladyman, Dr. Stephen
Lamb, Norman
Lammy, Mr. David
Laws, Mr. David
Laxton, Mr. Bob
Lazarowicz, Mark
Leech, Mr. John
Lepper, David
Levitt, Tom
Lewis, Mr. Ivan
Linton, Martin
Lloyd, Tony
Love, Mr. Andrew
Lucas, Ian
MacDougall, Mr. John
Mackinlay, Andrew
MacShane, rh Mr. Denis
Mactaggart, Fiona
Mahmood, Mr. Khalid
Malik, Mr. Shahid
Mallaber, Judy
Mann, John
Marris, Rob
Marsden, Mr. Gordon
Marshall, Mr. David
Martlew, Mr. Eric
McAvoy, rh Mr. Thomas
McCafferty, Chris
McCarthy, Kerry
McCarthy-Fry, Sarah
McCartney, rh Mr. Ian
McDonagh, Siobhain
McDonnell, John
McFadden, Mr. Pat
McFall, rh Mr. John
McGovern, Mr. Jim
McGuire, Mrs. Anne
McIsaac, Shona
McKechin, Ann
McKenna, Rosemary
McNulty, Mr. Tony
Meacher, rh Mr. Michael
Meale, Mr. Alan
Merron, Gillian
Michael, rh Alun
Milburn, rh Mr. Alan
Miliband, rh David
Miliband, Edward
Moffat, Anne
Moffatt, Laura
Mole, Chris
Moon, Mrs. Madeleine
Moore, Mr. Michael
Moran, Margaret
Morden, Jessica
Morgan, Julie
Morley, Mr. Elliot
Mountford, Kali
Mudie, Mr. George
Mulholland, Greg
Mullin, Mr. Chris
Munn, Meg
Murphy, Mr. Denis
Murphy, Mr. Jim
Norris, Dan
O'Brien, Mr. Mike
O'Hara, Mr. Edward
Olner, Mr. Bill
Öpik, Lembit
Osborne, Sandra
Owen, Albert
Palmer, Dr. Nick
Pearson, Ian
Plaskitt, Mr. James
Pope, Mr. Greg
Pound, Stephen
Prentice, Bridget
Prentice, Mr. Gordon
Prescott, rh Mr. John
Primarolo, rh Dawn
Prosser, Gwyn
Pugh, Dr. John
Purchase, Mr. Ken
Purnell, James
Rammell, Bill
Raynsford, rh Mr. Nick
Reed, Mr. Andy
Reed, Mr. Jamie
Reid, Mr. Alan
Reid, rh John
Rennie, Willie
Riordan, Mrs. Linda
Robertson, John
Robinson, Mr. Geoffrey
Rogerson, Mr. Dan
Rooney, Mr. Terry
Rowen, Paul
Roy, Mr. Frank
Ruane, Chris
Ruddock, Joan
Russell, Bob
Russell, Christine
Ryan, Joan
Salter, Martin
Sarwar, Mr. Mohammad
Seabeck, Alison
Shaw, Jonathan
Sheerman, Mr. Barry
Sheridan, Jim
Simon, Mr. Siôn
Simpson, Alan
Singh, Mr. Marsha
Skinner, Mr. Dennis
Slaughter, Mr. Andrew
Smith, rh Mr. Andrew
Smith, Ms Angela C. *(Sheffield, Hillsborough)*
Smith, Angela E. *(Basildon)*
Smith, Geraldine
Smith, rh Jacqui
Smith, John
Smith, Sir Robert
Snelgrove, Anne
Soulsby, Sir Peter
Spellar, rh Mr. John
Starkey, Dr. Phyllis
Stewart, Ian
Straw, rh Mr. Jack
Stuart, Ms Gisela
Stunell, Andrew
Sutcliffe, Mr. Gerry
Swinson, Jo
Tami, Mark
Taylor, David
Taylor, Matthew
Teather, Sarah
Thomas, Mr. Gareth
Thornberry, Emily
Thurso, John
Timms, Mr. Stephen
Tipping, Paddy
Todd, Mr. Mark
Touhig, Mr. Don
Trickett, Jon
Truswell, Mr. Paul
Turner, Dr. Desmond
Twigg, Derek
Usher, Kitty
Vaz, Keith
Vis, Dr. Rudi
Walley, Joan
Waltho, Lynda
Ward, Claire
Wareing, Mr. Robert N.
Watson, Mr. Tom
Watts, Mr. Dave
Webb, Steve
Whitehead, Dr. Alan
Wicks, Malcolm
Williams, rh Mr. Alan
Williams, Mrs. Betty
Williams, Mark
Williams, Mr. Roger
Williams, Stephan
Willis, Mr. Phil
Willott, Jenny
Wills, Mr. Michael
Winnick, Mr. David
Winterton, Ms Rosie
Wood, Mike
Woodward, Mr. Shaun
Woolas, Mr. Phil
Wright, Mr. Anthony
Wright, David
Wright, Mr. Iain
Wright, Dr. Tony
Wyatt, Derek
Younger-Ross, Richard

Tellers for the Noes:
Steve McCabe and Liz Blackman

Question accordingly negatived.

Clause 81

Determination By Head Teacher Of Behaviour Policy

Amendments made: No. 58, in page 64, line 36, leave out from 'measures,' to first 'to' in line 38.

No. 59, in page 65, line 8, at end insert—

'( ) The measures which the head teacher determines under subsection (1) must include the making of rules and provision for disciplinary penalties (as defined by section 82).'.

No. 60, in page 65, line 10, after 'measures' insert 'to be'.—*[Jim Knight.]*

Clause 91

PARENTING CONTRACTS AND PARENTING ORDERS: FURTHER PROVISIONS

Amendments made: No. 61, in page 71, line 37, at end insert—

'(3) In subsection (2), "prescribed" means prescribed by regulations made by the appropriate person under subsection (1).'. .—*[Jim Knight.]*

Clause 95

DUTY OF PARENTS IN RELATION TO EXCLUDED PUPIL

Amendments made: No. 62, in page 74, line 5, leave out from 'offence' to end of line 6 and insert—

'(3A) It is a defence for a person charged with an offence under subsection (3) to prove that he had a reasonable justification for his failure to comply with the duty imposed by subsection (2).'.—*[Jim Knight.]*

Clause 100

FAILURE BY EXCLUDED PUPIL TO ATTEND EDUCATIONAL PROVISION ON SCHOOL SITE

Amendments made: No. 63, in page 77, line 39, leave out from beginning to 'insert' in line 40 and insert—

'(1) In section 444 of EA 1996 (offence of failing to secure regular attendance at school of registered pupil), in subsection (1A), omit "without reasonable justification".

(2) After that subsection insert—

"(1B) It is a defence for a person charged with an offence under subsection (1A) to prove that he had a reasonable justification for his failure to cause the child to attend regularly at the school."

(3) In subsection (2) of that section, for "(3)" substitute "(2A)".

(4) After subsection (2) insert—

"(2A) The child shall not be taken to have failed to attend regularly at the school by reason of his absence from the school at any time if the parent proves that at that time the child was prevented from attending by reason of sickness or any unavoidable cause."

(5) In subsection (3) of that section—

(a) at the end of paragraph (a) insert "or", and

(b) omit paragraph (b) and the "or" immediately following it.

(6) In subsection (6) of that section, for "the parent shall be acquitted if he proves" substitute "it is a defence for the parent to prove".

(7) In subsection (7) of that section, for "at a time when he was not" substitute "unless the parent proves that at that time the child was".

(8) After that subsection'.

No. 64, in page 78, line 24, at end insert—

'(9) In subsection (6) of section 444ZA of EA 1996 (application of section 444 to alternative educational provision), for "the parent shall be acquitted if he proves" substitute "it is a defence for the parent to prove".

(10) In section 16 of the Crime and Disorder Act 1998 (c. 37), in subsection (4) for the words from "unless" to the end substitute "unless the child or young person is prevented from attending by sickness or other unavoidable cause or the absence falls within subsection (3) (leave or day set apart for religious observance) of section 444 of the Education Act 1996".'.

No. 65, in page 78, line 24, at end insert—

'(11) The amendments made by this section, and the entry in Part 1 of Schedule 18 relating to section 444 of EA 1996, do not apply in relation to any failure to attend at a school, or other place in relation to which that section applies, which occurs before the commencement of the amendment in question.'.—*[Jim Knight.]*

Further consideration adjourned.—*[Huw Irranca-Davies.]*

Bill, as amended in the Standing Committee, to be further considered tomorrow.

DELEGATED LEGISLATION

Mr. Deputy Speaker (Sir Michael Lord): I propose to put together the Questions on the three motions.

Motion made, and Question put forthwith, pursuant to Standing Order No. 118(6) (Standing Committees on Delegated Legislation),

INSOLVENCY

That the draft Enterprise Act 2002 (Disqualification from Office: General) Order 2006, which was laid before this House on 18th April, be approved.

NATIONAL HEALTH SERVICE

That the draft National Health Service (Pre-consolidation Amendments) Order 2006, which was laid before this House on 26th April, be approved.

INTERNATIONAL DEVELOPMENT

That the draft International Development Association (Multilateral Debt Relief Initiative) Order 2006, which was laid before this House on 27th April, be approved.—*[Huw Irranca-Davies.]*

Question agreed to.

Mr. Deputy Speaker: We now come to petitions. *[Interruption.]* Order. Will Members please leave quietly? We have other business to contend with. It does not help if everybody flocks out like a football crowd. *[Interruption.]* Order. I mean it. Tonight let us go quietly, one by one if we can, rather than rushing out.

PETITIONS

Post Office Card Accounts

10.16 pm

Mr. Hugo Swire (East Devon) (Con): I present the petition of Councillor Christine Drew and Councillor Stuart Hughes and councillors and residents of the East Devon district council area.

The petition

Declares that the petitioners consider that the use of Post Office Card Accounts is a valuable means of keeping rural post offices and shops open. The Card Account is often the only way that pensioners can access their pension payments.

The Petitioners therefore request that the House of Commons urge the Government to drop plans to end Post Office Card Accounts.

And the Petitioners remain, etc.

To lie upon the Table.

10.17 pm

Angela Browning (Tiverton and Honiton) (Con): I am pleased to join my hon. Friend and neighbour the Member for East Devon (Mr. Swire) and present a petition from Councillor Tony Wilkinson and councillors and residents of the East Devon district council area.

The petition

Declares that the petitioners consider that the use of Post Office Card Accounts is a valuable means of keeping rural post offices and shops open. The Card Account is often the only way that pensioners can access their pension payments.

The Petitioners therefore request that the House of Commons urge the Government to drop plans to end Post Office Card Accounts.

And the Petitioners remain, etc.

To lie upon the Table.

Oxford University (Student Rents)

10.18 pm

Mr. Andrew Smith (Oxford, East) (Lab): I am pleased to present a petition signed by 2,000 students of Pembroke college and other colleges of Oxford university protesting at the impact of excessive rent rises.

The petition states:

To the Honourable the Commons of the United Kingdom of Great Britain and Northern Ireland in Parliament assembled.

The Humble Petition of the students of University of Oxford

Sheweth That

Accommodation costs in Oxford colleges have risen by 35 per cent. in the last five years, compared to a rise of 8.6 per cent. in London and 3.5 per cent. regionally.

College accommodation in Oxford is the most expensive in England outside London and more expensive than Kings College London, University College London and the London School of Economics, all of whose students receive a student loan weighted for London living costs.

Wherefore your Petitioners pray that your honourable House shall urge the Department for Education and Skills to consider the plight of the students of the University of Oxford and others in a similar situation and henceforth allow students to live and work, free from the burden of unreasonable accommodation costs.

And you Petitioners, as in duty bound, will ever pray, &c.

To lie upon the Table.

Unfair Dismissal

Motion made, and Question proposed, That this House do now adjourn.—*[Steve McCabe.]*

10.19 pm

Simon Hughes (North Southwark and Bermondsey) (LD): I am happy to have the opportunity to raise on the Adjournment the subject of the dismissal of my constituent, Mr. James Beedell. I welcome the Minister to his new responsibilities; as it happens, this debate concerns an incident that occurred in the borough, part of which he represents and therefore knows well. I hope that I have been able to assist him by letting his office know the burden of my case in advance, which I hope will help him to give as constructive a reply as possible.

Mr. James Beedell is a long-standing constituent of mine who has lived in Walworth in south London, which is just over the river, for a number of years. He first came to see me just less than two years ago about the circumstances of a previous dismissal from employment. Let me summarise my view on the matter before I go over the facts. It is my belief that in his particular case, the decision to dismiss him was harsh in light of the fact that he had worked for the same company for 28 years with an apparently impeccable record of service.

Mr. Beedell is a man in his 50s who, after a 28-year period of service in the same company, is now unemployed. As a result of his dismissal, he is finding it difficult to obtain work. The dismissal, which he is aggrieved about and which has so far prevented him from finding a new job, stems from one single altercation with a colleague in the workplace in 1998. It was that row that led to Mr. Beedell's dismissal.

Mr. Beedell had worked for that company, West Ferry Printers, since he joined in 1970 as a casual worker—eight years later, he became a permanent member of staff. The incident which led to his dismissal occurred on 29 September 1998 and involved him and a fellow employee, Mr. Radcliffe. In short, both men were reported for fighting in the workplace. They were reported by Mr. Fisher, the press hall manager, to the production director, Mr. Lawrence, and to the personnel manager, Mr. Marsden. Both men were then suspended on full pay pending a disciplinary hearing.

In the run-up to the disciplinary hearing, potential witnesses were interviewed, and the two men apparently gave differing accounts of the incident. On 2 October 1998, disciplinary hearings took place before Mr. Fairlie, the senior press hall manager. Based on the evidence of the two men, witnesses to the incident and reports from the company nurse and from Mr. Beedell's GP, Mr. Fairlie concluded that both men had been violent participants in the incident, and he summarily dismissed them both without notice.

Mr. Beedell subsequently appealed internally against that decision to dismiss him from the company, particularly on the grounds that he had worked for them for 28 years with an impeccable record for all that time. His appeal was heard on 16 October 1998 by Mr. Marsden, but it was dismissed. My constituent then took his case to the London (South) employment tribunal, which on 14 December 1999 upheld the employer's decision to dismiss Mr Beedell. Mr Beedell then appealed that decision to the Employment Appeal Tribunal on 7 July 2000, and again his appeal was dismissed. He then took

[Simon Hughes]

his case to the Court of Appeal in 2001, where his case was also dismissed. The final stage in the legal proceedings occurred on 20 June 2001, when the House of Lords refused his application for leave to appeal.

When Mr. Beedell first contacted me as his constituency MP, I sought advice from an eminent lawyer, David Pannick QC, who is eminent not only in that area, but on matters connected with the European convention on human rights. His opinion was that the decision to dismiss Mr. Beedell after one altercation following 28 years of impeccable service to West Ferry Printers did seem "very harsh". However, following the decision of the Court of Appeal, David Pannick advised that there was no further legal remedy for Mr. Beedell. In May 2004, he advised me:

> "I can see no realistic prospect of the European Court of Human Rights finding that the law of unfair dismissal, as applied to Mr. Beedell, breaches any of his fundamental rights under the European Convention on Human Rights. The European Court would say that domestic law has a broad discretion to decide what standards of procedural and substantive fairness to apply in this context, and that Strasbourg does not provide an appeal on the merits of individual cases."

Mr. Beedell has therefore exhausted all legal avenues to appeal or to remedy the decision, and that is why I bring the case before the House today for Government and Parliament to consider.

Mr. Beedell's key grievance is that he feels that the current law is biased in favour of the employer, with, in cases like his, very unfair results. Under current law, disciplinary matters are of course dealt with first by the employer. After an initial decision, there would presumably in all circumstances be an internal right of appeal. If the employee was not satisfied with the outcome of that, he or she could then go to the employment tribunal. As the House knows, employment tribunals either dismiss the claim of unfair dismissal or uphold it. Most cases are dismissed, although the most recent Tribunals Service annual report that I have seen, which was published about a year and a half ago, shows that in 10 per cent of cases that went to the employment tribunal in England and Wales in 2004-05, the employer was held to have unfairly dismissed the employee.

After a finding of unfair dismissal, there are various remedies that the tribunal can give. Among those is the right to recommend re-engagement or reinstatement. The employment tribunal does not then have a power to substitute its own view of the fairness or unfairness of the decision to dismiss. But if it finds that the dismissal was unfair, although it cannot force the employer to re-engage or reinstate the employee, if that is what it holds should happen, the employer will be penalised financially if they do not follow the recommendation and the employee will be financially compensated. I understand why that is the case; it is to ensure that one does not end up putting an employer and employee back together in situations where they are not going to get on. According to the latest Tribunals Service annual report for 2004-05, re-engagement or reinstatement in a case of unfair dismissal was very rarely the decision of the tribunal. Only 0.4 per cent. of cases—one in every 250—led to reinstatement.

Mr Beedell argues that the figures show how difficult it is, first, for an employee to win a case against the employer; and secondly, even if the employee wins, for him to get his job back. That is the important aspect that I want the Minister to address specifically, because the rest is can be seen as the normal situation in all unfair dismissal cases. One of the key reasons why Mr. Beedell and people like him understandably feel that they have a bad deal in employment law is that tribunals are governed by the "reasonable response" test. In accordance with section 98(4) of the Employment Rights Act 1996—which is still the governing piece of legislation—the question of the fairness of the dismissal, first, depends on whether in the circumstances, including the size and administrative resources of the employer's undertaking, the employer acted reasonably or unreasonably in treating it as a sufficient reason for dismissing the employee; and, secondly, shall be determined in accordance with equity and the substantial merits of the case.

That may sound fine on the face of it, but it does not always work out that way. The test means that for a dismissal to be lawful, an employer's decision to dismiss an employee must fall within the range of reasonable responses open to an employer in all circumstances. That in turn means that a given set of circumstances may result in one employer deciding to dismiss and another employer, in the same or similar circumstances but equally reasonably, deciding not to dismiss.

In addition, the law provides that, when considering whether a dismissal is "fair" or "unfair", and when determining whether an employee's conduct justifies dismissal, an employment tribunal cannot substitute its view for that of the employer about what is "reasonable", provided that the employer's decision was within a band of reasonable responses open to a reasonable employer.

Several decisions by the Employment Appeal Tribunal and other cases have been reported, but I shall cite only one case. Mr. Haddon took his employers, Van den Bergh Foods, to the tribunal and the case was decided on 29 September 1999. In it, the Employment Appeal Tribunal sought to reformulate the test of reasonableness. The key elements of the case were simple. Mr. Haddon had received a long-service award at a presentation that started at 5.30 pm with a buffet supper afterwards. He failed to clear with his manager that he would not need to return to the evening shift after the presentation, although employees were not normally required to do so. A disciplinary hearing took place and Mr. Haddon was dismissed for failing to return to work after the presentation. The employment tribunal decided that the dismissal was fair because it was not outside the "band of reasonable responses" open to the employer. However, the Employment Appeal Tribunal—rightly, in my view—decided that the dismissal was unfair.

According to the Employment Appeal Tribunal, the test of reasonableness is objective—that is, the tribunal must ask itself what a reasonable employer would have done; the "band of reasonable responses" test is not helpful as there are bound to be extreme views at either end of the band, and all tribunals must consider whether the employer acted reasonably in dismissing the employee in all the circumstances.

The Haddon case, which dated from 1999, became one of the cases that has been used regularly in tribunals till now and governed the decisions of the employment tribunal, the Employment Appeal Tribunal and the

Court of Appeal in Mr. Beedell's case as part of the case law that interprets the Act that Parliament passed. In Mr Beedell's case, the Employment Appeal Tribunal ruled that

"the law on dismissal for a reason which related to conduct was not altered by the recent cases of Haddon *v.* Van den Bergh Foods Ltd, Wilson *v.* Ethicon (2000) or Madden *v.* Midland Bank Plc (2000)".

The latter two are the other most often cited cases.

As a result of the current law and its interpretation in the cases since we passed it, West Ferry Printers has been held not to have acted unfairly in dismissing Mr Beedell and to have had no duty to reinstate him. There is no argument in law about that. The last decision in Mr Beedell's case in the law courts was five years ago.

What next? I hope that I can persuade the Minister to see that there may be some scope for putting right an injustice. I understand that there are no recent Government or parliamentary proposals to change the basic legal framework or to adjust the balance between employer and employee interests in the way in which the framework currently works. There has been a new employment Act—the Employment Act 2002—which sets out new statutory and disciplinary grievance procedures. It was generally accepted and welcomed in all quarters of the House and it came into force in 2004. It ensures that internal procedures are better than they were. However, none of those changes appear specifically to tackle the balance of fairness in cases of alleged unfair dismissal.

Given that that law did not change anything, on behalf of especially James Beedell, and others who might be in a similar position in future, I come to Parliament today to ask four central questions. First, is any further general review of employment legislation envisaged? Is there any plan to reconsider the test or the practice for determining whether a dismissal is fair or unfair, rather than continuing with the law and the case law that is currently used?

Secondly, what options are available to Mr Beedell and people like him, who find themselves in the position of being dismissed, after an employer decision which is, at the very least, extremely harsh, and, the employee and others would argue, disproportionate and personally unfair?

Thirdly, if the decision in Mr. Beedell's case cannot be changed, and if re-engagement or reinstatement are not an option, how can Mr. Beedell—or anyone in his position—ensure that his long and excellent work record is not discounted or ignored in his search for subsequent employment as a result of the one incident that led to his dismissal?

Fourthly—this is perhaps the big question—is there not a way in which natural justice could be included as an overriding principle, or as a backstop, in the way in which we evaluate such cases? This could allow people like Mr. Beedell who make what might objectively be considered to be a serious mistake once, but who are then punished for it for the rest of their working life, to have the slate wiped clean.

Mr. Beedell is keen to get back into gainful employment, but the clock is ticking as he moves through his 50s, and so far this has not proved possible. The principal reason for this is that he might first be seen in the eyes of any potential employer as someone who was dismissed for fighting with a fellow employee, rather than as someone who gave committed, loyal, professional, diligent and unblemished service to his employer for 28 years.

Mr. Beedell feels that he has had a raw deal. Although I understand his former employer's decision, I agree with Mr. Beedell. How would our new Minister and his Department suggest that this case, and that of others in a similar situation to that of Mr. Beedell, be remedied, so that those affected might be treated better by the law of the land?

10.36 pm

The Parliamentary Under-Secretary of State for Trade and Industry (Jim Fitzpatrick): I congratulate the hon. Member for North Southwark and Bermondsey (Simon Hughes) on securing this debate and welcome the opportunity to comment on some of the general issues surrounding the unfair dismissal legislation. I am advised in my brief that he has been campaigning on behalf of his constituent for some years, and I commend that activity. I regret to tell him, however, that I shall be unable to give him any satisfaction in my response this evening. He said that his office had contacted mine, but I am advised that we received no such communication. I hope that he will forgive me, therefore, given the specific nature of his questions, if I write to him about them rather than dealing with them in an ad hoc fashion. I know from the briefings that I have been getting over the past two weeks that I shall be able to give him better information if I write to him, and I undertake to do so after the end of tonight's business.

I must stress, however, that the general issues that I shall be discussing will address many of the points that the hon. Gentleman has raised. While I of course understand that his constituent was disappointed with the outcome of his own unfair dismissal claim, it would be inappropriate for me to comment on decisions made by the employment tribunal, or by the Appeal Courts, which are independent judicial bodies.

It might be helpful if I start by setting out how the legislation works. Protection against unfair dismissal has now been in force for more than 30 years. The fundamental tenets of the legislation have always been, first, that an employer must have a potentially fair reason for dismissing an employee. It could be a reason relating to the employee's conduct or to his or her capability or qualifications. It could be that the employee was redundant or that there was a legal reason preventing his or her continued employment—the classic example is a driver who loses his or her driving licence. Or there could be some other substantial reason to justify the dismissal.

If an employee believes that he or she has been dismissed unfairly, they can complain to an employment tribunal, subject to the necessary qualifying service. At the tribunal, it must first be shown that the individual was in fact dismissed. The employer must then show that the dismissal was for a potentially fair reason. If he or she can do so, the employment tribunal will consider whether the employer acted reasonably or unreasonably in dismissing the employee for that reason.

[Jim Fitzpatrick]

The concept of acting reasonably is crucial to the unfair dismissal legislation. Understandably, case law has developed over the decades that helps the employment tribunals to decide what is reasonable in particular circumstances. For instance, if a dismissal relates to an employee's capability, a tribunal will expect the employer to have appraised the employee's performance properly and identified the root of the problem. The employer must not only do that, but warn the employee of the consequences of failing to improve and give him or her a reasonable chance to do so. That is acting reasonably; dismissing a poor performer when he or she first turns in poor work is not. Case law also guides tribunals in considering dismissals related to an employee's conduct. In that regard, the employer must have reasonable grounds for believing that the employee was guilty of the conduct that caused the dismissal. He or she must have carried out as much investigation as was reasonable in the circumstances.

The courts have developed another important test to assist tribunal decision making, which the hon. Member for North Southwark and Bermondsey raised specifically and with which he took issue. It is known as the band of reasonable responses test, or sometimes as the range of reasonable responses test. Essentially, it requires tribunals to consider whether an employer's action in dismissing an employee fell within the range of responses to a given situation which might have been expected of a hypothetical reasonable employer in the same circumstances. If it did, the dismissal would be fair.

The test has important and, I believe, desirable effects. It reduces the risk of inconsistent decision making from one employment tribunal to another. It acknowledges that more than one response to a given set of circumstances might be reasonable. For instance, two employers might be more or less lenient, according to the culture of their workplaces and the standards of conduct that they explicitly require of their employees, towards the same act of misconduct. It also underlines the principle that employment tribunals should avoid subjective decisions. To put it bluntly, tribunal members are not there to say, "We would not have sacked that employee," therefore it is an unfair dismissal," or, "We'd have sacked him or her, too, so it is fair." They must not seek to substitute their view for that of the employer. They must judge cases objectively in the light of all the circumstances.

The development of the test over many years has not been without its difficulties and inconsistencies, at least as tribunals have at times purported to apply it. That has led to criticism, which has been twofold. The first criticism has been that the test is a perversity test, or what amounts to one—that it compels tribunals to find that any decision to dismiss is reasonable as long as it is not so unreasonable as to be perverse. The second has been that the test prevents employment tribunals, which are sometimes described as "industrial juries", from drawing on their own workplace experience in deciding whether a dismissal is fair.

If those criticisms ever held water, however, they no longer do so. Later case law has made it clear that the band of reasonable responses test is not a perversity test—the relevant cases are the 2001 Court of Appeal case, to which the hon. Gentleman referred, of Post Office *v.* Foley, and the case of Midland Bank plc *v.* Madden. Case law has also made it clear that it is not an error of law for tribunals to refrain from applying the band of reasonable responses test at all. There will be cases in which the employer's conduct is so clearly reasonable or unreasonable that that there is no range of responses to consider. It has also emphasised that the test does not preclude tribunals from applying their industrial experience to the facts of a case. They can do so, and should do so, in deciding how a hypothetical reasonable employer might have responded when presented with the same facts.

None of that will assuage the disappointment of employees and/or employers who lose unfair dismissal cases, as one or the other must fail in every case. Their disappointment is natural, and it is perhaps also natural that in some cases it will promote a belief that the law must be loaded against one side or the other. The law is about balance, however, and it would clearly be unworkable to allow employers no discretion at all in dismissing employees. Since they must have some discretion, the question is how much. What is the proper balance between protecting employees from unfair treatment and enabling employers to run their businesses without undue constraint? I realise that this will disappoint the hon. Gentleman, but I believe that the current legislation and the band of reasonable responses test get the balance right. At the moment, we have no plans to override that, but as I said, I shall write to him about where we are with employment legislation.

That said, we are not complacent about employment law. We have made significant changes since 1997. For instance, for a long time the period of service that most employees must accrue before they qualify to make an unfair dismissal claim stood at two years. Some employers claimed that a substantial qualifying period was necessary so that they could rectify recruitment mistakes without the risk of facing a tribunal claim. We accept that recruitment mistakes do happen, but we believed that two years was longer than employers needed to discover and deal with them. In 1999, therefore, we reduced the qualifying period to one year, thus protecting more employees against the risk of arbitrary dismissal.

I could go on to describe in detail the new disputes resolution procedures that we introduced via the Employment Act 2002, to which the hon. Gentleman referred. We hoped that they would help to improve protection for employers and employees against having to have recourse to employment tribunals, and we believe that they have done so. Time is against me, however. I said at the outset that I did not expect the hon. Gentleman to be satisfied with my comments, and I have probably lived up to that expectation, but I have undertaken to write to him in response to the specific questions that are now recorded in *Hansard*, and I shall ensure that my office deals with that as expeditiously as possible.

Question put and agreed to.

Adjourned accordingly at fourteen minutes to Eleven o'clock.

House of Commons

Wednesday 24 May 2006

The House met at half-past Eleven o'clock

PRAYERS

[MR. SPEAKER *in the Chair*]

Oral Answers to Questions

NORTHERN IRELAND

The Secretary of State was asked—

Security Situation

1. **Mr. Nigel Dodds** (Belfast, North) (DUP): What recent assessment he has made of the security situation in Northern Ireland. [72220]

The Parliamentary Under-Secretary of State for Northern Ireland (Paul Goggins): The 10th report by the Independent Monitoring Commission was the most positive yet and confirmed that the security situation has shown enormous improvement. Although loyalist paramilitaries and dissident republicans continue to pose a threat, I am confident that we continue to move towards the kind of peaceful future that we all want for Northern Ireland.

Mr. Dodds: As regards that peaceful future, the Minister will be aware of the full-scale republican paramilitary parade through Londonderry at the weekend, which was attended, it is reported, by Martin McGuinness—an interesting commentary on his commitment to exclusively peaceful and democratic means. Given that we are going to have an orchestrated campaign against Orange and other dignified and lawful parades in Northern Ireland, can the Minister tell us what his Department, the police or the Parades Commission have done, or will do, about that illegal display of force by republicans in Londonderry?

Paul Goggins: I can tell the hon. Gentleman what I am personally doing at the moment, which is to engage in a round of meetings with all parties—political parties and other groups as well—that have a particular interest in a peaceful period of parades over the next few weeks and months. I know that he is committed to that, as am I. Of course, all these parades should happen in a lawful and legal way. The Parades Commission has an important role to play in determining routes that make them safe.

Lady Hermon (North Down) (UUP): In terms of improving the security situation in Northern Ireland, I am curious to know what contact Northern Ireland Office officials have had with any of the loyalist paramilitary groups, but particularly the Ulster Volunteer Force, in order to persuade them to begin the decommissioning of their weapons.

Paul Goggins: As I said in answer to the previous question, I have been engaged in a round of meetings. I met representatives of the Progressive Unionist party and again reiterated the importance of ensuring that we have a peaceful climate as we prepare for the parades season. I received a very encouraging response.

Mr. David Lidington (Aylesbury) (Con): I welcome the Minister to his new responsibilities. I also welcome the Under-Secretaries, the hon. Members for Inverclyde (David Cairns) and for Liverpool, Garston (Maria Eagle), to their responsibilities at the Northern Ireland Office and express my appreciation to the hon. Members for Basildon (Angela E. Smith) and for St. Helens, South (Mr. Woodward) for the work that they did during their time there.

Has the Minister had time to consider the conclusion by the Independent Monitoring Commission that loyalist and republican paramilitary groups are using community restorative justice projects as a way of imposing control over local communities? In the light of that verdict, will the Government undertake not to support such schemes or to impose new guidelines unless they have the clear support of the Police Service of Northern Ireland and the Northern Ireland Policing Board?

Paul Goggins: I thank the hon. Gentleman for his warm welcome. He asked whether I have had sufficient time to look into this. I have had sufficient time to know that this is a very tricky area and one that my hon. Friend the Minister of State is considering very carefully. He will bring forward some clear guidelines in the near future.

Mr. Lidington: May I further encourage the hon. Gentleman and his right hon. and hon. Friends to ensure that their proposals on community restorative justice are placed on a clear statutory basis by embodying them in secondary legislation rather than just leaving this very important matter as the subject of administrative decision by the Minister of the day?

Paul Goggins: I can further confirm to the hon. Gentleman that when the guidelines are published, they will of course be underpinned by the rule of law and will indeed be operated in full partnership with the police. It is very important that it is done in that way. Restorative justice, as a concept, can have a role to play, but it must be part of the rule of law and operate within proper systems.

Northern Ireland Assembly

2. **Mr. David Evennett** (Bexleyheath and Crayford) (Con): If he will make a statement on the future of the Northern Ireland Assembly. [72221]

The Secretary of State for Northern Ireland (Mr. Peter Hain): First, I thank the shadow Secretary of State for the voluminous praise that he bestowed on my excellent team of Ministers.

Last week, the Assembly was recalled to begin its task of forming an Executive. As soon as that is achieved, I can end suspension, thus restoring power to locally elected politicians, who are fully accountable to the people of Northern Ireland.

Mr. Evennett: Does the Secretary of State agree that it would be helpful if all parties in the Assembly condemned all criminality and paramilitary activity and that that would be the best way forward for the future of the Province?

Mr. Hain: Absolutely. I fully agree with the hon. Gentleman. It is essential that all parties, especially those whose members hold ministerial office, are completely distanced from and condemn all paramilitary activity and criminality, and operate within the rule of law.

Mr. Eddie McGrady (South Down) (SDLP): May I refer the Secretary of State to his statement that he would make a further proclamation this week about creating a restoration committee for Northern Ireland, which he hopes that the party leaders will attend? Does not he believe that that might frustrate the work of the Assembly, the primary purpose of which is to restore Executive functions? What gives him the hope that, for example, the party leaders, who will not come together in the Assembly, will do so outside it in a restoration committee? Does not that make the shadow Assembly of even less substance by transferring its primary function outside that body?

Mr. Hain: I am giving further consideration to representations from all the parties, including the hon. Gentleman's, on the proposal for a committee to prepare for restored government. I am listening carefully to what people are saying, and there is a case for it. I know that he will understand that the proposal made by Sir Reg Empey of the Ulster Unionist party is not a model that I favour and that it has not found favour with the other parties. We must continue the consultations until I am in a position to move forward.

Sir Patrick Cormack (South Staffordshire) (Con): Cannot the Secretary of State summon the leadership of Sinn Fein and tell it simply and unequivocally that, unless it is prepared absolutely to forswear criminality, stop manipulating schemes for restorative justice and sign up to the rule of law, there can be no future for the Assembly and a power-sharing Executive in Northern Ireland? We all want him to succeed with that.

Mr. Hain: We all want a restored Executive and Assembly with everybody operating within the rule of law. I am encouraged by recent statements by senior Sinn Fein figures, including Martin McGuinness, condemning criminality and, unusually, saying that those who absconded in the Tohill case should return and be brought to justice. Such statements may be too late but they are nevertheless welcome and we must continue to put pressure on Sinn Fein, as the hon. Gentleman rightly says, to renounce all criminality, for the IRA to do so, too, and for everyone to operate within the rule of law.

Rev. Ian Paisley (North Antrim) (DUP): Can the Secretary of State give me a categorical assurance that no committee from anywhere will be set up to conduct the negotiations? The negotiations were promised between the Government and the parties and there cannot be another set of negotiations running alongside them. We know that the Prime Minister and the Minister are coming to talk to us. Will the Secretary of State assure me that no committee with power to negotiate will be set up? He knows the attitude of the Democratic Unionist party to that. We would not take part in any such committee. Hon. Members should be reminded that Sinn Fein is currently boycotting the Assembly's public meetings.

Mr. Hain: I believe that Sinn Fein should be at the Assembly's public sittings along with all the other parties. I am consulting the right hon. Gentleman's party along with the others about the proposal for a committee to prepare for restored government. I do not intend to give it any power to negotiate. I could neither do that nor force that on anyone. However, it would be helpful if there were a forum in which issues could be identified by all the parties. Negotiations will obviously take place with the Governments but there is an advantage to everyone seeing what is on the table before they take place.

Mr. Laurence Robertson (Tewkesbury) (Con): On setting up the full Northern Ireland Assembly, may I record Conservative Members' concern about the criminality and paramilitary activity of the Ulster Volunteer Force and the Ulster Defence Association? We call on them to abandon all criminality and paramilitary activity and completely decommission all their weapons. I am sure that the Secretary of State would like the opportunity to agree with me.

Mr. Hain: I fully agree with the hon. Gentleman, who has made his point with eloquence and force. It is a point that has been made across the House, and it has been stated with particular force by the hon. Member for North Down (Lady Hermon) and by the members of the Democratic Unionist party sitting alongside her that all criminality by the UDA and the UVF must be ended now—and not before time.

Looked-after Children/Vulnerable Adults

3. **Jeff Ennis** (Barnsley, East and Mexborough) (Lab): What plans he has to improve education provision and support for looked-after children and vulnerable adults in Northern Ireland. [72222]

4. **Mary Creagh** (Wakefield) (Lab): What steps he is taking to improve education provision and support for looked-after children and vulnerable adults in Northern Ireland. [72223]

The Parliamentary Under-Secretary of State for Northern Ireland (Maria Eagle): In March 2006, my right hon. Friend the Secretary of State announced £100 million additional funding for children and young people in Northern Ireland, of which £5.6 million has been set aside specifically for projects to improve the education provision and support for looked-after children and vulnerable young adults.

Jeff Ennis: I thank the Minister for her reply. I have always thought that the term "looked-after children" was a misnomer, because I have always regarded them as looked-over children. Will the Minister tell me what her Department is doing to ensure that looked-after children take the opportunity to stay on in education post-16?

Maria Eagle: I have every sympathy with my hon. Friend's view that looked-after children are often overlooked rather than looked after. We have a particular responsibility and obligation to do well by looked-after children, because we are effectively their parents. Part of the £5.6 million that I have mentioned will be spent on enabling children leaving care to stay on with their foster carers until they reach the age of 21. The resulting increase in stability will play a key role in improving the chances for looked-after children to achieve proper educational attainment in line with their peers. That in turn will be a key determinant in improving the life chances of this vulnerable group of young people.

Mary Creagh: Will my hon. Friend tell me what difference the new Education and Inspections Bill, which places a duty on local authorities to provide youth services for vulnerable young adults with learning disabilities, will make to such young people in Northern Ireland?

Maria Eagle: Providing support services for children and young people with learning disabilities is an essential part of enabling them to do well in life, and it is our commitment to those young people that we want them to do as well as they possibly can and to play their full part in society—including in education and jobs. The kind of support services to which my hon. Friend has referred play an essential part in ensuring that that happens.

Mrs. Iris Robinson (Strangford) (DUP): Can the Minister give me a categorical assurance that the ongoing survey of parents, teachers and members of the public on the way in which religious education is taught in schools in Northern Ireland is not an attempt to dilute the Bible-based Christian ethos that is fundamental to the people of Northern Ireland?

Maria Eagle: I am happy to make it absolutely clear that nothing being done by any of the Departments for which I am responsible, or by the Government, is aimed at undermining the ethos of schools or of religious education in Northern Ireland.

Sammy Wilson (East Antrim) (DUP): Another group of vulnerable children is those who are registered blind. At present, only 30 per cent. of those who are in mainstream schools achieve five or more GCSEs, which is well below the Northern Ireland average. It has been suggested that one of the factors that contributes to this is the fact that, on average, those youngsters have access to only one text book for the full range of subjects that they are studying, even though the Royal National Institute of the Blind, and St. Joseph's School for the Visually Impaired in the Irish Republic, have the facilities to translate such books into Braille or to transfer them on to disks. What steps is the Minister taking to ensure that this gap in education provision for blind children in Northern Ireland is being bridged?

Maria Eagle: I have a great personal commitment to ensuring that disabled children, including children with a visual impairment, have the same chances as every other child to achieve to their utmost. I would be more than happy to look closely at what the hon. Gentleman has said and to come back to him with some more details.

Dr. Alasdair McDonnell (Belfast, South) (SDLP): I welcome the Minister's commitment and the extra funding, but how does she reconcile that, and the commitment to special needs education, with the savage financial cuts being made by education and library boards? Those cuts are hitting the soft underbelly of education very hard, and seriously eroding those services. What we are giving with one hand, we are taking away with the other.

Maria Eagle: I do not accept that there are cuts in education spending in Northern Ireland. There has been a massive increase in spending, by more than 60 per cent., since 1997. There are demographic issues involved, however, and falling school rolls mean that the money has not always been used as efficiently as it might have been. That is why we are engaged in a strategic review of education, which will enable us to ensure that the big increases in spending planned for the future will be properly used to benefit the education of all the children of Northern Ireland.

Jim Dobbin (Heywood and Middleton) (Lab/Co-op): What steps has the Minister taken to ensure that children in care have the same access to IT support as children in families? Will that include training?

Maria Eagle: My hon. Friend raises an important point. I am happy to be able to tell him that more than £2 million is being invested in an education and training credit to make sure that a grant of at least £800 a year is given to foster carers, to enable them to make sure that each looked-after child has a computer. Having access to IT is one of the key ways in which children participate and do well at school. We must make sure that our looked-after children have that same access. In that regard, we are also making sure that every child who lives in a children's home has a computer of their own, not just one that might be available to more than one child. That should assist.

Northern Ireland Assembly

5. **David Simpson** (Upper Bann) (DUP): If he will make a statement on the Government's intentions concerning the salaries and expenses of Members of the Northern Ireland Assembly. [72224]

The Secretary of State for Northern Ireland (Mr. Peter Hain): I have made it clear that should Assembly Members be unable to elect a First Minister, Deputy First Minister and Executive by 24 November, the salaries and allowances of Members of the Legislative Assembly would be cancelled immediately.

David Simpson: Since I tabled this question, the *Belfast Telegraph* has run a campaign in relation to mileage claims for Members of the Legislative Assembly. Does the Secretary of State agree that mileage claims for MLAs should be brought into line with those for Members of this House?

Mr. Hain: The Assembly ought to consider that issue, because many people in Northern Ireland are asking a question about that. The Assembly is perfectly free to set up a working group to resolve the issue and to make recommendations to me, and I hope that it does so.

Lembit Öpik (Montgomeryshire) (LD) *rose—*

Mr. Speaker: Order. It is so noisy. Mr. Binley, perhaps your conversations could take place elsewhere.

Lembit Öpik: May I add my welcome to the Secretary of State's new ministerial helpers? I am sure that they will all be very happy together. I look forward to working with his team in the interests of peace over the next 20 to 30 years.

The Secretary of State says that he will cancel expenses immediately on 25 November. However, what arrangements is he making to manage the legal responsibilities of MLAs with regard to accommodation and staffing contracts, most of which involve periods of notice well beyond 24 November? If he is serious about avoiding that, how will he make sure that both Governments feed into the Assembly committee—

Mr. Speaker: Order. The House is too noisy. Conversations should take place elsewhere.

Lembit Öpik: I will finish off now, Mr. Speaker. How will the Secretary of State make sure that both Governments feed into the Assembly committee on the restoration of devolution so that he does not have to cancel the expenses?

Mr. Hain: First, I am not sure that we will be here for 20 or 30 years, nice though that thought might be. Secondly, I do not want the Assembly to shut down on 24 November; I want restoration to succeed before then. The last thing that I want is to have to stop salaries and allowances and see the whole thing put on ice. That is the inevitability, however, if the parties are unable to agree. However, bearing in mind the hon. Gentleman's points, I shall circulate advice to Assembly Members in the late summer to make them aware of their legal obligations and to inform staff and particularly landlords should advice centres and constituency offices have to close if they are unable to agree.

Organised Crime

6. **John Robertson** (Glasgow, North-West) (Lab): What additional measures his Department has considered for engaging and developing cross-community support in tackling organised crime in Northern Ireland. [72225]

The Parliamentary Under-Secretary of State for Northern Ireland (Paul Goggins): The Organised Crime Task Force is tackling organised crime on a cross-community basis with the support of the law enforcement agencies, the Northern Ireland Departments, the Policing Board and the business community.

John Robertson: I thank my hon. Friend for his answer and congratulate him and the Organised Crime Task Force on their work. The Organised Crime Task Force report of 2005 stated that the statistics show that loyalists and republicans are moving from sectarianism into organised crime. It said:

"of the gangs identified in last year's Threat Assessment, 70% remain active".

That did not include the splinter groups or the new gangs that came into the picture. Does my hon. Friend agree that it is fundamental for police groups and community groups to work together to ensure that the trend goes downwards, not upwards?

Paul Goggins: I thank my hon. Friend for his question. I know that he has a particular interest in the matter and that he has been very supportive of the relevant legislation. He is quite right that, if organised crime is taking place in order to line the pockets of organised criminal gangs or to fund paramilitary activity, those people need to know that the full force of the law will be brought to bear against them and that the agencies will work together to ensure that organised crime in Northern Ireland is combated.

Mr. Jeffrey M. Donaldson (Lagan Valley) (DUP): The issue in Northern Ireland is not the lack of cross-community support for the security forces in dealing with organised crime, although I note that Sinn Fein still does not support the police. I hope that the Minister will join me in urging that party to cross the line and support the rule of law. Is not the issue one of ensuring that the police, the Assets Recovery Agency, the Organised Crime Task Force and Revenue and Customs have the resources that they need to tackle the problem? Until organised crime and the grip of paramilitarism is broken, we will not have real peace in Northern Ireland.

Paul Goggins: I certainly join the hon. Gentleman in saying that all parties in Northern Ireland should fully support the rule of law. Of course that is the case. The agencies are well resourced and may I say that, under the incentivisation scheme that the Government have put in place, 50 per cent. of any assets recovered go back to the agency that recovered them and into front-line services? It therefore becomes a successful cycle in which more ill-gotten resources go back to the benefit of the community.

Northern Ireland Executive (Appointments)

7. **Mr. Philip Dunne** (Ludlow) (Con): What his policy is on the appointment to ministerial office in the Northern Ireland Executive of people who do not support the police. [72226]

The Minister of State, Northern Ireland Office (Mr. David Hanson): The Government believe that all parties, especially those holding ministerial office in a restored Northern Ireland Executive, should support policing arrangements in Northern Ireland.

Mr. Dunne: I thank the Minister for that reply. Can he conceive of any democracy—for example, the Republic of Ireland—in which Ministers hold office in an Executive without supporting the police? Will he support my call for Assembly Ministers to sign a new pledge of office to support the police and uphold the rule of law?

Mr. Hanson: The Government believe that support for the police should come from all political parties and I am encouraging all parties to play their role in the Policing Board. We currently have a pledge of office in place and I confirmed in a debate last week that we can discuss making revisions to it and having a new pledge if that is what people want. I am happy to discuss that with all parties.

Mr. Peter Robinson (Belfast, East) (DUP): Would the Minister regard the Prime Minister as incompetent if he were to allow into his Cabinet someone who thought that it was optional whether or not he supported the police? Should not supporting the police be a requirement or are there double standards when it comes to Northern Ireland?

Mr. Hanson: As I have already confirmed, support for the police from all parties is something that we are working towards. I want Sinn Fein in particular to play its part in the Policing Board. We currently have a strong pledge of office and I am willing to discuss a revision of it with all parties. As I have already said, I am happy to do that in due course if the hon. Gentleman wishes to get agreement on those matters.

Northern Ireland Assembly

8. **Mr. Peter Bone** (Wellingborough) (Con): If he will make a statement on the future of the Northern Ireland Assembly. [72227]

The Secretary of State for Northern Ireland (Mr. Peter Hain): I refer the hon. Gentleman to my earlier answer.

Mr. Bone: We will not allow terrorists or former terrorists to sit on the Treasury Bench, so why do the Government think that it is all right for such people to be involved in the Government of Northern Ireland?

Mr. Hain: If the hon. Gentleman is referring to Sinn Fein, the fact is that the Independent Monitoring Commission has spelled out in categorical terms that Sinn Fein and the IRA have turned their backs on their past paramilitary activities and violence, and that they are increasingly doing so in respect of criminality, too. That puts us in a good position to seek agreement between the parties to restore the Northern Ireland Assembly and the Executive and to bring local democracy to Northern Ireland.

Dr. William McCrea (South Antrim) (DUP): If it is confirmed to the Secretary of State and the House that Martin McGuinness attended a paramilitary display in Londonderry at the weekend, will the right hon. Gentleman now tell the House that he has thus proved himself totally incapable of gaining the confidence of the people in respect of playing a part in any Northern Ireland Executive?

Mr. Hain: As I have just said, it is very important that we recognise the enormous change that has taken place. As the hon. Gentleman will know, because he and his colleagues and relatives have suffered over the years, there has been an enormous sea change since bombs and bullets were being let off by the IRA and other paramilitary organisations every day of the week. We must take advantage of that sea change, and build with confidence. I hope that the hon. Gentleman's party will agree to move forward, with all the other parties, and establish a restored democratic Government for Northern Ireland.

PRIME MINISTER

The Prime Minister was asked—

Engagements

Q1. [73142] **Dr. Tony Wright** (Cannock Chase) (Lab): If he will list his official engagements for Wednesday 24 May.

The Prime Minister (Mr. Tony Blair): Before listing my engagements, I should say that during this week we have sadly lost a Member of our House. Eric Forth was a redoubtable opponent, caustic at times, fearless and principled always, often witty—a lot of it at my expense—but also privately immensely courteous, friendly, and just a thoroughly decent man. We all send our deepest sympathy and condolences to his family.

This morning I had meetings with ministerial colleagues and others. In addition to my duties in the House, I will have further such meetings later today.

Dr. Wright: I am sure that the whole House will want to associate itself with what the Prime Minister has just said.

When the Prime Minister was in Baghdad this week, the former American ambassador to the United Nations, Richard Holbrooke, was in this country, saying that it was now ridiculous for anyone to suggest that Iraq was not in a state of civil war. Does the Prime Minister agree, and where does that leave our promise not to leave Iraq until a stable democracy has been established?

The Prime Minister: I think that the people best able to give a sense of where Iraq is today, and where it needs to be, are the people who are now in government, elected by 12 million Iraqi votes. What they describe to me is a situation in which, for the first time, they have a genuine unity Government. In other words, we have Sunni, Shi'a and Kurds sitting down and working together, all of them representing parties that have stood in elections and been elected by the people of Iraq. I may say that none of them wanted the multinational force to withdraw immediately, but all of them believe that the terrorism that is attempting to push their country into civil war is a terrorism that has to be defeated—that can be defeated—by the united will of the Iraqi people who want democracy, and the international community that should support them in that endeavour.

I believe that, as the new Prime Minister of Iraq said to me, if we defeat terrorism there we will defeat it everywhere.

Mr. David Cameron (Witney) (Con): May I begin by adding my tribute to Eric Forth. He was a master at this Dispatch Box. He had a quick wit, a brilliant mind and, above all, a dedication to this place. While he loved the Commons, he also worked hard for people in Bromley and Chislehurst. From his seat just behind me, he gave a running commentary on Prime Minister's Question Time. He had a few things to say about the Prime Minister's performance, but just as often he had a few things to say about mine as well. He always spoke his mind about everything, but he was a principled defender of what he believed in, and he will be missed by everyone.

The new Home Secretary has said that the immigration and nationality directorate, after nine years of a Labour Government, is "inadequate", "dysfunctional" and "not fit for purpose". More than two years ago, in February 2004, the Prime Minister said:

"The IND is a transformed part of the Home Office".

Does the Prime Minister now agree that that judgment was completely wrong?

The Prime Minister: Let me give the right hon. Gentleman the facts of what has changed over the past nine years. I think it is fair to point out that whereas over the last four years of the Conservative Government the number of asylum applications rose by 50 per cent.—*[Interruption.]* This is on the record. We have reduced the number of asylum claims to below the number that we inherited in 1997. Whereas that Government used to take 22 months over initial asylum applications, 80 per cent. are now decided within two months. We have doubled the number of failed asylum seekers who are removed, and unlike the previous Government we now actually know the number of people whom we need to deport and can deport them.

I agree that a huge amount still needs to be done, for the reasons given by my right hon. Friend the Home Secretary. We have waves of migration, not just in this country but throughout Europe. Migration is a major issue in the United States at the moment for the self-same reasons. There has been, as my right hon. Friend said, huge progress in the past nine years, but there needs to be much more.

Mr. Cameron: To try to blame previous Conservative Home Secretaries just will not wash. The Prime Minister will be blaming Sir Robert Peel next. Let us be clear about what the Prime Minister said and what the Home Secretary said. The Prime Minister said that the IND

"is a transformed part of the Home Office...How has it done it? By changing the law; by innovating, by setting targets; by leadership; by focusing on results."

The Home Secretary, who is trying to help the Prime Minister in his hour of need, said:

"It is inadequate in terms of its information technology, leadership, management systems and processes."

How can those two possibly wash?

The Prime Minister: For the very reason that I have just given to the right hon. Gentleman. *[Interruption.]* No, I am not blaming the last Conservative Government. I am simply pointing out that the system that we inherited in 1997 took ages to decide asylum claims, and that it was a system in which the number of asylum seekers rose and failed asylum seekers were not removed. It is a fact that the number of asylum claims is now down; it is a fact that the number of removals has now doubled; and it is a fact that 80 per cent. of claims are now decided in two months. It is also, however, the case that much more needs to be done.

Mr. Cameron: All right; if Ministers are going to take responsibility, perhaps the Prime Minister can answer this. Can he explain why the Minister who has been judged too incompetent to run the immigration part of the Home Office has been put in charge of the police?

The Prime Minister: I do not accept that that is why my hon. Friend the Member for Harrow, East (Mr. McNulty) has been moved, and I point out that, under him, we actually doubled the number of removals of failed asylum seekers.

Let us turn to the measures that we now need to take. We need to introduce the new immigration points system, as we have outlined, but we also need to introduce the electronic borders that we have suggested, and we need a proper system of identity for everybody in this country. In addition, we need to change the law on deportation. Let me just point out to the right hon. Member for Witney (Mr. Cameron) that every time that this Government have sought to take measures—*[Interruption.]* Well, yes, but although the Opposition talk about tackling the problem in general, they oppose the measures in particular that are necessary to do it. So let me point out to the right hon. Gentleman that they opposed the measures that increased our powers to deport, they opposed—*[Interruption.]*

Mr. Speaker: Order. The hon. Gentlemen must give the Prime Minister an opportunity to answer the question. There is far too much shouting down.

The Prime Minister: I was merely pointing out to the right hon. Member for Witney that every time he and his party have had an opportunity to vote for tougher measures—*[Interruption.]*

Mr. Speaker: Order. I tell you this: when people hiss, I cannot find out who is hissing, so the next move is that I suspend the House, and we do not have Prime Minister's Question Time. *[Interruption.]* Order. So the behaviour must improve, or I suspend the House. That is the next move.

The Prime Minister: I was merely pointing out to Opposition Members that every time that we have proposed tougher measures—for example, to deport people or to fine those illegally getting people into our country—and every time that we have tried to tighten the law on those people who are in prison and whom we need to deport, the Opposition have voted against it. *[Interruption.]* It is no use the right hon. Gentleman looking puzzled. Does he want me to go through each and every measure? *[Interruption.]* Right. The Opposition voted against deporting foreign national prisoners at the halfway point of their sentence. They voted against removing refugee convention protection from all prisoners sentenced to two years. They voted against the single-tier appeal system, which is an absolutely vital part of getting people out of the country. They failed to support fines for carriers of illegal immigrants, and they failed to support one-stop appeals or penalties for spurious appeals. They also abstained on the measures for a points system and for limiting the rights of appeal in this country. In other words, the charge against the right hon. Gentleman, with respect, is that every time that we propose a tough measure, he opposes it.

Mr. Cameron: Honestly, it is hard to know where to start. If the hon. Member for Harrow, East (Mr. McNulty) was doing such a good job, why was he moved? The Prime Minister says that we have opposed his legislation: we have been telling him about the problems with the Human Rights Act 1998 for years, and he said that everything was fine. In the last week, we have learned that 95 foreign criminals who have committed serious crimes are still at large; 700 people escaped from open prisons last year; and illegal immigrants have been allowed to clean the offices of the Department that is meant to remove them. That is a typical week in Labour's Home Office.

While all the other Ministers are being moved, there is one Minister who has held the same job for nine years and who said that law and order was his priority. When will the Prime Minister take personal responsibility for the shambles?

The Prime Minister: I am happy to take personal responsibility, but I remind the right hon. Gentleman that according to the British crime survey, overall crime is down, not up. We have put in place the antisocial behaviour legislation—measures that he also failed to support in this House. We have also toughened sentences, which is why there are more people in prison serving longer prison sentences. He voted against the measures that allowed us to do that. In addition, we have an extra 14,000 police officers, and he voted against the investment for that. With the greatest respect again, although he talks in general about how much he cares about crime, he ends up voting in particular against the measures necessary to deal with it.

Mr. Stephen Hepburn (Jarrow) (Lab): Ten people a week die from asbestos-related cancers because of the negligence of their former employers. I do not expect my right hon. Friend to give an answer right now, but will he look into the issue as a matter of urgency, to ensure that those workers get their rightful compensation instead of being dragged through the courts by multinational companies?

The Prime Minister: I know about the issue that my hon. Friend raises and I have met other hon. Members to discuss it. I hope that in the next few weeks we will be able to provide some comfort and succour to the people in the position that my hon. Friend describes.

Sir Menzies Campbell (North-East Fife) (LD): May I associate my right hon. and hon. Friends with the tributes paid to Eric Forth. I, too, can pay tribute to his occasionally painful wit.

Following the tragic shootings in Dunblane 10 years ago, Lord Cullen recommended a national firearms register. Why has the Home Office not yet put that in place?

The Prime Minister: We have of course banned the use of handguns and taken many other measures, including saying that those in illegal possession of a firearm get a minimum five-year sentence. We believe that the measures that we have taken, along with the other measures that my right hon. Friend the Home Secretary is announcing today, are the best way to deal with the issue.

Sir Menzies Campbell: But three weeks ago, the Prime Minister told me that the Home Office was fit for purpose: yesterday, the Home Secretary said that it was not. Which is it?

The Prime Minister: I do not agree with the right hon. and learned Gentleman for the reasons that I have just been explaining to the Leader of the Opposition. There are huge challenges in the immigration and nationality directorate, because of the changing nature of migration, and if we want to deal with those issues, we have to take measures that allow us to do so. I was saying a moment or two ago that the Conservative party had voted against many of the measures necessary to strengthen the law on immigration, asylum and crime. The right hon. and learned Gentleman has been thoroughly consistent and voted against every measure necessary to strengthen the law against illegal immigration, against unfounded asylum seekers and in respect of crime. If he and the Conservative party want to support the police and others in the work that they do, I hope that they will support the next measures that we introduce.

Q2. [73143] **Julie Morgan** (Cardiff, North) (Lab): What can my right hon. Friend say to my constituent, Mr. John Flynn of Llanishen in Cardiff, North, who worked for Allied Steel and Wire for 30 years and will retire next year at 65, when he will receive a works pension of £80 instead of the £800 that he was expecting and had contributed to for 30 years? Can my

right hon. Friend extend the financial assistance scheme to help Mr. Flynn and all the other Allied Steel and Wire pensioners?

The Prime Minister: As I think I said in March, there is a strong and compelling campaign for the review of the financial assistance scheme. I said then that we would expedite it: we have done so and my right hon. Friend the Secretary of State for Work and Pensions will make a statement tomorrow on the pensions White Paper that will also deal with that issue.

Mr. David Cameron (Witney): The Education and Inspections Bill to be considered later today will give schools greater independence, raise standards and give parents more choice. It will pass without being wrecked because we have given it our backing. The Prime Minister has been prepared to drop tribal politics and accept Conservative support in the interests of parents and pupils. Does he think that the Chancellor will take the same approach?

The Prime Minister: Well, I shall point out to the right hon. Gentleman what the Chancellor has done. We have the strongest economy since the war, and interest rates that are—

Mr. Oliver Letwin (West Dorset) (Con): Go on.

The Prime Minister: Yes, I shall take every opportunity to do so. The Leader of the Opposition asked me about the Chancellor, and I should like to talk about him. As a result of my right hon. Friend's economic record, interest rates are half what they were, unemployment is down and employment is up. We have been able to invest in schools, in our pupils and in higher education. I can tell the right hon. Gentleman that that investment, along with the reform, will continue.

Mr. Cameron: If the Chancellor is doing such a good job, why does not the Prime Minister let him take over? *[Interruption.]*

The Prime Minister: The Leader of the Opposition may want to forget it, but we had a general election a year ago. We won, they lost.

Mr. Dennis Skinner (Bolsover) (Lab): I know that the Prime Minister is aware that the question of illegal immigration is in the papers consistently. It is a difficult one, but I came across a case the other day involving a man from Ghana. He came here for an eye operation, and stayed for 10 years on benefits. This bloke did not work at the Home Office; he was a Tory party worker in 1995. The Home Secretary at the time should have been counting illegal immigrants, but he missed one right under his nose. We are now told that the Tory party wants to spread happiness—

Mr. Speaker: Order.

The Prime Minister: I do not know whether that man's greater mistake was to enter this country illegally or to work for Tory central office.

Q3. [73144] **Mr. Tim Yeo** (South Suffolk) (Con): In January, the Government's Health White Paper said:

"We will develop a new generation of modern NHS community hospitals."

Just before last year's general election, the West Suffolk primary care trust confirmed that a new community hospital would be built in Sudbury, in my constituency. Those plans were cancelled just after the election, and the trust has now decided to shut the existing and highly valued community hospital. Does the Prime Minister want his legacy to the people of Suffolk to be the destruction of their health service, or would he prefer to meet my constituents for just 10 minutes to understand why they prefer the policy in the White Paper to what is happening on the ground?

The Prime Minister: The organisation of services is obviously a matter for the local PCT and strategic health authority, but I point out to the hon. Gentleman that health funding has increased by more than 30 per cent. in the past three years, and that it is due to increase by 20 per cent. in the next two. As a matter of fact, I think that our record in respect of his health authority is rather good. The number of people there waiting more than six months for in-patient treatment has fallen—[Hon. Members: "Oh."] Well, Opposition Members should know that people care about these matters. The number of people waiting more than six months for in-patient treatment has fallen from more than 12,000 to just two. That is part of this Government's record.

Ms Gisela Stuart (Birmingham, Edgbaston) (Lab): Does the Prime Minister think it right that only 30 per cent. of women reaching state retirement age are entitled to a full state pension? That compares with 85 per cent. of men.

The Prime Minister: No, and that is one reason why it was so important to have the Turner commission and report. Tomorrow, my right hon. Friend the Secretary of State for Work and Pensions will set out the Government's view of the long-term pension framework for the future. However, my hon. Friend is right to say that many women have not built up their pension contributions because they have been unable to work, perhaps because they have had to care for someone. That is precisely one of the matters that my right hon. Friend will address tomorrow.

Nuffield Speech and Language Unit

Q4. [73145] **John Bercow** (Buckingham) (Con): If he will make a statement on the future of the Nuffield Speech and Language Unit.

The Prime Minister: The hon. Gentleman raises an important issue and I recognise that it is something about which he feels strongly. The staff at the Nuffield speech and language unit have a good track record in providing intensive speech and language therapy to children with severe learning difficulties. As the hon. Gentleman is aware, the future of the unit is currently under consultation. However, I understand that the trust will hold a meeting later this week to discuss the

whole future of the unit. I am sure that the Royal Free Hampstead NHS Trust will listen to all the views expressed before making a final decision.

John Bercow: I thank the Prime Minister for that helpful and informative reply. For 35 years, the Nuffield unit has provided the specialist help for children with very severe speech and language disorders that the Prime Minister described. Given, however, that as things stand the unit faces the threat of closure purely on financial grounds, will the Prime Minister agree to consider how to safeguard it, whether by specialised commissioning or by some other means, as a unique resource for the benefit of some of the most vulnerable children in the country?

The Prime Minister: Obviously, this is primarily a matter for the trust, but we certainly should consider how to preserve the unit and its expertise. The hon. Gentleman knows what the issue is: as I understand it, there are a number of children in the unit at present, but a significant proportion of them are due to leave in July and therefore the income for the unit will diminish. However, I understand that referrals have been taking place over the past few weeks, so it is in that context that the meeting will take place next week. I am happy to keep an eye on the matter personally and to correspond with the hon. Gentleman about the outcome of the meeting.

Engagements

Q5. [73146] **Mr. Malcolm Moss** (North-East Cambridgeshire) (Con): Will the Prime Minister confirm that he did indeed ask the Deputy Prime Minister to give up his grace and favour mansion at Dorneywood?

The Prime Minister: I have no intention whatever of discussing the reshuffle or any matters associated with it.

Mr. Andrew Dismore (Hendon) (Lab): My right hon. Friend will be aware of the appalling murder last week of Kiyan Prince, a popular, hard-working student at the London academy in my constituency—a 15-year-old boy whose bright future was tragically cut short by an assailant's knife. We all hope that the knife amnesty starting today will succeed, but what can my right hon. Friend do to convince young men that knives are not fashion accessories but offensive weapons and that carrying a knife risks a heavy sentence and increases the likelihood of becoming another knife victim?

The Prime Minister: Obviously, that was a particularly tragic case and our condolences go to the family of my hon. Friend's constituent. As he is aware, the knife amnesty starts today; such an amnesty worked successfully some years back and, we hope, will again. It follows the successful gun amnesty in April 2003. In addition, we are doing two other things: adding a range of knives to the offensive weapons list and raising the minimum age at which a person can buy a knife. Where a child is threatened in any way it will constitute an aggravating factor. With the police, we will continue to do everything we can both to ensure that the penalties for those in illegal possession of a knife are sufficient and to discourage young people from getting into a knife and gun culture, which is not just appalling for its victims and the people who suffer its violence but does nothing for the lives of those engaged in it.

Q6. [73147] **Mr. Robert Goodwill** (Scarborough and Whitby) (Con): Given that the Hutton report was an inquiry about the death of a public servant, should copies signed by celebrities be auctioned to raise funds for a political party?

The Prime Minister: I do not believe that any offence to anyone was intended.

Q7. [73148] **Mr. Tom Harris** (Glasgow, South) (Lab): This week, at the start of the UK-wide knife amnesty, the Scottish Parliament will be debating an amendment proposed by my MSP, Charlie Gordon, which calls for mandatory prison sentences for anyone carrying a knife in public, in exactly the same way as the law currently deals with those carrying guns. Will the Prime Minister consider introducing a similar law for the rest of our country?

The Prime Minister: We are certainly looking carefully at how we can deal with that situation, which is somewhat different from that of guns, because there can be reasons for particular people to carry a knife. We are giving urgent consideration not just to banning a whole series of other knives that could be used as offensive weapons, but also to ensuring that there is a minimum sentence if someone is found in possession of a knife without good reason. That is something well worth looking at.

Q8. [73149] **Mr. Shailesh Vara** (North-West Cambridgeshire) (Con): In 1997, the Prime Minister said that things can only get better. Nine years on, when will the Home Office get better?

The Prime Minister: First, I am grateful to the hon. Gentleman for giving me the opportunity to say how things have got better. The economy is stronger, unemployment is down and employment is up; waiting lists and times are down in the national health service; and school results have improved at 11, 14, 16 and 18. In relation to the Home Office, crime is down, as I pointed out earlier, and there are record numbers of police—indeed, there are record numbers of police in his own area.

Dr. Brian Iddon (Bolton, South-East) (Lab): My right hon. Friend may have noticed that the EU is trying to control the salaries of top football players. Does he agree that the salaries of some others—those who run railway companies, chief executives of housing associations, and even vice-chancellors—are out of control, especially by comparison with the pay awards being received by those who work for them? Surely nobody should earn more than the person who runs the country.

The Prime Minister: I am not sure about that. I thought that my hon. Friend was going to make a really helpful suggestion and say that the person who runs the country should be paid the same as the footballers, but no. There are always issues about how many people we should have on what salaries, but my own view of this, including in relation to football, is that it is very difficult to find a system that properly controls such things, especially in what is pretty much a global commercial market.

Q9. [73150] **Mr. Mark Harper** (Forest of Dean) (Con): The health White Paper says that community hospitals threatened with closure should not be lost for short-term budgetary reasons. Both Dilke and Lydney community hospitals in my constituency are threatened with closure for exactly that reason. What is the Prime Minister going to do about it?

The Prime Minister: It is surely the case that, in the end, the question for the Government is the amount of money that we give to areas such as the hon. Gentleman's, and we have increased the funding again dramatically over the last few years. It has been doubled over the period of this Government. [HON. MEMBERS: "Where has it gone?] I can explain where it has gone in the hon. Gentleman's own area. There are almost 3,000 more nurses, 500 more consultants, 400 more GPs, and a new £32 million hospital opened in March 2005—the new Honeybourne specialist rehabilitation and recovery centre. There is a massive amount of work going on in his area, but in the end how services are organised has got to be for the locality.

Mrs. Siân C. James (Swansea, East) (Lab): Will the Prime Minister join me in congratulating the Swansea division of the South Wales police on its excellent recent crime figures? Overall crime is down by 32 per cent., burglary is down by 32 per cent. and auto crime is down by 48 per cent. I am sure that he will agree that those figures are worth celebrating.

The Prime Minister: I am very happy to congratulate the police in my hon. Friend's constituency. Of course, that is part of a pattern in which crime has fallen overall in the past few years. That is no consolation to anybody who is a victim of crime, but the fact is that the police have got more resources than ever before and the law has been toughened to allow them to deal with things such as antisocial behaviour and now serious and organised crime. I am delighted to see that that has produced such good results in her constituency.

Q10. [73151] **Mr. Philip Hollobone** (Kettering) (Con): In Northamptonshire, 250 people are classified as persistent and prolific offenders and they commit 85 per cent of the crime in the county. Should not the law be changed to ensure that those people, when caught and sentenced, serve their time in jail in full?

The Prime Minister: Surely the most important thing is that, all the way through their sentence and afterwards, they are properly monitored and supervised so that even after they have left prison—because some people who are prolific offenders will leave prison—they are supervised in a way that allows us to track their movements and to know exactly what is happening to them. Those are precisely the measures that we included in the legislation that the hon. Gentleman and his party abstained on. What I say to him is that if we want to tackle any of those issues, whether they are to do with drugs or organised crime—where, again, the measures were either voted against by the Conservative party or abstained on—we have to have the measures necessary. We will propose those measures and I hope that he supports them.

Andrew Mackinlay (Thurrock) (Lab): I remind the Prime Minister that he and I were elected on a manifesto that included a commitment to make bank holidays over and above the minimum national holiday provision. Will he give an undertaking that that commitment will be fulfilled and implemented by the third summer of this Parliament?

The Prime Minister: My hon. Friend has rightly referred to the Warwick agreement, and I assure him that it will be honoured in full, as we have said to trade unions and employers. It will bring decent minimum standards into the workplace, which is an important difference between the Labour Party and the Conservative party.

Points of Order

12.30 pm

Mr. William Cash (Stone) (Con): On a point of order, Mr. Speaker. I want to raise a question relating to the fitness for purpose of the Home Secretary, the former Home Secretary and the former Minister for Immigration, Citizenship and Nationality in respect of a priority question that I tabled just before the former Home Secretary was sacked. It asked what account the Home Secretary had taken, in exercising his discretion in implementing his policy on the deportation of foreign national convicted persons, of the Human Rights Act 1998 and article 3 of the European convention on human rights. It was tabled on 3 May, but 16 days later all I have received is a holding reply. Will you, Mr. Speaker, please insist that that question, which I tabled on 3 May, be answered forthwith?

Mr. Speaker: I am grateful to the hon. Gentleman for giving me notice of his point of order. There appears to have been a lengthy delay in that case, and I will seek an explanation from the Minister concerned. There are currently too many such delays on questions to Departments. I remind the Ministers of their duty to the House to give timely answers to questions, as set out in "Erskine May".

The Leader of the House of Commons (Mr. Jack Straw): Further to that point of order, Mr. Speaker, I apologise to the hon. Gentleman for that lapse. I have listened carefully to your remarks, Mr. Speaker, and will ensure that that matter is treated with the seriousness that it deserves by my colleagues in the Government.

Mr. Speaker: I thank the Leader of the House.

Mr. Graham Stuart (Beverley and Holderness) (Con): On a point of order, Mr. Speaker, I seek your guidance. I wonder whether it is acceptable for hon. Members to sell publicly provided documents for the financial benefit of a political party. I would be grateful if you issued guidance for the elimination of doubt for hon. Members. If that practice is not acceptable, will you issue guidance on whether you would handle such a breach, or whether it would be better referred to the Committee on Standards in Public Life?

Mr. Speaker: I understand that there is an early-day motion regarding that matter, which the Chair should not be drawn into. The hon. Gentleman should sign the early-day motion, if he so wishes, although I am not encouraging him to do so.

Mr. Edward Vaizey (Wantage) (Con): Further to that point of order, Mr. Speaker, Dr. David Kelly was a constituent of mine. Earlier, the Prime Minister said that no offence was intended to be caused by the sale of that document, but I assure him that it was caused. I have heard you say that you do not want to be involved in the debate, Mr. Speaker, but I wonder whether it would be in order for a Cabinet Office Minister to attend this House to make a statement—

Mr. Speaker: Order. I must stop the hon. Gentleman there, because it was not clear that the hon. Member for Beverley and Holderness (Mr. Stuart) was referring to an hon. Member's family. I would not expect anyone to draw the Chair into an argument about any hon. Member's family, whether that hon. Member is a humble Back Bencher or the Prime Minister. I will not do that, and I hope that that does not become a practice of the House.

Bill presented

SUSTAINABLE COMMUNITIES

Julia Goldsworthy, supported by Mr. David Drew, Gregory Barker, Mr. Elfyn Llwyd, Chris Huhne, Alan Simpson, Mr. Henry Bellingham, Andrew Stunell, Mr. Douglas Carswell, Jeremy Corbyn, Tim Farron and Mr. Dan Rogerson, presented a Bill to make provision for local authorities to submit plans to the Secretary of State in connection with promoting the sustainability of local communities; to provide for parish councils and other persons to participate in the formulation of such plans; to provide for the Secretary of State to assist local authorities in promoting sustainable communities; to specify the indicators by which the sustainability of local authorities may be measured; and for connected purposes: And the same was read the First time; and ordered to be read a Second time on Friday 16 June, and to be printed. [Bill 187].

Sunday Trading Act 1994 (Amendment)

12.34 pm

Richard Younger-Ross (Teignbridge) (LD): I beg to move,

That leave be given to bring in a Bill to amend the Sunday Trading Act 1994 to limit the hours of opening of large shops on Sundays and other specified days.

I am pleased to have the opportunity to present to the House a Bill that will limit the hours in which large supermarkets and other stores trade on a Sunday at present. I do so because I believe that every politician in the House must answer a simple question: what kind of society do we wish to create? In 1994, did we really wish to create a seven-days-a-week society, with each day identical to the previous one? Did we wish to make Sunday the same as a Saturday, Friday or Monday? I do not believe that we did.

A healthy society has a rhythm to life, not a monotony of work, work, work, shop, work, shop, shop, work, or whatever. To me, that is not good for a healthy society. I am worried about families, and I want to help them to be together, not to split them apart so that one partner works on a Sunday while the other looks after the children, allowing them to work on a Monday while the first partner looks after the children. That is not good for families. Families are generally a unit of two partners and children. I think that it is good if families can spend time together as a unit, rather than each partner spending time individually with the children. There are other opportunities that are missing from the rhythm of life.

Although I am a Christian—I am a Roman Catholic and I go to church—that is not the fundamental reason why I am proposing the Bill. I am suggesting that one day has to be different, and it does not matter whether that is for religious observance, a sporting interest, leisure, or time with the children. I fundamentally believe that, for a healthy society, such a difference must go on.

Let us consider the impact of the 1994 Act. The Government-commissioned Indepen report stated that the changes that have occurred since 1994 include the extension of Sunday opening and its continuing growth. The report concludes that congestion has increased on Sundays as more and more people go to the shops. However, more importantly for those who have to work on Sundays, there has been a reduction in the Sunday wage premium. Those who find themselves with little choice but to work on Sundays are thus finding that their reward for giving up their day off with their families is being reduced.

When we consider what people want, we must look at the changes that have occurred. One of the big changes to the grocery trade has been the growth of the big four. The big four now have 70 per cent. of all grocery trade. The Department of Trade and Industry's response to that is not to say, "Hold on a second. Aren't just four companies dominating the whole market?" It has refused year after year to examine that situation to determine whether there is fair trading, although there is some give on that at the moment.

The Department's proposals are actually the reverse of mine. It proposes to consult on deregulating Sundays altogether. The only consequence of that would be to increase the dominance of the big four. It would work to the detriment of small shops, and there would be not only no rhythm of life in society in the week, but no rhythm of where people can go to shop: the convenience stores would all close because they could not compete with the buying power of the large supermarkets.

What sort of society do we want? Is it one that is led by the market? I believe that that should not be the case. The market should serve us, not we serve the market. A survey by the Union of Shop, Distributive and Allied Workers, which does not support my proposals—it wants the existing regulations to remain in place; it does not want an extension of opening hours, but nor does it want to go back to the situation in 1994—showed that 43 per cent. of those who responded did not want to work on Sundays but often had to, that 37 per cent. did not mind working on Sundays occasionally, and that only 20 per cent. wanted to work on Sundays. The reality is, however, that more and more people are being forced to. I am aware of people in my constituency who are frightened to say no to their employers when it comes to Sunday working. The number of workers who are now protected is falling because work within the sector tends to be short term.

However, not only are shop workers affected by Sunday opening; so are street cleaners, who have to go out on a Sunday because there is now more mess on that day; so are bus drivers, because people want to go to the shops and there is pressure on services on Sundays; so are lorry drivers, who have to give up their weekends to make deliveries to stores; so are the police, who now have to do more work because shops are open on a Sunday; so are traffic wardens, who have to control the traffic on Sundays; and so are fire crews, who have to staff the fire stations because there is an increased risk of their being called out because of the shops and additional offices that are open on a Sunday. The 1994 Act has had an impact not just on the rhythm of life and on workers who are forced to give up their free time to work on a Sunday, but on a lot of other people in many other sectors.

Let me quote two or three cases that have been put to me. A woman working for a large department store in Swansea wrote to Keep Sunday Special, saying:

"I feel enormous pressure exerted on me to work Sundays, not only by my employer, but by my colleagues, many of whom felt threatened and worried by recent redundancies. I approached a supervisor, pointing out that legally I could not be forced to work on a Sunday. I was told that it was in my interests to be part of the team...no one else is complaining!"

People have contacted Working Families, which also wants to keep the status quo. It said:

"One caller had been working weekend shifts for many years while her ex-partner looked after the children. However, when he moved away she was left with no cover. She simply couldn't work weekends any more."

She lost her job as a consequence. Working Families also said:

"Another caller had had his shift patterns changed unilaterally to include some weekends, which coincided with when his wife worked. His employer wasn't prepared to fit shifts around partners. We advised the caller of his rights regarding flexible working, but he said that both he and his wife were too scared of losing their jobs to do anything."

That is the reality of Sunday work.

There is support for a change from the Churches, and the United Reformed Church used the phrase "rhythm of life" in its letter to me. Between 71 and 80 per cent. of parents say that they have no choice about whether they work weekends. They are not like MPs, who may opt to do their casework on a Sunday. Instead, they are the poorer members of society—the people who are forced to work. For them, we need to look at the legislation and to change it. For society as a whole, we need to look at it and change it. I believe passionately that Sunday needs to be different. We need a day when we can relax, meditate, play sport or go to church.

Question put and agreed to.

Bill ordered to be brought in by Richard Younger-Ross, Dr. John Pugh, Mr. Colin Breed, Andrew Stunell, Mr. David Anderson, Stephen Pound, Mrs. Claire Curtis-Thomas, Miss Ann Widdecombe, Peter Luff and Mr. Ian Liddell-Grainger.

Sunday Trading Act 1994 (Amendment)

Richard Younger-Ross accordingly presented a Bill to amend the Sunday Trading Act 1994 to limit the hours of opening of large shops on Sundays and other specified days: And the same was read the First time; and ordered to be read a Second time on Friday 20 October, and to be printed [Bill 186].

Orders of the Day

Education and Inspections Bill

[2nd allotted day]

As amended in the Standing Committee, further considered.

New Clause 4

Education of children with special educational needs in mainstream schools

'In EA 1996, for section 316 substitute:—

"316 Education of children with special educational needs in mainstream schools

(1) This section applies to a child with special educational needs who should be educated in a mainstream school.

(2) If no statement is maintained under section 324 for the child, he should ordinarily be educated in a mainstream school.

(3) If a statement is maintained under section 324 for the child, any person exercising any functions under this Part in respect of a child with special educational needs shall ensure that he is educated in either a mainstream school or a special school, having due regard to—

(a) the wishes of his parent,

(b) the provision of efficient education for other children, and

(c) the efficient use of resources.

(4) Any person exercising any function under this Part must ensure the parents of a child with special educational needs are given sufficient information about the possible options open to them, including both special schools and mainstream provision.

(5) A child with special educational needs being provided for under section (3) above shall not be educated in a mainstream school if that is incompatible with the wishes of his parents.

(6) In this section and section 316A 'mainstream school' means any school other than—

(a) a special school, or

(b) an independent school which is not—

(i) a city technology college,

(ii) a city college for the technology of the arts, or

(iii) a city academy.".'.—*[Mr. Hayes.]*

Brought up, and read the First time.

12.45 pm

Mr. John Hayes (South Holland and The Deepings) (Con): I beg to move, That the clause be read a Second time.

Mr. Speaker: With this it will be convenient to discuss the following:

New clause 5—*Restrictions on special school closures*—

'(1) No special school shall be closed by a local education authority without the consent of the Secretary of State.

(2) The Secretary of State shall only consent to the closure of a special school if there are places at nearby special schools in sufficient number and sufficient quality to replace the school adequately.'.

New clause 30—*Professional standards for teachers*—

'Professional standards for teachers shall require that all those receiving—

(a) initial teacher training,

(b) assessment for induction or as a main-scale teacher,

(c) assessment for threshold or as a senior teacher, or

(d) assessment for suitability as a head teacher,

shall be required to demonstrate an understanding of special educational needs and disability legislation.'.

New clause 31—*Permanent exclusion of pupils*—

'(1) This section applies in relation to the permanent exclusion of a disabled pupil or a pupil with special educational needs by any school at which education is provided for him.

(2) No such pupil shall be excluded unless a review has been held of—

(a) the sufficiency and effectiveness of the reasonable adjustments being made for him if he is a disabled pupil, and

(b) the special educational provision being made for him if he is a pupil with special educational needs.'.

New clause 52—*Circulation of materials in relation to course of study*—

'After section 85A of EA 2002 (inserted by this Act) insert—

"85B Requirements relating to materials for courses of study in specified entitlement areas

Where a course of study within an entitlement area specified by the Secretary of State under section 85A(1)(b) is to be introduced, the Secretary of State must ensure that all necessary materials are circulated to schools and other relevant learning providers at least one full academic year before their introduction and that due consideration is given to the time it takes to translate such material into Braille.".'.

New clause 77—*Duty of local education authority in relation to excluded pupils with special needs*—

'(1) Section 19 of EA 1996 (exceptional provision of education in pupil referral units or elsewhere) is amended as follows.

(2) After subsection (3B) (inserted by section 93 of this Act) insert—

"(3C) Where a statement of special educational needs is maintained by the local education authority in respect of a pupil pursuant to section 324, the period following which education referred to in subsection (3A) must be provided must be sufficient to permit the authority to amend or otherwise reassess the statement where required by law.".'.

New clause 78—*Responsibility of governing body for discipline (supplementary provisions)*—

'The governing body of a relevant school must not delegate responsibility for the policy drawn up under section 80(1) to anyone unless that person has demonstrated an understanding of special educational needs and disability legislation.'.

New clause 79—*Determination by head teacher of behaviour policy (supplementary provisions)*—

'The head teacher must, in determining measures under section 81(1), show—

(a) how reasonable adjustments are made, taking account of the particular circumstances of pupils with disabilities, and

(b) what special educational provision is made within those measures for pupils with educational needs, with or without a formal statement.'.

New clause 80—*Duty of local education authority in relation to excluded pupils with disabilities or special needs*—

'(1) Section 19 of EA 1996 (exceptional provision of education in pupil referral units or elsewhere) is amended as follows.

(2) After subsection (3B) (inserted by section 93 of this Act) insert—

"(3C) The local education authority shall have particular regard to the appropriateness of educational provision made for excluded pupils where those are disabled pupils or pupils with special educational needs.".'.

Amendment No. 16, in clause 35, page 25, line 17, at end insert—

'(6A) In discharging those functions, the governing body of a maintained school shall also have regard to the provision of appropriate teaching and learning support for any child with special educational needs.'.

Amendment No. 17, in clause 37, in page 26, line 38, after 'requirements,', insert—

'which shall in particular include a requirement to give priority in admissions to disabled children and children with special educational needs who do not have a statement under section 324 of EA 1996,'.

Amendment No. 18, in clause 38, in page 27, line 29, leave out 'may' and insert 'shall'.

Amendment No. 19, in clause 38, in page 27, line 31, at end insert—

', and these shall include a report on the numbers of disabled pupils and those with special educational needs admitted to each school in the area.'.

Government amendment No. 67.

Mr. Hayes: I am delighted to speak to new clause 4, and the other new clauses and amendments in this group.

For the benefit of the House, the new clauses that I have tabled with my hon. Friends mount a strong defence of the role of special schools in the service of special needs children. Last night, we ended our consideration of the Bill with a debate on school discipline and the quality of life in schools: their ethos and atmosphere. I hope that that debate marks the start of a war on thugs and bullies and a crusade for their victims.

Most strong, confident, able children will survive any school, but that is not so for the most vulnerable, including children with special educational needs. They are indeed special, and they deserve our special care and concern. Every parent knows the protective instinct evoked by a fragile, innocent child as we wonder at their beauty. Imagine the intensity of those feelings in the case of a child who is especially fragile, physically or emotionally, because of special needs.

I invite the House, in considering the new clauses and amendments, to attempt for a short time to share those emotions. I do so with little doubt about the good will in all parts of the House on the subject, which is not a matter of party affinity or prejudice. It is not, however, unaffected by ideology or even dogma. The unrelenting pursuit of the integrationist policies that followed the Warnock report in 1978 and the Education Act 1981, which was introduced by a Conservative Government, could hardly have been more dogmatic.

That dogma has coloured our perception for too long. When introducing the Special Needs and Disability Bill—I was pleased to serve as a Front-Bench spokesmen on the Standing Committee that considered that Bill—Baroness Blackstone said in the Lords that

"commitment to inclusion has been strong and constant...The potential social, moral and educational benefits are significant."—[*Official Report, House of Lords*, 19 December 2000; Vol. 620, c. 635.]

As I said in Committee, the order in which she listed those benefits is interesting. We are, of course, concerned about the social, moral and cultural needs of people with learning difficulties, but their educational

needs are always more significant than any cultural or social benefits that we might derive for them, their contemporaries or their schools. I could put it more bluntly: children's futures count—not the guilt-ridden consciences of the liberal bourgeoisie.

Closed minds have closed schools, and thus damaged lives. Of course, none of that was malevolent, and much of it was fuelled by the best intentions. But as we know, the path to hell is paved with good intentions. The integrationist broad-brush approach to an infinitely complex issue has damaged the educational prospects of countless children.

Of course, many children with special educational needs, where their parents wish it and where their needs can be accommodated, do well in mainstream schools and in special units attached to mainstream schools. I celebrate the work of those schools and of the teachers so committed to their important duty. However, there are two fundamental problems with integration. The first is that the resources necessary properly to meet the stated needs of children rarely follow them into mainstream schools. That is certainly true of staff training.

The former head of a middle school with a special unit tells of the practical costs of the policy in a letter referring to these matters published in the national media this week. He writes:

"When I was appointed head, I was not asked at the interview if I had any experience of children with special needs. I didn't. When I took up the post, I discovered that the teachers at the unit of 24 children with special needs ranging from emotional behavioural difficulties to mild autism also had no specialist qualifications. In a school of 400, these children took up at least half of my administrative time. The teachers were often off sick and most of the children in the unit would, in my view, have been better served in special schools. Inclusion may sound good in theory, but the practicalities often tell a different story."

So it is not surprising that, according to the comprehensive review conducted by *The Times Educational Supplement* last year, two thirds of teachers receive less than one day's training in how to teach children with special needs, and 90 per cent. of head teachers thought that their schools did not receive sufficient resources to fund integration.

That is perhaps why the amendments have been welcomed by the National Union of Teachers as an important set of improvements to the Bill. It is why the orthodox thinking on the subject among teachers and others has moved to the position that I have held from the early 1980s onwards, when I first became interested in special educational needs. I recall from that period—the mid-1980s—supporting many struggling parents who wanted their children taught in special schools, sometimes out of authority or even out of country, because they knew that that was the best way of allowing their children to fulfil their potential.

Roger Berry (Kingswood) (Lab): In new clause 4(5) the proposal is that a child with special educational needs

"shall not be educated in a mainstream school if that is incompatible with the wishes of his parents."

Will the hon. Gentleman confirm that he would also subscribe to the view that a child with special educational needs shall not be educated in a special school if that is incompatible with the wishes of his parents?

Mr. Hayes: The hon. Gentleman makes a telling point, and he is right that parental wishes are paramount in these matters. I would not wish any child whose parents did not wish it or whose needs were not best catered for there to be educated in a special school. As I said at the outset, the educational needs of the child should be paramount in our considerations. I know the hon. Gentleman has a longstanding commitment to the subject and a detailed knowledge of it. I pay regard to that. He, like many hon. Members, wants the best for children with special needs. This debate is about how we achieve that.

Roger Berry: I am grateful to the hon. Gentleman. There is an issue about the needs of the child and the wishes of parents, which may come out in the debate. If the hon. Gentleman agrees that where educating a child in a special school is incompatible with the wishes of his parents, that child should have the right to mainstream education, why has he not made that clear in the new clause?

Mr. Hayes: Because the war that has been waged since Warnock has not been a war against children being integrated into mainstream schools. It has been a war against special schools. The prejudice that has underpinned much of the policy that has emanated since Warnock has not been a prejudice in favour of special schools; it has been a prejudice against them. So parents who wanted their children educated in special schools have found it increasingly hard to get places in them as those schools have closed, as I shall describe later in my long but fascinating speech.

Ms Sally Keeble (Northampton, North) (Lab): Does the hon. Gentleman accept, however, that in addition to people campaigning for special schools, as indeed they have for various reasons, there has also been a major problem for parents of a child with special needs who want that child in a mainstream school and want the necessary support? Many, many of my constituents campaign to get that support, because they want their child in a mainstream school.

Mr. Hayes: The hon. Lady makes another important point—a slightly different one from the hon. Gentleman's—about resources, which I was dealing with. It is crucial that if a child is to be successfully educated in the mainstream, proper resources and training be put in place to facilitate their progress. It is often difficult for parents to achieve a statement in the first place. The statementing process is still too often long, complex and bureaucratic. It bamboozles many parents. They are intimidated by the whole subject of their child's education and opportunities. I agree with the hon. Lady that it can be a struggle, therefore, for them to find their way through that maze, get the necessary resources put in place, get a statement that is appropriate to their child's needs, and get the education they need where they want it delivered.

[Mr. Hayes]

I argue for parental choice and for the needs of the child to be paramount. I take the hon. Gentleman's point—*[Interruption.]* The hon. Gentleman points in a rather theatrical way to the new clause. No doubt he will make an interesting contribution to the debate when he has a chance to speak. I want to know whether he is on the side of the mainstream thinking, or on the side of the growing weight of opinion that regards the policy that has been put in place since Warnock as having failed. Baroness Warnock thinks so, the teachers think so and I think so. Does he wish to intervene and tell me?

John Bercow (Buckingham) (Con): Will my hon. Friend give way?

Mr. Hayes: I would be delighted to give way to my hon. Friend.

John Bercow: The intellect of Einstein and the eloquence of Demosthenes warrant a bigger audience than my hon. Friend enjoys today. May I put it to him that the sensible mainstream non-ideological rejoinder to the noble Baroness Blackstone in asserting the merits of inclusion should be, "Up to a point, Lord Copper"? In the case with which I am currently concerned—the future of the Nuffield speech and language unit—it is a matter beyond argument that the reason for a significant decline in the referrals to the unit is that there is pressure on local authorities to reduce the number of statements and, in particular, to avoid wherever possible the fact and cost of out-of-area placements. Should not we accept that sometimes it makes sense to include and sometimes it does not?

Mr. Hayes: Absolutely. My hon. Friend has been a great champion of Nuffield. I was able to add to his campaign in a humble way in Committee by drawing attention to the excellent work done there. I congratulate him on all he does. He is, if I may say so, Jonathan to my David, Ernie to my Eric, Bosie to my Oscar in this respect.

My hon. Friend says, pertinently, that part of the problem is getting the right referrals. Because of doubts about resources, there is a reluctance to statement and to refer. Consequently, parental choices and children's needs are neglected along the way. I said at the outset that I celebrated the work of all those who made integration work for the very many children who have integrated into mainstream schools and enjoyed and benefited from the experience. My hon. Friend the Member for Buckingham (John Bercow) is right when he says that a one-size-fits-all policy—a broad-brush approach—is not right and not sufficient in relation to special needs.

Roger Berry: If the hon. Gentleman does not want a one-size-fits-all policy and wants to be non-ideological and reasonable, why on earth does subsection (5) of new clause 4 refer only to the right to attend a special school and not to the right to attend a mainstream school? That is as moderate and as reasonable as I can be.

1 pm

Mr. Hayes: The hon. Gentleman needs to study the new clause. Subsection (3) says:

> "If a statement is maintained under section 324 for the child, any person exercising any functions under this Part in respect of a child with special educational needs shall ensure that he is educated in either a mainstream school or a special school, having due regard to—
>
> (a) the wishes of the parent,
>
> (b) the provision of efficient education for other children, and
>
> (c) the efficient use of resources."

We make it absolutely clear that, given those important caveats about efficiency and appropriateness, a child could be educated in a mainstream school or a special school to good effect.

Roger Berry *rose—*

Mr. Hayes: I am not going to give way to the hon. Gentleman again. If he wants to speak, Mr. Speaker, perhaps he can catch your eye later, but he is not going to intervene on me any more, much as I like and admire him, because I need to make some progress.

John Bercow: Will my hon. Friend give way?

Mr. Hayes: I will indeed give way to my hon. Friend, because whereas the hon. Member for Kingswood has had three bites of the cherry, he has had only one.

John Bercow: May I simply underline the rather obvious point that we do not need to have some sort of Manichaean divide between mainstream on the one hand and special schools on the other? I put it to my hon. Friend—I think that he understands the point extremely well—that when one intervenes early in cases of people with very severe learning difficulties and has specialist provision outside mainstream for a period, one can then facilitate re-entry to mainstream, but to suppose that all children can get by in mainstream represents a triumph of hope over reality.

Mr. Hayes: The point is twofold. First, special needs are dynamic, because their causes are often dynamic. A child's needs will vary; that is why we need to look at the statementing process to ensure that it is sufficiently sensitive to deal with those changing needs. Secondly, a child's educational progress may mean that they are better educated at different points in their education in different places. Again, we have to be sufficiently flexible to take account of that. A good example is indeed that of the Nuffield speech and language unit. My hon. Friend knows better than I do that the average time that a person spends at Nuffield is two years, because they move in and out of provision as their needs require. He is absolutely right that a static view about appropriateness has been one of the problems with policy.

Ms Angela C. Smith (Sheffield, Hillsborough) (Lab) *rose—*

Mr. Hayes: I give way to the hon. Lady, who was an outstanding servant of the House when she served on the Standing Committee.

Ms Smith: I thank the hon. Gentleman. The Education Act 1996 makes it clear that one of the criteria for placing a child in a special school is the appropriateness of the provision. The new clause would remove that criterion, and in effect prioritises the efficient use of resources over the appropriateness of the provision. Does not he agree that that in itself invalidates it?

Mr. Hayes: The difficulty, as the hon. Lady will know from her experience in this House and previously, is that in practice a balance is often struck between appropriateness of provision and resources. Sadly, integration, if it is to work well, is often very resource-hungry. I do not want to be too simplistic about this because it depends on the need of the child at any one point in time, but the resource issue that the hon. Lady properly raises is one of the reasons why integration sometimes fails. That will be an ongoing concern and something that Members on both sides of the House will want to scrutinise and raise when appropriate, both nationally and in their own localities.

I must make a little more progress, or I will be chided by my own Front Benchers and other Members. [*Interruption.*] Well, I know that they are enjoying it, but like all good things it must eventually come to an end.

The results of last year's comprehensive survey of schools by *The Times Educational Supplement* were shocking. It revealed that teachers believe that up to 25,000 children in mainstream schools in England and Wales would be better off in special schools. More recently, the National Union of Teachers has said that inclusion amounts to" child abuse" in some cases. It speaks particularly of those children with the most serious conditions who struggled in the confusing regime of secondary schools, where they could be taught by 10 or more teachers a week in different classrooms. Those findings followed a report that the NUT commissioned from Cambridge university. It is certainly true that teachers, head teachers and governors around the country are increasingly alarmed about the effect of inclusion when resources and training do not follow the child.

The second problem with the policy that followed Warnock is that many secure, supportive and vastly experienced special schools have closed, as a direct result of the pernicious Warnock effect. Ninety-three schools have closed since the Prime Minister promised that things could only get better in 1997. Before the Minister tells me, as I am sure that he will, that the same number of children with special needs are educated in special schools as always were, which is usually the rejoinder when one talks about special school closures, let me give him the figures. From January 1999 to January 2005, the number of children educated in special schools has declined by more than 85,000. The truth is that many fewer children are being educated in special schools.

The Minister for Schools (Jim Knight) *rose—*

Mr. Hayes: The Minister is about to intervene on me with an even more salient and clever point than I anticipated, as he so often does.

Jim Knight: I am grateful to the hon. Gentleman; I have been very patient. As he is interested in statistics, I remind him that in the past 10 years, 122 special schools have closed, while in the previous 10 years, 234 closed. The trend is going in the right direction. Since 1997, more than 300 special schools have opened, 90 in the past two years. We often use the statistic about the proportion of children who are in special schools, which has gone up by 1 per cent.

Mr. Hayes: Yes, but the hon. Gentleman will know that many of those openings have been special units within mainstream school campuses. By the end of the debate, can he unpick that figure a little more, break it down, and tell us how many of those schools are freestanding independent schools with their own governing body and so on?

Dr. Roberta Blackman-Woods (City of Durham) (Lab): Will the hon. Gentleman give way?

Mr. Hayes: I have given way so often that I am beginning to tire of my own verbiage, but I will do so again.

Dr. Blackman-Woods: I want to speak against the hon. Gentleman's new clause. As he has been addressing the House, I have become increasingly concerned by his repeatedly saying that the most important thing is structures, whether special schools or mainstream schools. Last week, the Education Committee went to Darlington to see a truly excellent example of an establishment that brought together a secondary school, a primary school and a special school, and where the education was entirely centred on the children's needs. The whole educational debate is moving on to be child-centred, so that we look after the educational needs of all children and stop having this obsession with structures.

Mr. Hayes: As ever, the hon. Lady makes a good contribution to the debate. I was enjoying it immensely until she used the term, "child-centred" and then I began to think of all the dreadful, progressive, post-Plowden dogma about child-centred learning that did so much damage and to which my hon. Friend the Member for Bognor Regis and Littlehampton (Mr. Gibb) has drawn the House's attention on more than one occasion.

However, the hon. Lady is right that good education depends on much more than structure. It is sad that the Bill has necessarily focused our attention on structure when we should be discussing quality, as she so often does. Good education depends on the quality of teaching and learning; leadership; the home-school environment; and a proper understanding of children's needs. That mix makes for high quality education. Most important of all is the need to raise the status of teachers and to believe in education and in those to whom we entrust our children.

Anne Snelgrove (South Swindon) (Lab): I thank the hon. Gentleman for his generosity in giving way. He is being as generous as he was in Committee. New clause 5 deals with the closure of special schools. I am puzzled by an action by the right hon. Member for Witney (Mr. Cameron), the leader of the Conservative party, who declined to help the Vines special school in Battersea to prevent its closure. On 11 May, the governors and teachers called on him to help, but he declined. Does that mean that new clause 5 simply represents party politics? I am sad that the hon. Member for South Holland and The Deepings (Mr. Hayes) is engaging in that. If Conservative Members genuinely mean to prevent closures, why did their leader refuse to help? He was asked to help as Leader of the Opposition, not as an ordinary Member of Parliament.

Mr. Hayes: The hon. Lady knows me too well to believe that I would make nakedly party political points about the subject. I do not make them. I acknowledge the point of the Minister for Schools that even more special school closures took place before 1997, when we were in government. I pointed out that the Education Act 1981 was introduced under our stewardship. My pedigree on the subject goes back to the 1980s when, as a county councillor, I defended, for example, Foxwood school in Bramcote from closure.

I shall not comment on the case that the hon. Lady mentioned, but I emphasise that although I am not interested in my advancement in this place and I would never toady to my leader or be a sycophant, I believe that my right hon. Friend the Member for Witney (Mr. Cameron) is not only noble, an intellectual giant and a fine leader of men, but that, in a short time, he will prove to be one of our nation's greatest Prime Ministers. Is that enough?

We should not ignore the cries from the heart and from the front line that we hear from teachers about special needs education. The practical cost of inclusion when it is not appropriate is clearly high, but that is not my main consideration. What we cannot quantify often counts most: the joy of a child who can relax, play and learn in the knowledge that he is safe; the relief of a teenager who no longer feels different; and the peace of mind of parents who simply want to entrust their children to people with the specialist skills and experience to help them achieve their potential.

One such parent wrote movingly to *The Times* only a few days ago. The letter stated:

> "My 15-year-old son is autistic and has severe learning difficulties. He has flourished since he was 5 in a special school... where he has had specialist teaching and therapy and loads of support. Why on earth would I want him to be the odd one out, taught (or more realistically babysat) by an unqualified classroom assistant in a mainstream school? He isn't like most other kids and I won't have him sacrificed on the altar of political correctness... Inclusion, for kids like mine, doesn't work and never will."

Such stories are common and the consensus among the parents of special needs children, who are surely best qualified to judge, is clear. A special needs child has special needs, which are best served by specialised teaching and care in an environment that caters for them.

1.15 pm

I repeat that there are many good special units, fine leaders and teachers in mainstream schools and that many children prosper in them. However, let us end the prejudice against special schools and special education. Denying parents of children with special needs the choice of a school that is tailored to their needs is dangerously proscriptive. Closing special schools denies that choice and that is why we have tabled the new clauses.

There are many other aspects to the complex subject that we are discussing. We must consider the early identification of need much more seriously. Hon. Members with an interest in specific elements of special needs know that that is vital for autistic children—early identification of need can make a great difference to their progress. Hon. Members also know that it is profoundly important in the case of children with emotional and behavioural difficulties whose lives can be changed if they are statemented and supported in the right way. Hon. Members know that the House—not the Government; I make no party political point—needs to get better at concentrating on the critical matter of early identification of need.

As I have said, 8 per cent. fewer special needs children are now secure in special schools. I was going to speak at length about Nuffield school, but I did that in Committee, my hon. Friend the Member for Buckingham asked a question about it at Prime Minister's questions and there has been an extensive Adjournment debate on it. I know that hon. Members will want to pay attention to it if they have not already done so. It is one of many examples that I could list.

A recent report published by Rathbone, the national charity that provides advice and support to parents of children with special educational needs, is a damning indictment of the current SEN system. Evidence collected from 570 schools in 36 local education authorities reveals that alarming numbers of parents feel frustrated and let down by their child's school. Forty-two per cent. of parents questioned believed that their children had made no progress since being on the SEN register and 10 per cent. felt that they had regressed. I draw hon. Members' attention to the Rathbone study, but I will not detain the House with details now because others want to contribute to the short debate.

Parents of special needs children already have to contend with so much. At the beginning of my contribution, I asked us to try for a moment to envisage their circumstances. Is it fair that they should also have to take the flak for a failed and failing education policy? Baroness Warnock, the architect of inclusion, has admitted that inclusion, as an aspect of her report and the subsequent Act, was "disastrous".

Special schools do a special job for very special children. The teachers and those whom they teach invariably show great commitment and immense courage. Let us now have the courage to admit that we got it wrong, as the architect of inclusion has done. Let us have no more closures, broken dreams and shattered lives. I am delighted to invite hon. Members, in the spirit of generosity that has permeated our consideration of the measure, to embrace the new clauses with relish on behalf of those very vulnerable children.

Ms Angela C. Smith: I greatly enjoyed the comments of the hon. Member for South Holland and The Deepings (Mr. Hayes). He must have had one of his lunches at the Savoy in order to perform so well.

Much of our recent debate on these issues has become rather adversarial, which has polarised philosophies. A belief has grown that there is a stark choice to be made in regard to the means of educating special needs children between inclusion and special schools. That view is unhelpful, because it ignores the fact that children with special needs are as individual as the rest of us, that they often present with complex sets of needs, and that their education should to be tailored to reflect that. The hon. Gentleman's comments hinted that he understood that and showed some movement from the position that he held some time ago.

Our debate should therefore focus on how best we can develop a spectrum of provision in each local authority area. Such a spectrum should encapsulate special schools and special educational needs units in mainstream schools, as well as learning support units—which have a role to play—and pupil referral units, alongside provision developed and managed by the voluntary sector. In my constituency, for instance, we have an excellent facility called Pit Stop, which takes children with learning difficulties out of school and gives them the breathing space and focused attention that they need to get them back on track. Pit Stop works closely with its partner secondary schools and has a wonderful record of bringing children back into mainstream education. It is an excellent example of how special needs education can work more flexibly in the interests of the individual child.

It is true that many special needs children need the kind of education that only a special school can offer. I have no problem admitting that. However, those children can also benefit from mixing with their peers in a mainstream setting. Increasingly, special needs professionals are recognising that a flexible mix of provision, achieved by schools working together, is the way forward. That is why my local authority is redeveloping its provision, and building new fit-for-purpose special schools across the city, alongside the development of a series of SEN units in mainstream schools. This is not an either/or approach; it uses both options.

New clause 5 is unhelpful because it would limit the ability of local authorities to plan strategically the spectrum of provision that I have described. It would, for instance, limit Sheffield's plans slightly to reduce the number of special school places available for children with learning disabilities while increasing the number of special school places for children with emotional and behavioural difficulties. Local authorities are best placed to recognise and to consult on local need, and to remould the spectrum of provision accordingly.

New clause 4 would replace section 316 of the Education Act 1996. In so doing, it would remove the requirement for local authorities to consider in the statementing process the need to ensure that a child receives the provision that his learning difficulty calls for. It would replace that requirement with proposed new subsection 3, which asserts the rights of parents. That substitution ignores the fact that schedule 27 to the 1996 Act makes it clear that there is already a presumption in favour of parental preference for the placement of a child in a particular school. The schedule also contains the important qualification that, if a statement names a school, the school should be suitable in relation to the child's age, ability and/or special needs.

Mrs. Nadine Dorries (Mid-Bedfordshire) (Con): I thank the hon. Lady for giving way, and for mentioning the naming of a school in a statement. Is she aware that the Government have plans to build another 200 academies, and that local education authorities will not have to name an academy in their statements unless the academy agrees to be named?

Ms Smith: My local education authority has an agreement with our academies that they will take children with special needs as a top priority, and I call on all local authorities to work constructively towards doing the same.

John Bercow: The hon. Lady rightly says that there is merit in mixed provision. I entirely accept that. However, she said a few moments ago that local education authorities were best placed to make judgments on these matters. May I suggest that there is often a well-grounded concern, even among those who are not overly suspicious or cynical, that LEAs are at least partly motivated by the consideration that they need to save money where they can? In that context, is there not sometimes a conflict of interest between the LEA commissioning and providing the educational provision, and its being obliged to pay for it? Would it not be better if there were an independent element in the process, so that there would be no reason to question or impugn the motives of the LEA?

Ms Smith: The hon. Gentleman makes an important point, but it is important that the local people who elect their accountable representatives are listened to, and that they have the chance to remove a particular elected body if they feel that resources are being prioritised over need. That option is available and should be used.

The approach outlined in the Education Act 1996 is reasonable. It directs that parental preference should be strongly favoured, but requires that such preferences should be balanced, where necessary, with a professional assessment of a child's needs. New clause 4 would effectively prioritise the requirement to secure efficient use of resources over the need to provide the appropriate provision necessary to meet a child's special needs. I therefore believe that the new clause does not merit support today.

Amendment No. 16 is interesting because it draws attention to the needs of children who are sometimes badly served by our education system, a point to which I will return. However, the amendment, as it stands, is flawed. Non-statemented children with special needs are at present registered on school action or school action plus, but the code of practice that triggers entry to those registers allows for a great deal of flexibility in how schools interpret the criteria.

The criteria are drawn incredibly broadly and have led to wide and significant variations between local authorities. For example, Knowsley registers 21.6 per

[Ms Angela C. Smith]

cent. of its pupils as having non-statemented needs, Rotherham 18.3 per cent., Doncaster 12.3 per cent. and Cornwall 16.3 per cent. Given those variations, it would be irresponsible to give admissions priority to children on those registers.

That does not mean that we do not need a debate about provision for non-statemented SEN children, because we clearly do. For instance, we need to discuss why there are such wide variations between local authorities. However, I suggest that the real challenge is to ensure that all our schools are equipped effectively to meet the needs of low-incidence special needs children.

New clause 31 would require governing bodies to secure the necessary support for SEN children, yet the SEN code of practice already places that statutory duty on those bodies. We have all heard stories of schools that fail to satisfy the demands of the code of practice and all MPs get complaints about children whose needs are apparently neglected. That point was also made by the hon. Member for South Holland and The Deepings.

I therefore ask the Minister to look closely at the evidence relating to provision for non-statemented children, and to act if necessary to strengthen the role of local authorities as champions of parents and children, in order to help to drive forward improvement in this often neglected area of education provision.

Annette Brooke (Mid-Dorset and North Poole) (LD): The hon. Member for South Holland and The Deepings (Mr. Hayes) suggested that Warnock had been pernicious, but I remind the House of what was happening pre-Warnock. We need to reflect on that, because we certainly do not want to go back to a situation in which children were institutionalised, regardless of the nature of their special needs, with no entitlement to a full and rich curriculum, and without the ability to mix with other children that they have today. We have had one of those infamous pendulum swings that take place in education over time and, possibly, it has swung too far. If the Minister shows total resistance to all the amendments, there is a denial that something is wrong, or at least a pretence that everything is right when, clearly, it is not.

1.30 pm

It is well researched and proven that the main inclusion agenda, which I broadly support, has simply been under-resourced. The problem with inclusion is that it was never going to be a cheap option; it was going to cost money. Unfortunately, with pressure on resources, it has been seen as a cheaper option, which has led to certain actions. We must accept that under-resourcing has created a great deal of problems. First and foremost, it has created problems for those pupils who inadvertently, in so far as they are not in full control of their behaviour, make up 60 per cent. of exclusions. That is unhelpful for everybody. New clause 31, which we want to strongly support, picks up that point. When there is an exclusion, a full assessment of the special needs of the child involved is required.

As we know, parents do not feel fully supported and involved in the current system, which causes problems, and many teachers in mainstream schools find it hard to cope because of lack of resources. The report commissioned by the National Union of Teachers, "The Cost of Inclusion", has made a valuable contribution to the debate in highlighting the wide variety of special needs. Given that there is such an array of special needs, we should not use a single terminology. Obviously, individual children will need their requirements met in different ways.

The NUT report also highlights that, once one moves from primary to secondary school, the situation becomes even more complex. Children with special needs relating to mental health face a huge gap in resourcing for children's mental health services. While I acknowledge the massive increase in resources from the Government, I am sure that all Members know of inadequate provision locally. That puts enormous pressure on teachers and, although I have not seen the statistics, I think that that is a good reason for teachers deciding that they cannot cope any more. That is reflected in the point that more learning support assistants and teaching assistants—whatever we like to call them—are probably needed to make inclusion work. Being able to give more individual attention to children with behavioural difficulties is the No. 1 item that teachers mention to me. If they had that ability, they could make inclusion work. They want to make it work and feel proud when they do so, but it is difficult with all the constraints.

In relation to the points made by the hon. Member for Sheffield, Hillsborough (Ms Smith), I agree strongly about the need to have a spectrum of support. That fits into my argument that we have swung the pendulum instead of getting the right balance. It is important for a local education authority to give a strong, strategic lead on special educational needs. Perhaps we should not rehearse the arguments again, but with different types of schools, including those becoming more autonomous from the local education authority, it is more difficult to promote collaboration, which is especially important in relation to special needs, between all the schools within an LEA. A special school's numbers might fall for all sorts of reasons, but it is important to keep the resources of that school together and to have outreach workers with specialities supporting mainstream schools. However, such collaborative working requires the local education authority to pull everything together. I agree that pupil referral units, learning support areas and learning zones are needed in which specialist intensive help can be provided alongside mainstream school.

Training is essential and is probably mentioned in one of the many new clauses in the group. As we discussed in Committee, that applies to teachers, special educational needs co-ordinators and, I would add, the various teaching assistants—that is a slight omission from the new clause concerned. I still feel nervous about the idea that any closure of a special school should have the authority of the Secretary of State. I find that a surprising proposal from the Conservatives, as they keep telling me that the Secretary of State is causing all the closures in the first place with the policy being operated. I do not therefore know why they have such confidence in central Government in that respect.

My main concern is about the proposal that the Secretary of State shall consent to the closure of a special school only if there are places at nearby special schools. Of course, when one is managing a comprehensive policy for special educational needs, one might close a special school that does not have technology and science facilities—because it was built in the years when children with special educational needs were neglected—in order to build a brand-new unit, which might be on the site of a mainstream school. I cannot see the amendment concerned working.

Generally, we greatly support the sentiments behind this group of amendments, because this is a debate that should be held, and it would be a good idea, as the NUT's report suggests, to have an independent review of inclusion. Perhaps we should stop pretending that we can carry out a policy of inclusion on the cheap.

Mr. Barry Sheerman (Huddersfield) (Lab/Co-op): The hon. Lady might know that the Education and Skills Committee is nearing the end of a thorough inquiry into special educational needs. I have been listening intently to the discussion, but in relation to the automatic suggestion that there should be an independent inquiry, I assure her that the House has an effective means of carrying out good, independent inquiries.

Annette Brooke: I thank the hon. Gentleman. I know, of course, that the Select Committee is carrying out that inquiry. The suggestion came from an earlier debate on special educational needs and I remember him responding during that debate. I hope that I was not ignoring the role of the Select Committee by pointing out that we need to have this debate about cost and make sure that the money is following the pupils, especially in this area.

Apart from the caveats that I have mentioned, we are sympathetic to the new clauses. I hope that the Minister will take our comments on board and give us some indication of the way forward. The severe pressures in mainstream school, which are not serving pupils, teachers or parents well, cannot continue.

Mr. Gordon Marsden (Blackpool, South) (Lab): I am delighted to speak to new clause 30 and other new clauses and amendments tabled by me and my hon. Friends.

Perhaps I can begin, as an effective way of structuring my remarks, by referring to the briefing on the new clauses and amendments, which states that they are designed to strengthen the rights and position of disabled children and those with special educational needs, with or without statements both for existing and for future schools. That follows on from discussions with the Special Educational Consortium and other disability and special educational needs groups about their concern that, in certain key areas, the Bill needs to be beefed up to ensure that the position of such children is protected. My hon. Friend the Member for Huddersfield (Mr. Sheerman) has already mentioned the fact that his Select Committee is conducting a dedicated SEN inquiry. In its inquiry into the White Paper, we also took evidence on some of the issues, albeit briefly. I share the concerns of others that these matters need a broader airing on the Floor of the House, not least because they did not receive an adequate airing in the latter stages in Committee.

The amendments and new clauses tabled by my hon. Friends and myself cover three separate areas: setting training standards in special educational needs and disability issues for teachers; ensuring that fair admissions are a school requirement and are properly monitored; and, perhaps most importantly, strengthening the rights of SEN and disabled pupils in exclusion matters and educational support for excluded categories. I merely add at this stage that that is essential in view of alarming figures showing that SEN children have a disproportionate number of exclusions from school and that parents often fail to receive sufficient support and advice in those circumstances.

Mr. Hayes: I welcome the hon. Gentleman's contribution to the debate and, indeed, the important new clauses that he has tabled. May I invite him to suggest to the Select Committee that it looks specifically at the issue of exclusions, which was raised in Committee by my hon. Friends? It is a profoundly important issue, so perhaps the hon. Gentleman would like to encourage the Select Committee to deal with it.

Mr. Marsden: I thank the hon. Gentleman for those remarks. I would not want to prejudge the final deliberations or conclusions of the Select Committee, but I would say—I am sure that my hon. Friend the Member for Huddersfield would endorse this—that we have taken a broad range of evidence, both oral and written, and that the issues that the hon. Gentleman raised are covered by it. I wholly accept that they are vitally important.

Mrs. Dorries: It is important to mention that about two thirds of all children excluded from school have special educational needs; that is, two thirds of the total number excluded at any one time.

Mr. Marsden: I thank the hon. Lady for her intervention. She will see, as I continue with my remarks, that I will provide further statistics that underline her point.

New clause 30 specifically deals with professional standards for teachers, aiming to ensure that they demonstrate an understanding of SEN and disability legislation. That is terribly important because, without ensuring the inclusion of SEN children and without specialist support services, many children will not achieve their potential. The majority of deaf children, for example, are now educated in mainstream settings, but many still need appropriate support and provision.

I refer hon. Members to the Ofsted report of 2004, which dealt with the issue of inclusive schools and children with special educational needs and disabilities. It states that only a minority of mainstream schools meet special needs very well and that others are becoming better at doing so. However, the report also notes that few schools evaluate their provision for pupils with SEN systematically so that they can establish how effective the provision is, with many

[Mr. Marsden]

schools undertaking too little forward planning to ensure that provision was in place. It said that

"when they coped poorly, this was often attributed to pupils' difficulties rather than the school's inability to provide adequately."

That is a leitmotif, highlighting an issue that we must deal with.

1.45 pm

Reference has already been made to the recent NUT report, "The Costs of Inclusion" published by Cambridge university. I shall cite from it because it provides important evidence about standards. It states:

"In the absence of professional development, teachers are sometimes 'trained' by parents, placing reliance on parental knowledge and expertise. Input on most initial training courses is minimal and few new teachers are able to develop strategies for meeting the needs of pupils with specific learning difficulties. 'On the job' training is also inadequate."

There is also sometimes a strong lack of understanding in schools of the requirements of the Special Educational Needs and Disability Discrimination Act 2001. The National Autistic Society report, "Make School Make Sense", concluded that in mainstream schools, only 27 per cent. of parents say that all their child's teachers have been able to adjust their approach and teaching materials, thereby meeting their legal duties under the 2001 Act to differentiate the curriculum for SEN children.

Finally, on the matter of training and development, I would like to cite two specific examples because I am mindful of the point made by the hon. Member for South Holland and The Deepings (Mr. Hayes) in his opening speech—that we should view the problem in the context of real individuals, real families, real pressures and real crises rather than by trading statistics across the Floor of the House.

These examples come from the National Autistic Society. A 13-year-old boy with Asperger's syndrome attended a mainstream school, part-time, to facilitate his integration process. His mother and a neighbour went to the school to find him standing facing a wall with a female teacher and assistant head teacher on the other side of the room. She went to talk to him. He had a tantrum, but was not physically aggressive. The female teacher intervened and tried physically to restrain the boy. The tantrum worsened and the boy ended up on the floor with all four adults trying to restrain him. He is then alleged to have kicked the female teacher and the police were called. The boy was calm when they arrived and was allowed to leave the school without comment, but he was formally excluded as a result of the incident. Three months later, he was actually arrested, with no recollection of the earlier incident being made, and he probably had no understanding of why he had been arrested.

Three important implications apply. First, there should be proper training in and guidance for staff on the appropriate use of force. Secondly, appropriate provision should be made in respect of behaviour policy and disciplinary penalties. Thirdly, as I have already said, it is vital that teachers are trained in SEN and disability legislation and requirements. A range of other examples across the autistic spectrum disorders could be mentioned. In that context, it is worth saying that there is often a false assumption that children with disabilities have low intelligence. In certain groups, and particularly among children with Asperger's syndrome, nothing could be further from the truth. That is a major misunderstanding that must be dealt with in training and related areas.

I want to put on record the fact that my hon. Friend the Member for Kingswood (Roger Berry) and I have had useful discussions with the Under-Secretary in the other place. We have already had a very helpful and supportive response from him and I am sure that the Minister will want to add to it today. I do not want to trespass on what he may say later, but on the issue of professional standards for teachers, I am reassured by the fact that a revised set of standards for qualified teacher status will be produced shortly. They will help to tackle some of the problems that I have mentioned. I understand why Ministers should think that there is no need to incorporate or update these references in statute, but the new clause does not preclude the updating of guidance or professional standards for SEN. I am sure that the Minister will respond to the point later, but what we are attempting is simply to set basic minimum requirements that could and should be supplemented and complemented by further guidance.

The other point that I would make about the proposed consultation on the standards is that, assuming their wider acceptance, they will be initially used in pilot schemes only—they will not be compulsory—because of which we should have a further discussion of whether we need to include more explicit standards in the Bill or, indeed, in other guidance. If my hon. Friend the Minister cannot develop that suggestion today, I hope that that will happen when the Bill passes to the other House.

Time is pressing, so I want to focus specifically on new clause 80, which was alluded to by the hon. Member for Mid-Dorset and North Poole (Annette Brooke). New clause 80 and the associated new clauses that my hon. Friends and I have tabled are designed to address behaviour policy and exclusions. From my example of the boy with Asperger's syndrome, I hope that it is clear to the House how vital it is that we get things right in this respect. There is a lack of understanding about the requirements of the Disability Discrimination Act 1995 in schools. Of course the DDA requires schools to make reasonable adjustments to ensure that pupils are not discriminated against because of their disability, but the hon. Member for Mid-Bedfordshire (Mrs. Dorries) made an entirely valid point in intervening on me a few moments ago: two thirds of all exclusions involve pupils with SEN.

The Audit Commission report of 2002, "Special Educational Needs: a mainstream issue", suggested that children with SEN, including those without statements, account for the vast majority permanent exclusions—almost nine out of 10 from primary schools and six out of 10 from secondary schools. So it is important to evaluate behaviour policy and disciplinary penalties to ensure that they are justified in the particular circumstances of pupils with SEN and those with disabilities. It is essential that we ensure that appropriate special provision is made for pupils with

SEN that will reduce the risk of unnecessary exclusion. The Department for Education and Skills has very strong guidance on the issue: schools should try every practical means to maintain the pupil in school, including seeking LEA and other professional advice and so on. Again, all too often, that advice is not taken up.

I also want to talk about pupils with SEN who have multiple fixed-term exclusions. Almost 4 per cent. of pupils with statements of SEN and 2.6 per cent. of pupils with SEN without a statement have one or more fixed-term exclusions in a year. It is very important that children who are not registered as permanently excluded but who still do not attend schools regularly due to multiple fixed-term exclusions should be provided for appropriately, especially given the number of informal or unofficial and, quite frankly, sometimes illegal exclusions of pupils with SEN. That issue will be familiar to many hon. Members because it comes to them by way of their casework, and for many hon. Members and certainly for me, it is one of the things that makes us have such a strong focus on the importance of the issue.

I want to refer to what has been done in this respect since September 2002, when the Special Education Needs and Disability Act 2001 came into effect, and to refer to the new disability equal duty that schools and local authorities have under the Disability Discrimination Act 2005. Again, I am grateful to the Minister in another place and his officials for the comments and assurances that they have offered in that respect. They say that

"the resource was developed with schools and local authorities for schools and local authorities and fulfils a commitment we gave in our SEN strategy, 'Removing Barriers to Achievement'".

That shows how some schools are already meeting the duties effectively and provides a range of guidance and training activities. I understand that that guidance will be available in printed form very shortly.

The key phrase to consider, however, is "some schools", which suggests that the standards are very good, but that they are still not being implemented widely enough. They need to be stated more explicitly and more needs to be done to implement them. Although I accept the Government's assurances on the issue and that the new duties under the DDA 2005 will help with the exclusions issue, it is important they do not consider that the job is done. I hope that my hon. Friend the Minister will reflect on the fact that the Government should use the opportunity of the time between the Bill leaving the House if it receives its Third Reading and passing to the other place to talk to the Special Education Consortium and the other disability charities that have made representations to discover whether such things can be strengthened above and beyond the existing DDA legislation.

Mrs. Betty Williams (Conwy) (Lab): Does my hon. Friend agree that quite a number of the exclusions from schools and LEAs that involve pupils with special educational needs are caused by the delay in statementing those children? If the statement is not made at an early stage, all the members of staff will not be aware of that child's needs. That leads to more serious behaviour problems if it is not addressed very early in that child's life.

Mr. Marsden: I thank my hon. Friend for her intervention. I know of her strong interest in these issues, and she is absolutely right to pinpoint the issue of early intervention and the concerns that she expresses about statementing. Statementing is very complicated, but the sort of delays that she refers to are apparent. Despite the legislation, delays occur in providing alternative education for children with SEN who have been excluded. I caution Ministers not to believe that, merely because the extremely welcome new clauses on discipline will reduce the period in which action should be taken, we should automatically assume that that will mean that everything is splendid. A conscious effort needs to be made to monitor the implementation of those provisions, to consider the way in which local authorities deal with the issue and, where and if appropriate, to give further guidance and support in that respect.

I want very briefly to return to where we go on these issues. It is evident from what I have said and from the helpful responses that we have received that there is no one solution to the sorts of the problems that I have been highlighting today. The solution is not just a question of legislation, nor of guidance; it is not even just a question of good practice. It is a question of ensuring that all three of those aspects are joined together.

Yes, I believe that the Government should look carefully at the new clauses and amendments that we have proposed to see whether more could be done to strengthen the legislation, but the most important thing is that they see, and we all see, the connection between those three areas and the need to keep the pressure on, to put it bluntly. Only by keeping that pressure on will the needs of children with disabilities and SEN and of their parents be met. We must remember that a substantial number of children with SEN have parents who either have or have had special educational needs. Sometimes, it is a question not just of dealing with the needs of one generation, but of dealing with those of two generations.

I make my final point in reference to a previous discussion. I think that someone used the word "Manichaean" earlier, but please let us not get hung up on the idea that the special schools issue is a complex battle between good and evil, or this year's zeitgeist as opposed to last year's zeitgeist.

2 pm

There are three excellent special schools in my constituency, Highfurlong, Woodlands and Park. They all co-operate, and in some instances there is very close collaboration. One of the schools is adjacent to a mainstream local authority school. I have visited all three regularly, and visited Highfurlong very recently. A mixed class there also included children from a local primary school and a local high school. The benefits of working together and using the same facilities were felt by both the children with disabilities and special educational needs and those without.

As I have said, we should not become too hung up on the struggle between good and evil. While many of us accept past criticisms of special schools policies—from Baroness Warnock and others—we should not assume that one set of false absolutes should be replaced with another.

Angela Watkinson (Upminster) (Con): I want to speak in favour of new clauses 4 and 5. New clause 4 relates to the provision of education for children with statements of special educational needs. Subsection (3) of the proposed new section 316 refers to ensuring that a child with special educational needs

"is educated in either a mainstream school or a special school".

There is no trench warfare between mainstream and special schools. It is acknowledged that each child has individual needs, on which will depend whether that child is placed in a mainstream or a special school.

The wishes of the parent are very important. New subsection (3)(b) refers to

"the provision of efficient education for other children",

which is indeed an important consideration in mainstream schools. It is essential for proper provision to be made for the support of a child with special needs in a mainstream classroom, especially in practical terms. The practical tasks involved in looking after a child who is a wheelchair user and is unable to transfer from the wheelchair to an ordinary chair, or who needs a standing frame, are very time-consuming. There must be sufficient teaching and welfare support in the classroom, so that the education of the other children is not compromised.

New subsection (5), which has already been mentioned several times, states:

"A child with special educational needs being provided for under section (3) above shall not be educated in a mainstream school if that is incompatible with the wishes of his parents."

New subsection (4) is central to the decision that parents must make. Many parents, particularly if the child with special needs is their first and they have no recent experience of schools—perhaps no experience since they were at school themselves—will not know which is the best placement for their child. They will need to be presented with all the options and all the information that is available. They should be able to visit both local mainstream schools and special schools to gain an impression of provision there. They should be able to speak to head teachers, past teachers and assistants, and to members of the education authority, so that they can reach an informed decision about the best provision for their particular child.

I worked in a special school for many years during the 1970s and 1980s. The first thing that comes to mind is that it is impossible to generalise about children with special needs, and that therefore provision cannot be generalised. There was a fair amount of movement between the school where I worked, which is not there any more, and local mainstream schools, in both directions and with varying degrees of success. Again, it is impossible to generalise about whether movement from special school to mainstream or from mainstream to special school will succeed. It is necessary to take account of the individual child.

I recall one child with brittle bones who was highly intelligent. Her parents wanted her to try her luck in a mainstream school. She acquired a large degree of independence in a special school, because one of the rules was that, whatever a child's disability, that child should enjoy as much independence as possible. Unfortunately, when the girl went to a mainstream school, she was seen as a novelty: everyone wanted to help her, particularly the other children, who would fetch and carry for her. She lost much of the independence that she gained in the special school.

There was an enormous spectrum of disability at the school where I worked, from complex conditions affecting mobility such as Freeman-Sheldon syndrome, Friedrich's ataxia and spastic quadriplegia to disabilities that are not visible, such as chronic asthma, diabetes and heart conditions. In the middle of the spectrum are all sorts of other conditions which require very sensitive handling.

Special schools provide much more than education. Because they are so used to dealing with children with profound special needs, they are sensitive even to changes of mood, and to how a child may be affected by an incident in the classroom. They can avert episodes of children being unable to cope. It is that experience, built up over many years, that is so valuable to children, in terms not just of education but of emotional support. It enables them to cope with life as well as learning.

I recall another child. The hon. Member for Blackpool, South (Mr. Marsden) observed that people are not always conscious that children with special needs are often highly intelligent. There is an assumption that they are of low intelligence, which is wrong. One of our pupils, aged 16, had very mild cerebral palsy which affected only his speech. We discovered belatedly that his own family did not realise that he understood what they were saying to him. Because they did not understand what he was saying to them, it did not occur to them that his thought processes and intellect were perfectly normal. He reached the age of 16 before we were able to discover that, and to explain to the family that they could speak to him perfectly normally, as they spoke to everyone else, and he would understand: the mechanics of speech were his only problem.

Speech and language have been mentioned several times today. Even in the 1970s, there was a chronic, long-standing shortage of speech and language therapists. Since I have been in the House, I have conducted some research into why that might be. It is very difficult to get to the bottom of it. We have plenty of colleges and courses involving speech and language. They are full—they are not short of students—and they have a high success rate. Many students qualify, and there is not an unusually high drop-out rate. The mystery is, where do all the students go when they have qualified? They do not seem to go into the national health service, because my primary care trust cannot recruit speech and language therapists, and they do not go into special schools. The challenge for all of us is to redirect speech and language graduates to special schools and the NHS, where there is an enormous need for speech and language therapy. Whatever other problems they may have, if children cannot communicate with people whom they meet, that is almost the worst handicap that they could suffer.

Like the hon. Member for Blackpool, South, I have three superb special schools in my constituency: Corbets Tey, Dycorts and Ravensbourne. None of them, thankfully, is threatened with closure, which would be unthinkable. I cannot think of a single pupil in any of those schools who would be better off in a mainstream school. The children are flourishing, and their educational and social needs are being met. The

schools also provide a support system for families. They often have great difficulty in conducting anything resembling what we would recognise as a normal daily life, particularly if they have children on the autistic spectrum. One function of those schools is giving additional support to parents and siblings. With the best will in the world, mainstream schools—given how busy they are and the enormous demands and pressures that are placed on them—do not have the time to provide such extra services to families with children with special needs.

John Bercow: My hon. Friend made some important remarks a moment ago about the need to improve and to maximise recruitment of speech and language therapists, and to get them into the national health service and, in many cases, special schools. This has been a good and stimulating debate so far, and I want to underline her point by saying that it is incumbent on all of us in public service to re-double our efforts on that front. It always strikes me that, when a popular local school or hospital is to close, there is a ready supply of articulate protestors. However, when a special school facility is to close and that closure will affect only a relatively small number of children, many people either are not aware of that threat and shortage of specialists, or, frankly, do not care enough about it. So Members across the political spectrum have a duty to step up efforts to meet the challenge.

Angela Watkinson: I thank my hon. Friend for those comments. We are all only too well aware of the shortage of such specialists. All of us do whatever we can, wherever we can, to encourage the greater availability of speech and language therapists. Even in the 1970s, children with speech and language problems in my school had a visiting speech and language therapist, who was able to give each child a quarter of an hour a week. Anyone who knows children with speech and language problems knows that that is hopelessly inadequate. So we all need to work very hard on the issue.

I turn to new clause 5, which deals with restrictions on special school closures. As I said, it would be unthinkable for any of the special schools in my constituency to close. New clause 5(2) states:

> "The Secretary of State shall only consent to the closure of a special school if there are places at nearby special schools in sufficient number and sufficient quality to replace the school adequately."

I should be surprised to learn that there is a single constituency in the entire country in which special school places are available. Most such schools have no spare capacity and are unable to take more children who would like to be placed there. It is highly unlikely that any area has sufficient spare capacity to enable a special school to be closed in the light of the caveat in the new clause. That caveat is important in protecting special schools and the enormously good work that they do.

I urge hon. Members in all parts of the House to support not just new clause 4, but new clause 5.

Mr. David Blunkett (Sheffield, Brightside) (Lab): I confess to the hon. Member for South Holland and The Deepings (Mr. Hayes) that, at one time, I was dogmatic. I was dogmatic for a brief period—I promise that it was brief—when I came out of a special residential environment. I spent six years in integrated education for the first time, on day-release from work and at evening class, before going into full-time integrated education for the first time at university. I was dogmatic because my experience had been a difficult one. My schooling had not offered the academic achievement that we would want for our own children, and, as with so many schools, the physical environment left something to be desired.

In the 1960s and 1970s, special schools, be they day or residential, were not what they are today. One precise reason why Baroness Warnock has changed her mind on this issue—and why, by the time that I became Secretary of State for Education and Employment, I began to see that it was absolutely crucial not to be dogmatic—is that the world has changed.

When I went to primary school, most of those whom I was at school with had just one special need: they could not see. By the time that that school closed because the number who simply could not see had dropped, the incidence of multiple disability—the multiple special needs that children had—had grown to the point where that type of education could no longer cope. So the school closed not because people wanted to eliminate a facility, but because it needed to be re-shaped for a different era, in which medical science had eliminated the original causes of special need, but had also kept alive children who previously would not have been in school at all, because they would not have reached school age.

2.15 pm

So we are dealing with a different environment, and I appeal to the House, as my hon. Friend the Member for Blackpool, South (Mr. Marsden) did, to come together. None of us wants a system that does not take account of the special needs of the individual child and their family. Various issues have been raised this afternoon, such as the proper training of teachers, professional development, the training of learning support workers—there are now 110,000 such workers in mainstream schools throughout the country; they did not exist nine years ago—and the ability of learning mentors to develop, alongside special educational needs co-ordinators, the specialism of guiding and supporting families and others in the school environment. We need to recognise that those issues are crucial.

I congratulate my hon. Friend the Minister for Schools on intervening to get the statistics right, and I believe that the Government are listening and responding. However, I have two or three regrets that I want to put on the record. In 1998, when I was Secretary of State for Education and Employment, we moved towards regional planning. I believe strongly that, without it, we cannot maintain centres of excellence, expertise and the necessary facilities. Even with the best resources in the world, no single education authority can possibly provide for every specialism and every need. In any case, the level of expertise across the country is limited. My hon. Friend the Member for Sheffield, Hillsborough (Ms Smith) described what my own authority is doing, but there are authorities such as Derbyshire that come very close

to being exemplars. It is at the local level that an understanding must be shown of people's specific needs. However, we can do things at a regional level that cannot be done at the purely local. I now regret that the Special Educational Needs and Disability Act 2001 did not place greater emphasis on ensuring that that happened.

Anne Snelgrove: My right hon. Friend is making an important point, and I have been of the same opinion for years. Small unitary authorities, in particular, are unable to provide the breadth of special needs education that larger authorities such as Derbyshire can provide. I hope that the Minister is listening to my right hon. Friend.

Mr. Blunkett: I am grateful to my hon. Friend. Derbyshire has understood the message that is coming across loud and clear in this very good debate: unless we train teachers and assistants properly, and unless they are prepared for what is likely to happen, there will be resistance to sensible integration. If integration is done badly, it should not be done at all. We therefore have to get the balance right in providing training and expertise in centres of excellence. If special schools that can cater for specific requirements are no longer available, the expertise will die with them.

Providing good teaching in the classroom means providing adequate and supportive resources not just in the school itself, but during out-of-school activities, in order to make integration a reality. I took slight umbrage at the beginning of this debate at the idea that inclusion is a dogma, which is very silly. Inclusion is not a dogma; it is a sensible objective, which is to be met by not attempting to include children in mainstream education where doing so would be detrimental to them and to those around them.

That raises one further point. Because multiple disability needs and special needs are very different, we have to adapt the way in which we behave towards and think about them, in order to deal with those different layers. My hon. Friend the Member for Sheffield, Hillsborough mentioned the non-statemented special educational needs child. I hope that the Government will place greater emphasis on supporting schools in that regard. What my hon. Friend the Member for Blackpool, South said on the issue—it was repeated by the hon. Member for Upminster (Angela Watkinson)—is absolutely true, and, although it pains me to say so, I also agreed with quite a lot of what the hon. Member for Mid-Dorset and North Poole (Annette Brooke) said.

Mr. Hayes: Would the right hon. Gentleman join the hon. Member for Blackpool, South (Mr. Marsden) in calling for an independent review of some of these issues? I have in mind particularly the issue of non-statemented special needs, which were mentioned by the hon. Gentleman and which the right hon. Gentleman rightly amplifies now.

Mr. Blunkett: I am hoping that the Education and Skills Committee review that is taking place, and the Ofsted thematic inspection will also highlight what needs to be done in a constant monitoring review. I learned as Secretary of State that monitoring is even more necessary than vision or legislation in order to achieve anything. That was the point that I was going to make about the 2001 Act—we left it with a hope and prayer that people would do the right thing, but limited progress has been made in the past five years.

In supporting schools with a high number of special educational needs pupils, we need to recognise the point that has been made this afternoon that such needs can be passed from one generation to another, not just genetically but through the gross reinforcement of disadvantage that often leads to the exaggeration and emphasis of special educational need.

I found out that two of my older sons had quite severe dyslexia at a time when the teaching profession dismissed dyslexia as though it were a middle-class fad. Because I was emerging into the middle class and have always been tenacious, I managed to engage with the Dyslexia Institute—it has now changed its name—which did a superb job in finding out what was wrong. I do not think that my sons would mind me saying that the change in confidence, self-esteem and behaviour was dramatic once what was required was identified. Early identification, sensible assessment, proper decision making about the right environment, and training and support for teachers are all more important than any disagreement over whether an individual school should close. I hope that that will be the message from today's debate.

Mrs. Dorries: We have all been elected to represent the most disadvantaged in our constituencies. From that perspective, and in the spirit of consensus, I hope that the Minister will accept that any points that I make are not party political but made with the view of representing those of my constituents in the unfortunate position of not receiving appropriate educational provision.

I wish to speak about new clause 5, with brief reference to new clause 4. I notice that the Minister mentioned the number of schools that the Conservative Government closed before 1997, and he was right to do so. All Governments have made mistakes in education, and it is about time we all started getting it right. However, I am reminded of the point made by Baroness Warnock when she described the need to close down special schools because too many children were being isolated in special provision. She said that the pendulum had swung too far. Perhaps not all those 200 schools needed to close, but too many have and that has resulted in a crisis, which is why hon. Members are receiving so many representations on the issue.

One of the organisations with which I liaise contacted me this morning and asked me to make point about something that the Minister said yesterday. I have not had a chance to check *Hansard* yet and I was not in my place when it was said, but the organisation said that the Government referred to the school admissions code as a panacea to protect the rights of children who benefit from a statement of special educational needs, but we should all be aware by now that the protection of children with statements of special educational needs is not dictated by the

admissions code or the School Standards and Framework Act 1998, but by the criteria specified in the Education Act 1996, especially schedule 27. I have now put that on the record on their behalf.

The Minister mentioned the 300 schools that have opened, and I have tabled questions to ask where they are and how many children they will take, because they are not in my patch nor in those of the many people who have asked me to speak on their behalf. It was fascinating to hear the hon. Member for Sheffield, Hillsborough (Ms Smith) say that schools were opening in her area, because I wish I had such provision in my constituency. Perhaps some areas are better served than others, and the crisis arises in areas that are poorly served. When things go wrong for a special needs child, they can go spectacularly wrong, and that is why we tend to hear about such issues in that way.

The way in which many of our SEN children are educated is described to me as a scandal. I do not like to use that word, because it is emotive, but when we hear some of the stories, such as that told by the hon. Member for Blackpool, South (Mr. Marsden) about the little boy against the wall, we realise that it is shameful that children are educated in such environments today. The hon. Gentleman mentioned the statistic that two thirds of all excluded children have special needs, including nine out of 10 of those excluded from primary schools and six out of 10 from secondary schools—some 27 per cent. of autistic children. I prefer to use the word "expelled" as do the organisations I talk to, because it expresses the nub of the matter. I shall talk in a minute about a six-year-old girl who has been excluded, but the reality is that she has been expelled from future education. Can hon. Members imagine the outcry if 27 per cent. of the generic school population was excluded or expelled each day? There would be an outcry. Despite that, special schools are still being closed.

When Lord Adonis gave evidence to the Education and Skills Committee I asked him whether the Government had a policy of inclusion, because I believe that the inclusion agenda may be driving the closures. He said that inclusion was the will of Parliament, which was a very strange answer. I asked the Minister in Committee whether the Government had a policy of inclusion, and he did not answer, so I ask again. Do the Government have a policy of inclusion? That is the fundamental question in special education today, and education authorities, parents and governors all deserve to know.

While the Government refuse to confirm whether they have an inclusion agenda, there are policies in the background that are driving forward and enabling that agenda. For example, the Special Educational Needs and Disability Act 2001 states quite clearly:

> "If a statement is maintained under section 324 for the child he must be educated in a mainstream school unless that is incompatible with the wishes of the parents or the efficient education of others".

Those words lead to the presumption that all children should be educated in the mainstream, and they are backed up by the "Removing Barriers to Achievement" document, which acts as a reinforcement to the inclusion agenda.

The hon. Member for Mid-Dorset and North Poole (Annette Brooke) asked whether the Secretary of State is going in and closing down special schools. Of course he is not walking into a special school and saying, "This school closes today", but LEAs are implementing policies that they believe are the Government's agenda. LEAs are reluctant to statement children or to refer them to special schools. In a neighbouring constituency, referrals from the LEA have dried up completely since the 2001 Act. As a result, the local special school will be financially unviable by the end of the educational year. Referrals have dried up because the LEA is reluctant to statement. It believes that it is carrying out the wishes of the Government and using the 2001 Act as its justification not to statement or refer. It is also using the "Removing Barriers to Achievement" document to back that up.

Kelvin Hopkins (Luton, North) (Lab): The hon. Lady will know from her recent Adjournment debate that I agree with what she has been saying. Does she agree that the issue is not only money, but a political pre-disposition at local and national level, in some cases, towards general inclusion, instead of the objective interests of the particular child?

2.30 pm

Mrs. Dorries: I thank the hon. Gentleman for that intervention. I want the Minister to clarify whether the Government have a policy of inclusion or not, as LEAs appear to be carrying out such a policy without looking at individual children's specific needs.

Roger Berry: May I ask the hon. Lady the question that I put earlier to the hon. Member for South Holland and The Deepings (Mr. Hayes), who did not answer it? I want to know what is the Opposition's policy in this area. New clause 4(5) asserts that parents should have the right to choose a special school, but the new clause as a whole contains no assertion that parents should have the right to choose a mainstream school. Does new clause 4 represent the Opposition's policy?

Mrs. Dorries: My hon. Friend the Member for South Holland and The Deepings (Mr. Hayes) has answered that already, but new clause 4(3) states that the responsible person shall ensure that a child

> "is educated in either a mainstream school or a special school".

Roger Berry: With respect, I was referring to new clause 4(5).

Mrs. Dorries: In fact, my speech is concerned with new clause 5, which deals with the closure of special schools. However, our policy is that children with special educational needs should have the right to be educated in a special school. If they want to be educated in a mainstream school, they should have that right too.

Mr. Hayes: The hon. Member for Kingswood (Roger Berry) is being untypically obtuse, even though he has

[Mr. Hayes]

been in the House a long time. Does my hon. Friend agree that he should know that new clause 4, in proposed new subsections (3) and (5), deals with the question that he poses? Proposed new subsection (3) is not subsumed by proposed new subsection (5), and neither is it incompatible with it.

Mrs. Dorries: I thank my hon. Friend for rescuing me from my difficulty.

I want the Minister to say whether the Government have a policy of inclusion, because he may be aware of the 2020 group, whose sole purpose is to ensure that all this country's special schools are closed by 2020. Its founder, Richard Reisner, told the Select Committee that the group had been given £460,000 in Government funding. Would an organisation campaigning to keep special schools open be given an equivalent amount of funding? By giving the money to that group, are not the Government endorsing its policy?

Ms Angela C. Smith: I acknowledge the hon. Lady's kind words about Labour Sheffield, but if the Government have weighted their policy so heavily towards inclusion, why have authorities such as Sheffield been able to develop such a broad spectrum of provision?

Mrs. Dorries: I am sure that the hon. Lady will not be surprised to hear that I have absolutely no idea of what happens in Sheffield.

Dr. Blackman-Woods: Will the hon. Lady give way?

Mrs. Dorries: I wanted to mention a remark made to me yesterday by a Labour Member, but I shall leave it till later, when it will be more in context. She said that the policy was not the same in all areas of the country. However, I shall give way now.

Dr. Blackman-Woods: Does the hon. Lady accept that the Education Select Committee heard a lot of evidence from local authorities? They are planning a range of provision to meet special educational needs that involves special schools, mainstream schools and special units in mainstream schools. The range of provision is becoming wider all the time.

Mrs. Dorries: I agree that LEAs perform what is called provision mapping, which works for some but not for others. The fact is that 27 per cent. of children with autism are excluded from school every day. Those are the national statistics, and they apply to all LEAs, regardless of their provision policies.

I hope that the Minister will follow Baroness Warnock's lead in respect of inclusion and say, when he replies to the debate, that he will not continue with the policy. I have mentioned a little boy called Jack a number of times in the House, and the one thing that I want him to take away from this debate is the fact that the Minister mentioned his name in the wind-up.

Jack was the first child to come to my surgery. He has special educational needs, and on that visit he emptied my bookcase, turned my chairs upside-down and fizzed the lights on and off. He was excluded from school: his parents had taken him out of the school because the teachers could not cope with his very specific needs. He was beginning to be bullied, as happens to many autistic children in mainstream schools.

Jack now attends the Moorhouse school, thanks to the fact that his well educated and articulate parents were able to go to a SENDIST tribunal and argue his case. He is flourishing there, but he offers a perfect example of what happens when a child is placed in the wrong school—something that happens to many children in this country.

Some children have very complex special needs because they have physical as well as learning difficulties. I spoke recently to a teacher who has in her class a child with severe disabilities. The funding associated with that child has gone into the school pot, and the teacher has only a teaching assistant to help her. She believes that the funding allocated to a child should be velcroed to that child and used only to help him or her.

The teacher to whom I am referring gave evidence about her job which was used in a recently published report. Once an hour, she has to suck out that child's' tracheotomy tube. She has to wash her hands, use the suction machine to clear out the tracheotomy tube, then wash her hands again and return to teaching the class. The process takes 10 or 15 minutes, every hour of her working day. Is that really something that teachers should be doing, on top of trying to teach the other 28 children in the class the national curriculum? The teacher has had training only from the child's parents. She has had no specialist instruction, not even in how to lift the child. Is that to be the role of teachers? Do the Government expect them all to have a special needs child in their classes?

I shall conclude by quoting the evidence that Baroness Warnock gave to the Select Committee, which reinforces my belief that LEAs are driving forward a policy of inclusion. Although the Bill emphasises parental choice as the great good, Baroness Warnock said:

> "I think that produces a hollow laugh on the part of parents with children with disabilities because they have no choice. Everything depends on the assessment that their child gets and it is the local authority which conducts the assessment and also has to pay the money and naturally the parents do not believe the assessment is truthful because it is pitched as low as the local authorities can get away with because of the money. They really have...no choice."

Parents of children with special needs do not have any choices. It is sad that special schools are being closed, and I hope that the Minister will assure the House that the inclusion agenda will be abandoned.

Jim Knight: This has been a good debate, which deserves more than seven minutes for my response. It is occasionally a frustration of ministerial life that we do not have anything near as much time as the Opposition or Back Benchers when we respond.

I think that we are agreed on both sides of the House that we need a range of provision to deliver for the range of children's needs. We all agree that there is more to be done, but the picture is in shades of grey

rather than the black and white presented by the hon. Member for South Holland and The Deepings (Mr. Hayes).

I shall say a few words about Government policy. Schools and local authorities already have clear duties in relation to children with special educational needs and disabilities. Our policy is to achieve better outcomes for those children by ensuring that provision is tailored to individual needs and that all children have access to a broad and relevant education and maximum engagement with their peers. In that respect, I point out to the hon. Member for Mid-Bedfordshire (Mrs. Dorries), there is inclusion, but I am mindful that, as my right hon. Friend the Member for Sheffield, Brightside (Mr. Blunkett) said, inclusion is a good aspiration but it has to deliver appropriate education for every child, which may be in a special school.

Our policy is also that agencies work together to provide children and families with co-ordinated services. We see the fruits of that in high-quality teaching and learning, in children's centres and extended schools and in better arrangements for accountability for the outcomes achieved by different groups of pupils in the new relationship with schools.

We are backing that change with real investment. Funding per pupil with SEN has increased by nearly 40 per cent. in real terms. Budgeted expenditure by local authorities is £4.1 billion, about 13 per cent. of all education spending, and the building schools for the future programme is delivering better schools and facilities for those children.

Ofsted reports improved local management of SEN, growing awareness of the benefits of inclusion and some improvements in practice. It also notes that many of the children with the most complex needs are in special schools or other specialist provision. I used statistics about those schools in an intervention during the speech of the hon. Member for South Holland and The Deepings: all 300 of those schools are new; they are not units added to existing schools. Contrary to what is reported in the media, they demonstrate our commitment to special schools alongside mainstream provision.

Mr. Hayes: Will the Minister give way?

Jim Knight: I can respond to interventions or to the debate—I am in the hon. Gentleman's hands.

Mr. Hayes: I thank the hon. Gentleman and I take his point, but will he tell us why in 2001 the Government dropped the provision in the Education Act 1996 that special education should be related to the learning difficulty of the child? Why did they drop the appropriateness provision in that Act?

Jim Knight: I cannot give the hon. Gentleman a precise answer because I was not an Education Minister at the time. I can only imagine that it was because the provisions that were already in place and that we had introduced were delivering what he described.

The proportion of children with SEN statements and taught in special schools has increased by about 1 per cent. over the past five years, despite a fall in the total number of children with statements. We are not an anti-special school Government. We want children's special educational needs to be met so that, as far as possible, exclusions are unnecessary. Through our long-term SEN strategy, we are working to build the skills and capacity of schools to meet children's special educational needs earlier and more effectively.

We are mindful, however, that the Select Committee on Education and Skills is looking into SEN and we want time to consider the outcome of its inquiry. The Bill will go into another place after a very good debate, although I cannot respond to the amendments or the various contributions that have been made. My noble Friend, Lord Adonis, has met my hon. Friends the Members for Blackpool, South (Mr. Marsden) and for Kingswood (Roger Berry) and we shall continue such engagement.

We will continue to listen to the House and to try to improve things. I am particularly impatient about the exclusion figures for children with special educational needs. It is not right that two thirds of excluded children have special education needs. The issue should not divide us; we should all work together to resolve it.

Mr. Hayes: This has been a good debate, albeit a short one. It has illustrated the strong feelings on the subject on both sides of the House and perhaps, as various Members have said, that we need more time to debate the issues over the coming weeks and months. I hope that the Government will make more time for that.

I do not have time to deal with all the points that were raised in the debate, but important things need amplification. Of course, the continuing and particular role played by special schools must be defended, but non-statemented special needs must be given closer consideration, as was pointed out. As the hon. Member for Blackpool, South (Mr. Marsden) said, we need to look at the training and resources provided to our teachers to educate children who are especially vulnerable and have particular needs. Where schools are doing the right thing they need our support, whether they are mainstream or special schools. As my hon. Friend the Member for Upminster (Angela Watkinson) said, that means providing the services of speech and language specialists and educational psychologists.

This has been a good debate. I am determined that the Opposition will continue to fight the battle on behalf of special needs children. We will continue to defend special schools. We will not relent in defending those vulnerable people. I hope other Members will join us.

It being two hours after the commencement of proceedings on the motion, MR. DEPUTY SPEAKER *put forthwith the Question already proposed from the Chair, pursuant to Order [23 May].*

Question put and negatived.

MR. DEPUTY SPEAKER *then proceeded to put forthwith the Questions necessary for the disposal of the business to be concluded at that hour.*

New Clause 5

RESTRICTIONS ON SPECIAL SCHOOL CLOSURES

'(1) No special school shall be closed by a local education authority without the consent of the Secretary of State.

(2) The Secretary of State shall only consent to the closure of a special school if there are places at nearby special schools in sufficient number and sufficient quality to replace the school adequately.'.—*[Mr. Hayes.]*

Brought up, and read the First time.

Question put, That the clause be read a Second time:—

The House divided: Ayes 147, Noes 369.

Division No. 250] **[2.46 pm**

AYES

Ainsworth, Mr. Peter
Arbuthnot, rh Mr. James
Atkinson, Mr. Peter
Baldry, Tony
Baron, Mr. John
Bellingham, Mr. Henry
Benyon, Mr. Richard
Bercow, John
Beresford, Sir Paul
Binley, Mr. Brian
Bone, Mr. Peter
Boswell, Mr. Tim
Bottomley, Peter
Brady, Mr. Graham
Brazier, Mr. Julian
Brokenshire, James
Burns, Mr. Simon
Burrowes, Mr. David
Burt, Alistair
Butterfill, Sir John
Campbell, Mr. Gregory
Carswell, Mr. Douglas
Cash, Mr. William
Clappison, Mr. James
Clark, Greg
Clarke, rh Mr. Kenneth
Clifton-Brown, Mr. Geoffrey
Conway, Derek
Cormack, Sir Patrick
Cox, Mr. Geoffrey
Crabb, Mr. Stephen
Davies, David T.C. *(Monmouth)*
Davies, Mr. Quentin
Djanogly, Mr. Jonathan
Dodds, Mr. Nigel
Donaldson, Mr. Jeffrey M.
Dorrell, rh Mr. Stephen
Dorries, Mrs. Nadine
Duncan, Mr. Alan
Duncan Smith, rh Mr. Iain
Dunne, Mr. Philip
Ellwood, Mr. Tobias
Evennett, Mr. David
Fallon, Mr. Michael
Field, Mr. Mark
Fox, Dr. Liam
Francois, Mr. Mark
Fraser, Mr. Christopher
Garnier, Mr. Edward
Gauke, Mr. David
Gibb, Mr. Nick
Goodman, Mr. Paul
Goodwill, Mr. Robert
Gove, Michael
Gray, Mr. James
Grayling, Chris
Green, Damian
Greening, Justine
Greenway, Mr. John
Gummer, rh Mr. John
Hague, rh Mr. William
Hands, Mr. Greg
Harper, Mr. Mark
Hayes, Mr. John
Heald, Mr. Oliver
Heathcoat-Amory, rh Mr. David
Hermon, Lady
Hoban, Mr. Mark
Hurd, Mr. Nick
Jack, rh Mr. Michael
Jenkin, Mr. Bernard
Johnson, Mr. Boris
Jones, Mr. David
Kawczynski, Daniel
Kirkbride, Miss Julie
Laing, Mrs. Eleanor
Lancaster, Mr. Mark
Lansley, Mr. Andrew
Letwin, rh Mr. Oliver
Lewis, Dr. Julian
Liddell-Grainger, Mr. Ian
Lidington, Mr. David
Loughton, Tim
Luff, Peter
Malins, Mr. Humfrey
Maples, Mr. John
Maude, rh Mr. Francis
May, rh Mrs. Theresa
McCrea, Dr. William
Mercer, Patrick
Miller, Mrs. Maria
Milton, Anne
Mitchell, Mr. Andrew
Moss, Mr. Malcolm
Murrison, Dr. Andrew
Newmark, Mr. Brooks
O'Brien, Mr. Stephen
Osborne, Mr. George
Paice, Mr. James
Paisley, rh Rev. Ian
Paterson, Mr. Owen
Pelling, Mr. Andrew
Penrose, John
Pickles, Mr. Eric
Prisk, Mr. Mark
Pritchard, Mark
Randall, Mr. John
Redwood, rh Mr. John
Rifkind, rh Sir Malcolm
Robathan, Mr. Andrew
Robertson, Hugh
Robertson, Mr. Laurence
Robinson, Mrs. Iris
Robinson, Mr. Peter
Ruffley, Mr. David
Scott, Mr. Lee
Shapps, Grant
Shepherd, Mr. Richard
Simmonds, Mark
Simpson, David
Spelman, Mrs. Caroline
Spicer, Sir Michael
Spink, Bob
Spring, Mr. Richard
Stanley, rh Sir John
Steen, Mr. Anthony
Streeter, Mr. Gary
Stuart, Mr. Graham
Swayne, Mr. Desmond
Syms, Mr. Robert
Tapsell, Sir Peter
Taylor, Mr. Ian
Tyrie, Mr. Andrew
Vaizey, Mr. Edward
Vara, Mr. Shailesh
Viggers, Peter
Villiers, Mrs. Theresa
Walker, Mr. Charles
Waterson, Mr. Nigel
Watkinson, Angela
Wiggin, Bill
Willetts, Mr. David
Wilson, Mr. Rob
Wilson, Sammy
Wright, Jeremy
Yeo, Mr. Tim
Young, rh Sir George

Tellers for the Ayes:
Andrew Selous and
Mr. Crispin Blunt

NOES

Abbott, Ms Diane
Ainger, Nick
Alexander, Danny
Alexander, rh Mr. Douglas
Allen, Mr. Graham
Anderson, Mr. David
Armstrong, rh Hilary
Austin, Mr. Ian
Austin, John
Bailey, Mr. Adrian
Baird, Vera
Baker, Norman
Balls, Ed
Banks, Gordon
Barlow, Ms Celia
Barrett, John
Battle, rh John
Bayley, Hugh
Beckett, rh Margaret
Begg, Miss Anne
Bell, Sir Stuart
Benn, rh Hilary
Benton, Mr. Joe
Berry, Roger
Betts, Mr. Clive
Blackman, Liz
Blackman-Woods, Dr. Roberta
Blears, rh Hazel
Blunkett, rh Mr. David
Borrow, Mr. David S.
Bradshaw, Mr. Ben
Brake, Tom
Breed, Mr. Colin
Brennan, Kevin
Brooke, Annette
Brown, rh Mr. Gordon
Brown, Lyn
Brown, rh Mr. Nicholas
Brown, Mr. Russell
Browne, rh Des
Browne, Mr. Jeremy
Bryant, Chris
Buck, Ms Karen
Burden, Richard
Burgon, Colin
Burnham, Andy
Burstow, Mr. Paul
Butler, Ms Dawn
Byers, rh Mr. Stephen
Byrne, Mr. Liam
Cabom, rh Mr. Richard
Cairns, David
Campbell, Mr. Alan
Campbell, rh Sir Menzies
Carmichael, Mr. Alistair
Caton, Mr. Martin
Cawsey, Mr. Ian
Challen, Colin
Chaytor, Mr. David
Clapham, Mr. Michael
Clark, Ms Katy
Clark, Paul
Clarke, rh Mr. Charles
Clarke, rh Mr. Tom
Clegg, Mr. Nick
Clelland, Mr. David
Clwyd, rh Ann
Coaker, Mr. Vernon
Coffey, Ann
Cohen, Harry
Cooper, Rosie
Cooper, Yvette
Corbyn, Jeremy
Cousins, Jim
Crausby, Mr. David
Creagh, Mary
Cruddas, Jon
Cryer, Mrs. Ann
Cunningham, Mr. Jim
Cunningham, Tony
Curtis-Thomas, Mrs. Claire
Darling, rh Mr. Alistair
Davey, Mr. Edward
David, Mr. Wayne
Davidson, Mr. Ian
Dean, Mrs. Janet

Denham, rh Mr. John
Devine, Mr. Jim
Dhanda, Mr. Parmjit
Dismore, Mr. Andrew
Dobbin, Jim
Dobson, rh Frank
Donohoe, Mr. Brian H.
Doran, Mr. Frank
Drew, Mr. David
Eagle, Angela
Eagle, Maria
Efford, Clive
Ellman, Mrs. Louise
Engel, Natascha
Ennis, Jeff
Etherington, Bill
Farron, Tim
Featherstone, Lynne
Field, rh Mr. Frank
Fisher, Mark
Fitzpatrick, Jim
Flello, Mr. Robert
Flint, Caroline
Flynn, Paul
Follett, Barbara
Foster, Mr. Don
Foster, Michael Jabez *(Hastings and Rye)*
Francis, Dr. Hywel
Gapes, Mike
Gardiner, Barry
George, Andrew
George, rh Mr. Bruce
Gerrard, Mr. Neil
Gibson, Dr. Ian
Gilroy, Linda
Goggins, Paul
Goldsworthy, Julia
Goodman, Helen
Griffith, Nia
Griffiths, Nigel
Grogan, Mr. John
Gwynne, Andrew
Hain, rh Mr. Peter
Hall, Patrick
Hamilton, Mr. David
Hamilton, Mr. Fabian
Hancock, Mr. Mike
Hanson, Mr. David
Harman, rh Ms Harriet
Harris, Dr. Evan
Harris, Mr. Tom
Harvey, Nick
Havard, Mr. Dai
Healey, John
Heath, Mr. David
Hemming, John
Hendrick, Mr. Mark
Hepburn, Mr. Stephen
Heppell, Mr. John
Hesford, Stephen
Hewitt, rh Ms Patricia
Heyes, David
Hill, rh Keith
Hillier, Meg
Hodge, rh Margaret
Hodgson, Mrs. Sharon
Holmes, Paul
Hood, Mr. Jimmy
Hoon, rh Mr. Geoffrey
Hope, Phil
Hopkins, Kelvin
Horwood, Martin
Howells, Dr. Kim
Hoyle, Mr. Lindsay
Hughes, rh Beverley
Hughes, Simon
Huhne, Chris
Humble, Mrs. Joan
Hunter, Mark
Hutton, rh Mr. John
Iddon, Dr. Brian
Illsley, Mr. Eric
Ingram, rh Mr. Adam
Irranca-Davies, Huw
Jackson, Glenda
James, Mrs. Siân C.
Jenkins, Mr. Brian
Johnson, rh Alan
Johnson, Ms Diana R.
Jones, Helen
Jones, Mr. Kevan
Jones, Mr. Martyn
Joyce, Mr. Eric
Kaufman, rh Sir Gerald
Keeble, Ms Sally
Keeley, Barbara
Keen, Ann
Keetch, Mr. Paul
Kelly, rh Ruth
Kemp, Mr. Fraser
Kennedy, rh Jane
Khabra, Mr. Piara S.
Khan, Mr. Sadiq
Kidney, Mr. David
Knight, Jim
Kramer, Susan
Kumar, Dr. Ashok
Ladyman, Dr. Stephen
Lamb, Norman
Lammy, Mr. David
Laws, Mr. David
Laxton, Mr. Bob
Lazarowicz, Mark
Leech, Mr. John
Lepper, David
Levitt, Tom
Lewis, Mr. Ivan
Linton, Martin
Lloyd, Tony
Love, Mr. Andrew
Lucas, Ian
MacDougall, Mr. John
Mackinlay, Andrew
MacShane, rh Mr. Denis
Mactaggart, Fiona
Mahmood, Mr. Khalid
Malik, Mr. Shahid
Mallaber, Judy
Mann, John
Marris, Rob
Marsden, Mr. Gordon
Marshall, Mr. David
Martlew, Mr. Eric
McAvoy, rh Mr. Thomas
McCafferty, Chris
McCarthy, Kerry
McCarthy-Fry, Sarah
McCartney, rh Mr. Ian
McDonagh, Siobhain
McDonnell, Dr. Alasdair
McDonnell, John
McFadden, Mr. Pat
McFall, rh Mr. John
McGovern, Mr. Jim
McGuire, Mrs. Anne
McIsaac, Shona
McKechin, Ann
McKenna, Rosemary
McNulty, Mr. Tony
Meale, Mr. Alan
Merron, Gillian
Michael, rh Alun
Milburn, rh Mr. Alan
Miliband, rh David
Miliband, Edward
Moffat, Anne
Moffatt, Laura
Mole, Chris
Moon, Mrs. Madeleine
Moore, Mr. Michael
Moran, Margaret
Morden, Jessica
Morgan, Julie
Morley, Mr. Elliot
Mountford, Kali
Mudie, Mr. George
Mulholland, Greg
Mullin, Mr. Chris
Munn, Meg
Murphy, Mr. Denis
Murphy, Mr. Jim
Norris, Dan
O'Brien, Mr. Mike
O'Hara, Mr. Edward
Oaten, Mr. Mark
Olner, Mr. Bill
Öpik, Lembit
Osborne, Sandra
Palmer, Dr. Nick
Pearson, Ian
Plaskitt, Mr. James
Pope, Mr. Greg
Pound, Stephen
Prentice, Bridget
Prentice, Mr. Gordon
Prescott, rh Mr. John
Primarolo, rh Dawn
Prosser, Gwyn
Purchase, Mr. Ken
Purnell, James
Rammell, Bill
Raynsford, rh Mr. Nick
Reed, Mr. Andy
Reed, Mr. Jamie
Reid, Mr. Alan
Reid, rh John
Rennie, Willie
Riordan, Mrs. Linda
Robertson, John
Robinson, Mr. Geoffrey
Rogerson, Mr. Dan
Rooney, Mr. Terry
Rowen, Paul
Roy, Mr. Frank
Ruane, Chris
Ruddock, Joan
Russell, Bob
Russell, Christine
Ryan, Joan
Salter, Martin
Sarwar, Mr. Mohammad
Seabeck, Alison
Shaw, Jonathan
Sheerman, Mr. Barry
Sheridan, Jim
Short, rh Clare
Simon, Mr. Siôn
Simpson, Alan
Singh, Mr. Marsha
Skinner, Mr. Dennis
Slaughter, Mr. Andrew
Smith, rh Mr. Andrew
Smith, Ms Angela C. *(Sheffield, Hillsborough)*
Smith, Angela E. *(Basildon)*
Smith, Geraldine
Smith, rh Jacqui
Smith, John
Smith, Sir Robert
Snelgrove, Anne
Soulsby, Sir Peter
Spellar, rh Mr. John
Starkey, Dr. Phyllis
Stewart, Ian
Straw, rh Mr. Jack
Stuart, Ms Gisela
Stunell, Andrew
Sutcliffe, Mr. Gerry
Swinson, Jo
Tami, Mark
Taylor, David
Taylor, Matthew
Teather, Sarah
Thomas, Mr. Gareth
Thurso, John
Timms, Mr. Stephen
Tipping, Paddy
Todd, Mr. Mark
Touhig, Mr. Don
Trickett, Jon
Truswell, Mr. Paul
Turner, Dr. Desmond
Twigg, Derek
Ussher, Kitty
Vaz, Keith
Vis, Dr. Rudi
Walley, Joan
Waltho, Lynda
Ward, Claire
Wareing, Mr. Robert N.
Watson, Mr. Tom
Watts, Mr. Dave
Webb, Steve
Whitehead, Dr. Alan
Wicks, Malcolm
Williams, rh Mr. Alan
Williams, Mrs. Betty
Williams, Mark
Williams, Mr. Roger
Williams, Stephen
Willis, Mr. Phil
Willott, Jenny
Wills, Mr. Michael
Winnick, Mr. David
Winterton, Ms Rosie
Wood, Mike
Woodward, Mr. Shaun
Woolas, Mr. Phil
Wright, Mr. Anthony
Wright, David
Wright, Mr. Iain

Wright, Dr. Tony
Wyatt, Derek
Younger-Ross, Richard

Tellers for the Noes:
Mr. Michael Foster and Steve McCabe

Question accordingly negatived.

New Clause 26

REQUIREMENTS AS TO COMPOSITION OF GOVERNING BODIES

'(1) The governing body of a maintained school, Academy, city technology college or city college for the technology of the arts may comprise—

(a) foundation governors;

(b) elected parent governors;

(c) staff representatives; and

(d) community representatives.

(2) Foundation schools shall not appoint a majority of governors who are foundation governors and in no case shall governors who are foundation governors outnumber elected parent governors.'. —*[Sarah Teather.]*

Brought up, and read the First time.

Motion made, and Question put, That the clause be read a Second time:—

The House divided: Ayes 78, Noes 434.

Division No. 251] **[3.01 pm**

AYES

Alexander, Danny
Baker, Norman
Barrett, John
Betts, Mr. Clive
Brake, Tom
Breed, Mr. Colin
Brooke, Annette
Browne, Mr. Jeremy
Burgon, Colin
Burstow, Mr. Paul
Campbell, rh Sir Menzies
Carmichael, Mr. Alistair
Clegg, Mr. Nick
Corbyn, Jeremy
Davey, Mr. Edward
Davidson, Mr. Ian
Dismore, Mr. Andrew
Farrelly, Paul
Farron, Tim
Featherstone, Lynne
Fisher, Mark
Flynn, Paul
Foster, Mr. Don
George, Andrew
Goldsworthy, Julia
Grogan, Mr. John
Hancock, Mr. Mike
Harris, Dr. Evan
Harvey, Nick
Heath, Mr. David
Hemming, John
Hermon, Lady
Heyes, David
Holmes, Paul
Horwood, Martin
Hughes, Simon
Huhne, Chris
Hunter, Mark
Jones, Helen
Keetch, Mr. Paul
Kennedy, rh Mr. Charles
Kramer, Susan
Lamb, Norman
Laws, Mr. David
Leech, Mr. John
McDonnell, John
Moore, Mr. Michael
Mudie, Mr. George
Mulholland, Greg
Öpik, Lembit
Prentice, Mr. Gordon
Purchase, Mr. Ken
Reid, Mr. Alan
Rennie, Willie
Riordan, Mrs. Linda
Rogerson, Mr. Dan
Russell, Bob
Short, rh Clare
Simpson, Alan
Smith, Sir Robert
Soulsby, Sir Peter
Stunell, Andrew
Swinson, Jo
Taylor, David
Taylor, Matthew
Teather, Sarah
Thurso, John
Trickett, Jon
Truswell, Mr. Paul
Turner, Dr. Desmond
Wareing, Mr. Robert N.
Webb, Steve
Williams, Mark
Williams, Stephen
Willis, Mr. Phil
Willott, Jenny
Wood, Mike
Younger-Ross, Richard

Tellers for the Ayes:
Paul Rowen and Mr. Roger Williams

NOES

Abbott, Ms Diane
Afriyie, Adam
Ainger, Nick
Ainsworth, Mr. Peter
Alexander, rh Mr. Douglas
Allen, Mr. Graham
Anderson, Mr. David
Arbuthnot, rh Mr. James
Armstrong, rh Hilary
Atkinson, Mr. Peter
Austin, Mr. Ian
Austin, John
Bacon, Mr. Richard
Bailey, Mr. Adrian
Baird, Vera
Baldry, Tony
Balls, Ed
Banks, Gordon
Barlow, Ms Celia
Baron, Mr. John
Battle, rh John
Bayley, Hugh
Beckett, rh Margaret
Bell, Sir Stuart
Bellingham, Mr. Henry
Benn, rh Hilary
Benyon, Mr. Richard
Bercow, John
Beresford, Sir Paul
Berry, Roger
Binley, Mr. Brian
Blackman, Liz
Blackman-Woods, Dr. Roberta
Blears, rh Hazel
Blunt, Mr. Crispin
Bone, Mr. Peter
Borrow, Mr. David S.
Boswell, Mr. Tim
Bottomley, Peter
Bradshaw, Mr. Ben
Brady, Mr. Graham
Brazier, Mr. Julian
Brennan, Kevin
Brokenshire, James
Brown, rh Mr. Gordon
Brown, Lyn
Brown, rh Mr. Nicholas
Brown, Mr. Russell
Browne, rh Des
Bryant, Chris
Buck, Ms Karen
Burden, Richard
Burnham, Andy
Burns, Mr. Simon
Burrowes, Mr. David
Burt, Alistair
Butler, Ms Dawn
Butterfill, Sir John
Byers, rh Mr. Stephen
Byrne, Mr. Liam
Caborn, rh Mr. Richard
Cairns, David
Campbell, Mr. Alan
Campbell, Mr. Gregory
Carswell, Mr. Douglas
Cash, Mr. William
Caton, Mr. Martin
Cawsey, Mr. Ian
Chaytor, Mr. David
Clapham, Mr. Michael
Clappison, Mr. James
Clark, Greg
Clark, Ms Katy
Clark, Paul
Clarke, rh Mr. Charles
Clarke, rh Mr. Kenneth
Clarke, rh Mr. Tom
Clifton-Brown, Mr. Geoffrey
Clwyd, rh Ann
Coaker, Mr. Vernon
Coffey, Ann
Cohen, Harry
Cooper, Rosie
Cooper, Yvette
Cormack, Sir Patrick
Cousins, Jim
Cox, Mr. Geoffrey
Crabb, Mr. Stephen
Crausby, Mr. David
Creagh, Mary
Cryer, Mrs. Ann
Cunningham, Mr. Jim
Cunningham, Tony
Curtis-Thomas, Mrs. Claire
Darling, rh Mr. Alistair
David, Mr. Wayne
Davies, David T.C. *(Monmouth)*
Davies, Mr. Quentin
Dean, Mrs. Janet
Denham, rh Mr. John
Devine, Mr. Jim
Dhanda, Mr. Parmjit
Djanogly, Mr. Jonathan
Dobbin, Jim
Dobson, rh Frank
Dodds, Mr. Nigel
Donaldson, Mr. Jeffrey M.
Donohoe, Mr. Brian H.
Doran, Mr. Frank
Dorrell, rh Mr. Stephen
Dorries, Mrs. Nadine
Drew, Mr. David
Duncan, Mr. Alan
Duncan Smith, rh Mr. Iain
Dunne, Mr. Philip
Eagle, Angela
Eagle, Maria
Efford, Clive
Ellman, Mrs. Louise
Ellwood, Mr. Tobias
Engel, Natascha
Ennis, Jeff
Etherington, Bill
Evennett, Mr. David
Fallon, Mr. Michael
Field, rh Mr. Frank
Field, Mr. Mark
Fitzpatrick, Jim
Flello, Mr. Robert
Flint, Caroline
Follett, Barbara

Foster, Michael Jabez *(Hastings and Rye)*
Fox, Dr. Liam
Francis, Dr. Hywel
Francois, Mr. Mark
Fraser, Mr. Christopher
Gapes, Mike
Gardiner, Barry
Garnier, Mr. Edward
Gauke, Mr. David
George, rh Mr. Bruce
Gerrard, Mr. Neil
Gibb, Mr. Nick
Gibson, Dr. Ian
Gilroy, Linda
Goggins, Paul
Goodman, Helen
Goodman, Mr. Paul
Goodwill, Mr. Robert
Gove, Michael
Gray, Mr. James
Grayling, Chris
Green, Damian
Greening, Justine
Greenway, Mr. John
Griffith, Nia
Griffiths, Nigel
Gummer, rh Mr. John
Gwynne, Andrew
Hague, rh Mr. William
Hain, rh Mr. Peter
Hall, Patrick
Hamilton, Mr. David
Hamilton, Mr. Fabian
Hammond, Mr. Philip
Hands, Mr. Greg
Hanson, Mr. David
Harman, rh Ms Harriet
Harper, Mr. Mark
Harris, Mr. Tom
Hayes, Mr. John
Heald, Mr. Oliver
Healey, John
Heathcoat-Amory, rh Mr. David
Hendrick, Mr. Mark
Hendry, Charles
Hepburn, Mr. Stephen
Heppell, Mr. John
Hesford, Stephen
Hill, rh Keith
Hillier, Meg
Hoban, Mr. Mark
Hodge, rh Margaret
Hodgson, Mrs. Sharon
Hood, Mr. Jimmy
Hoon, rh Mr. Geoffrey
Hope, Phil
Hopkins, Kelvin
Howells, Dr. Kim
Hoyle, Mr. Lindsay
Hughes, rh Beverley
Humble, Mrs. Joan
Hurd, Mr. Nick
Hutton, rh Mr. John
Iddon, Dr. Brian
Illsley, Mr. Eric
Ingram, rh Mr. Adam
Irranca-Davies, Huw
Jack, rh Mr. Michael
Jackson, Glenda
James, Mrs. Siân C.
Jenkin, Mr. Bernard
Jenkins, Mr. Brian
Johnson, rh Alan
Johnson, Mr. Boris
Johnson, Ms Diana R.
Jones, Mr. David
Jones, Mr. Kevan
Jones, Mr. Martyn
Jowell, rh Tessa
Joyce, Mr. Eric
Kaufman, rh Sir Gerald
Kawczynski, Daniel
Keeble, Ms Sally
Keeley, Barbara
Keen, Ann
Kelly, rh Ruth
Kemp, Mr. Fraser
Kennedy, rh Jane
Khabra, Mr. Piara S.
Khan, Mr. Sadiq
Kidney, Mr. David
Kirkbride, Miss Julie
Knight, Jim
Kumar, Dr. Ashok
Ladyman, Dr. Stephen
Laing, Mrs. Eleanor
Lammy, Mr. David
Lancaster, Mr. Mark
Lansley, Mr. Andrew
Laxton, Mr. Bob
Lazarowicz, Mark
Lepper, David
Letwin, rh Mr. Oliver
Levitt, Tom
Lewis, Mr. Ivan
Lewis, Dr. Julian
Liddell-Grainger, Mr. Ian
Lidington, Mr. David
Linton, Martin
Lloyd, Tony
Loughton, Tim
Love, Mr. Andrew
Lucas, Ian
Luff, Peter
MacDougall, Mr. John
Mackay, rh Mr. Andrew
Mackinlay, Andrew
MacShane, rh Mr. Denis
Mactaggart, Fiona
Mahmood, Mr. Khalid
Malik, Mr. Shahid
Malins, Mr. Humfrey
Mallaber, Judy
Mann, John
Maples, Mr. John
Marris, Rob
Marsden, Mr. Gordon
Marshall, Mr. David
Martlew, Mr. Eric
Maude, rh Mr. Francis
May, rh Mrs. Theresa
McAvoy, rh Mr. Thomas
McCarthy, Kerry
McCarthy-Fry, Sarah
McCartney, rh Mr. Ian
McCrea, Dr. William
McDonagh, Siobhain
McDonnell, Dr. Alasdair
McFadden, Mr. Pat
McFall, rh Mr. John
McGovern, Mr. Jim
McGuire, Mrs. Anne
McIsaac, Shona
McKechin, Ann
McKenna, Rosemary
McNulty, Mr. Tony
Meale, Mr. Alan
Mercer, Patrick
Merron, Gillian
Michael, rh Alun
Milburn, rh Mr. Alan
Miliband, rh David
Miliband, Edward
Miller, Mrs. Maria
Milton, Anne
Moffat, Anne
Moffatt, Laura
Mole, Chris
Moon, Mrs. Madeleine
Moran, Margaret
Morden, Jessica
Morgan, Julie
Morley, Mr. Elliot
Moss, Mr. Malcolm
Mountford, Kali
Mullin, Mr. Chris
Munn, Meg
Murphy, Mr. Denis
Murphy, Mr. Jim
Murrison, Dr. Andrew
Newmark, Mr. Brooks
Norris, Dan
O'Brien, Mr. Mike
O'Brien, Mr. Stephen
O'Hara, Mr. Edward
Olner, Mr. Bill
Osborne, Mr. George
Osborne, Sandra
Paice, Mr. James
Paisley, rh Rev. Ian
Palmer, Dr. Nick
Paterson, Mr. Owen
Pearson, Ian
Pelling, Mr. Andrew
Penrose, John
Pickles, Mr. Eric
Plaskitt, Mr. James
Pope, Mr. Greg
Pound, Stephen
Prentice, Bridget
Prescott, rh Mr. John
Primarolo, rh Dawn
Prisk, Mr. Mark
Pritchard, Mark
Prosser, Gwyn
Purnell, James
Rammell, Bill
Randall, Mr. John
Raynsford, rh Mr. Nick
Redwood, rh Mr. John
Reed, Mr. Andy
Reed, Mr. Jamie
Reid, rh John
Rifkind, rh Sir Malcolm
Robathan, Mr. Andrew
Robertson, Hugh
Robertson, John
Robertson, Mr. Laurence
Robinson, Mr. Geoffrey
Robinson, Mrs. Iris
Robinson, Mr. Peter
Rooney, Mr. Terry
Roy, Mr. Frank
Ruane, Chris
Ruddock, Joan
Ruffley, Mr. David
Russell, Christine
Ryan, Joan
Salter, Martin
Sarwar, Mr. Mohammad
Scott, Mr. Lee
Seabeck, Alison
Selous, Andrew
Shapps, Grant
Shaw, Jonathan
Sheerman, Mr. Barry
Shepherd, Mr. Richard
Sheridan, Jim
Simmonds, Mark
Simon, Mr. Siôn
Simpson, David
Singh, Mr. Marsha
Skinner, Mr. Dennis
Slaughter, Mr. Andrew
Smith, rh Mr. Andrew
Smith, Ms Angela C. *(Sheffield, Hillsborough)*
Smith, Angela E. *(Basildon)*
Smith, Geraldine
Smith, rh Jacqui
Snelgrove, Anne
Spellar, rh Mr. John
Spelman, Mrs. Caroline
Spicer, Sir Michael
Spink, Bob
Spring, Mr. Richard
Stanley, rh Sir John
Starkey, Dr. Phyllis
Steen, Mr. Anthony
Stewart, Ian
Straw, rh Mr. Jack
Streeter, Mr. Gary
Stuart, Ms Gisela
Stuart, Mr. Graham
Sutcliffe, Mr. Gerry
Swayne, Mr. Desmond
Syms, Mr. Robert
Tami, Mark
Tapsell, Sir Peter
Taylor, Mr. Ian
Thomas, Mr. Gareth
Thornberry, Emily
Timms, Mr. Stephen
Tipping, Paddy
Todd, Mr. Mark
Touhig, Mr. Don
Tredinnick, David
Twigg, Derek
Tyrie, Mr. Andrew
Ussher, Kitty
Vaizey, Mr. Edward
Vara, Mr. Shailesh
Viggers, Peter
Villiers, Mrs. Theresa
Vis, Dr. Rudi
Walker, Mr. Charles
Wallace, Mr. Ben
Waltho, Lynda
Ward, Claire
Waterson, Mr. Nigel
Watkinson, Angela
Watson, Mr. Tom
Watts, Mr. Dave
Whitehead, Dr. Alan
Wicks, Malcolm
Wiggin, Bill

Willetts, Mr. David
Williams, rh Mr. Alan
Williams, Mrs. Betty
Wills, Mr. Michael
Wilson, Mr. Rob
Wilson, Sammy
Winnick, Mr. David
Winterton, Ms Rosie
Woodward, Mr. Shaun
Woolas, Mr. Phil
Wright, Mr. Anthony
Wright, David
Wright, Mr. Iain
Wright, Jeremy
Wright, Dr. Tony
Wyatt, Derek
Yeo, Mr. Tim
Young, rh Sir George

Tellers for the Noes:
Mr. Michael Foster and Steve McCabe

Question accordingly negatived.

New Clause 24

ADMISSIONS ADMINISTRATION

'(1) Chapter 1 of Part 3 of SSFA 1998 (Schools admissions) is amended as follows.

(2) After section 89 insert the following section—

"89A Admissions administration

(1) Admissions administration will receive all applications for places made on behalf of pupils seeking admission to maintained schools, academies, city technology colleges and city colleges for the technology of the arts within its area.

(2) Admissions administration will determine the awarding of places at maintained schools within its area having regard to the arrangements which are to apply for that year, established by any admissions authority within that area, including special arrangements provided for in section 91.

(3) The admissions administration shall then make the list of places awarded available to maintained schools, academies, city technology colleges and city colleges for the technology of the arts within its local area and notify parents of the results of their application.

(4) The admissions administration shall always act such that the identity of the individual applicants cannot be determined by the schools for which they have applied or expressed a preference during the admissions process, until the list of places awarded is made available to schools and parents by the admissions administration.

(5) If a school believes that the admissions administration has failed to adhere to its admissions criteria, as set by the admissions authority, it may appeal to the admissions forum, which may review, and report on their findings.

(6) The person responsible for admissions administration within a local education authority must be employed or commissioned by the local education authority.

(7) In this Chapter "admissions administration" means the person responsible for the administration of arrangements for the admission of pupils to any school within a local education authority's area."'.—*[Sarah Teather.]*

Brought up, and read the First time.

3.15 pm

Sarah Teather (Brent, East) (LD): I beg to move, That the clause be read a Second time.

Madam Deputy Speaker (Sylvia Heal): With this it will be convenient to discuss the following: New clause 39—*Retention of selection by ability or aptitude after parent ballot—*

'(1) The Secretary of State shall by regulations make such provision as he considers necessary or expedient which may include the repeal, amendment or revocation of any legislation enacted prior to the coming into effect of this Act, for the purposes of giving full effect to the principle set out in subsection (2).

(2) The principle referred to in subsection (1) is that no admission arrangements for any school providing secondary education may, following the commencement of a school year on or after 1st August 2010, continue to make provision for the selection of pupils by ability or aptitude other than under section 101 of SSFA 1998 (permitted selection: pupil banding) unless the continuation of such selection has been approved in a ballot of parents of pupils attending primary schools from which such pupils may by choice of their parents transfer.'.

New clause 40—*Independent body to review admission arrangements for secondary education—*

'(1) The Secretary of State shall, not later than six months after the passing of this Act, appoint an independent body to review the arrangements in England relating to the admission of pupils for secondary education in Part 3, Chapter 2 of SSFA 1998 and section 36 of this Act.

(2) The Secretary of State shall invite representatives of—

(a) teacher associations,

(b) local authorities,

(c) parent groups,

(d) employer bodies, and

(e) such other persons as he considers appropriate,

to make submissions to the body established under subsection (1); and the report of that body shall be laid before each House of Parliament not later than 1st April 2008.

(3) The Secretary of State, at the request of the independent body , may commision research into the admission of pupils for secondary education and related matters.'.

New clause 41—*Secretary of State to implement independent review body report—*

'(1) Following the receipt by him of a report of the body established under section [Independent body to review admission arrangements for secondary education], the Secretary of State shall enter into consultations with such bodies as he considers appropriate on proposals to give effect to the recommendations of that body by a date no later than 1st September 2008.

(2) Following such consultations as are mentioned in subsection (1) the Secretary of State may by regulations make such provision as he considers necessary or expedient, which provision may include the repeal, amendment or revocation of any legislation enacted prior to the coming into effect of this Act so as to give effect to proposals whether or not recommended by the body established under section [Independent body to review admission arrangements for secondary education] for the reform of the arrangements for admission to secondary schools in England.'.

New clause 42—*Definition and use of oversubscription criteria—*

'The requirements referred to in section 84(2) of SSFA 1998 shall include references to the following categories of pupils and these categories shall be taken as the criteria to be applied in the event of oversubscription in the order as set out below—

(a) children with a statement of special educational needs;

(b) children in public care;

(c) children for whom the school is most appropriate on medical or social grounds;

(d) children whose sibling or siblings will be enrolled at the school on the first day of term and who permanently reside within the area from which the school's intake is normally drawn;

(e) children for whom the school is the nearest appropriate school to their home;

(f) safe walking distance from the school;

(g) ease of access to the school by public transport;

(h) transfer from a named feeder primary school.'.

New clause 43—*Restriction on oversubscription criteria in code for school admissions*—

'The requirements referred to in section 84(2) of SSFA 1998 shall exclude the following from the criteria to be applied in the event of oversubscription—

(a) giving higher priority to children whose parents are more able or willing to support the ethos of the school or to support the school financially or in some other way;

(b) giving higher priority to children according to the occupational or financial status of their parents;

(c) giving higher priority to children according to the educational or social group or background of their parents;

(d) seeking or take account of, in giving priority to a child or in deciding whether or not to offer a place to a child, reports from his primary or nursery school about past behaviour or attitude;

(e) allocating places at a school on the basis that a sibling or other relative is a former pupil;

(f) the behaviour of other members of a child's family, whether good or bad, including a good or bad attendance record;

(g) parent's marital status;

(h) giving priority to children whose parents are staff or governors or who have another connection to the school;

(i) giving priority to children who (or whose parents) have particular interests, specialist knowledge or hobbies;

(j) giving priority to children based on the order in which applications were received;

(k) in the case of grammar schools, giving priority to siblings of pupils.'.

New clause 45—*Admissions report by local education authority*—

'After section 85B of SSFA 1998 insert—

"85C Admissions report by local education authority

(1) A local education authority shall once in every school year make a report to the admission forum containing the following information—

(a) the authority's plans for acting in accordance with the code for school admissions,

(b) the proposed admission arrangements for every school, including academies and city colleges, in the local education authority area,

(c) the number of applications for each year group admitting pupils for each school,

(d) the number of pupils accepted for each year group and, if oversubscription criteria are used, the number of pupils selected using each oversubscription criterion, and

(e) the area which the school recruits pupils compared to the area in which the school is situated.

(2) The opinion of the local education authority shall be included in the report as to—

(a) whether the proposed admission arrangements for each school complies with the code for school admissions,

(b) what changes, if any, each admission authority, or as the case may be the governing body of each academy or city college, should make to their admission arrangements to comply with the code for school admissions,

(c) the accuracy and appropriateness of information given to parents seeking admission to the school, and

(d) whether

(i) the totality of the admission arrangements for the area produces fair access to schools for all pupils, and

(ii) if not, what further action the authority intends to take to ensure fair access to maintained schools and academies and city colleges."'.

New clause 46—*Administration of pupil admissions*—

'(1) Chapter 1 of Part 3 of SSFA (admission arrangements) is amended as follows.

(2) In section 88 (admission authorities and admission arrangements), in subsection (2) after "means the" leave out "arrangements" and insert "criteria".

(3) In section 89B (co-ordination of admissions arrangements)—

(a) in each of subsections (1) and (2) leave out "co-ordinating" and insert "administering",

(b) leave out subsection (5), and

(c) in subsection (6) at end insert "in particular that the local education authority admits pupils to each school in accordance with the admission criteria established by the admission authority for that school under section 89 (procedure for determining admission arrangements)".

(4) Leave out section 89C.'.

New clause 47—*Academy admission arrangements*—

'In subsection (4) of section 482 (Academies) of the Education Act 1996, insert after sub-paragraph (a)—

"(aa) conditions and requirements imposed for securing that—

(i) the proprietor of the school consults on the admission arrangements as if the school were a maintained school under section 89 of SSFA 1998 (procedure for determining admission arrangements),

(ii) pupil admissions to the school are managed by the local education authority under section 89B of SSFA 1998 (co-ordination of admission arrangements), and

(iii) objections relating to the admission arrangements are determined by the adjudicator under section 90 of SSFA 1998 (reference of objections to adjudicator or Secretary of State)."'.

New clause 51—*Parliamentary control of code for schools admissions*—

'(1) Section 85 of SSFA 1998 (making and approval of code of practice) is amended as follows.

(2) For subsections (4) and (5) substitute—

"(4) If, within the 40-day period, each House resolves to approve the draft, the Secretary of State shall issue the code (or revised code) in the form of the draft, and it shall come into force on such date as the Secretary of State may by order appoint.

(5) If no such resolution is made within the 40-day period, the Secretary of State shall take no further steps in relation to the proposed code."'.

New clause 70—*Admission of children of staff*—

'Any child of staff currently serving at a maintained school shall be eligible for preferential admission at the discretion of the school governors.'.

New clause 75—*Admission of excluded pupils*—

'(1) A local education authority may direct any school in the authority's area to admit a pupil who has been excluded from any other such school.

(2) Before making a direction under subsection (1) the local education authority must—

(a) consult the head teacher of the school to which the direction is to be issued;

(b) have regard to local policies on exclusion; and

(c) have regard to the well-being of the pupils who are likely to be affected by the direction, whether directly or indirectly.

(3) In this section "school" means—

(a) a community, foundation or voluntary school, or

(b) an Academy, city technology college or city college for the technology of the arts.'.

Amendment No. 119, in page 26, line 8 [Clause 36], leave out from 'ability' to end of line 11.

Amendment No. 120, in page 26 [Clause 36], leave out line 21.

Amendment No. 121, in page 26, line 25 [Clause 36], leave out from 'omit' to end of line 28 and insert 'subsections (1) and (2).'.

Amendment No. 112, in page 26, line 28 [Clause 36], at end insert—

'(5) In section 100(1) of SSFA 1998—

(a) after "there is" insert—

"(a)",

(b) for "(a)" substitute "(i)",

(c) for "(b)" substitute "(ii)", and

(d) at end insert ", and

(b) as compared with the arrangements in force at the beginning of that year and of each subsequent year, no increase in selection."'.

Amendment No. 103, in page 26, line 29, leave out clause 37.

Amendment No. 93, in page 26, line 38 [Clause 37], after 'requirements,', insert

'including requirements as to the criteria to be used in the event that an admissions authority receives more applications than they have places to offer ("oversubscription"),'.

Amendment No. 104, in page 26 [Clause 37], leave out line 40.

Amendment No. 94, in page 27, line 29 [Clause 38], leave out from 'England' to end of line 31 and insert

'shall consider the report published by the local education authority under section 85C (admissions report by local education authority) and prepare and publish its response to this report, which may include rejection, as may be prescribed.'.

Amendment No. 87, in page 27, line 43 [Clause 38], at end insert—

'(1D) An admission forum for the area of a local education authority in England shall prepare and publish annual reports to the Schools Commissioner on such matters connected with the admission of pupils to maintained schools in that area as may be prescribed.'.

Amendment No. 95, in page 29, line 28 [Clause 41], leave out '89C' and insert '89B'.

Government amendments Nos. 48 to 55.

Amendment No. 110, in page 37, line 18, leave out clause 48.

Amendment No. 122, in page 117, line 9 [Clause 171], at end insert—

'(2A) Section 36 comes into force on 1st September 2008.'.

Sarah Teather: The amendments relate to what is probably the most controversial aspect of our debate. What has concerned many people is the proposal in the Bill and in its forerunner, the White Paper, to give schools more freedom to control their admissions. People are worried about that because all the evidence suggests that when we give schools that freedom, over time they tend to move towards choosing the brighter children and the more middle-class children.

I am certain that hon. Members will have constituency examples of when that is not the case, and I would not want to say that that is what happens in all schools, because clearly it does not. However, the worry is that the evidence suggests that, on the whole, schools will use that power to choose those children because of the pressure to drive up standards, particularly in the light of league tables. We have seen evidence from the Sutton Trust, Simon Burgess from the university of Bristol, and Rebecca Allen from the Institute of Education, and it all suggests the same outcome.

In response to that widespread concern, hon. Members—certainly Liberal Democrat and, in particular, Labour Members, if not Conservative Members—put pressure on the Government, who responded by changing the proposals in the White Paper so that the Bill now states that all admissions authorities should act in accordance with the code of admissions, rather than just having to have regard to that code. That was a welcome change.

The draft school legal code was published while the Bill was in Committee and was debated extensively in Committee. It touched on many things that worried me and was a welcome addition. Some things in it are very good. They include the ban on interviewing and prioritising children in care and those with a statement of special educational needs. However, I particularly welcomed the focus on the softer aspects, such as the tendency for schools to put poorer families off applying by advertising expensive trips and expensive uniforms and, specifically, for schools to use information known about a family gained through either brothers or sisters attending the same school or through parent open evenings.

The difficulty with many of those things is that they require a subjective judgment about whether the school has used that information in coming to a decision on admissions. My fears were fuelled by an ICM poll published in the press a few months ago, which suggested that one in four head teachers cheat on their selection criteria to cherry-pick pupils. The latter aspect of that concerned me most: they were quite specific that they do it to cherry-pick pupils. If a head teacher cheats, that undermines trust in the system. It undermines the trust of parents, students and other schools in the same local authority area. Above all, it undermines the Government's good work and their efforts to improve admissions and tackle covert selection by introducing a code that is welcome in many ways.

The safest way to remove the danger of cheating is to allow someone else to administer the system. New clause 24 would allow schools to continue to set their own criteria in accordance with the code. Under that code, admissions criteria must be objective. They must not be subjective, and they must be easily understood. However, if they are objective, why must the school administer them? Anyone could do so, as they could be written down and measured. It would be better to give the duty to an impartial body. The local authority, which oversees and co-ordinates strategic provision, is best placed to administer the system. It does not have any incentive to cheat as it does not favour one school over another. It simply wants all its schools to do well and to raise standards across the area.

Mr. Graham Brady (Altrincham and Sale, West) (Con): The hon. Lady takes the view that local authorities do not have any reason to favour one school over another in admissions. Does she accept that if a school is undersubscribed the local authority may have an incentive to try to move pupils into it?

Sarah Teather: It would have to act in accordance with the code and, indeed, with the selection criteria submitted by the schools and admissions authorities. We have included a safety net so that if a school believes that the administering authority has not administered admissions in accordance with its own selection criteria, it can appeal to the admission forum.

Mr. Brady: The hon. Lady appears to accept that the local education authority may not be unbiased and impartial. Why, therefore, is it better at administering admissions than the school itself?

Sarah Teather: No, I do not accept that. The local authority is far more likely than a school to be impartial, as it does not have an incentive to favour one school over another or to improve the standard of only a few schools. We have seen a great deal of evidence of cheating by schools, so to increase confidence in the system we must try to give the administration of the system to an impartial body. That would help to iron out the problem of cheating to which Members have drawn attention, including prior knowledge of the family. A child's brothers and sisters may be pupils at the school, or staff may have met parents at parents' evenings. In Committee, the hon. Member for Bury, North (Mr. Chaytor) highlighted the case of a faith school in London. Various procedures allow parents up to half a dozen contacts with the school before they submit an application. It is therefore unreasonable to assume that a school would not have prior knowledge of a family in such cases.

New clause 24 proposes that admissions criteria should be set by the relevant admissions authority, whether the school or the local authority, in accordance with the code. Those policies would then be submitted to a named local authority officer, who administers admissions in accordance with the criteria. Parents would apply centrally to the local authority, which would make application a great deal easier. Obviously, this is not the case in London, but in some areas parents are forced to submit applications to successive schools. Parents would state their preferred school and the authority would sort the applications, matching the children against schools' criteria.

Jim Cousins (Newcastle upon Tyne, Central) (Lab): How would that system deal with applications across a local authority boundary? There are a considerable number of such applications.

Sarah Teather: There is no reason why local authorities should not work together on the system.

The key point is that the names of applicants should be kept from the schools. Obviously, applicants are not completely anonymous, as names are required for administrative purposes, but the proposal would deal with the problem of cheating. The local authority would send acceptance letters to parents and inform schools of decisions. Under the system, head teachers and governors would not see the list of names, so they would not be able to pick out difficult parents or children who are in trouble. In response to our debate in Committee, we have added extra protection so that if schools believe that the local authority has failed to administer the system in accordance with the criteria, they can apply to the admission forum for a review. I am sure that the hon. Member for Bury will speak to his new clause 46, which is similar to our new clause. The Local Government Association believes that the proposal would improve the transparency of the system, and individual councils are enthusiastic about it. Teaching unions have expressed concern about allowing schools more freedom to set admissions. They, too, favour a more co-ordinated system. New clause 24 allows schools to continue to set their own criteria, but it removes the danger of cheating.

New clause 39 leaves decisions on selection at 11 to local discretion, but it reverses the presumption in favour of selection, which would cease to exist unless local people asked for it in a ballot. That is a sensible way forward, and we shall support the proposal if it is pressed to a vote. As all Front-Bench spokesmen no longer favour selection, and would certainly not re-introduce it, I hope that, despite the fact that the issue was once divisive, the proposal will unite the entire House.

Damian Green (Ashford) (Con) *rose—*

Sarah Teather: I am afraid that I have finished.

Mr. Nick Gibb (Bognor Regis and Littlehampton) (Con): I listened carefully to the hon. Member for Brent, East (Sarah Teather), who seems to have a skewed view of the principled stance taken by head teachers. I do not believe that there is mass cheating by head teachers who deliberately manipulate the admissions system to boost their results. If that is happening, we need to take action against head teachers who are behaving in such an unprincipled way, but I do not believe that it happens to the extent that she suggested.

Listening in Committee to the hon. Member for Bury, North (Mr. Chaytor) speaking about admissions, and to other Labour Members over the years, it is hard not to conclude that the new clauses tabled by him and his colleagues are driven primarily by ideology, rather than by a concern for raising standards in our schools. That ideology is based on the notion that the quality of a school is determined solely or largely by the intake of the school. That is not true. What makes a good school is the quality of the teaching, the quality of the head's leadership, and the ethos and approach to behaviour and discipline taken by the school.

There are schools in extremely deprived parts of the country where behaviour is impeccable because the head has in place strong systems and procedures that ensure that poor behaviour is dealt with swiftly and predictably. There are schools in leafy county towns that have appalling behavioural problems because of weak leadership. There are schools that have intakes where the most academic pupils have been creamed off

[Mr. Nick Gibb]

to the local grammar school, yet those schools achieve examine results higher than most comprehensive schools.

3.30 pm

Wellington high school in Trafford, in the constituency of my hon. Friend the Member for Altrincham and Sale, West (Mr. Brady), is in effect a secondary modern school, where the 40 per cent. most academic go to the grammar school. At Wellington high school last year, 73 per cent. achieved five or more GCSEs at grades A* to C, 66 per cent. including English and Maths, and there are no GNVQs in that figure. That figure—73 per cent.—is way above the national average of 56 per cent.

By contrast, there are many schools in leafy prosperous towns and suburbs that languish with just 35 per cent. achieving five or more GCSEs at grades A* to C, and in a number of cases schools with much worse results. In a small minority of schools, the intake can be so challenging that it becomes overwhelming and we need to intervene, but in the vast majority of the 3,500 secondary schools, the intake is largely not as relevant as what happens within the school.

Helen Jones (Warrington, North) (Lab): If the hon. Gentleman believes what he is saying about the intake, can he explain the Sutton Trust figures that show that the best performing comprehensive schools have the lowest proportion of children on free school meals?

Mr. Gibb: The hon. Lady is making the same point as the hon. Member for Brent, East, who is leading for the Liberals. I do not believe that head teachers throughout the country are deliberately manipulating their intakes to boost their results. There may be a small number of exceptions to that premise, but I do not believe that it is happening on a large scale. It is not possible to engineer an intake to accurately reflect the local population to the last detail. I suspect that most of those results are capricious, rather than deliberately manipulated.

Sarah Teather: The problem is that heads have admitted that. It is not as though someone has done a survey and suspected that the system may have been manipulated. A Headspace survey reported that 38 per cent. of head teachers admitted breaking their own criteria.

Mr. Gibb: I have not met such a head teacher when I have been going round. I ask head teachers, "Are you on principle and deliberately manipulating your intake?" and they always tell me no. *[Laughter.]* The point that I am making is a more serious one. Even if head teachers are unprincipled and are manipulating their intakes to boost their results and those do not reflect the quality of the school generally, my argument is that the intake is largely irrelevant to the quality of the school. It is the teachers, the leadership, the ethos and the behavioural policies that make for a good school, not the intake, whether that is manipulated or not.

Mr. Brady: I am grateful to my hon. Friend for paying such glowing tribute to Wellington high school in my constituency, which is an excellent school. May I support the excellent case that he is making with another useful statistic? In the value-added league tables, of the 21 schools adding most value between the ages of 11 and 14, 18 were grammar schools. That surely proves exactly the point that my hon. Friend is making—that is it what happens inside the school, rather than the quality of the intake that is most important. The value added in the grammar schools is even better.

Mr. Gibb: My hon. Friend makes a good point. The value added tables reveal which schools are genuinely adding value, regardless of the intake. They measure the added value to the particular child, based on their ability level and attainment before they arrived at the school. My hon. Friend's point is well made.

I believe that, at the vast majority of the 3,500 secondary schools, the intake is largely irrelevant. If we ensure that all academic subjects taught in the school are set or streamed by ability, the intake is even less relevant, because if we ensure that classes are made up of children of a similar ability, the ability levels elsewhere in the school have no impact on that class. The problem in many of our comprehensive schools is that the vast majority of academic lessons are taught in mixed ability classes. According to Ofsted, 60 per cent. of lessons are in mixed ability classes: 49 per cent. of English lessons, 69 per cent. of geography lessons and 71 per cent. of history lessons are mixed ability. Even in science, where setting is even more important, a third of lessons take place in mixed ability classes.

Annette Brooke: Can the hon. Gentleman give us some indication of the ages to which his figures relate? It is often difficult to set by ability at age five, even when the children might be doing simple science lessons. Does he agree that a whole range of subjects, including PE and art, are perfect for social integration to take place?

Mr. Gibb: The hon. Lady makes a good point. First, all the figures that I have cited are for secondary schools. Secondly, I am talking only about academic subjects—this is not about PE or any other non-academic subject. We do not disagree on that.

Helen Jones: May I try to tease out some more precise figures from the hon. Gentleman? Does he have any information on the age range for which mixed ability teaching is used in secondary schools? It is quite common for secondary schools to begin teaching subjects in mixed ability classes and move to setting later on. That will affect his percentages for subjects such as history, because all children will take them to begin with, but fewer will do so once options are chosen.

Mr. Gibb: The hon. Lady could be making a valid point, but the figures do not show that. She is right in that there is a slightly higher proportion of mixed ability teaching in year 7, but it does not vary much beyond that. In fact, in the GCSE year, it dips from the

previous year, so that there is less setting than in the year before. Broadly speaking, it goes right across the five years of secondary education and is not confined to year 7. Even if it were, that would be an error too. We need to set and stream by academic subject in all years in secondary schools.

Maths has the highest proportion of lessons set by ability—86 per cent. That still means, if my maths is correct, that one in seven maths lessons in comprehensive schools takes place in mixed ability classes. That is very much a linear subject that should not be taught in mixed ability classes. Again, this is not confined to year 7 classes.

There is overwhelming evidence, particularly research by Jim Kulik of the University of Michigan, that if one sets by ability and tailors the curriculum to each ability grouping, with accelerated and enhanced curricula for the most academically able sets, one will see a huge rise in educational attainment in the top sets, with no falls in attainment in the lower ability set. The research also shows a small rise in self-esteem in the lower sets as pupils are given the time, space and attention to learn rather than drowning in a mixed ability group. At the top end, there is a small fall in self-esteem as bright pupils find themselves competing with other bright children.

Anne Snelgrove: Does the hon. Gentleman agree that rigid setting is as bad as blanket mixed ability teaching? Perhaps we should be looking at banding instead of rigid setting, so that young people who would be in a top set in mathematics but a bottom set in English have ways of moving about in that band.

Mr. Gibb: The hon. Lady uses the term, "rigid". Setting is by definition flexible—that is how it differs from streaming. The more homogenous a particular group of children is, the easier it is to teach them and the better able one is to tailor the curriculum to that particular set level. There is a philosophical divide between us—I will not be able to convince the hon. Lady—but I hope that through these debates we can convince the public that this is the kind of education that we want for our children.

Mr. Phil Willis (Harrogate and Knaresborough) (LD): The hon. Gentleman speaks with great conviction on these issues, and in many ways I agree with him about setting. I find the Ofsted figures difficult to understand in terms of the level of mixed ability teaching. However, I have a specific question for him. If there is general agreement across the House, and within the educational fraternity, that setting is a good thing that should be used in all academic subjects, does that mean that the Conservative party has now ceased to advocate grammar schools and selection by ability? If we followed his thesis, we would not need it.

Mr. Gibb: Perhaps the hon. Gentleman has seen the text of my speech. I am about to deal with that precise point, if he will hold his horses for a moment. I am not a million miles from his view.

Such issues are more important than whether a group of children has access to an especially good school or whether a different group of children should have access to it. All that debates about admission, codes and prescriptive methodologies for determining intakes do is substitute one set of injustices for another. The genuine problem is that there are simply not enough good schools. If there were more good schools, the heartache and anger of parents who are unable to get their child into their preferred option would be less.

The National Audit Office report has been much cited in the two days of debate on Report. It reported that 23 per cent. of secondary schools underperform and that it is likely that a similar proportion is coasting. Ofsted reports that 34 per cent. of secondary schools are no more than satisfactory according to its grading system and that a further 10 per cent. are inadequate. Forty-four per cent. of schools are therefore either satisfactory, which we no longer regard as good enough, or inadequate. That is a sad and alarming indictment of our education system.

No one claims that the causes started in 1997, and they did not start under the previous Conservative Government. They date back more than 40 years. We all need to tackle the underlying causes in a practical and non-ideological way. We must examine the evidence of what works and not what fits our ideological stance. It is clear from the research evidence and the success of schools that set that, when comprehensive schools set all their academic subjects by ability in all year groups—with flexibility, so that children who develop later in a subject can move up to a higher ability group—and have smaller classes with more experienced teachers focusing on the lower attainment groups, far-reaching improvements occur in the quality of education in those schools.

If we can recreate in the top sets the academic education that grammar schools and many independent schools offer their pupils—an education that stretches children academically and enables them to fulfil their educational potential with an enhanced or accelerated curriculum—there is no need to undergo the upheaval of reintroducing the 11-plus and selection, and re-establishing grammar and secondary modern schools in areas where they were abolished more than 30 years ago.

Anne Snelgrove: There will be no need to reintroduce the 11-plus because a grammar stream will be created in an alleged comprehensive school. That is why I questioned the hon. Gentleman closely earlier. I am sure that the hon. Member for Gainsborough (Mr. Leigh) will be delighted by the news, but we should warn the general public that that is what the Conservative party intends. It is not right. Children could be prevented from going further and faster by the policies that the hon. Gentleman proposes because they would be excluded from the grammar stream.

Mr. Gibb: No, I do not propose that. We are trying to create a grammar school sort of education for the top sets in a school. Because the school would be on one campus with a setted structure, there is flexibility so that children who might have gone to a secondary modern at 11 but develop later, when they are 13 or 14, can move up the sets into the grammar stream. The grammar stream would not have a glass ceiling, which prevents children below from getting into it. There would be flexibility. Children could well be in the

[Mr. Gibb]

grammar stream for English but not maths. The purpose is to enable us to have the grammar school type education that the country needs but to make it flexible so that children of all abilities can move into those sets if they develop. It is precisely the opposite of what the hon. Lady suggests.

Ms Keeble: Does the Conservative party intend to scrap its commitment to grammar schools, or is the hon. Gentleman saying that it will scrap it but not just yet? What is he saying about Conservatives' commitment to grammar schools and the 11-plus?

Mr. Gibb: I said that we would not reintroduce the 11-plus and selection. We are committed to getting all academic subjects in all years in secondary school setted by ability in a flexible system. I probably share the hon. Lady's view that the binary division that took place at 11 with the 11-plus was socially divisive. It is uncomfortable for me to see children who have been friends at primary school being forced to attend separate campuses, with one turning right at the end of the road and the other turning left. That is why the Conservative party has taken the position that it will not bring back selection when it returns to office. Nor did we do so when we were last in office.

3.45 pm

Matthew Taylor (Truro and St. Austell) (LD): I very much agree with the hon. Gentleman's argument. Would he go further and advocate getting rid of the grammar school system in places such as Kent and Buckinghamshire? He has just described the system as socially divisive. If it is socially divisive in one place, surely it is in another.

Mr. Gibb: The answer to that question is no—

Matthew Taylor: Why?

Mr. Gibb: I will come to that in a moment.

We believe that we can ensure that academically able children receive a grammar school-type education within the campus of a comprehensive school. To do that, however, we need comprehensive setting, and most comprehensive schools are far from being in that position at the moment. However, teachers and head teachers are far more in favour of that approach than of the upheaval implicit in any return to wholesale selection.

To deal with the point raised by the hon. Member for Truro and St. Austell (Matthew Taylor), we will protect and safeguard the existing grammar schools and schools that have partial selection. It would be a criminal act to destroy schools that are providing first-class education to thousands of youngsters in this country. That is why we oppose the amendments tabled by the hon. Member for Bury, North (Mr. Chaytor) and his colleagues, which propose the end of selection by 2010 unless ballots are held in the areas in which grammar schools exist. I believe that any such ballots would come out in favour of retaining the grammar schools, because they are enormously popular in the areas that have them, even among parents whose children do not attend them.

Mr. Willis: I am sure that Mr. Woodhead, who is listening to this debate, has now abandoned his support of the Tory party. That cannot be a bad thing. May I remind the hon. Gentleman that we are talking not only about selection by ability in the 160 or so remaining grammar schools, but about the 10 per cent. selection by aptitude that exists in some schools? As he knows, we have been debating this matter for many years. Does he advocate getting rid of that arrangement, given that all the schools in the brave new Conservative world would have setting for academic subjects?

Mr. Gibb: Chris Woodhead is a friend of mine, and we discuss these issues at great length. I am sure that he will retain his support for this party.

On the hon. Gentleman's question about the 10 per cent. selection, that arrangement is designed to achieve something different, namely to create an ethos in a specialist school. We are in favour of schools being able to establish an ethos, in relation to music, languages, maths, computing or whatever. We are therefore in favour of retaining the 10 per cent. selection on that basis.

To return to my point about the amendment on grammar schools tabled by the hon. Member for Bury, North, I believe that any ballots to retain those schools would be won, but why should the schools have to go through such a time-consuming and distracting process just to satisfy the ideological yearnings of a few Labour MPs?

Our amendments Nos. 103 and 104 seek to restore to the Bill its original White Paper vision by deleting the change proposed in clause 37(4):

> "In subsection (3), for 'to have regard to' substitute 'to act in accordance with'."

The starting point of the whole saga of the admissions code is section 84 of the School Standards and Framework Act 1998, which states:

> "The Secretary of State shall issue, and may from time to time revise, a code of practice containing such practical guidance as he thinks appropriate".

It goes on, in a very non-prescriptive way, to say:

> "The code may include guidelines setting out aims, objectives and other matters in relation to the discharge of their functions".

Subsection (3) of that section contains the famous phrase:

> "It shall be the duty of"—

LEAs and governing bodies—

> "to have regard to any relevant provisions of the code."

Clause 37 of the Bill does two key things. First, it replaces the phrase

> "a code of practice containing such practical guidance"

with the far more prescriptive words

> "a code for school admissions containing such provision"

as the Secretary of State thinks fit. It also replaces the looser phrase "to have regard to" with the far more authoritarian wording

> "to act in accordance with".

As everyone knows, clause 37 was introduced into the Bill as a result of pressure from the Labour rebels, and following the Secretary of State's letter of 6 February to the Chairman of the Education and Skills Committee. In that letter, she said:

"As you know it has always been our intention that the Code of Practice on admissions should have real force."

She then said,

"we are concerned that recent legal judgements may have weakened the perceived force of the Code, so we will close the legal loophole so that admission authorities must 'act in accordance' with it, rather than having to have 'regard' to it."

On the first of those assertions, I looked in vain in the White Paper for a reference to the code having real force. The nearest I could find was at paragraph 3.22, which states;

"No one approach towards admissions will work in all circumstances. This is why we want to ensure that all self-governing schools...are free to use the approach to fair admissions that they think will best meet their local circumstances, as long as it is compatible with the Admissions Code."

Of course, in all their radio, television and newspaper interviews in the period between the publication of the White Paper in October last year and the concession letter of 6 February this year, the Prime Minister and the then Secretary of State categorically ruled out giving the code of practice any more compulsion than it already had. As the Prime Minister said at his press conference on 23 January:

"I can't agree, for the reasons we have given on many occasions, that this code becomes statutory".

The second slightly misleading statement in the letter of 6 February is that the change of heart was prompted by recent legal judgments that may have weakened the perceived force of the code. The implication is that those legal judgments occurred after the publication of the White Paper in 2005, hence the need for a last-minute change of mind. The case of the London Oratory school was decided on 17 December 2004, some 10 months before the publication of the White Paper. The truth is that it is simply an unnecessary concession made for internal Labour party management reasons and has nothing to do with what the Prime Minister or the then Secretary of State thought, in their best judgment, was in the best interests of the education system.

We believe that clause 37 is far too prescriptive and that circumstances not envisaged by the drafters of the code might require more flexibility. For instance, it should be permissible for a school to refuse admission to a child whose parents refuse to sign a home-school agreement. We agree with the White Paper at paragraph 3.25, which states:

"We recognise that no form of admissions arrangements can increase the number of places at an oversubscribed school. That is why we are continuing to increase the number of good schools and the number of places in good schools."

That should be the focus of our attention rather than the over-obsession with admission arrangements.

I also agree with the Prime Minister, who was absolutely right when he said on 24 October:

"Local authority efforts to create equity often produced deadening uniformity, with child-centred learning and a rigid adherence to mixed ability teaching too often failing to raise expectations and meet basic standards."

The focus of an incoming Conservative Government will be to raise standards in all our schools so that children of all backgrounds will have a greater opportunity to attend a good school.

Paul Farrelly (Newcastle-under-Lyme) (Lab): The hon. Gentleman has talked about time scales and changes of mind, but I seem to recall that the Conservative party changed its mind on selection by ability in a remarkably short space of time. Was that for internal Conservative party reasons or external electoral reasons?

Mr. Gibb: No, it is genuinely based on the belief that if we set flexibly but comprehensively—not rigidly—within a school, all the upheaval involved in returning to selection would not be necessary. We need to make sure that many of our comprehensive schools have an enhanced and accelerated curriculum that stretches the brightest children. In too many comprehensive schools, that is not happening. We are concerned about standards in schools, and we think that the best approach is universal setting in our comprehensive schools.

I believe that parents want concentration on standards in our schools. They want more good schools and they want their local school to be a good school. That, rather than developing ever more complex and prescriptive admission arrangements designed to allocate a dwindling number of good school places, will be our focus. That is why we will move amendment No. 104 at the appropriate moment, and I hope that it will have the support of the whole House.

Mr. David Chaytor (Bury, North) (Lab): I shall speak to the group of amendments tabled by myself, but may I say first that I agreed completely with many aspects of what the hon. Member for Bognor Regis and Littlehampton (Mr. Gibb) said? He provided a powerful critique of selective admissions systems, which will also underpin my own argument in support of new clause 39. I am therefore extremely grateful to the hon. Gentleman for making those points.

Today's debate, furthermore, could not have taken place without the Conservative party's dramatic switch of policy over selection earlier this year. My hon. Friend the Member for Newcastle-under-Lyme (Paul Farrelly) asked why that happened, and it may well have been due to the authoritative YouGov poll published in *The Daily Telegraph* last December, which showed that only 20 per cent. of parents supported selective admissions policies to secondary schools. That amounts to focus-group policy making with vengeance, but I am delighted that the Conservatives have listened to the focus group that *The Daily Telegraph* offered them.

I shall speak mainly to new clause 39 and briefly to new clauses 40, 41, 42, 43, 45, 46 and 47 in reverse order. New clause 47 argues the case for bringing academies into the overall admissions arrangements of other schools. New clause 46 is similar to new clause 42, which was tabled by the hon. Member for Brent, East (Sarah Teather), but the latter has the advantage of dealing specifically with anonymised admissions.

[Mr. David Chaytor]

New clause 45 raises the question of the local education authority's role as the co-ordinator of local admissions arrangements and the monitor of compliance with them. I feel slightly ambiguous about it because I was one of the first to argue that the admissions forums should have a new enhanced power to monitor compliance. I am very pleased to say that that is now in the Bill and I am grateful to the Government for including it. I would still like to test the argument and I hope that the Minister will think further about it in due course. Perhaps we should ensure that the admissions forum has the full support of the LEA, particularly in respect of secretarial and administrative functions.

New clauses 43 and 42 simply place within the Bill the admissions criteria that are deemed to be either acceptable or unacceptable in the current code of practice. There has been a long-standing debate about whether the code of practice or elements of it should be incorporated into the Bill, perhaps as a schedule, and these new clauses make the argument for having a full list of approved over-subscription criteria—not non-permitted criteria—placed directly in the Bill. We have already established a precedent for doing so with some over-subscription criteria: for example, we have agreed that the ban on interviewing, the priority given to children in public care and the promotion of banding should all be in the Bill; so it is illogical if other approved criteria are not in it.

New clause 41 is consequential on new clause 40, which argues, given that the Bill brings about significant changes to admissions arrangements, that we should establish, six months after the passing of the Act, an independent review body to monitor and assess the operation of all aspects of admissions arrangements across the country.

I wish to speak at slightly greater length to new clause 39 and I intend to press it to a vote. The new clause deals almost entirely with process rather than with the arguments between supporters and opponents of selection. An argument about process can take place now only because, for the first time in more than 30 years, we have a consensus between the three main political parties about not returning to selective admissions policies as an organising principle of secondary education in this country. For that, I am hugely grateful to the leader of the Conservative party, who changed the policy earlier this year. I believe that they have listened—

Ian Stewart (Eccles) (Lab): Do not go too far!

Mr. Chaytor: No, they have listened carefully to the arguments and considered the evidence about the impact of selective admissions policies. What new clause 39 does is to deal simply with the anomaly that is left. If all three parties accept that a return to the universal 11-plus system is not acceptable because of the various disadvantages of which we are all aware and about which I shall say more later, it remains completely inconsistent that we should support that system in the 36 English local education authorities where it still applies. I do not argue that there is a simple solution, and I do not argue that the Government should simply decide to change things overnight. The purpose of my new clause is to suggest a process whereby the remaining anomalies in the 15 wholly selective areas and the 36 areas that contain large elements of selection can be resolved.

4 pm

At the heart of the issue is the fact that it can be resolved neither by local people alone nor by national Government alone. New clause 39 suggests that the Government establish a clear principle, namely that selection is not a desirable form of admission to secondary education, and that they set an end date beyond which selection will no longer be permitted. It proposes 2010 as the end date. At the same time, it allows the current ballot arrangements to be maintained. Parents would be able to engage in debate locally, consider the alternatives and express their views, and would have the right to vote to reintroduce selection if they were so minded.

Mr. Willis: Let me add my voice to the consensus to which the hon. Gentleman alluded.

The School Standards and Framework Act 1998, which introduced the current arrangements for balloting to take a grammar school out of the selective process and recreate it as a comprehensive, was deeply flawed. As the hon. Gentleman knows, there has only been one ballot, involving Ripon grammar school in north Yorkshire, and that process was deeply flawed because of the nature of the constituency.

Damian Green: What happened?

Mr. Willis: I have described what happened. The balloting arrangements are deeply flawed: the hon. Gentleman and I agree on that. The hon. Member for Bury, North (Mr. Chaytor) has said that under his new clause the same arrangements would apply. If that is so, the same flawed system determining who can vote would be transferred to this Bill. I think it is appalling that the vast majority of people in the community surrounding a grammar school do not have a say, although it is their local school.

Mr. Chaytor: The hon. Gentleman has raised an important point. He has rightly forced me to clarify my point about the balloting arrangements. Under new clause 39, there would still be a ballot, but the new clause says nothing about the details of the arrangements. I agree that the current ballot regulations are unfortunate. They are designed to protect the status quo, are limited in terms of how they describe the electorate and provide for different kinds of ballot depending on local circumstances; on whether the area is wholly selective, or is largely non-selective but contains individual selective schools. Different rules apply in different circumstances, but I think that the argument for reviewing the ballot regulations is powerful. I hope that if the Government are minded to adopt the new clause at some point, we shall in due course discuss the possibility of a more democratic form of electorate and procedure.

Mr. Brady: Thankfully, common sense prevailed in the Ripon ballot. I congratulate the hon. Gentleman

on at least demonstrating a greater commitment to democracy than the hon. Member for Harrogate and Knaresborough (Mr. Willis), but given his belief that there should be a role for ballots and for democratic choice, why does he not have the courage of his convictions? Why does new clause 39 not allow the balloting process to be available to parents in areas containing comprehensive schools that are failing?

Mr. Chaytor: The hon. Gentleman asked me the same question in a Manchester BBC studio about two weeks ago. The answer I gave him then is the answer I shall give him now. I am sympathetic to that argument, for the simple reason that if the Conservative party in my constituency went into the next general election arguing wholesale—in a ballot—for the reintroduction of the system that was scrapped in Bury 30 years ago and to which hardly anyone wishes to return, I should be delighted to fight the election on those terms.

The majority of my colleagues would also welcome that opportunity. If we were to find that the modern, newborn, compassionate Conservatives—the friends of the poor and the dispossessed—were suddenly, in the next general election, fighting ballots throughout the country to take us back to the 1950s, we would be delighted. So the hon. Member for Altrincham and Sale, West (Mr. Brady) makes an important point, and I am inclined to table a handwritten amendment to that very effect.

Mr. Brady: I hope that the hon. Gentleman does, and I might even be tempted to vote for it. However, surely those ballots ought not to be fought by political parties. Is not his point that this is a matter for parents to decide? If he believes that parents in areas that are currently selective should be able to decide, why will not he give a choice to parents in areas with failing comprehensives, who might choose a grammar school?

Mr. Chaytor: The point is that the new clause would deal with the remaining anomalies in the system. I take it as read that the three main political parties have settled their argument about what happens in the majority of the country. Of course, there is an internal debate in the Tory party between those who deeply resent the change of policy and those who are prepared to put up with it; but that is a matter for the Tories, and I suggest that they go somewhere else and have that internal debate.

New clause 39 has to be seen together with new clause 40. In retrospect, it may have been preferable to incorporate the latter into the former, because new clause 40 calls for an independent review of the admissions arrangements. So the strength of the argument is simply this. If the Government accepted the new clause, they would build on the all-party consensus that no longer accepts selection as the organising principle for admission to secondary education by following through the logic of that consensus and establishing the end-date of 2010. Six months after the Bill has been enacted, an independent review body would be established to examine all aspects of our admissions arrangements, and to study the evidence of the impact of admissions arrangements in different parts of the country. The review body would report before 2010, and we could then have an informed debate based on evidence, not on ideology or prejudice. Parents would then form their judgments in the light of that informed debate. That is precisely why I am confident that if such a procedure were adopted, very few parts of the country would choose to reintroduce selection.

It is hugely significant that since the great change to our admissions policies under the Labour Government between 1964 and 1970, and under the Conservative Government between 1970 and 1974—of course, we all know which Tory Secretary of State was responsible for abolishing more selection in our system than anybody else—we have been unable to have that informed debate.

I draw an analogy with the way in which we have tried to resolve other intractable problems when the political parties have themselves found it difficult to reach agreement. All the parties agreed that it was necessary to get a neutral third-party expert to consider the funding of higher education, and we invited Ron Dearing to take charge of the commission dealing with HE funding. The Government did not accept everything in the Dearing report, but it was subsequently considered to be the authoritative body of evidence and argument, and now we all refer to it. I am delighted that, in another of the Tories' historic flip-flops, they have adopted our policy on HE funding.

I also draw attention to the impact of the Tomlinson report on education reform for 14 to 19-year-olds. That issue was a political football that the parties kicked about for a number of years. There was a desperate need for consensus, and we resolved the problem by setting up an independent review body under the chairmanship of Mike Tomlinson. *[Interruption.]* No—Mike Tomlinson suggested that there would be a 10-year period of reform and change, and the Government have taken the first steps as part of that reform.

Let us move outside education and consider the analogy of pensions policy, the implications of an ageing work force, and the balance between the responsibilities of the state, the individual and the employer. What did we do to deal with that issue? We brought in a former president of the CBI and gave him the task of building a national consensus on pensions policy.

We can draw some lessons from the Turner report. A few months ago, there was very little public support for the raising of the state retirement age. Because of the work of the Turner commission and the informed debate that followed the publication of its report, the Government are now confident enough to raise the retirement age and a majority of the public are in favour because they now understand the arguments clearly. That is the best analogy I can give for the way in which I would envisage new clause 40 operating, with an independent review body of admissions. We need a neutral expert to lead the national debate and gather all the evidence. With such a lead, we could kill off all the old sterile arguments about which kind of school is best and how many A to C grades this school has as opposed to that school. We could really focus on the impact of selection in our system and, once we did so, people could form their views accordingly.

[Mr. Chaytor]

I assume—I may be wrong, and they can correct me later—that the Conservatives have reached their new position because they understand that selective admissions policies lower achievement overall. They understand, because they have read the recently published evidence from Professor Jesson, chief academic adviser to the Specialist Schools and Academies Trust; because they have considered what the National Foundation for Educational Research has been saying for many years; and because they have read what the London Institute of Education has said. The Conservatives know that the brightest children perform equally well, if not slightly better, in all-ability schools than in selective schools. They know that the impact of selection is to depress results overall; to depress post-16 participation rates overall; and to increase levels of segregation overall.

The Tory party also knows the differential between selective and non-selective schools, in respect of the proportion of children on free schools meals. It is slightly over 1 per cent. in selective schools and almost 17 per cent. in the population as a whole. Similar figures exist for children with special educational needs and, in some parts of the country, from minority ethnic groups—an issue that has not been examined in the detail that it deserves.

The Tories also know what we find if we compare Northern Ireland, the most selective area with the highest levels of segregation, with Scotland, with the least segregation; it compares favourably with the Scandinavian countries that manage to combine equity and high standards. In Northern Ireland, the number of adults in the population who left school with no qualifications is twice the number for Scotland. In Scotland, the number of adults in the work force with degrees or degree-equivalent qualifications is almost 50 per cent. higher than in Northern Ireland. That is the most dramatic evidence that selective systems depress results overall, lower levels of attainment and increase levels of social segregation.

Patrick Hall (Bedford) (Lab): The points that my hon. Friend has just made about Northern Ireland and Scotland will, I presume, enable Ministers to support his proposal, because they have taken the enlightened step of tackling selection in Northern Ireland.

Mr. Chaytor: My hon. Friend anticipates my final remarks. The great advantage of new clauses 39 and 40 is that they combine the merits of the Government's policy in Northern Ireland—establishing a commission and setting an end date for selection—with the merits of the policy in the remaining selective areas of England, which is to leave the decision to parental ballot. The beauty of the new clauses is that we get two Labour policies for the price of one. I commend the new clauses to the House and confirm that I wish to press new clause 39 to a Division.

Damian Green: I wish to speak against unnecessary disruption in our schools and in favour of local choice, and therefore I speak against new clause 39, which was supported with characteristic eloquence and wrong-headedness by the hon. Member for Bury, North (Mr. Chaytor). That is a reminder to us all that the prejudices of old Labour are still around, and that the party is still fighting the battles of the 1960s and 1970s.

4.15 pm

I have not participated in education debates for a few years, so this afternoon's exchanges have been quite nostalgic for me. I have been struck by how insular and inward looking our debates on education are. The point underlying the speech made by my hon. Friend the Member for Bognor Regis and Littlehampton (Mr. Gibb) was that there are different ways to achieve an excellent academic education. That is true, especially when one looks at what happens in the rest of Europe.

By and large, the schools in Holland are big comprehensives that contain significantly different streams. In any given Dutch town, one can find what is effectively a grammar school on the same site as a good technical vocational school. Incidentally, it is the lack of the latter schools that is the real, long-term failure of British education.

The German approach is different, with different types of schools being provided. Over the past 30 or 40 years, both countries have gone through good and bad periods. Their results have been better than ours some of the time, and at other times they have been worse, but both have managed to ensure that debates about education have been about improving children's life chances. They have not allowed them to deal in social engineering, class warfare or any of the things that have bedevilled education debates in this country. I am depressed to find that those influences still affect our debates here.

It is a shame that the hon. Member for Brent, East (Sarah Teather) has left the Chamber. She did not respond to my earlier intervention, but I was fascinated to hear her commit the Liberal Democrats to supporting new clause 39 and therefore the abolition of all grammar schools. I shall be interested to see whether my Liberal Democrat opponent in Ashford at the next general election says the same thing, and whether his counterpart in the neighbouring constituency of Folkestone and Hythe is pledged to abolish the grammar schools in Folkestone. Over the years, I do not remember Liberal Democrats ever saying such things in counties such as Kent, but the party's policy may have changed under the hon. Lady's tutelage.

Mr. Chaytor: Nothing in new clause 39 would lead to the abolition of any school. It may cause some schools to change their character, and it would open up many good schools to more young people. Fair access and fair admission are at the heart of that new clause.

Damian Green: New clause 39 would enable the prejudices of the hon. Gentleman and his colleagues to be imposed on schools in my constituency and elsewhere, against the wishes of the people who live in our towns and cities. That is what I object to.

Annette Brooke: I feel that we have already debated the question of parental views and voting. Does the

hon. Gentleman not think that it is perfectly reasonable that parents should have a say in how the education system is run?

Damian Green: Yes, I do think that it is reasonable. That is precisely the point that I am making.

I oppose new clause 39 because I saw the damaging effect of anti-grammar school campaigns in the late 1990s and the early years of this century, both in my constituency and across Kent. Those campaigns damaged all the schools in the area, and not just grammar schools, because they diverted effort, money, resources and energy from education. People who should have been involved in improving school standards took up opposing positions in destructive political campaigns that, in the end, achieved nothing because they had no support.

In Kent, for example, the Government's regulations meant that the anti-grammar school campaigners needed 45,000 signatures to trigger a ballot. When they set off, they were extremely confident that they would achieve that number, but that was in the late 1990s heyday of new Labour, when it was both new and popular. It is neither of those things today.

After months of trying, however, the campaigners were forced to admit that they were giving up, as they were able to raise only 7,000 signatures in the whole of Kent. That was not just a failure, it was a pathetic failure. Despite the opinion polls quoted by the hon. Member for Bury, North, the campaign showed that the parents who knew most about education did not want it to be disrupted. A majority of those parents would have known that their children would go not to grammar schools but to the high schools or comprehensives that we have in certain parts of Kent, yet not only would they not vote to change the system, but they would not even sign the petition to trigger a ballot.

That is clear evidence, in addition to the one ballot that actually did take place—in Ripon. The hon. Member for Harrogate and Knaresborough (Mr. Willis) could not even bring himself to say what happened, which was that when parents were faced with a choice they voted to retain the existing system. In Kent, which is a much larger area, parents did not even want a ballot. However, the anti-grammar school campaigners came back again and again, and the energies and efforts of too many people were spent for too long on something that was not helpful to any school in the area.

I hope and expect that the common sense of those on the Treasury Bench, including the new Secretary of State, means that people of reason and common sense on both sides of the House will vote against the new clause—against the hard left of the Labour party and their natural allies, nowadays, in the Liberal Democrats. I am sure that they will be defeated, because when parents have had the chance to speak they have spoken loudly against that type of change. They do not want to destroy the existing school system.

Gwyn Prosser (Dover) (Lab) *rose—*

Damian Green: Ah, a Kent MP.

Gwyn Prosser: The hon. Gentleman paints a picture of Kent that I do not recognise, and nor would my colleagues or the heads and staff of Kent secondary modern and high schools. We did not reach the tripping point because the level was set far too high. I can assure the hon. Gentleman that the conversations between people who, like me, were campaigning for change, and the parents of primary school children were not on the lines of, "That's all right, I know my child's not going to get into the grammar school, but let's vote for the status quo anyway". It was the ambition of all of them to get their children into grammar schools, but they did not. If we held those conversations again, the answer would be very different.

Finally, has the hon. Gentleman ever met a high school head or teacher who supports selection—

Madam Deputy Speaker: Order. The hon. Gentleman has made his case.

Damian Green: The answer to the question put by the hon. Member for Dover (Gwyn Prosser) is: many. Very few head teachers have told me that they want the wholesale disruption of Kent schools; they all know that is what would happen if he had his way. He says that the problem is that the barrier to trigger the ballot was set too high. I have to say, first, that that is a touch pathetic and, secondly, it was not a near miss; the tripping point was missed by miles—by a quantum of six or seven. There is no enthusiasm for the change.

I realise that the hon. Gentleman campaigned for change and would no doubt continue to do so, but he had no support from the vast mass of parents in Kent, so he should change tack and support different systems in different parts of the country. I observe what happens in my constituency, as no doubt he does in his. In my nearby constituency, schools work well together. Ashford grammar schools and high schools co-operate in a forum; they work together in an imaginative new cluster system. People do not care whether they are working with a high school or a grammar school and primary schools work with both. Educational standards, which need improving, can be improved. Overall, the system works well for the children from relatively poor backgrounds who can benefit from a highly academic education.

Frank Dobson (Holborn and St. Pancras) (Lab): As I understand it, the national policy of the Conservatives, as enunciated by their new, old Etonian leader, is not to have selection by ability for secondary schools. We can understand that a self-proclaimed Conservative wants to maintain the status quo in Kent—that is what Conservatives do—but what is the logic of saying that they are against selection by ability everywhere in the country except where there are grammar schools already? It is postcode selection.

Damian Green: The logic was very well explained by my hon. Friend the Member for Bognor Regis and Littlehampton (Mr. Gibb). I am not sure whether the right hon. Gentleman was here to listen to his speech. As I said, I am speaking in favour of non-disruption and local choice. The first seems an extremely sensible

[Damian Green]

educational point. The second seems an extremely good Conservative principle. Indeed, the Government whom he sporadically supports occasionally say that they support that principle, too. They say that they are in favour of local choice. I invite the Government to put their words into practice and support local choice, as I think that they will in opposing new clause 39. I will happily go into the Division Lobby with them to do that.

Mr. Chaytor: If the hon. Gentleman is so confident that the people of Kent would support the status quo and that the merits of the system in Kent are so self-evident, why is he frightened of putting the matter to a ballot under new clause 39?

Damian Green: The hon. Gentleman is not listening to what I am saying. I am not frightened of that, but I saw what happened after the ballots were introduced under the School Standards and Framework Act 1998. There were years of disruption in Kent schools. People were not spending enough time making the schools better. They were spending too much of their time preparing themselves for a political campaign. I do not want to go through that again and I do not want the schools to go through that again.

Every parent—every family—should have choice, not just the well-off. One of the more sensible things that the Government have said in recent years was in their response to the Education and Skills Committee's report on secondary schools admissions in November 2004:

> "The Government wants all secondary schools to play to their strengths and provide a flexible curriculum able to meet the needs of individual pupils. Selection by aptitude allows a small number of pupils with particular gifts and talents to benefit from particular curriculum strengths."

I agree with all of that. Where I part company from the Government is that I regard all-round academic excellence as an aptitude, but I know that, for historic reasons, they cannot adopt that view. I congratulate the hon. Gentleman on his consistency. He disapproves of any kind of differentiation. He wants all secondary schools to be the same and he is completely consistent in that.

I think that the Government were right in that response and they are right to reject new clause 39. I do not want to impose the system that obtains in Kent on other areas of the country if they do not want it and I do not think that the hon. Gentleman should want to impose his system on my constituents and the schools in my constituency. I believe in local choice, and I demand that local choice for parents in my locality. They have said clearly that they admire the work done in all the schools in Ashford. They want to keep the current system and they would hate political interference driven by an out-of-date levelling down ideology to get in the way of good schools. I urge the House to reject new clause 39.

Ms Keeble: I will keep my comments brief because I know that a large number of other hon. Members want to take part in the debate. I am opposed to the new clauses and amendments tabled by the hon. Members for Brent, East (Sarah Teather) and for Bognor Regis and Littlehampton (Mr. Gibb). The new clause moved by the hon. Member for Brent, East proposes an admissions policy that is based on a mistrust of head teachers. That seems fundamentally flawed. We rely on the ability and leadership provided by head teachers for the quality of what happens in schools, so it would be wrong to have an admissions policy that assumed that they were trying to cheat. I also think that, when we are trying to encourage schools to build more links with their communities, it would send mixed messages to say that they can have links at all times, except where anything to do with admissions is concerned, when an exclusion zone applies. The way in which that was presented was completely false. The proposals made by the hon. Member for Bognor Regis and Littlehampton were clearly a retrograde step and would undo the progress that had been achieved by Labour Members.

In opposing those new clauses, I ask Ministers—I have spoken to my hon. Friend the Minister for Schools about this matter—to give me some assurances about the position on admissions in relation to a particular group of pupils: those who have been excluded from school. They seem to have been missed out of the present debate, although there are supposed to be some provisions in the Bill for them.

A school community can be shaped by not only admissions, but exclusions. All of us who know of schools that have opted out over the years, or entered into different management arrangements, have often seen that accompanied by large-scale exclusions. When I was a council leader in London, a school became a city technology college under the then Conservative Government. Its establishment as a CTC was accompanied by shedloads of pupils being excluded, all of whom ended up at a neighbouring community school. The situation had a profound impact on the community school's ability to cope and its performance. Although we have an admissions code, I am worried that it is not clear that the priorities will also be applied to children who are excluded. I do not want to end up with school communities shaped by not only admissions policies, but exclusion policies—in other words, selection by behaviour, not ability.

4.30 pm

I am especially worried because we must consider the real ethnic impact of exclusions. Segregation in schools has been profoundly damaging. Information from the Office for National Statistics shows that permanent exclusion rates are highest for children of Traveller Irish heritage, with a rate of 66 children in every 10,000. The rate for children of mixed ethnic origin is 25 in every 10,000, which is much lower. The exclusion rate for pupils of mixed ethnic origin and black pupils is similar, and it is about twice the rate for white pupils. The figures are similar for fixed-term exclusions. We also know that the peak point for exclusions is for boys aged 13 and 14. Unless we are sure that those children can get back into schools and that there is a code on, and sensible arrangements for, their readmission to schools, we will run the risk of finding that there is a drift of difficult children from schools that abide by the consensus to those that decide for one reason or another to be outside it.

Mr. Sadiq Khan (Tooting) (Lab): Is my hon. Friend as concerned as me to ensure that the effect of clause 94, which deals with reintegration interviews, and clause 95, which sets out the duty in relation to excluded pupils, is monitored in the context of race and social deprivation?

Ms Keeble: I completely agree. I tabled a couple of amendments on the matter, but they are not being debated, so I am having to tailor my remarks to the amendments in the group; otherwise I might be ruled out of order. All the issues that my hon. Friend raises are extremely important.

I hope that the Minister will give us assurances on the points that I have raised. I understand that it will not be possible to deal with them all under the framework of the Bill, but given the big concessions that the Government have made on admissions to ensure that we have a cross-section of the community accessing local schools in a proper and fair manner, we do not want skewing to occur owing to the impact of exclusions and what happens with the readmission of excluded children.

Mr. Rob Wilson (Reading, East) (Con): I congratulate the hon. Member for Northampton, North (Ms Keeble) on her speech and on bringing a different perspective to the debate.

I wish to speak against new clause 39, which is a clumsy and, some would say, spiteful attempt to destroy the remaining 160-odd grammar schools throughout the country. The hon. Member for Bury, North (Mr. Chaytor) is an intelligent and decent individual. He is also my colleague on the Education and Skills Committee, and he often speaks with insight and creativity on education matters—[HON. MEMBERS: "More!"] I am building him up. However, the hon. Gentleman has allowed himself to be sucked into the Deputy Prime Minister's style of class warfare. Just because the hon. Gentleman dislikes grammar schools and selection does not mean that those in existence are wrong in principle.

There are two wonderful grammar schools in my constituency which provide excellence in education that is rarely matched anywhere else.

Mr. Chaytor: Why cannot more children attend those schools?

Mr. Wilson: I am about to go into that, if the hon. Gentleman will bear with me.

Reading school for boys and Kendrick school for girls offer local children a fantastic start in life. They come from a range of backgrounds. Many are bright and come from poorer or disadvantaged backgrounds. They often apply to the grammar schools because schools elsewhere in the borough are appalling.

Mr. Chaytor: Is it not the case that 70 per cent. of the intake of the wholly selective schools in Reading comes from outside Reading? How can the hon. Gentleman say that they give opportunities to local children? They are kept out of those selective schools because of their admissions policy.

Mr. Wilson: That is not true. The figure of 70 per cent. is not correct; it is much lower than that.

As I said, many of the other local schools are not of sufficient quality that parents wish to choose them, although there have been improvements. The good work at Highdown school means that it is catching up fast.

Anne Snelgrove: Will the hon. Gentleman give way?

Mr. Wilson: Can it wait? The hon. Lady's intervention yesterday was hardly useful.

Merely a year ago, the local education authority in Reading was judged by Ofsted to be only satisfactory, and that was by a whisker. Some 40 per cent. of pupils in Reading are exported to South Oxfordshire and Woking authorities. Why? Because the performance of local schools, particularly at secondary level, has been poor historically. The fact that we float slightly above the bottom of the league tables is thanks to the performance of the grammar schools.

Parents in my constituency will be angry that an MP from Bury has decided that they should not be able to exercise a choice that, in the case of Reading school, has been open to them for hundreds of years. That is unacceptable.

Mr. Chaytor *rose—*

Anne Snelgrove *rose—*

Mr. Wilson: I give way to the hon. Gentleman.

Mr. Chaytor: Is not the hon. Gentleman making my case for me? My argument is that selection leads to greater division and segregation. He is proving my case.

Mr. Wilson: I will deal with that in a second.

Mr. Hayes: Is my hon. Friend familiar with the work on the subject by Lord Adonis, the Prime Minister's special adviser on education? He argues in his book "A Class Act: Myth of Britain's Classless Society" that the abolition of grammar schools has had the effect that my hon. Friend describes. He disagrees with the hon. Member for Bury, North (Mr. Chaytor) about social mobility and makes the case that selective schools aid social mobility, a view supported by the work of the London School of Economics last year, which essentially concluded the same thing.

Mr. Wilson: My hon. Friend makes an excellent point. However, I do not want to dwell on the internal battles within the Labour party.

Damian Green: As, I think, the only pupil from Reading school in the Chamber—[HON. MEMBERS: "We rest our case."] Very good. However, I can assure the hon. Member for Bury, North that, whatever he thinks about the intellectual attainments of individual pupils, when the admissions policy of local education authorities were more rigid and 100 per cent. of pupils who went to Reading school came from within a

[Damian Green]

narrowly defined boundary of a growing town—he will know that that is often a difficulty—the school was extremely socially mixed. Many of my school friends came from deprived backgrounds, and went on to successful university careers and careers following that, precisely because they went to a very good academic grammar school. It was a force for social mobility in the town.

Mr. Wilson *rose—*

Madam Deputy Speaker: Order. I remind the House that our debate is time-limited. If hon. Members are to take interventions, will those making them be brief?

Mr. Wilson: The idea that a ballot of parents provides legitimacy is a fig leaf for the views of the hon. Member for Bury, North. I dare say he would say that it is democracy in action, but we have seen how that form of unpleasant democracy worked with ballots for grant-maintained schools. At a school in my constituency where a ballot took place, there was a disgraceful local campaign of intimidation and bullying. The school community took a long time to recover, and I dare say that such events were repeated in the constituency of my hon. Friend the Member for Ashford (Damian Green).

It is not right to politicise schools in that way. May I tell the hon. Member for Bury, North that the current arrangements demonstrate that there is no appetite to destroy the few remaining grammar schools, including two in my constituency? He would do much better to concentrate on the fact that 1 million children have been failed by schools for which his party is responsible.

Anne Snelgrove: Will the hon. Gentleman give way?

Mr. Wilson: I am mindful of Madam Deputy Speaker's ruling.

Anne Snelgrove: I shall be brief. The hon. Gentleman was silent in Committee, so it is interesting to hear his views today. He maligned successful schools in Reading local education authority, but having served as vice-chair of Berkshire county council education committee at the time, I can attest that there was not a malicious campaign against grant-maintained schools. Parents rightly debated the issue, as did politicians of all colours. I regret the fact that the hon. Gentleman denigrated Reading LEA, as it has made great strides in improving the schools in the area.

Mr. Wilson: I am afraid that, as she did yesterday, the hon. Lady shows her ignorance of both the historical and current situation in Reading. I certainly have not denigrated any schools that have achieved a reasonable performance.

I have tabled amendment No. 110 to clause 48. According to the regulatory impact assessment, clause 48 creates

"greater flexibility and encourages collaboration by permitting schools, or groups of schools working together, to adopt admission arrangements that band applicants".

There are three kinds of banding: it can apply to a single school, across the local area, or it can represent a national ability range. The previous attempt to encourage banding failed, because it was a lengthy process and there were applications from only 15 schools, two of which were turned down. I hope that the present attempt fails. I have two main objections to banding. First, it derives from an ideology that dictates that the quality of a school can only be determined by planning its intake. People who push that philosophy do not believe that the success of a school is determined by ethos, quality of teaching or leadership. Banding is a substitute for making genuine improvements to a school. It attempts to fiddle the figures, rather than address the problems inherent to a school or to a group of schools.

Mrs. Dorries: Is my hon. Friend aware that city academies use a banding system for admission? They take a percentage of children with special needs and a percentage of children of certain ability. They argue that as they have accepted a certain percentage of children with special needs they will not take any more. As a result, community schools in the neighbourhood are affected. In Southwark, for example, where the City of London academy is located, 62.2 per cent. of pupils at neighbouring schools are children with special needs. *[Interruption.]* There is a table that shows how many schools are affected—it is not just one or two. Many community schools in the area have far more children—

Madam Deputy Speaker: Order. The hon. Member for Reading, East (Mr. Wilson) may wish to reply.

Mr. Wilson: My hon. Friend makes a very good point, and I am sure that the Minister will respond later.

Secondly, banding ultimately takes children away from their local school. They are bussed to schools in an extensive area for the sake of social engineering that diminishes parental choice. I do not understand how that fits with the LEA's responsibility under the Bill to champion parental choice. I am sure that parents will not support the measure, so perhaps the Minister can explain why he thinks they will do so. I have serious concerns about whether banding will work effectively. The new clause, the Bill, and the code of admissions do not give the number of bands for good or best practice. Will there be a 10, five or three-band system? Will all those systems be used, and will the number of bands differ from school to school? Who decides the banding category? Is it the governors, the LEA or another authority?

The proposal has not been properly thought through. I instinctively oppose anything that smacks of social engineering: clause 48 is an unnecessary interference in local administration of schools, so it should be removed. I hope that the Conservative spokesmen will press the matter to a vote.

4.45 pm

Paul Farrelly: I, too, shall speak to the new clauses moved by my hon. Friend the Member for Bury, North (Mr. Chaytor) which also bear my name, and particularly new clause 39. I want to contribute also from personal experience, as someone who was educated equally at a grammar school and a comprehensive school. I was part of the generation that went through the changes implemented by the then Labour Secretary of State, Shirley Williams, and my school, Wolstanton county grammar school, became the Marshlands comprehensive school in my fourth year, when I was 15.

I speak, too, as someone representing a constituency where selection remains very much part of the landscape. In 1997, as part of my rite of passage, I contested Chesham and Amersham, that favourable ground for Labour in Buckinghamshire, so I am familiar with a broad range of opinion about the academic selection still practised in that county.

Before I begin my remarks, I crave your indulgence, Madam Deputy Speaker, to take this opportunity almost a decade after that election to pay tribute to the late Keith Kingswood. Keith was the secretary of the Chesham and Amersham constituency Labour party, a tough calling in an area where for many people even new Labour conjured up the same fears as old Vikings. Keith, a very erudite and educated man, was above all a fervent opponent of academic selection all his life and a leading light in the Campaign for State Education, CASE.

Sadly, during that election, Keith died and was never able to see a new Labour Government. Such was his dedication that he flew over to New York to see his son to register a postal vote, of all things. During that visit, he contracted a mystery virus and never recovered. In 1997, while many people were still partying to the strains of "Things can only get better"—and they have—on election night we went quietly to bed and, with his family and widow Janet, laid Keith to rest at his funeral the next day.

There is no better tribute to Keith's lifelong efforts than the work done by Comprehensive Future, by the Socialist Education Association, of which I am a vice-chair, by my hon. Friend the Member for Bury, North, and by dedicated educationists like Fiona Millar, in drafting and tabling the new clauses.

Of course, we would all like the Government and my hon. Friend the Minister for Schools to support the new clause or even allow a free vote. After comments I have heard from many Labour Back-Bench colleagues, Ministers and indeed some of the Whips, I have no doubt that if there were a free vote, new clause 39 would be passed today.

I passed my 11-plus. I was also the only person in my year who did so and was refused entry at a grammar school—the Catholic grammar school of choice—because of a bad reference about my behaviour. The Whips' reach is long and I am still getting bad references now. So I went to Wolstanton, which is a non-denominational school, where I am now a governor, and in hindsight that did me the world of good, because I do not think I was made for the Christian Brothers' discipline.

I was distraught at the time, however, and so were lots of children who, for whatever reason, "failed"—in inverted commas. That was the language. There were good friends of mine who passed but went to the secondary modern round the corner, the Blessed Thomas Maxwell, either because other mates were going or because grammar schools were seen as snobby and "for them, not for us". And then there were the kids—and parents—who at that age did not know, did not care and did not have a clue. That was a disgraceful and divisive way to run an education system—to mark out large numbers of children as failures, based on an arbitrary test on an arbitrary day at an arbitrary age.

Mr. Brian Binley (Northampton, South) (Con): As one of those failures who did not pass the 11-plus but was a very good boy indeed, I resent your remarks that people who did not get to a grammar school were failures—

Madam Deputy Speaker: Order. I remind the hon. Gentleman of the terms of address. Those certainly were not my remarks.

Mr. Binley: Thank you for that advice, Madam Deputy Speaker. I take exception to those remarks. Does the hon. Gentleman not understand that the secondary modern schools in many parts of the country gave a very good education and set young people on a solid path to a good future?

Paul Farrelly: I congratulate the hon. Gentleman on his ascent. He speaks eloquently, but perhaps he should listen more carefully. When I used the word "failure", I deliberately said "in inverted commas". That was the language. It should never again be the reality.

Selection by so-called academic ability through such a test is a throwback to the days when education was in effect a privilege, not a right. When I was young, the system acted at each stage as a sieve so that a small minority could go to university. At each stage—11-plus, CSE, O-level and A-level—those who did not make the grade were out: they had "failed". That was the language. Thank heaven that, for most children, those days have gone.

There was no proper vocational education at the local secondary modern. My two brothers went there and left without many qualifications or any preparation for working life whatsoever. In the 1980s, one of them went through a succession of so-called youth training schemes, stacking shelves, only to be "let go" days before his six months were up, when the company was supposed to offer a permanent job. What a great start to life that was.

I was fortunate enough to start at a grammar school. However, there were hierarchies among the grammars. There was a snobbery attached to the grant-maintained schools, all of which locally opted out to become private schools in the mid-1970s. Those hierarchies and snobberies explain why many of us are suspicious about the Bill, which creates yet another new class of schools—trust schools.

As I said, my grammar school went comprehensive. That was a painful process because it involved the merger of two schools—a grammar and a secondary

[Paul Farrelly]

modern—but once the pain was over I do not remember Marshlands high school being anything but the better for being a comprehensive. It was far more balanced—and we got girls for the first time, so perhaps I was biased. There was certainly no attachment to the old grammar school, the 11-plus and the all the disgraceful division associated with it, and since then there has been no call from any political party to go back to that system. However, the way in which it was done left an echo of selection that remains divisive to this day.

That time of reorganisation is full of great ironies. It is often said that the Secretary of State who turned more grammars into comprehensives was none other than Margaret Thatcher. And the Secretary of State who presided over the biggest expansion of private education, at least in my area, was a Labour Secretary of State who is now a Liberal Democrat and whose mother, coincidentally, comes from Newcastle-under-Lyme.

It was wrong then, and it is wrong now, that Labour has not followed through by fully addressing academic selection at such a young age. New clause 39 would address that historic anomaly, but not by imposition—it would allow for a ballot of parents of pupils and primary schools feeding grammar schools.

Mr. Brady: Does the hon. Gentleman share my concern that the highest levels of independent education often occur in the areas that have comprehensive schools, whereas the lowest levels often occur in areas such as mine, which have extremely high-performing selective education?

Paul Farrelly: When I was at my comprehensive in Newcastle-under-Lyme, I very much enjoyed going out to the ice rink at Altrincham. I can speak only for my area, where the historical legacy of the way in which the system was changed led to the expansion of private education, not the existence de facto of comprehensive schools.

I want to turn to the years before 1997 when I was campaigning in Chesham and Amersham in Buckinghamshire with my good friend Keith and other long-suffering Labour stalwarts such as my agent, Peter Ward. The area has some great secondary schools—high schools that are not grammars, such as Chesham high school. However, it would be wrong to say that as a result most parents to whom I spoke are happy with the selective system—quite the contrary. Many would welcome the opportunity of a change, or a proper debate about change, which new clause 39 would facilitate.

None of us would be supporting the new clauses if we did not believe that comprehensive education levels up, not down. My hon. Friend the Member for Bury, North quoted the evidence, which has remained unchallenged by Conservative Members. But there is another factor that is often overlooked. Selective schools, grammar and private, take out of the state system many of the very parents who are most likely to agitate for and contribute to better standards for every child in every school in every community.

I want to mention one another overlooked factor. In 2000, when, much to the horror of some of my former teachers, I became a governor of my old school, which is now Wolstanton high school, I was taken aback by its size. It had 1,200 pupils, compared with 600 when I was there. Whereas before it had teachers and form heads, it now had, like so many schools, senior management teams and lots of the bureaucracy involved with administering such a large establishment.

Mr. Hayes: The hon. Gentleman paints a misty-eyed—some would say myopic—view of the comprehensive ideal. Does he favour it in its original incarnation—one sort of school catering for all abilities in one way—or does he support the Government's view of academies, specialist schools, trust schools and a diversity of provision, whereby different children go to different sorts of school, depending on where they live?

Paul Farrelly: I favour schools with mixed ability that level up, not down, for everybody. Again, I cite the evidence to which my hon. Friend the Member for Bury, North referred. The Opposition have not challenged it.

Labour Members have rightly emphasised smaller class sizes. However, after so many school mergers, the implications of school sizes for teaching and attention to pupils and standards are often missing from the debate. I hope that that will receive attention in future.

We want all schools to be good schools, not factories, inclusive and not divisive, and to level up, not down, for everyone. We want schools that improve life chances for everyone, not only a minority, and we want all parents to have a say. I therefore urge hon. Members, especially my hon. Friend the Minister for Schools, to support new clause 39.

Mr. Brady: I am pleased to follow the hon. Member for Newcastle-under-Lyme (Paul Farrelly), especially as he revealed his early days of skating on the ice rink in Altrincham. That is obviously where he gained his taste for skating on thin ice.

I am delighted to follow my hon. Friends who have spoken, especially my hon. Friend the Member for Reading, East (Mr. Wilson), who obviously does an excellent job not only for his constituents, but for education. One of the most important aspects of his speech was a preparedness to talk about bad schools. One of the most damaging things in education is the number of people who find it convenient not to admit that bad schools exist. They tend to ignore them and they get away with it. My hon. Friend mentioned Reading local education authority's performance, with about 46 per cent. of children getting five or more good GCSEs. That is unacceptable. The hon. Member for South Swindon (Anne Snelgrove) intervened on him, and I believe that 50 per cent. of children in her LEA obtain five or more good GCSEs. That is also unacceptable. Such levels of achievement should not be tolerated.

Anne Snelgrove: I beg the hon. Gentleman's pardon—I was discussing going to get a cup of tea, so I was not entirely paying attention, but I believe that he

mentioned my local authority. We are doing several percentage points better than we were in 1997 when the Labour Government came to power.

Mr. Brady: The hon. Lady has fallen into the trap about which I was warning hon. Members—defending abysmal performance that should not be tolerated.I am delighted if the performance is marginally better, but getting 50 per cent. of children through five A* to C grade GCSEs is simply unacceptable.

Anne Snelgrove: Will the hon. Gentleman give way?

Mr. Brady: No, I have dealt with the point.

I have a specific obligation in the debate because, as hon. Members who heard my contributions on Second Reading know, my constituency and the borough of Trafford have the best performing schools in England. The system there is wholly selective and it would be an act of vandalism and stupidity to disrupt and damage it.

My hon. Friend the Member for Ashford (Damian Green), who also represents an area with selective education, made a point about the Liberal Democrats' contribution. I cannot resist picking up on that, especially given that the hon. Member for Brent, East (Sarah Teather) is again in her place, because my experience in Altrincham, like that of my hon. Friend in Kent, is that the Liberal Democrats support grammar schools and selective education. They know how popular they are with parents.

Mr. Khan: In the light of the hon. Gentleman's comments and those of the hon. Member for Reading, East (Mr. Wilson), why will he vote for the Bill, especially clause 36, which abolishes selection by ability and limits the ability of other areas to benefit from the fantastic schools that he mentioned?

Mr. Brady: I am prepared to support the Bill because the current Government and the future Government thankfully agree on one issue—the excellent education that is offered in my constituency and elsewhere in the borough of Trafford should remain. The Government and the Opposition are joining together on that—new clause 39 will be defeated. Good education in those areas can therefore continue.

Mr. Khan: That is precisely the point. While the status quo remains for the hon. Gentleman's constituents, he is denying others that right. If he supports that ethos, how can he support clause 36 or the Bill?

Mr. Brady: If the hon. Gentleman reads my remarks on Second Reading, he will see that I made some of these points then. There are of course other measures that I would like to see in the Bill or another education Bill. I have made that very clear.

I was about to make a point about the Liberal Democrats. My hon. Friend the Member for Ashford was concerned about whether the Liberal Democrat candidate in Ashford would be honest enough to communicate the position of the Liberal Democrats on these issues. Whether or not they do so, I would urge my hon. Friend to do as I intend to do, which is to take it upon myself to inform the local community of how the Liberal Democrats vote on the Bill today. It is essential that people understand where the Liberal Democrats stand on quality education, and I intend to ensure that they do.

Sarah Teather: When the hon. Gentleman makes that position clear, presumably he will also make it clear that new clause 39 would allow for a parental ballot. It would therefore allow grammar schools to exist if they were very popular in a particular area.

Mr. Brady: I will, but I was listening carefully to the hon. Lady's opening remarks on this subject—brief as they were—in which she made it clear that she opposed selection and grammar schools. I will be happy to give way to her again if she wants to make it clear that she in fact supports grammar schools and selection; otherwise, I will rely on the remarks that she has already placed on the record.

Sarah Teather: We have always made it clear that this is a matter for local discretion, just as new clause 39 allows.

5 pm

Mr. Brady: Well, there we are—as with everything else for the Liberal Democrats, this is a matter for local discretion.

The hon. Member for Bury, North (Mr. Chaytor) has pointed out that we have had this debate many times before, both inside and outside the House of Commons. I know that his views are as sincerely held as mine. I believe that he is profoundly mistaken, and he believes that I am. That is the way in which debates ought to be conducted.

Mr. Chaytor: I do not believe that the hon. Gentleman is mistaken. I know that his majority depends on the parents who send their children to Trafford grammar schools.

Mr. Brady: Well, the hon. Gentleman may be right, but his majority in Bury, North might prove more elusive than mine at the next election. I would have much more faith in the arguments that he advances—especially his argument for the maintenance of the balloting arrangement to mitigate the damage of his proposals—if he had put in his amendment a proposal that the ballots should be extended more widely to other communities. As I said in an earlier intervention, I might even have been tempted to vote for such a proposal.

I have no doubt whatever that the situation in my constituency would be similar to that in Kent, where the few campaigners against the grammar schools could get nowhere near the 5 per cent. threshold necessary to trigger a ballot. However, if such a ballot were to take place in my constituency, I am confident that the majority in favour of preserving the highest performing education system in the country would be at least as great as it was when such a vote took place in Ripon, albeit with a different type of electorate.

Mr. Chaytor: In that case, why is the hon. Gentleman so opposed to new clause 39? He should be supporting it, because it would give him the opportunity to prove once and for all that his pro-selection argument is supported by his constituents. Also, why is he not arguing for ballots in the other parts of Greater Manchester?

Mr. Brady: The hon. Gentleman knows that I do argue for precisely that, and not just in Greater Manchester. I advanced that case on Second Reading. I would be delighted if parents across the country were given the freedom to choose on this issue. He asks why I do not want to put this matter to the test in Trafford. He has already pointed out his own test, which is the test provided by the electorate. That is clearly why my majority has tripled in the past three general elections and why we have now regained control of Trafford borough council. Of course, if he were to advance the same cogent arguments that I do on this subject, he might still be gracing the House with his presence after the next general election, rather than merely until that time. I wish that he would come over to our side on this issue.

The hon. Gentleman talked about opinion polling, but he was slightly selective in his choice of statistics. He referred to a YouGov poll, which apparently took place last year, but did not allude to the ICM poll that took place in March this year—much more recently in the context of the debate about this Bill—which showed 70 per cent. support for more grammar schools. That, however, is not really the point. The fundamental point is what works in raising standards in education. He did not explain in his opening remarks why the borough of Trafford gets more than 70 per cent. of children through five or more good GCSEs, whereas the borough of Bury, which he represents, gets only 58 per cent. through. I have been trying to get that explanation from him for months if not years, so I would be delighted to listen to what he has to say.

Mr. Chaytor: If I did not explain that then, I shall explain it now. The borough of Trafford sucks in children from the whole of Greater Manchester, and the higher standards of Trafford are achieved at the expense of lower standards in Manchester, Salford, Wigan, Warrington and the county of Cheshire. It is simple.

Mr. Brady: I assure the hon. Gentleman that he does not know my borough as well as I do. If he did, he would know that those who are sucked in, as he put it, by the high-quality schools available in the borough come in many cases from much more deprived areas, such as Wythenshawe on the Manchester side of the boundary. I am afraid that there is no cogency to the point that he makes.

Similarly, the hon. Gentleman alluded to the education system and performance in Northern Ireland without, astonishingly, mentioning that Northern Ireland gets the best GCSE results in the whole of the United Kingdom. It is scandalous that the Government intend to proceed to abolish Northern Ireland's grammar schools, which, together with its high schools, achieve the best results in the whole country. He did not seek to apply his balloting regime there. Apparently, he is happy for Labour Ministers—from a party that is not even represented in Northern Ireland—to act over the heads of the people of Northern Ireland, the massive of majority of whom, when there was consultation on the subject, supported keeping the system as it is.

Sammy Wilson (East Antrim) (DUP): Does the hon. Gentleman also accept that the selective education system in Northern Ireland not only provides better results but better social mobility?

Mr. Brady: I absolutely accept that it does, and that is also the case in other areas that retain selective education. Of course, in many areas where there are grammar schools, they are enormously popular, especially with some ethnic minority populations, who find them a way of raising their achievements and increasing their opportunities in life.

The hon. Member for Bury, North talked about a consensus on this issue, and there is a sort of consensus developing—*[Interruption.]* He says from a sedentary position that I am not part of it, and he may be right. It is a funny kind of consensus, however. The Government and the Opposition agree that existing grammar schools and selective areas should be left alone because they work so well. My hon. Friend the Member for Bognor Regis and Littlehampton (Mr. Gibb) also made it clear that the quality of education can be improved by teaching to a smaller section of the ability range, which is why setting and streaming works to raise standards in schools. Again, that is a point of consensus between Government and Opposition.

In my view, that is also a reason why academic selection between schools works, as my hon. Friend generously acknowledged by paying tribute to Wellington high school in my constituency, which gets outstanding results. It is not the only high school that does so. Most high schools in Trafford, and all those in my constituency, are achieving fantastic results and could not be described in any sense as failing. They also perform particularly well in the value-added league tables. Altrincham college of arts, a high school in my constituency, is the best-performing school in the borough of Trafford in that regard. As I also pointed out to my hon. Friend, however, and as he accepted, the figures for valued-added performance also show that grammar schools get remarkably good results. That completely confounds the argument so often advanced that grammar schools do well simply because they admit bright children. They admit them, but they then raise standards of attainment even more than other schools would have done. That is why, on the value-added basis, 18 of the 21 best performing schools in the country for 11 to 14-year-olds are grammar schools.

The high level of performance in selective education authorities is shown in Trafford and across the country in the value-added league tables. It is also shown in the figures that I provided on Second Reading about standards from high-performing LEAs at primary level being maintained into secondary education. The comparison that I mentioned then was between Trafford and the borough of Richmond-upon-Thames.

Trafford starts off being second in the country at primary level and goes up to first place at secondary level; Richmond starts out first in the country at primary level, slipping down to 65th place at secondary level. The point is also borne out by the number of selective education authorities that are at the top of the performance tables, year in, year out.

The first part of the consensus is to keep selective education where it exists because it works, and the second part is to maintain and increase selection within schools also because it works. Almost everyone believes that that is a way of raising educational standards within comprehensive schools. However, another issue should be dealt with. It relates to another part of the consensus, which appears to be that there should be no more selective education, even if it would work. As I made clear on Second Reading, I have no desire to impose a new system nationwide. All the arguments about the dangers of disrupting selective systems could be said to apply equally to comprehensive systems. It is generally a bad thing to march in from Whitehall and attempt to reorder and re-engineer the provision of local services by diktat. I would not support that in any way, but I hope that we will, in time, move to a more thoughtful and more open-minded consensus—one built only on what works and what parents want for their children. In doing so, we will certainly defeat new clause 39, but I also hope that we will endorse a much more diverse provision of education, which should include some academically selective schools, especially in our cities.

Martin Linton (Battersea) (Lab): I shall speak briefly to amendment No. 112, but I do not advise hon. Members to reach for the amendment paper to see what it says because it is gobbledegook. What is does, however, is to close an unintended loophole in the Schools Standards and Framework Act 1998, under which an adjudicator could increase the level of selection at a partially selective school back up to the 1998 level. Thus, if a school selected 50 per cent. of its pupils in 1998 and has since been instructed by the adjudicator to decrease it to 25 per cent., it would be open to the adjudicator to increase it back up to 50 per cent.

If anyone thinks that that is not what Parliament intended, I would agree, but Parliament only passes the law and the judges decide what it means. In this case, Mr. Justice Collins decided in the High Court a couple of years ago that the true meaning of section 100 of the 1998 Act was not that there could be no increase in selection, which is what we thought that it meant, but that there could be no increase above the level that obtained in 1998. A group of parents in my borough asked the adjudicator to increase selection at two partially selective schools in the constituency of my hon. Friend the Member for Tooting (Mr. Khan) from 25 to 50 per cent.

I am glad to say that, on this occasion, the adjudicator did not accede to the request, but she stated in her determination of September 2004 that it would be within her power to agree an increase to 50 per cent. I put it to my hon. Friends that, if there were such an increase from 25 to 50 per cent. in a partially selective school, we could hardly view it as agreeing with our election promise to have no new selection. Indeed, we could hardly justify it by saying that it is not an increase in comparison with 1998.

5.15 pm

Mr. Khan: Is not one of the problems that that loophole allows the possibility of future sets of children and their parents being made miserable by the annual wait for year 6 results? If a school is allowed to increase from 25 to 50 per cent, those whom it selects by ability, the number of those who come in because of their siblings, proximity or special needs is reduced.

Martin Linton: I agree with my hon. Friend and constituency neighbour, who knows all too well that the effect of selection in the partially selective schools in his constituency has a very big effect on other parents of year 6 children in his constituency and, indeed, in mine.

Significantly, the mistake was not made in the admissions code of practice, which does not use the 1998 level as its benchmark but says that selection cannot be raised if it has been continuous since that time. However, the code of practice was not mandatory. Unfortunately, the 1998 Act causes the problem. That Act was never intended to say what the judge says that it meant. I spoke to my right hon. Friend the Member for Norwich, South (Mr. Clarke), who was the Secretary of State for Education and Skills when Mr. Justice Collins made his ruling, and I have a letter from his Under-Secretary—Stephen Twigg, whom we all miss, I am sure—who wrote:

> "It was not widely expected that schools that had been compelled by the Adjudicator to reduce the level of partial selection would be able to raise it again. Nor was this our intent when we introduced this provision."

The then Minister went on to say that

> "we may want to amend the School Standards and Framework Act at some time in the future".

The time has come; the opportunity is here.

I raised the issue with the Secretary of State for Communities and Local Government and I understood that she would consider it in Committee. It has not yet been dealt with, so I have tabled an amendment that would deliver what the School Standards and Framework Act 1998 intended, what we meant when we said, "No new selection", and what most of my constituents and, I am sure, those of my hon. Friends are expecting.

My right hon. Friend the Secretary of State for Education and Skills and the Under-Secretary of State for Education and Skills, my hon. Friend the Member for Corby (Phil Hope), both of whom were educated in my constituency, will understand when I say that, when the 1998 Act was passed, there was in my constituency one of the six lowest performing schools in the country—not the one that they went to—and its performance was worse than that of any school in Liverpool, Manchester or Leeds. Since that Act was passed, that school has dramatically improved its pass rate from 4 per cent. to more than 30 per cent., partly because the partially selective schools in the neighbouring constituency were forced to stop taking the most academically gifted children from our borough.

The adjudicator forced those schools to reduce academic selection in successive steps from 50 to 33 to

[Martin Linton]

30 and then to 25 per cent. The head teacher and the staff of that school, having rolled that heavy boulder up from the bottom of the hill to the top, are now on the verge of a bright new future, as an academy. I want to be able to assure them that that process will not be suddenly reversed by an adjudicator who can decide to increase the proportion of selective schools, with all the devastating consequences that that would have for the other schools in the borough.

I wish to say a brief word about new clause 39, tabled by my hon. Friend the Member for Bury, North (Mr. Chaytor). I am a great admirer of the work that he does with Comprehensive Future—a total supporter—and I believe that it is important to keep hold of the fact that ballots in fully selective areas of the country and adjudicators in respect of areas with partially selective schools are the two means by which we can gradually reduce and then I hope, one day, eliminate the use of academic selection in secondary schools.

I welcome the new cross-party consensus—although it does not appear to have reached all Opposition Members—the logical conclusion of which is that we must make ballots and the adjudicator system work. With my brief amendment, I am trying to ensure that the adjudicator system works in the way that we intended. My hon. Friend is trying to improve the ballots system, but I fear that putting the onus on supporters of grammar schools to call for referendums may make it easer for them to run "Save our grammar schools" and "Vote no to abolition" campaigns, and to have the upper hand in referendums. I am not convinced that reversing the current system and providing for ballots opposing abolition would advance the cause that my hon. Friend and I both support. For that reason I shall not vote for his new clause, but I should like the Minister to say what the Government intend to do about this loophole.

Mr. Binley: I realise that time is short, so I shall be brief, but I cannot resist commenting on the fact that the only member of the present Cabinet who went to a secondary modern school is the Deputy Prime Minister. I wonder whether Labour Members might tell me whether he and, indeed, I are good examples of that system. They might like to come up to me in the bar and let me know privately.

I can reassure the Secretary of State and his Ministers that my speech will be non-contentious, and that mine is a simple, innocuous, highly non-political, immensely practical and, I hope, entirely helpful new clause. It provides:

"Any child of staff currently serving at a maintained school shall be eligible for preferential admission at the discretion of the school governors."

I hope that the Secretary of State will jump to his feet and say immediately that he wants the new clause to be included in the Bill. If he does, I will of course sit down.

Anne Snelgrove: Will the hon. Gentleman give way?

Mr. Binley: I see that the Secretary of State is not moving all that quickly, so I will.

Anne Snelgrove: I think that the hon. Gentleman will be disappointed. The draft code for admissions specifically bans what he is proposing.

Mr. Binley: I am delighted that that point has been made, because I expected it and am therefore able to reject it.

The Bill states that there can be equal preference for admission, but that is not strictly true, and I can cite a number of cases in which it has proved not to be true. A school can include in its admissions policy the provision that, if it is oversubscribed, it will have to choose from an excess of applicants. It can give preference to those living in certain areas, and thus less preference to those outside those areas; it can give preference to children with a medical need, and thus less preference to those without such need; and it can give preference to children with siblings already at the school. So it is not quite right to say that equal preference should be pursued.

It would be perfectly possible, within that framework, for school governors to give preference to the admission of children of staff, and that is what my new clause seeks to allow. It seeks to give preference to teachers with one or two children whom they might wish to go to the school in which they teach. There is good reason for that proposal. We argue, again and again, that we want ladies, in particular, who have had children and who have been teachers to return to teaching.

Ian Stewart (Eccles) (Lab): Who, other than ladies, can have children?

Mr. Binley: I reject that sedentary observation. I shall ignore it, and continue my remarks to the Secretary of State.

There are ladies whom we want to attract back to the profession. I believe that the new clause would give ladies a major boost, and would help to attract them back to teaching when their families are growing up. I ask the Secretary of State to consider the new clause. I recognise that it is not the most vital part of this debate, but it would help a number of teachers returning to the profession, and it could well help in those areas where we particularly need to attract experienced teachers.

Jim Knight: We have had a lively debate on school admissions. The Bill creates a more equitable and transparent admissions process for parents and children. Labour Members have always been opposed to any extension of selection by academic ability, and the Bill reaffirms that stance. I am delighted that we have now won the argument, with the Opposition today agreeing that, far from having a grammar school in every town, there should be no new selection. That is a great victory for progressive politics. Perhaps the hon. Member for Bognor Regis and Littlehampton (Mr. Gibb) will have to inform one or two of his Back-Bench colleagues about that policy; they did not seem to be that informed about it during the debate. Nevertheless, we welcome it.

It will be unlawful for any school to introduce selection by ability to its admission arrangements, or, if

it already selects part of its intake by ability, to increase its level of selection. I shall address in a little while the points that my hon. Friend the Member for Battersea (Martin Linton) made about that issue.

Schools that set their own admissions arrangements need to know what is and is not acceptable, so that parents are treated fairly. Clause 37 sets those limits by creating a new, stronger schools admissions code with which admissions authorities must act in accordance. The skeleton code that was issued to Members in Committee and circulated among the educational community has been widely welcomed. Opposition Members seek to undermine the new, stronger code through amendments Nos. 103 and 104, and I strongly urge the House to oppose them.

5.30 pm

We will ban interviews as part of the school admissions process. They have long been perceived by many to be an unfair and subjective means of deciding which applicants should be offered school places, and the provision banning them has been widely welcomed.

Members in all parts of the House asked for more to be done to give priority for admission to looked-after children. I am delighted that in Committee, clauses 43 to 47 were inserted to give local authorities powers to direct the admission of children in public care to appropriate schools, in order to ensure that that most vulnerable group is not disadvantaged in the admissions process. Of course, we have considered how schools and local authorities can work together to ensure that admissions processes work for parents, take account of local circumstances and do not restrict fair access. We believe that we have provided helpful clarification, and that the Bill's provisions will ensure a fairer admissions process.

New clauses 24 and 46 and amendment No. 95 illustrate the concern, shared by Members in all parts of the House, that some admissions authorities might not administer their arrangements fairly. The proposal is to give local authorities or some other, more independent body responsibility for allocating places to all maintained schools, by considering applications against published admissions criteria.

I fully appreciate Members' motives in proposing the new clauses and amendment, but we are already taking the right steps to create a fairer admissions system. We now have a single-form application via the local authority, and we have created a robust system of checks and balances. Legislation and the schools admissions code establish parameters within which admissions arrangements must be set and operated. The schools adjudicator and the Secretary of State both have a role to play in dealing with complaints and objections. Under the current system, individual admissions authorities are accountable for decisions to permit or refuse admission to their schools. We do not want to change that, particularly because they, as individual admissions authorities, might be better placed to consider applications against their own admission arrangements—especially where they relate to faith criteria or require an aptitude assessment.

As I said in Committee, there is nothing to prevent schools and local authorities from agreeing, through their admissions forum, to take such an approach if their admissions arrangements lend them to it. Indeed, I am interested to know whether any areas are keen to pilot that approach, so that we can learn from it. I hope that Members will accept that as a sign that we are relatively relaxed about that approach, and that we do not feel the need to include such a statutory requirement in the Bill.

Sarah Teather: When we discussed this issue in Committee, I pointed out that there was no reason why faith criteria could not be taken into account. A letter from a priest could be appended to an application or a tick box could be added to the form to say what criteria were required. We welcome the Minister's comments about pilots, but will he actively encourage them or is he simply trying to prevent us from voting against the Bill?

Jim Knight: If there are admissions forums that want to pursue the hon. Lady's first point, my officials would be interested. It would have to be with the agreement of the members of the forum. For example, the faith communities would want to be happy with it and, at the moment, some are cautious. They are certainly cautious about who is best placed to make judgments about faith criteria—

Mr. Chaytor: My hon. Friend will know that new clause 24 is very similar to new clause 46, which I tabled, and I welcome the assurances given. Can he give us some idea of the timescale for the process of working towards those pilot schemes?

Jim Knight: I cannot give my hon. Friend a definite commitment on timescale. We have to allow time for the new admissions forums to be set up in their new form. In many cases, they will be significantly enlarged, and they need to identify the core members and elect the chair. We need some time for the arrangements to bed in before we have any idea about an accurate timetable. I fear that I might mislead my hon. Friend were I to give him anything concrete.

Paul Farrelly: My hon. Friend raises the interesting and practical idea of pilot schemes. Would he consider piloting trust schools until they are proven to raise standards as the Government hope they will?

Jim Knight: Foundation schools, including those with trusts, are already proven. They have effectively been piloted already, and we had that debate last night, as I recall.

I turn to the amendments on selection, as I imagine that that is why most hon. Members are present for this debate. The Government do not support the extension of selection by ability. I do not like selection. That has been our stance since 1997 and clause 36 reaffirms our stance that selection by academic ability cannot lawfully be introduced. But the Bill is not about imposing our view on structures centrally. It is an enabling Bill, and we want to encourage schools of all kinds to work together to benefit all pupils.

Clause 48 on pupil banding is an example of how we are enabling schools to adopt such arrangements, which will widen access and provide an intake that is

[Jim Knight]

more representative of the range of ability of all applicants. Banding is not about selection. In fact, children cannot pass or fail a banding test. What happens is that children are allocated to ability bands and places are allocated from each of those in a non-selective way to produce a comprehensive intake. Although some banding schools run tests to assess ability and allocate to bands, it is not absolutely necessary to run separate tests for that. In Lewisham, where all schools band, the results of QCA year 5 SATS tests are used to allocate children to appropriate bands, so no additional testing is required. We will advocate the use of that means of assessing ability in the code.

Amendment No. 110 seeks to prevent the introduction of banding by removing clause 48. I believe that pupil banding arrangements have a key role in reducing social segregation in an area. The new flexibilities on banding are important because they will allow schools situated in areas of traditional high academic attainment to send out a positive message that they are also there to serve less able pupils who might not gain entry if the school banded simply to admit local residents. That, coupled with our reforms of pupil transport, will increase opportunities for less affluent children, and I encourage anyone who wants to see a more equitable admissions system to support clause 48 and oppose amendment No. 110.

Amendments Nos. 119 to 122 would go further and remove all selection by ability, including banding. New clause 39 would discontinue all selection except for banding purposes from all schools, unless local parents have voted in favour of its retention.

In 1997, the Government made a commitment to leave it to parents and governors to decide the future of their grammar schools. The spirit of this Bill honours that commitment, as it does not impose any structure on any school. Grammar school governing bodies can bring forward proposals to remove selective arrangements, and the appropriate mechanisms are already in place to enable parents to challenge the continuation of selection in their local schools.

Ms Keeble: Will my hon. Friend the Minister deal with the point about the readmission of excluded pupils?

Jim Knight: I have every intention of doing so, but I felt that many colleagues wanted to hear what I had to say about grammar schools.

As we have heard, parents have organised a number of petitions about grammar schools, but only one has gathered sufficient support to prompt a ballot. I always listen to the opinions of my hon. Friend the Member for Bury, North (Mr. Chaytor) with great care, as he has great knowledge and wisdom and adopts an instinctively progressive point of view. However, the evidence suggests that it would be neither productive nor cost effective for the Government to organise ballots across the country, given that there has been so little call for them so far.

My hon. Friend the Member for Battersea (Martin Linton) admitted that his amendment No. 112 read like gobbledegook, but it would prevent schools with partially selective admissions arrangements from increasing the proportion of children selected. In addition, if the schools adjudicator has upheld an objection and reduced a school's level of selection, the amendment would prevent that school from reinstating its original level of selection later.

As I said, I appreciate that it is still possible for the admissions authority to restore the proportion of intake that is selected, even though we have moved to make sure that the decision of the schools adjudicator will stick for two years. However, the loophole uncovered by my hon. Friend the Member for Battersea goes against the Government's commitment to no new selection—a commitment now shared by the Opposition—and I shall look at ways to bring forward an amendment in another place to close it.

I turn now to the arrangements for admissions to academies, about which I know that my hon. Friend the Member for Northampton, North (Ms Keeble) is especially concerned. I recognise that there are concerns that academies should be subject to the same admission rules that apply to maintained schools. New clause 47 highlights that concern by seeking to require academies to consult on their arrangements and take part in a co-ordinated admissions process, and it would also require objections about those arrangements to be made to the schools adjudicator. However, the Secretary of State already places those conditions on academies through their funding agreements. Moreover, he, rather than the adjudicator, determines objections to their admissions arrangements. That means that we already have the power that my hon. Friend is looking for, although it is expressed in a different way.

The funding agreement goes further, requiring academies to comply with admissions legislation and to have regard to the school admissions code of practice. Once clause 37 is enacted, academies will also have to act in accordance with the new schools admissions code. I hope that that reassurance is sufficient for my hon. Friend the Member for Northampton, North.

I want to allow the hon. Member for Brent, East to wind up the debate, and I apologise that there is not enough time for me to tackle all the amendments. However, I think that we dealt in Committee with the arguments in respect of the ones that remain, and I urge that they be withdrawn.

In conclusion, this Bill addresses the needs of parents and children, while at the same time setting a sensible framework in which school admission authorities must operate. It allows a degree of flexibility to take account of local circumstances, but it also provides clear parameters.

We want an admissions process that allows parents to choose schools, rather than schools choosing parents. Ruling out admissions interviews, strengthening the status of the admissions code and giving forums greater responsibilities and powers will all help to achieve that aim.

Sarah Teather: I am grateful to the Minister for his recognition that distortion of admissions policy occurs on the ground, unlike Conservative Front-Bench Members who were unwilling to accept that fact.

I am pleased that the Minister has indicated that he will look at pilots, but I would have had more confidence in his commitment to do so if he had drafted a permissive clause or enabling regulations, such as those on banding or transport, so that the pilots can go ahead. My fear is that under pressure, perhaps from faith schools, the proposal will be kicked into the long grass. It is a point of principle for the Liberal Democrats. We are not willing to support greater freedom for schools to control their admissions without extra safeguards.

Despite the Minister's assurances, I shall have to test the opinion of the House on the new clause. We want the provision to be included. I hope that, perhaps in the other place, the Government will consider drafting enabling regulations or a permissive clause so that safeguards can be included in the Bill.

Question put, That the clause be read a Second time:—

The House divided: Ayes 87, Noes 443.

Division No. 252] **[5.40 pm**

AYES

Baker, Norman
Barrett, John
Brake, Tom
Breed, Mr. Colin
Brooke, Annette
Browne, Mr. Jeremy
Burgon, Colin
Burstow, Mr. Paul
Cable, Dr. Vincent
Campbell, rh Sir Menzies
Carmichael, Mr. Alistair
Chaytor, Mr. David
Clapham, Mr. Michael
Clegg, Mr. Nick
Corbyn, Jeremy
Crausby, Mr. David
Davey, Mr. Edward
Davidson, Mr. Ian
Devine, Mr. Jim
Dobbin, Jim
Dobson, rh Frank
Farrelly, Paul
Farron, Tim
Featherstone, Lynne
Fisher, Mark
Foster, Mr. Don
George, Andrew
Gibson, Dr. Ian
Godsiff, Mr. Roger
Goldsworthy, Julia
Grogan, Mr. John
Hall, Patrick
Hamilton, Mr. David
Hancock, Mr. Mike
Harris, Dr. Evan
Harvey, Nick
Havard, Mr. Dai
Heath, Mr. David
Hemming, John
Heyes, David
Holmes, Paul
Hopkins, Kelvin
Horwood, Martin
Hughes, Simon
Huhne, Chris
Hunter, Mark
Jackson, Glenda
Keetch, Mr. Paul
Kennedy, rh Mr. Charles
Kramer, Susan
Lamb, Norman
Laws, Mr. David
Leech, Mr. John
McCafferty, Chris
McDonnell, John
Moore, Mr. Michael
Mudie, Mr. George
Mulholland, Greg
Oaten, Mr. Mark
Öpik, Lembit
Prentice, Mr. Gordon
Pugh, Dr. John
Purchase, Mr. Ken
Reid, Mr. Alan
Rennie, Willie
Riordan, Mrs. Linda
Rogerson, Mr. Dan
Russell, Bob
Short, rh Clare
Simpson, Alan
Smith, Sir Robert
Soulsby, Sir Peter
Stunell, Andrew
Swinson, Jo
Taylor, Matthew
Teather, Sarah
Thurso, John
Trickett, Jon
Truswell, Mr. Paul
Vis, Dr. Rudi
Walley, Joan
Webb, Steve
Williams, Mark
Williams, Stephen
Willis, Mr. Phil
Willott, Jenny
Wood, Mike
Younger-Ross, Richard

Tellers for the Ayes:
Mr. Roger Williams and Paul Rowen

NOES

Abbott, Ms Diane
Afriyie, Adam
Ainger, Nick
Ainsworth, Mr. Peter
Alexander, rh Mr. Douglas
Allen, Mr. Graham
Anderson, Mr. David
Arbuthnot, rh Mr. James
Armstrong, rh Hilary
Atkinson, Mr. Peter
Austin, Mr. Ian
Austin, John
Bacon, Mr. Richard
Bailey, Mr. Adrian
Baird, Vera
Baldry, Tony
Balls, Ed
Banks, Gordon
Barlow, Ms Celia
Baron, Mr. John
Battle, rh John
Bayley, Hugh
Beckett, rh Margaret
Begg, Miss Anne
Bell, Sir Stuart
Bellingham, Mr. Henry
Benn, rh Hilary
Benton, Mr. Joe
Benyon, Mr. Richard
Bercow, John
Beresford, Sir Paul
Berry, Roger
Betts, Mr. Clive
Binley, Mr. Brian
Blackman, Liz
Blackman-Woods, Dr. Roberta
Blears, rh Hazel
Blunt, Mr. Crispin
Bone, Mr. Peter
Borrow, Mr. David S.
Boswell, Mr. Tim
Bottomley, Peter
Bradshaw, Mr. Ben
Brady, Mr. Graham
Brazier, Mr. Julian
Brennan, Kevin
Brown, rh Mr. Gordon
Brown, Lyn
Brown, rh Mr. Nicholas
Brown, Mr. Russell
Browne, rh Des
Browning, Angela
Bryant, Chris
Buck, Ms Karen
Burden, Richard
Burnham, Andy
Burns, Mr. Simon
Burrowes, Mr. David
Burt, Alistair
Butler, Ms Dawn
Butterfill, Sir John
Byers, rh Mr. Stephen
Byrne, Mr. Liam
Cabom, rh Mr. Richard
Cairns, David
Campbell, Mr. Alan
Campbell, Mr. Gregory
Carswell, Mr. Douglas
Cash, Mr. William
Caton, Mr. Martin
Cawsey, Mr. Ian
Clappison, Mr. James
Clark, Greg
Clark, Paul
Clarke, rh Mr. Charles
Clarke, rh Mr. Kenneth
Clarke, rh Mr. Tom
Clifton-Brown, Mr. Geoffrey
Clwyd, rh Ann
Coaker, Mr. Vernon
Coffey, Ann
Cohen, Harry
Conway, Derek
Cooper, Rosie
Cooper, Yvette
Cormack, Sir Patrick
Cousins, Jim
Cox, Mr. Geoffrey
Crabb, Mr. Stephen
Creagh, Mary
Cunningham, Mr. Jim
Cunningham, Tony
Curtis-Thomas, Mrs. Claire
Darling, rh Mr. Alistair
David, Mr. Wayne
Davies, David T.C. *(Monmouth)*
Davies, Mr. Quentin
Dean, Mrs. Janet
Dhanda, Mr. Parmjit
Dismore, Mr. Andrew
Djanogly, Mr. Jonathan
Dodds, Mr. Nigel
Donaldson, Mr. Jeffrey M.
Donohoe, Mr. Brian H.
Doran, Mr. Frank
Dorrell, rh Mr. Stephen
Dorries, Mrs. Nadine
Drew, Mr. David
Duncan, Mr. Alan
Duncan Smith, rh Mr. Iain
Dunne, Mr. Philip
Eagle, Angela
Eagle, Maria
Efford, Clive
Ellman, Mrs. Louise
Ellwood, Mr. Tobias
Engel, Natascha
Ennis, Jeff
Etherington, Bill
Evans, Mr. Nigel
Evennett, Mr. David
Fabricant, Michael
Fallon, Mr. Michael
Field, rh Mr. Frank
Field, Mr. Mark
Fitzpatrick, Jim
Flello, Mr. Robert
Flint, Caroline
Flynn, Paul
Follett, Barbara
Foster, Mr. Michael *(Worcester)*
Foster, Michael Jabez *(Hastings and Rye)*
Fox, Dr. Liam
Francis, Dr. Hywel
Francois, Mr. Mark
Fraser, Mr. Christopher
Gapes, Mike
Gardiner, Barry
Garnier, Mr. Edward

Gauke, Mr. David
George, rh Mr. Bruce
Gerrard, Mr. Neil
Gibb, Mr. Nick
Gilroy, Linda
Goggins, Paul
Goodman, Helen
Goodman, Mr. Paul
Goodwill, Mr. Robert
Gove, Michael
Gray, Mr. James
Grayling, Chris
Green, Damian
Greening, Justine
Greenway, Mr. John
Grieve, Mr. Dominic
Griffith, Nia
Griffiths, Nigel
Gummer, rh Mr. John
Gwynne, Andrew
Hague, rh Mr. William
Hain, rh Mr. Peter
Hamilton, Mr. Fabian
Hammond, Mr. Philip
Hands, Mr. Greg
Hanson, Mr. David
Harman, rh Ms Harriet
Harper, Mr. Mark
Harris, Mr. Tom
Hayes, Mr. John
Heald, Mr. Oliver
Healey, John
Heathcoat-Amory, rh Mr. David
Hendrick, Mr. Mark
Hendry, Charles
Hepburn, Mr. Stephen
Heppell, Mr. John
Herbert, Nick
Hesford, Stephen
Hewitt, rh Ms Patricia
Hill, rh Keith
Hillier, Meg
Hoban, Mr. Mark
Hodgson, Mrs. Sharon
Hoey, Kate
Holiobone, Mr. Philip
Hood, Mr. Jimmy
Hoon, rh Mr. Geoffrey
Hope, Phil
Horam, Mr. John
Howard, rh Mr. Michael
Howells, Dr. Kim
Hughes, rh Beverley
Humble, Mrs. Joan
Hunt, Mr. Jeremy
Hurd, Mr. Nick
Hutton, rh Mr. John
Iddon, Dr. Brian
Illsley, Mr. Eric
Ingram, rh Mr. Adam
Irranca-Davies, Huw
Jack, rh Mr. Michael
James, Mrs. Siân C.
Jenkin, Mr. Bernard
Jenkins, Mr. Brian
Johnson, rh Alan
Johnson, Mr. Boris
Johnson, Ms Diana R.
Jones, Mr. David
Jones, Helen
Jones, Mr. Kevan
Jones, Mr. Martyn
Jowell, rh Tessa
Joyce, Mr. Eric
Kaufman, rh Sir Gerald
Kawczynski, Daniel
Keeble, Ms Sally
Keeley, Barbara
Keen, Ann
Kelly, rh Ruth
Kemp, Mr. Fraser
Kennedy, rh Jane
Khabra, Mr. Piara S.
Khan, Mr. Sadiq
Kidney, Mr. David
Kirkbride, Miss Julie
Knight, Jim
Kumar, Dr. Ashok
Ladyman, Dr. Stephen
Laing, Mrs. Eleanor
Lait, Mrs. Jacqui
Lammy, Mr. David
Lancaster, Mr. Mark
Lansley, Mr. Andrew
Laxton, Mr. Bob
Lazarowicz, Mark
Lepper, David
Letwin, rh Mr. Oliver
Levitt, Tom
Lewis, Mr. Ivan
Lewis, Dr. Julian
Liddell-Grainger, Mr. Ian
Lidington, Mr. David
Lilley, rh Mr. Peter
Linton, Martin
Lloyd, Tony
Loughton, Tim
Love, Mr. Andrew
Lucas, Ian
Luff, Peter
MacDougall, Mr. John
Mackay, rh Mr. Andrew
Mackinlay, Andrew
Maclean, rh David
MacShane, rh Mr. Denis
Mactaggart, Fiona
Mahmood, Mr. Khalid
Malik, Mr. Shahid
Malins, Mr. Humfrey
Mallaber, Judy
Mann, John
Maples, Mr. John
Marris, Rob
Marsden, Mr. Gordon
Marshall, Mr. David
Martlew, Mr. Eric
Maude, rh Mr. Francis
May, rh Mrs. Theresa
McAvoy, rh Mr. Thomas
McCabe, Steve
McCarthy, Kerry
McCarthy-Fry, Sarah
McCartney, rh Mr. Ian
McCrea, Dr. William
McDonagh, Siobhain
McDonnell, Dr. Alasdair
McFadden, Mr. Pat
McFall, rh Mr. John
McGovern, Mr. Jim
McGuire, Mrs. Anne
McIntosh, Miss Anne
McIsaac, Shona
McKechin, Ann
McKenna, Rosemary
McLoughlin, rh Mr. Patrick
McNulty, Mr. Tony
Meacher, rh Mr. Michael
Meale, Mr. Alan
Mercer, Patrick
Merron, Gillian
Michael, rh Alun
Milburn, rh Mr. Alan
Miliband, rh David
Miliband, Edward
Miller, Mrs. Maria
Milton, Anne
Mitchell, Mr. Andrew
Moffat, Anne
Moffatt, Laura
Mole, Chris
Moon, Mrs. Madeleine
Moran, Margaret
Morden, Jessica
Morgan, Julie
Morley, Mr. Elliot
Moss, Mr. Malcolm
Mountford, Kali
Mullin, Mr. Chris
Munn, Meg
Murphy, Mr. Denis
Murphy, Mr. Jim
Murrison, Dr. Andrew
Newmark, Mr. Brooks
Norris, Dan
O'Brien, Mr. Mike
O'Brien, Mr. Stephen
O'Hara, Mr. Edward
Olner, Mr. Bill
Osborne, Mr. George
Osborne, Sandra
Paice, Mr. James
Paisley, rh Rev. Ian
Palmer, Dr. Nick
Paterson, Mr. Owen
Pearson, Ian
Pelling, Mr. Andrew
Penrose, John
Pickles, Mr. Eric
Plaskitt, Mr. James
Pope, Mr. Greg
Pound, Stephen
Prentice, Bridget
Prescott, rh Mr. John
Primarolo, rh Dawn
Prisk, Mr. Mark
Pritchard, Mark
Prosser, Gwyn
Purnell, James
Rammell, Bill
Randall, Mr. John
Raynsford, rh Mr. Nick
Redwood, rh Mr. John
Reed, Mr. Andy
Reed, Mr. Jamie
Rifkind, rh Sir Malcolm
Robathan, Mr. Andrew
Robertson, Hugh
Robertson, John
Robertson, Mr. Laurence
Robinson, Mr. Geoffrey
Robinson, Mrs. Iris
Robinson, Mr. Peter
Rooney, Mr. Terry
Roy, Mr. Frank
Ruane, Chris
Ruddock, Joan
Ruffley, Mr. David
Russell, Christine
Ryan, Joan
Salter, Martin
Sarwar, Mr. Mohammad
Scott, Mr. Lee
Seabeck, Alison
Selous, Andrew
Shapps, Grant
Sheerman, Mr. Barry
Shepherd, Mr. Richard
Sheridan, Jim
Simmonds, Mark
Simon, Mr. Siôn
Simpson, David
Simpson, Mr. Keith
Skinner, Mr. Dennis
Slaughter, Mr. Andrew
Smith, rh Mr. Andrew
Smith, Ms Angela C. *(Sheffield, Hillsborough)*
Smith, Angela E. *(Basildon)*
Smith, rh Jacqui
Smith, John
Snelgrove, Anne
Soames, Mr. Nicholas
Spellar, rh Mr. John
Spelman, Mrs. Caroline
Spicer, Sir Michael
Spink, Bob
Spring, Mr. Richard
Stanley, rh Sir John
Starkey, Dr. Phyllis
Steen, Mr. Anthony
Stewart, Ian
Straw, rh Mr. Jack
Streeter, Mr. Gary
Stuart, Ms Gisela
Stuart, Mr. Graham
Sutcliffe, Mr. Gerry
Swayne, Mr. Desmond
Swire, Mr. Hugo
Syms, Mr. Robert
Tami, Mark
Tapsell, Sir Peter
Taylor, David
Taylor, Mr. Ian
Thomas, Mr. Gareth
Thornberry, Emily
Timms, Mr. Stephen
Tipping, Paddy
Todd, Mr. Mark
Touhig, Mr. Don
Tredinnick, David
Twigg, Derek
Tyrie, Mr. Andrew
Ussher, Kitty
Vaizey, Mr. Edward
Vara, Mr. Shailesh
Vaz, Keith
Viggers, Peter
Villiers, Mrs. Theresa
Walker, Mr. Charles
Wallace, Mr. Ben
Waltho, Lynda
Waterson, Mr. Nigel
Watkinson, Angela
Watson, Mr. Tom
Watts, Mr. Dave
Whitehead, Dr. Alan
Wicks, Malcolm

Wiggin, Bill
Willetts, Mr. David
Williams, rh Mr. Alan
Williams, Mrs. Betty
Wills, Mr. Michael
Wilshire, Mr. David
Wilson, Mr. Rob
Wilson, Sammy
Winterton, Ms Rosie
Woodward, Mr. Shaun
Woolas, Mr. Phil
Wright, Mr. Anthony
Wright, David
Wright, Mr. Iain
Wright, Jeremy
Wright, Dr. Tony
Wyatt, Derek
Young, rh Sir George

Tellers for the Noes:
Jonathan Shaw and
Claire Ward

Question accordingly negatived.

It being more than five hours after the commencement of proceedings, MR. DEPUTY SPEAKER *put forthwith the Questions necessary for the disposal of the business to be concluded at that hour, pursuant to Order [23 May].*

New Clause 39

RETENTION OF SELECTION BY ABILITY OR APTITUDE AFTER PARENT BALLOT

'(1) 'The Secretary of State shall by regulations make such provision as he considers necessary or expedient which may include the repeal, amendment or revocation of any legislation enacted prior to the coming into effect of this Act, for the purposes of giving full effect to the principle set out in subsection (2).

(2) The principle referred to in subsection (1) is that no admission arrangements for any school providing secondary education may, following the commencement of a school year on or after 1st August 2010, continue to make provision for the selection of pupils by ability or aptitude other than under section 101 of SSFA 1998 (permitted selection: pupil banding) unless the continuation of such selection has been approved in a ballot of parents of pupils attending primary schools from which such pupils may by choice of their parents transfer.'. —*[Mr. Chaytor.]*

Brought up, and read the First time.

Motion made, and Question put, That the clause be read a Second time:—

The House proceeded to a Division.

Mr. Deputy Speaker (Sir Alan Haselhurst): Order. I ask the Serjeant at Arms to investigate the delay in the No Lobby.

The House having divided: Ayes 115, Noes 415.

Division No. 253] **[5.55 pm**

AYES

Abbott, Ms Diane
Alexander, Danny
Austin, John
Baker, Norman
Barrett, John
Berry, Roger
Betts, Mr. Clive
Brake, Tom
Breed, Mr. Colin
Brooke, Annette
Browne, Mr. Jeremy
Burgon, Colin
Burstow, Mr. Paul
Cable, Dr. Vincent
Campbell, rh Sir Menzies
Carmichael, Mr. Alistair
Caton, Mr. Martin
Challen, Colin
Chaytor, Mr. David
Clapham, Mr. Michael
Clegg, Mr. Nick
Clelland, Mr. David
Cohen, Harry
Corbyn, Jeremy
Crausby, Mr. David
Davey, Mr. Edward
Davidson, Mr. Ian
Dean, Mrs. Janet
Devine, Mr. Jim
Dismore, Mr. Andrew
Dobbin, Jim
Dobson, rh Frank
Drew, Mr. David
Efford, Clive
Farrelly, Paul
Farron, Tim
Featherstone, Lynne
Fisher, Mark
Flynn, Paul
Foster, Mr. Don
George, Andrew
Gerrard, Mr. Neil
Gibson, Dr. Ian
Godsiff, Mr. Roger
Goldsworthy, Julia
Grogan, Mr. John
Hall, Patrick
Hamilton, Mr. David
Hancock, Mr. Mike
Harris, Dr. Evan
Harvey, Nick
Havard, Mr. Dai
Heath, Mr. David
Heyes, David
Holmes, Paul
Horwood, Martin
Hoyle, Mr. Lindsay
Hughes, Simon
Huhne, Chris
Humble, Mrs. Joan
Hunter, Mark
Iddon, Dr. Brian
Illsley, Mr. Eric
Jackson, Glenda
Jones, Helen
Keetch, Mr. Paul
Kennedy, rh Mr. Charles
Kramer, Susan
Lamb, Norman
Laws, Mr. David
Leech, Mr. John
McCafferty, Chris
McDonnell, John
Moore, Mr. Michael
Mudie, Mr. George
Mulholland, Greg
Oaten, Mr. Mark
Öpik, Lembit
Prentice, Mr. Gordon
Prosser, Gwyn
Pugh, Dr. John
Purchase, Mr. Ken
Reid, Mr. Alan
Rennie, Willie
Riordan, Mrs. Linda
Rogerson, Mr. Dan
Rowen, Paul
Russell, Bob
Short, rh Clare
Simpson, Alan
Smith, John
Smith, Sir Robert
Soulsby, Sir Peter
Stunell, Andrew
Swinson, Jo
Taylor, David
Taylor, Matthew
Teather, Sarah
Thurso, John
Trickett, Jon
Truswell, Mr. Paul
Turner, Dr. Desmond
Vis, Dr. Rudi
Walley, Joan
Wareing, Mr. Robert N.
Webb, Steve
Williams, rh Mr. Alan
Williams, Mark
Williams, Mr. Roger
Williams, Stephen
Willis, Mr. Phil
Willott, Jenny
Wood, Mike
Wright, Mr. Anthony
Younger-Ross, Richard

Tellers for the Ayes:
Kelvin Hopkins and
Mr. Dennis Skinner

NOES

Afriyie, Adam
Ainger, Nick
Ainsworth, Mr. Peter
Alexander, rh Mr. Douglas
Allen, Mr. Graham
Anderson, Mr. David
Arbuthnot, rh Mr. James
Armstrong, rh Hilary
Atkinson, Mr. Peter
Austin, Mr. Ian
Bacon, Mr. Richard
Bailey, Mr. Adrian
Baird, Vera
Baldry, Tony
Balls, Ed
Banks, Gordon
Barlow, Ms Celia
Baron, Mr. John
Battle, rh John
Bayley, Hugh
Beckett, rh Margaret
Begg, Miss Anne
Bell, Sir Stuart
Bellingham, Mr. Henry
Benn, rh Hilary
Benton, Mr. Joe
Benyon, Mr. Richard
Bercow, John
Beresford, Sir Paul
Binley, Mr. Brian
Blackman, Liz
Blackman-Woods, Dr. Roberta
Blears, rh Hazel
Blunkett, rh Mr. David
Blunt, Mr. Crispin
Bone, Mr. Peter
Borrow, Mr. David S.
Boswell, Mr. Tim
Bottomley, Peter
Bradshaw, Mr. Ben
Brady, Mr. Graham
Brazier, Mr. Julian
Brennan, Kevin
Brown, rh Mr. Gordon
Brown, Lyn
Brown, rh Mr. Nicholas
Brown, Mr. Russell
Browne, rh Des
Browning, Angela
Bryant, Chris
Burnham, Andy
Burns, Mr. Simon
Burrowes, Mr. David
Burt, Alistair

Butler, Ms Dawn
Butterfill, Sir John
Byers, rh Mr. Stephen
Byrne, Mr. Liam
Cabom, rh Mr. Richard
Cairns, David
Campbell, Mr. Alan
Campbell, Mr. Gregory
Carswell, Mr. Douglas
Cash, Mr. William
Cawsey, Mr. Ian
Clappison, Mr. James
Clark, Greg
Clark, Paul
Clarke, rh Mr. Charles
Clarke, rh Mr. Kenneth
Clarke, rh Mr. Tom
Clifton-Brown, Mr. Geoffrey
Clwyd, rh Ann
Coaker, Mr. Vernon
Coffey, Ann
Conway, Derek
Cooper, Rosie
Cooper, Yvette
Cormack, Sir Patrick
Cox, Mr. Geoffrey
Crabb, Mr. Stephen
Creagh, Mary
Cunningham, Mr. Jim
Cunningham, Tony
Curtis-Thomas, Mrs. Claire
Darling, rh Mr. Alistair
David, Mr. Wayne
Davies, David T.C. *(Monmouth)*
Davies, Mr. Quentin
Denham, rh Mr. John
Dhanda, Mr. Parmjit
Djanogly, Mr. Jonathan
Dodds, Mr. Nigel
Donaldson, Mr. Jeffrey M.
Donohoe, Mr. Brian H.
Doran, Mr. Frank
Dorrell, rh Mr. Stephen
Dorries, Mrs. Nadine
Duncan, Mr. Alan
Duncan Smith, rh Mr. Iain
Dunne, Mr. Philip
Eagle, Angela
Eagle, Maria
Elman, Mrs. Louise
Ellwood, Mr. Tobias
Engel, Natascha
Ennis, Jeff
Etherington, Bill
Evans, Mr. Nigel
Evennett, Mr. David
Fabricant, Michael
Fallon, Mr. Michael
Field, rh Mr. Frank
Field, Mr. Mark
Fitzpatrick, Jim
Flello, Mr. Robert
Flint, Caroline
Follett, Barbara
Foster, Mr. Michael *(Worcester)*
Foster, Michael Jabez *(Hastings and Rye)*
Fox, Dr. Liam
Francis, Dr. Hywel
Francois, Mr. Mark
Fraser, Mr. Christopher
Gapes, Mike
Gardiner, Barry
Garnier, Mr. Edward
Gauke, Mr. David
George, rh Mr. Bruce
Gibb, Mr. Nick
Gilroy, Linda
Goggins, Paul
Goodman, Helen
Goodman, Mr. Paul
Goodwill, Mr. Robert
Gove, Michael
Gray, Mr. James
Grayling, Chris
Green, Damian
Greening, Justine
Greenway, Mr. John
Grieve, Mr. Dominic
Griffith, Nia
Griffiths, Nigel
Gummer, rh Mr. John
Gwynne, Andrew
Hague, rh Mr. William
Hain, rh Mr. Peter
Hamilton, Mr. Fabian
Hammond, Mr. Philip
Hands, Mr. Greg
Hanson, Mr. David
Harman, rh Ms Harriet
Harper, Mr. Mark
Harris, Mr. Tom
Hayes, Mr. John
Heald, Mr. Oliver
Healey, John
Heathcoat-Amory, rh Mr. David
Hendrick, Mr. Mark
Hendry, Charles
Hepburn, Mr. Stephen
Heppell, Mr. John
Herbert, Nick
Hesford, Stephen
Hewitt, rh Ms Patricia
Hill, rh Keith
Hillier, Meg
Hoban, Mr. Mark
Hodge, rh Margaret
Hodgson, Mrs. Sharon
Hoey, Kate
Hollobone, Mr. Philip
Holloway, Mr. Adam
Hood, Mr. Jimmy
Hoon, rh Mr. Geoffrey
Hope, Phil
Horam, Mr. John
Howard, rh Mr. Michael
Howells, Dr. Kim
Hughes, rh Beverley
Hunt, Mr. Jeremy
Hurd, Mr. Nick
Hutton, rh Mr. John
Ingram, rh Mr. Adam
Irranca-Davies, Huw
Jack, rh Mr. Michael
Jenkin, Mr. Bernard
Jenkins, Mr. Brian
Johnson, rh Alan
Johnson, Mr. Boris
Johnson, Ms Diana R.
Jones, Mr. David
Jones, Mr. Kevan
Jones, Mr. Martyn
Jowell, rh Tessa
Joyce, Mr. Eric
Kaufman, rh Sir Gerald
Kawczynski, Daniel
Keeble, Ms Sally
Keeley, Barbara
Keen, Ann
Kelly, rh Ruth
Kemp, Mr. Fraser
Kennedy, rh Jane
Khabra, Mr. Piara S.
Khan, Mr. Sadiq
Kidney, Mr. David
Kirkbride, Miss Julie
Knight, Jim
Kumar, Dr. Ashok
Ladyman, Dr. Stephen
Laing, Mrs. Eleanor
Lait, Mrs. Jacqui
Lammy, Mr. David
Lancaster, Mr. Mark
Lansley, Mr. Andrew
Laxton, Mr. Bob
Lazarowicz, Mark
Lepper, David
Letwin, rh Mr. Oliver
Levitt, Tom
Lewis, Mr. Ivan
Lewis, Dr. Julian
Liddell-Grainger, Mr. Ian
Lidington, Mr. David
Lilley, rh Mr. Peter
Linton, Martin
Lloyd, Tony
Loughton, Tim
Lucas, Ian
Luff, Peter
MacDougall, Mr. John
Mackay, rh Mr. Andrew
Mackinlay, Andrew
Maclean, rh David
MacShane, rh Mr. Denis
Mactaggart, Fiona
Mahmood, Mr. Khalid
Malik, Mr. Shahid
Malins, Mr. Humfrey
Mallaber, Judy
Mann, John
Maples, Mr. John
Marris, Rob
Marsden, Mr. Gordon
Marshall, Mr. David
Martlew, Mr. Eric
Maude, rh Mr. Francis
May, rh Mrs. Theresa
McAvoy, rh Mr. Thomas
McCabe, Steve
McCarthy, Kerry
McCarthy-Fry, Sarah
McCrea, Dr. William
McDonagh, Siobhain
McDonnell, Dr. Alasdair
McFadden, Mr. Pat
McFall, rh Mr. John
McGovern, Mr. Jim
McGuire, Mrs. Anne
McIntosh, Miss Anne
McIsaac, Shona
McKechin, Ann
McKenna, Rosemary
McLoughlin, rh Mr. Patrick
McNulty, Mr. Tony
Meale, Mr. Alan
Mercer, Patrick
Merron, Gillian
Michael, rh Alun
Milburn, rh Mr. Alan
Miliband, rh David
Miliband, Edward
Miller, Mrs. Maria
Milton, Anne
Mitchell, Mr. Andrew
Moffat, Anne
Moffatt, Laura
Mole, Chris
Moon, Mrs. Madeleine
Moran, Margaret
Morden, Jessica
Morley, Mr. Elliot
Moss, Mr. Malcolm
Mountford, Kali
Mullin, Mr. Chris
Munn, Meg
Murphy, Mr. Denis
Murphy, Mr. Jim
Murrison, Dr. Andrew
Newmark, Mr. Brooks
Norris, Dan
O'Brien, Mr. Mike
O'Brien, Mr. Stephen
O'Hara, Mr. Edward
Olner, Mr. Bill
Osborne, Mr. George
Osborne, Sandra
Paice, Mr. James
Paisley, rh Rev. Ian
Palmer, Dr. Nick
Paterson, Mr. Owen
Pearson, Ian
Pelling, Mr. Andrew
Penrose, John
Pickles, Mr. Eric
Plaskitt, Mr. James
Pope, Mr. Greg
Pound, Stephen
Prentice, Bridget
Prescott, rh Mr. John
Primarolo, rh Dawn
Prisk, Mr. Mark
Pritchard, Mark
Purnell, James
Rammell, Bill
Randall, Mr. John
Raynsford, rh Mr. Nick
Redwood, rh Mr. John
Reed, Mr. Andy
Reed, Mr. Jamie
Reid, rh John
Rifkind, rh Sir Malcolm
Robathan, Mr. Andrew
Robertson, Hugh
Robertson, John
Robertson, Mr. Laurence
Robinson, Mr. Geoffrey
Robinson, Mrs. Iris
Robinson, Mr. Peter
Rooney, Mr. Terry
Roy, Mr. Frank
Ruane, Chris
Ruddock, Joan
Ruffley, Mr. David
Russell, Christine
Ryan, Joan

Salter, Martin
Sarwar, Mr. Mohammad
Scott, Mr. Lee
Seabeck, Alison
Selous, Andrew
Shapps, Grant
Shepherd, Mr. Richard
Sheridan, Jim
Simmonds, Mark
Simon, Mr. Siôn
Simpson, David
Simpson, Mr. Keith
Singh, Mr. Marsha
Slaughter, Mr. Andrew
Smith, rh Mr. Andrew
Smith, Ms Angela C. *(Sheffield, Hillsborough)*
Smith, Angela E. *(Basildon)*
Smith, rh Jacqui
Sneigrove, Anne
Soames, Mr. Nicholas
Spellar, rh Mr. John
Spelman, Mrs. Caroline
Spicer, Sir Michael
Spink, Bob
Spring, Mr. Richard
Stanley, rh Sir John
Starkey, Dr. Phyllis
Steen, Mr. Anthony
Straw, rh Mr. Jack
Streeter, Mr. Gary
Stuart, Ms Gisela
Stuart, Mr. Graham
Sutcliffe, Mr. Gerry
Swayne, Mr. Desmond
Swire, Mr. Hugo
Syms, Mr. Robert
Tami, Mark
Tapsell, Sir Peter
Taylor, Mr. Ian
Thomas, Mr. Gareth
Thornberry, Emily
Timms, Mr. Stephen
Tipping, Paddy
Todd, Mr. Mark
Touhig, Mr. Don
Tredinnick, David
Twigg, Derek
Tyrie, Mr. Andrew
Ussher, Kitty
Vaizey, Mr. Edward
Vara, Mr. Shailesh
Vaz, Keith
Viggers, Peter
Villiers, Mrs. Theresa
Walker, Mr. Charles
Wallace, Mr. Ben
Waltho, Lynda
Waterson, Mr. Nigel
Watkinson, Angela
Watson, Mr. Tom
Watts, Mr. Dave
Whitehead, Dr. Alan
Wicks, Malcolm
Wiggin, Bill
Willetts, Mr. David
Williams, Mrs. Betty
Wills, Mr. Michael
Wilshire, Mr. David
Wilson, Mr. Rob
Wilson, Sammy
Winterton, Ms Rosie
Woodward, Mr. Shaun
Woolas, Mr. Phil
Wright, David
Wright, Mr. Iain
Wright, Jeremy
Wyatt, Derek
Young, rh Sir George

Tellers for the Noes:
Jonathan Shaw and Claire Ward

Question accordingly negatived.

Clause 37

CODE FOR SCHOOL ADMISSIONS

Amendment proposed: No. 104, in page 26, leave out line 40.—*[Mr. Gibb.]*

Question put, That the amendment be made:—

The House divided: Ayes 161, Noes 375.

Division No. 254] **[6.13 pm**

AYES

Afriyie, Adam
Ainsworth, Mr. Peter
Arbuthnot, rh Mr. James
Atkinson, Mr. Peter
Bacon, Mr. Richard
Baldry, Tony
Baron, Mr. John
Bellingham, Mr. Henry
Benyon, Mr. Richard
Bercow, John
Beresford, Sir Paul
Binley, Mr. Brian
Bone, Mr. Peter
Boswell, Mr. Tim
Bottomley, Peter
Brady, Mr. Graham
Brazier, Mr. Julian
Browning, Angela
Burns, Mr. Simon
Burrowes, Mr. David
Burt, Alistair
Butterfill, Sir John
Carswell, Mr. Douglas
Cash, Mr. William
Clappison, Mr. James
Clark, Greg
Clarke, rh Mr. Kenneth
Clifton-Brown, Mr. Geoffrey
Conway, Derek
Cormack, Sir Patrick
Cox, Mr. Geoffrey
Crabb, Mr. Stephen
Davies, David T.C. *(Monmouth)*
Davies, Mr. Quentin
Djanogly, Mr. Jonathan
Dodds, Mr. Nigel
Donaldson, Mr. Jeffrey M.
Dorrell, rh Mr. Stephen
Dorries, Mrs. Nadine
Duncan, Mr. Alan
Dunne, Mr. Philip
Evans, Mr. Nigel
Evennett, Mr. David
Fabricant, Michael
Fallon, Mr. Michael
Field, Mr. Mark
Fox, Dr. Liam
Francois, Mr. Mark
Fraser, Mr. Christopher
Garnier, Mr. Edward
Gauke, Mr. David
Gibb, Mr. Nick
Goodman, Mr. Paul
Goodwill, Mr. Robert
Gove, Michael
Gray, Mr. James
Grayling, Chris
Green, Damian
Greening, Justine
Greenway, Mr. John
Grieve, Mr. Dominic
Gummer, rh Mr. John
Hague, rh Mr. William
Hammond, Mr. Philip
Hands, Mr. Greg
Harper, Mr. Mark
Hayes, Mr. John
Heald, Mr. Oliver
Heathcoat-Amory, rh Mr. David
Hendry, Charles
Hoban, Mr. Mark
Hollobone, Mr. Philip
Holloway, Mr. Adam
Horam, Mr. John
Howard, rh Mr. Michael
Hunt, Mr. Jeremy
Hurd, Mr. Nick
Jack, rh Mr. Michael
Jenkin, Mr. Bernard
Johnson, Mr. Boris
Jones, Mr. David
Kawczynski, Daniel
Kirkbride, Miss Julie
Laing, Mrs. Eleanor
Lait, Mrs. Jacqui
Lancaster, Mr. Mark
Letwin, rh Mr. Oliver
Lewis, Dr. Julian
Liddell-Grainger, Mr. Ian
Lidington, Mr. David
Lilley, rh Mr. Peter
Loughton, Tim
Luff, Peter
Mackay, rh Mr. Andrew
Malins, Mr. Humfrey
Maples, Mr. John
Maude, rh Mr. Francis
May, rh Mrs. Theresa
McCrea, Dr. William
McIntosh, Miss Anne
McLoughlin, rh Mr. Patrick
Mercer, Patrick
Miller, Mrs. Maria
Milton, Anne
Mitchell, Mr. Andrew
Moss, Mr. Malcolm
Murrison, Dr. Andrew
Newmark, Mr. Brooks
O'Brien, Mr. Stephen
Osborne, Mr. George
Paice, Mr. James
Paterson, Mr. Owen
Pelling, Mr. Andrew
Penrose, John
Pickles, Mr. Eric
Prisk, Mr. Mark
Pritchard, Mark
Randall, Mr. John
Redwood, rh Mr. John
Rifkind, rh Sir Malcolm
Robathan, Mr. Andrew
Robertson, Hugh
Robertson, Mr. Laurence
Ruffley, Mr. David
Scott, Mr. Lee
Selous, Andrew
Shapps, Grant
Shepherd, Mr. Richard
Simmonds, Mark
Simpson, David
Simpson, Mr. Keith
Soames, Mr. Nicholas
Spelman, Mrs. Caroline
Spicer, Sir Michael
Spring, Mr. Richard
Stanley, rh Sir John
Steen, Mr. Anthony
Streeter, Mr. Gary
Stuart, Mr. Graham
Swayne, Mr. Desmond
Swire, Mr. Hugo
Syms, Mr. Robert
Tapsell, Sir Peter
Taylor, Mr. Ian
Tredinnick, David
Tyrie, Mr. Andrew
Vaizey, Mr. Edward
Vara, Mr. Shailesh
Viggers, Peter
Villiers, Mrs. Theresa
Walker, Mr. Charles
Wallace, Mr. Ben
Waterson, Mr. Nigel
Watkinson, Angela
Wiggin, Bill
Willetts, Mr. David
Wilshire, Mr. David
Wilson, Mr. Rob
Wilson, Sammy
Wright, Jeremy
Young, rh Sir George

Tellers for the Ayes:
Mr. Tobias Ellwood and Mr. Crispin Blunt

NOES

Abbott, Ms Diane
Ainger, Nick
Alexander, Danny
Alexander, rh Mr. Douglas
Allen, Mr. Graham
Anderson, Mr. David
Armstrong, rh Hilary
Austin, Mr. Ian
Austin, John
Bailey, Mr. Adrian
Baird, Vera
Baker, Norman
Balls, Ed
Banks, Gordon
Barlow, Ms Celia
Barrett, John
Battle, rh John
Bayley, Hugh
Beckett, rh Margaret
Begg, Miss Anne
Bell, Sir Stuart
Benn, rh Hilary
Benton, Mr. Joe
Berry, Roger
Betts, Mr. Clive
Blackman, Liz
Blackman-Woods, Dr. Roberta
Blears, rh Hazel
Blunkett, rh Mr. David
Borrow, Mr. David S.
Bradshaw, Mr. Ben
Brake, Tom
Breed, Mr. Colin
Brennan, Kevin
Brooke, Annette
Brown, rh Mr. Gordon
Brown, Lyn
Brown, rh Mr. Nicholas
Brown, Mr. Russell
Browne, rh Des
Browne, Mr. Jeremy
Bryant, Chris
Buck, Ms Karen
Burden, Richard
Burgon, Colin
Burnham, Andy
Burstow, Mr. Paul
Butler, Ms Dawn
Byers, rh Mr. Stephen
Byrne, Mr. Liam
Cable, Dr. Vincent
Caborn, rh Mr. Richard
Cairns, David
Campbell, Mr. Alan
Campbell, rh Sir Menzies
Carmichael, Mr. Alistair
Caton, Mr. Martin
Cawsey, Mr. Ian
Challen, Colin
Chaytor, Mr. David
Clapham, Mr. Michael
Clark, Ms Katy
Clark, Paul
Clarke, rh Mr. Charles
Clarke, rh Mr. Tom
Clegg, Mr. Nick
Clelland, Mr. David
Clwyd, rh Ann
Coaker, Mr. Vernon
Coffey, Ann
Cohen, Harry
Cooper, Rosie
Cooper, Yvette
Corbyn, Jeremy
Cousins, Jim
Crausby, Mr. David
Creagh, Mary
Cruddas, Jon
Cunningham, Mr. Jim
Cunningham, Tony
Curtis-Thomas, Mrs. Claire
Darling, rh Mr. Alistair
Davey, Mr. Edward
David, Mr. Wayne
Davidson, Mr. Ian
Dean, Mrs. Janet
Denham, rh Mr. John
Devine, Mr. Jim
Dhanda, Mr. Parmjit
Dismore, Mr. Andrew
Dobbin, Jim
Dobson, rh Frank
Donohoe, Mr. Brian H.
Doran, Mr. Frank
Drew, Mr. David
Eagle, Angela
Eagle, Maria
Efford, Clive
Ellman, Mrs. Louise
Engel, Natascha
Ennis, Jeff
Etherington, Bill
Farrelly, Paul
Farron, Tim
Featherstone, Lynne
Field, rh Mr. Frank
Fisher, Mark
Fitzpatrick, Jim
Flello, Mr. Robert
Flint, Caroline
Flynn, Paul
Follett, Barbara
Foster, Mr. Don
Foster, Mr. Michael *(Worcester)*
Foster, Michael Jabez *(Hastings and Rye)*
Francis, Dr. Hywel
Gapes, Mike
Gardiner, Barry
George, Andrew
George, rh Mr. Bruce
Gerrard, Mr. Neil
Gibson, Dr. Ian
Gilroy, Linda
Godsiff, Mr. Roger
Goggins, Paul
Goldsworthy, Julia
Goodman, Helen
Griffith, Nia
Griffiths, Nigel
Grogan, Mr. John
Gwynne, Andrew
Hain, rh Mr. Peter
Hall, Patrick
Hamilton, Mr. David
Hamilton, Mr. Fabian
Hancock, Mr. Mike
Hanson, Mr. David
Harman, rh Ms Harriet
Harris, Dr. Evan
Harris, Mr. Tom
Harvey, Nick
Havard, Mr. Dai
Healey, John
Heath, Mr. David
Hemming, John
Hendrick, Mr. Mark
Hepburn, Mr. Stephen
Heppell, Mr. John
Hesford, Stephen
Hewitt, rh Ms Patricia
Heyes, David
Hill, rh Keith
Hillier, Meg
Hodge, rh Margaret
Hodgson, Mrs. Sharon
Hoey, Kate
Holmes, Paul
Hood, Mr. Jimmy
Hoon, rh Mr. Geoffrey
Hope, Phil
Hopkins, Kelvin
Horwood, Martin
Howells, Dr. Kim
Hoyle, Mr. Lindsay
Hughes, rh Beverley
Hughes, Simon
Huhne, Chris
Humble, Mrs. Joan
Hunter, Mark
Hutton, rh Mr. John
Iddon, Dr. Brian
Illsley, Mr. Eric
Ingram, rh Mr. Adam
Irranca-Davies, Huw
Jackson, Glenda
James, Mrs. Siân C.
Jenkins, Mr. Brian
Johnson, rh Alan
Johnson, Ms Diana R.
Jones, Helen
Jones, Mr. Kevan
Jones, Mr. Martyn
Jowell, rh Tessa
Joyce, Mr. Eric
Kaufman, rh Sir Gerald
Keeble, Ms Sally
Keeley, Barbara
Keen, Ann
Keetch, Mr. Paul
Kelly, rh Ruth
Kemp, Mr. Fraser
Kennedy, rh Mr. Charles
Kennedy, rh Jane
Khabra, Mr. Piara S.
Khan, Mr. Sadiq
Kidney, Mr. David
Knight, Jim
Kramer, Susan
Kumar, Dr. Ashok
Ladyman, Dr. Stephen
Lamb, Norman
Lammy, Mr. David
Laws, Mr. David
Laxton, Mr. Bob
Lazarowicz, Mark
Leech, Mr. John
Lepper, David
Levitt, Tom
Lewis, Mr. Ivan
Linton, Martin
Lloyd, Tony
Lucas, Ian
MacDougall, Mr. John
Mackinlay, Andrew
MacShane, rh Mr. Denis
Mactaggart, Fiona
Mahmood, Mr. Khalid
Malik, Mr. Shahid
Mallaber, Judy
Mann, John
Marris, Rob
Marsden, Mr. Gordon
Marshall, Mr. David
Martlew, Mr. Eric
McAvoy, rh Mr. Thomas
McCabe, Steve
McCafferty, Chris
McCarthy, Kerry
McCarthy-Fry, Sarah
McDonagh, Siobhain
McDonnell, Dr. Alasdair
McDonnell, John
McFadden, Mr. Pat
McFall, rh Mr. John
McGovern, Mr. Jim
McGuire, Mrs. Anne
McIsaac, Shona
McKechin, Ann
McKenna, Rosemary
McNulty, Mr. Tony
Meacher, rh Mr. Michael
Meale, Mr. Alan
Merron, Gillian
Michael, rh Alun
Milburn, rh Mr. Alan
Miliband, rh David
Miliband, Edward
Moffat, Anne
Moffatt, Laura
Mole, Chris
Moon, Mrs. Madeleine
Moore, Mr. Michael
Moran, Margaret
Morden, Jessica
Morgan, Julie
Morley, Mr. Elliot
Mountford, Kali
Mudie, Mr. George
Mulholland, Greg
Mullin, Mr. Chris
Munn, Meg
Murphy, Mr. Denis
Murphy, Mr. Jim
Norris, Dan
O'Brien, Mr. Mike
O'Hara, Mr. Edward
Oaten, Mr. Mark
Olner, Mr. Bill
Öpik, Lembit
Osborne, Sandra
Paisley, rh Rev. Ian
Palmer, Dr. Nick
Pearson, Ian
Plaskitt, Mr. James
Pope, Mr. Greg
Pound, Stephen
Prentice, Bridget
Prentice, Mr. Gordon
Prescott, rh Mr. John
Primarolo, rh Dawn
Prosser, Gwyn
Pugh, Dr. John
Purchase, Mr. Ken
Purnell, James

Rammell, Bill
Raynsford, rh Mr. Nick
Reed, Mr. Andy
Reed, Mr. Jamie
Reid, Mr. Alan
Reid, rh. John
Rennie, Willie
Riordan, Mrs. Linda
Robertson, John
Robinson, Mr. Geoffrey
Rogerson, Mr. Dan
Rooney, Mr. Terry
Rowen, Paul
Roy, Mr. Frank
Ruane, Chris
Ruddock, Joan
Russell, Bob
Russell, Christine
Ryan, Joan
Salter, Martin
Sarwar, Mr. Mohammad
Seabeck, Alison
Sheerman, Mr. Barry
Sheridan, Jim
Simon, Mr. Siôn
Simpson, Alan
Singh, Mr. Marsha
Skinner, Mr. Dennis
Slaughter, Mr. Andrew
Smith, rh Mr. Andrew
Smith, Ms Angela C. *(Sheffield, Hillsborough)*
Smith, Angela E. *(Basildon)*
Smith, Geraldine
Smith, rh Jacqui
Smith, John
Smith, Sir Robert
Snelgrove, Anne
Soulsby, Sir Peter
Spellar, rh Mr. John
Spink, Bob
Starkey, Dr. Phyllis
Stewart, Ian
Straw, rh Mr. Jack
Stuart, Ms Gisela
Stunell, Andrew
Sutcliffe, Mr. Gerry
Swinson, Jo
Tami, Mark
Taylor, David
Teather, Sarah
Thomas, Mr. Gareth
Thornberry, Emily
Thurso, John
Timms, Mr. Stephen
Tipping, Paddy
Todd, Mr. Mark
Touhig, Mr. Don
Trickett, Jon
Truswell, Mr. Paul
Turner, Dr. Desmond
Twigg, Derek
Ussher, Kitty
Vaz, Keith
Vis, Dr. Rudi
Walley, Joan
Waltho, Lynda
Wareing, Mr. Robert N.
Watson, Mr. Tom
Watts, Mr. Dave
Webb, Steve
Whitehead, Dr. Alan
Wicks, Malcolm
Williams, rh Mr. Alan
Williams, Mrs. Betty
Williams, Mark
Williams, Mr. Roger
Williams, Stephen
Willis, Mr. Phil
Willott, Jenny
Wills, Mr. Michael
Winnick, Mr. David
Winterton, Ms Rosie
Wood, Mike
Woodward, Mr. Shaun
Woolas, Mr. Phil
Wright, Mr. Anthony
Wright, David
Wright, Mr. Iain
Wright, Dr. Tony
Wyatt, Derek
Younger-Ross, Richard

Tellers for the Noes:
Jonathan Shaw and Claire Ward

Question accordingly negatived.

Clause 41

RESTRICTIONS ON ALTERATION OF ADMISSION ARRANGEMENTS

Amendments made: No. 48, in page 30, line 48, after 'any' insert 'provisions of'.

No. 49, in page 30, line 48, at end insert—

'(1A) In this section, "the protected provisions" in relation to any admission arrangements, means provisions corresponding to those revised in accordance with section 90(8) or regulations under subsection (5) (as so revised).'.

No. 50, in page 31, line 2, leave out

'the effect of the revision'

and insert 'the protected provisions'.

No. 51, in page 31, line 5, after 'revision' insert

'in accordance with section 90(8)'.

No. 52, in page 31, leave out line 7 and insert 'protected provisions'.

No. 53, in page 31, line 10, leave out

'the effect of the revision'

and insert 'the protected provisions'.

No. 54, in page 31, line 14, leave out 'that effect' and insert 'those provisions'.

No. 55, in page 31, line 22, leave out from 'the' to end of line and insert 'protected provisions.'.—*[Phil Hope.]*

Clause 1

DUTIES IN RELATION TO HIGH STANDARDS AND THE FULFILMENT OF POTENTIAL

Amendment made: No. 41, in page 1, line 10, after 'standards' insert—

'(aa) in the case of a local education authority in England, ensuring fair access to educational opportunity,'. —*[Phil Hope.]*

Clause 53

SCHOOL REQUIRING SIGNIFICANT IMPROVEMENT

Amendment made: No. 56, in page 41, line 27, leave out subsection (2). —*[Phil Hope.]*

Clause 54

SCHOOL REQUIRING SPECIAL MEASURES

Amendment made: No. 57, in page 41, line 40, leave out subsection (2). —*[Phil Hope.]*

Clause 69

LEAS IN ENGLAND: PROVISION OF TRAVEL ARRANGEMENTS ETC FOR CHILDREN

Amendment made: No. 23, in page 54, line 3, leave out from 'child' to end of line 8 and insert 'if—

(a) no travel arrangements relating to travel in either direction between his home and the relevant educational establishment in relation to him, or in both directions, are provided free of charge in relation to him by any person who is not the authority, or

(b) such travel arrangements are provided free of charge in relation to him by any person who is not the authority but those arrangements, taken together with any other such travel arrangements which are so provided, do not provide suitable home to school travel arrangements for the purpose of facilitating his attendance at the relevant educational establishment in relation to him.'.—*[Phil Hope.]*

Clause 74

AMENDMENT OF SECTION 444 OF EA 1996

Amendments made: No. 24, in page 58, line 33, leave out 'Subsection (3B) applies' and insert

'Subsections (3B) and (3D) apply'.

No. 25, in page 58, line 33, leave out from 'England' to end of line 34.

No. 26, in page 58, line 36, leave out from 'proves' to 'the' in line 1 on page 59 and insert 'that—

(a) '.

No. 27, in page 59, line 10, at end insert—

'(3C) For the purposes of subsection (3B)—

(a) the reference to "travel arrangements" in paragraph (a) has the same meaning as in section 508B, and

(b) the reference to "travel arrangements" in paragraph (b) has the same meaning as in paragraph 3 of Schedule 35C.'.

No. 28, in page 59, line 11, leave out from beginning to second 'is' in line 16 and insert—

'(3D) Where the school is an independent school which is not a qualifying school, the child shall not be taken to have failed to attend regularly at the school if the parent proves—

(a) that the school'.

No. 29, in page 59, line 23, at end insert—

'( ) For the purposes of subsection (3D), "qualifying school" has the same meaning as it has for the purposes of Schedule 35B (meaning of "eligible child" for the purposes of section 508B).'.

No. 30, in page 59, line 25, leave out subsection (3).

No. 31, in page 59, line 33, at end insert—

'( ) In subsection (5) for "subsection (4)" substitute "subsections (3D) and (4)".'.

No. 32, in page 59, line 34, leave out 'subsections (5) and (6)' and insert 'subsection (6)'. —*[Phil Hope.]*

Clause 150

POWER OF CHIEF INSPECTOR TO INVESTIGATE COMPLAINTS BY PARENTS ABOUT SCHOOLS

Amendments made: No. 125, in page 102, line 2, leave out '8' and insert '8(2)'.

No. 66, in page 104, leave out lines 8 to 11.—*[Phil Hope.]*

Clause 163

FUNCTIONS TO BE EXERCISABLE BY THE NATIONAL ASSEMBLY FOR WALES

Amendment made: No. 67, in page 114, line 13, at end insert—

'section 157 (time limits relating to statements of special educational needs);'. —*[Phil Hope.]*

Clause 171

COMMENCEMENT

Amendments made: No. 68, in page 116, line 26, at end insert—

'section 100 (failure to secure school attendance), except subsection (8);'.

No. 69, in page 117, line 2, at end insert—

'section (Offences relating to independent schools) (offences relating to independent schools);'. —*[Phil Hope.]*

Schedule 4

DISPOSALS AND CHANGES OF USE OF LAND

Amendments made: No. 33, in page 175, line 26, leave out from '(1)' to end of line and insert '—

( ) after "foundation special school" insert "in Wales", and

( ) omit paragraph (c).'.

No. 34, in page 175, line 34, after 'Wales",' insert—

'( ) in paragraph (a) omit the words from "or acquired" to the end,'.

No. 35, in page 176, line 11, leave out from '(1)' to end of line and insert '—

( ) after "foundation special school" insert "in Wales",

( ) in paragraph (a) omit the words from "or acquired" to the end,

( ) omit paragraph (d), and

( ) in paragraph (f) omit "(d) or".'.

No. 36, in page 176, line 13, at end insert—

'( ) In sub-paragraph (8) omit "(d),".'.—*[Phil Hope.]*

Schedule 7

AMENDMENTS RELATING TO SCHOOLS CAUSING CONCERN

Amendments made: No. 76, in page 194, line 21, leave out sub-paragraph (4) and insert—

'(4) Omit subsection (7).'.

No. 77, in page 196, line 10, at end insert—

'Learning and Skills Act 2000 (c. 21)

17A (1) Schedule 7 to the Learning and Skills Act 2000 (sixth forms requiring significant improvement) is amended as follows.

(2) In paragraph 6(3)(a)(iii) for "section 15(2) and (3)" substitute "section 15(2) to (4)".

(3) Omit paragraph 13.'. —*[Phil Hope.]*

Schedule 9

SCHOOL TRAVEL SCHEMES

Amendment made: No. 37, in page 203, line 17, leave out from 'child' to end of line 22 and insert 'if—

(a) no travel arrangements relating to travel in either direction between his home and the relevant educational establishment in relation to him, or in both directions, are provided in relation to him by any person who is not the scheme authority, or

(b) such travel arrangements are provided in relation to him by any person who is not the scheme authority but those arrangements, taken together with any other such travel arrangements which are so provided, do not provide suitable home to school travel arrangements for the purpose of facilitating his attendance at the relevant educational establishment in relation to him.'.—*[Phil Hope.]*

Schedule 14

MINOR AND CONSEQUENTIAL AMENDMENTS RELATING TO PART 8

Amendments made: No. 115, in page 224, line 24, at end insert—

'(4) In paragraph 14 omit sub-paragraph (1).'.

No. 116, in page 228, line 8, leave out from beginning to 'omit' in line 9 and insert—

'(1) Schedule 1 to the Freedom of Information Act 2000 (public authorities) is amended as follows.

(2) In Part 1—

(a) at the end of paragraph 1 insert "other than the Office for Standards in Education, Children's Services and Skills", and

(b) after that paragraph insert—

"1A The Office for Standards in Education, Children's Services and Skills, in respect of information held for purposes other than those of the functions exercisable by Her Majesty's Chief Inspector of Education, Children's Services and Skills by virtue of section 5(1)(a)(iii) of the Care Standards Act 2000."

(3) In Part 6'.

No. 117, in page 230, line 32, after second 'school,' insert 'in England'. —*[Phil Hope.]*

Schedule 18

REPEALS

Amendments made: No. 78, in page 239, line 9, at end insert—

'Education Act 1996 (c. 56)	In section 444—
	In subsection (1A), the words "without reasonable justification", and
	In subsection (3), paragraph (b) and the word "or" immediately following it.'.

No. 79, in page 239, line 27, column 2, at beginning insert—

'Section 159(3).'

No. 80, in page 241, line 33, column 2, leave out

'In section 15(7), the words "65 or"'

and insert 'Section 15(7)'.

No. 81, in page 241, line 39, column 2, at beginning insert—

'In Schedule 7, paragraph 13.'.

No. 82, in page 241, line 39, column 2, leave out 'paragraph 79' and insert 'paragraphs 78 and 79'.

No. 83, in page 241, line 47, column 2, at end insert—

'In Schedule 5, paragraph 3(14).'.

No. 118, in page 243, line 4, column 2, leave out 'paragraph 13A(4)' and insert 'paragraphs 13A(4) and 14(1)'.

No. 38, in page 244, line 37, column 2, at end insert—

'In Schedule 22—paragraph 1(1)(c);in paragraph 2(1)(a), the words from "or acquired" to the end; in paragraph 3(1)(a), the words from "or acquired" to the end; paragraph 3(1)(d);in paragraph 3(1)(f), the words "(d) or"; and in paragraph 3(8), the words "(d),".'.

No. 39, in page 244, line 37, at end insert—

'Education Act 2002 (c.32)	In Schedule 21, paragraph 118(3)(b) and (4)(a)(ii).'.

No. 40, in page 244, line 39, at end add—

'Education Act 2005 (c.18)	In Schedule 12, paragraph 15.'.

—*[Phil Hope.]*

Order for Third Reading read.

6.26 pm

The Secretary of State for Education and Skills (Alan Johnson): I beg to move, That the Bill be now read the Third time.

Valid concerns have been raised during the passage of this Bill, and I hope that Members on both sides will agree that the Government have listened very carefully and responded where possible to make this a better Bill. The House has conducted a mature and healthy debate on a matter of supreme importance to all of our constituents.

Education remains this Government's priority. Since 1997, we have almost doubled education spending, so that today there is an unprecedented rebuilding and refurbishment programme, with more teachers and support staff who are better trained and using new books and computers in our classrooms. We have also made huge progress in tackling embedded problems with literacy, numeracy and failing schools. All this is reflected in the fact that schools today are achieving the best ever results at every key stage.

However, serious problems remain. High achievement is unevenly spread, and the scales of educational opportunity are still tipped far too heavily against disadvantaged children. The Bill focuses on unleashing the potential of each and every child, and with nine years' successful experience in raising educational attainment, we can build on what we know works well.

The Bill will help more schools to follow the path to high achievement. By enabling schools to become self-governing and to form links with a charitable trust, the Bill will give greater independence, but within a structure of increased interdependence, so that all those with an interest in successful schooling can make a full contribution to their local school. The opportunities are great for further and higher education establishments to entice more children to climb the ladder of attainment, for voluntary groups to bring in new ideas and fresh thinking, for business trusts to help focus on future careers and take forward the 14-to-19 agenda, and for schools to share best practice.

The trust model also ensures that those relationships are permanent and lasting, rather than transient and dependent on a few visionaries whose departure heralds the collapse of the project. Trusts combine the best of all the existing models, and there has been broad consensus about their potential in principle. However, concerns have revolved around how they might operate in practice.

Sarah Teather: Will the Secretary of State give way?

Alan Johnson: No, I will not, as time is limited.

We have confirmed that no school will be forced to become a trust school, but that every school will have

[Alan Johnson]

that option, after consulting parents and stakeholders. And we have set out safeguards to ensure that trusts are not involved in activities that may be considered inappropriate. We have also put a requirement on trusts not only to help drive up standards but to contribute to community cohesion.

Clive Efford (Eltham) (Lab): Will my right hon. Friend give way?

Alan Johnson: No.

We have amended the Bill so that the best local authorities will automatically be able to put forward new community schools for consideration. Most other local authorities will have opportunities to do the same, with only the worst being barred from doing so. The Bill also includes a clear ban on interviews and new selection by academic ability. We have strengthened the code on admissions, enhanced its status and circulated a draft of it to the House. That makes it crystal clear that there will be no new selection by the more covert means used in some places.

Although the spotlight has fallen on trust schools, the Bill contains many other crucial measures that have attracted less attention. Giving all 14 to 19-year-olds the right to study for specialised diplomas will help to tackle three major economic and social problems: the skills gap; youth unemployment; and classroom disengagement. Twenty years after Lord Elton's ground-breaking report, the Bill enacts its central recommendation by giving teachers tough new powers to tackle unruly pupils inside and outside school. That will reduce classroom disruption and improve the attainment of all pupils. Other important powers relate to school meals, transport and an obligation on local authorities to ensure that young people have places to go and constructive things to do in their leisure time.

I want to highlight one other less publicised aspect of the Bill. In respect of looked-after children, on whom we will focus attention over coming months, I remind the House that, for the first time, schools will be obliged to take in looked-after children who move into their area during the school year, as they often do, even if the school is full. That addresses the central problem of looked-after children consistently being dumped in the worst-performing schools to make up the numbers. That is one of the most important measures in the Bill, even if it has not attracted the most publicity.

This Bill has received robust and thorough scrutiny in the House.

Clive Efford: I wanted the opportunity to engage with my right hon. Friend on a number of issues that, I think, are missing from the Bill, such as targeting resources on those areas where we need to raise standards—

Mr. Deputy Speaker: Order. I am sorry to disappoint the hon. Gentleman, but Third Reading is not the occasion to raise points that are not in the Bill. Third Reading is about what is in the Bill.

Alan Johnson: Incidentally, through this Bill and other policies, we are targeting attention on the most disadvantaged areas and failing schools. Another aspect of the Bill is that it allows us to turn around failing schools more quickly, as I have mentioned.

Mary Creagh (Wakefield) (Lab): Does my right hon. Friend agree that the proposals in the Bill relating to school food provide for the first time ever a national curriculum for children's bodies as well as for their minds? Will he urge local authorities to use the powers in the Bill to provide free school meals to children in their areas and to opt out of the charges that they currently impose?

Alan Johnson: My hon. Friend gives me the opportunity to mention the ground-breaking scheme introduced by the local authority in Hull to provide free school meals, free fruit and vegetables and free breakfasts to all primary school pupils. To do that, it had to go through a tortuous process under the power to innovate. This Bill will allow every local authority to do that, and I agree very much with my hon. Friend, who has done some splendid work on the issue, that that is another crucial aspect of the Bill.

As always, there will be Members who will not agree with every single aspect of the Bill. The question on Third Reading must be what educational advantage would be served by defeating the Bill. The Bill will drive up educational standards further by supporting stronger partnerships; creating new curriculum entitlements for 14 to 19-year-olds, enacting in many respects what was in the Butler Act of 1944 but was never brought into practice; ensuring better discipline; developing a powerful strategic role for local authorities; tightening up the admissions framework; and, as I mentioned, helping to turn around failing schools. Its purpose is to make every school a good school and to ensure that every child realises their full potential. Those objectives are shared by all hon. Members, no matter on which Benches they sit, and I commend the Bill to the House.

6.34 pm

Mr. David Willetts (Havant) (Con): Perhaps I can begin by paying tribute to the work that has been done by hon. Members on both sides of the House in scrutinising the Bill in Committee. It emerged from the Committee remarkably similar to the Bill that went into Committee and remarkably similar to the Bill that the Conservative party voted for on Second Reading. We will, of course, support the Bill on Third Reading, for many of the reasons set out by the Secretary of State for Education and Skills.

I welcome the Secretary of State to the Dispatch Box. I have not previously had a proper opportunity to welcome him to his new post. I have enormous respect for his abilities, both as a politician and as a Minister. Our paths have strangely inter-twingled—[Hon. Members: "Inter-twingled?"] I should be the Deputy Prime Minister, talking like that. We have gone from pensions to energy and now to schools. In fact, the Secretary of State is to be found wherever the Government are in crisis, and he brings his own distinct sort of "Dad's Army", "Don't panic" style to the

various crises that he finds. If I may say so, I thought that he was in fine form yesterday. I cannot think of any member of the Cabinet who could have handled the rebellion that he faced yesterday better than he did. His reward, of course, was a Labour rebellion of 69 Members who voted against the Government. Perhaps it tells us a lot about the state of the Labour party and the Labour Government that, with all his skill, he faced a rebellion that wiped out their majority.

The debates on the Bill, both in Committee and on the Floor of the House, have had a strangely elusive quality, because the implications of the Bill may be quite modest. I hope that they are not modest in practice, but I am not as confident as the Secretary of State about how many schools will become trust schools. I have some concerns about what will happen when the human rights lawyers get to work on some of the points in a recent report. We may find that some of the Bill's provisions are hard to implement.

Mr. Gordon Prentice (Pendle) (Lab): The Secretary of State told me yesterday that a great many schools would opt for trust status by the end of this Parliament. Will the hon. Gentleman estimate how many schools he thinks will go for trust status?

Mr. Willetts: I would not like to give an estimate, but I believe that we should encourage schools to become trust schools. That is what the White Paper said, and it was one of the more curious moments in the passage of the Bill when the Secretary of State and other Ministers went through the Lobby yesterday to vote against a Conservative amendment that would have simply implemented the proposals in the White Paper. It is very unusual for Ministers to vote against the proposals in their own White Paper, when the Bill comes to the House.

Ian Stewart: Will the hon. Gentleman give way?

Mr. Willetts: I am afraid that time is very limited, so I hope that hon. Gentleman will forgive me if I do not give way.

I want to bring out the point that the reason why these debates have been so hard to pin down is that, although the Bill's implications may be modest in practice, they are very large in theory. There is a different way to think about education behind the Bill. It is a recognition that the future role for local education authorities is as purchasers, not as providers, that the future for schools must involve diversity, not standardisation, and that parents want choice, rather finding their children trapped in certain catchment areas.

Ian Stewart: Will the hon. Gentleman give way?

Mr. Willetts: I am afraid that I will try to make progress in very limited time.

Conservative Members have consistently believed in that philosophy; it is the thinking behind the White Paper and many of the provisions that survive even in relatively modest form in the Bill. The Labour rebels, if they may be called that, are deeply uncomfortable with that philosophy. I disagree with them, but I respect the integrity and consistency with which they have argued their case. They have revealed the real division that now exists in the House on education reform. A majority in the House, represented by the entirety of my party and the Front Bench of the Labour party, believe in those principles, although there may be many Labour Members who are uncomfortable with them. It is partly a disagreement of principle, but I have to say that I am increasingly persuaded by the evidence produced by evaluations around the world that school choice and school freedom work.

Mr. Chaytor *rose—*

Ian Stewart *rose—*

Mr. Willetts: I am afraid that I have only four minutes. It would not be right for me to give way.

There is clear evidence from Sweden, from America and even from evaluations of our own grant-maintained schools that that is the best way in which to raise standards of education in our country, which is why we support the Bill and will continue to support it. But of course, in supporting the Bill and developing this agenda, my party has changed its approach as well. I fully recognise that my party's approach to the issue of selection has changed. In the process of forming a consensus on the best way of reforming education, we have abandoned any idea of a grammar school in every town. We have abandoned any idea of bringing back the 11-plus in grammar schools. We have recognised that our focus should be on how we can best raise standards in all our nation's schools. If there is to be selection, it is best for it to take place by means of setting within schools rather than allowing children across the country to face an invidious decision, at the age of 11, on which school they should attend.

Ian Stewart: Will the hon. Gentleman give way on that point?

Mr. Willetts: Of course we wish to support the grammar schools that survive—they are institutions with a long history—but my party will not bring back the 11-plus, and will not bring back grammar schools. That was an important statement for us to make, enabling us to show that we were serious about proceeding with the education reform agenda that lies behind the Bill.

In fact, we have now reached a stage at which, unlike some Labour Members, we are not obsessed with the issue of selection. We are not going to try to expunge the last grammar school from the country. We will focus our attention on how to secure more good school places in total, rather than on the endless depressing battle over exactly how children are allocated to a small number of good schools. We all recognise that the problem in our country today is that there are not enough good schools.

Ian Stewart: Will the hon. Gentleman give way on that point?

Mr. Willetts: Perhaps I can look forward to a day when a Conservative Secretary of State is in office, and

[Mr. Willetts]

is able to use the powers in the Bill to deliver real education reform of the sort that the Prime Minister envisaged when he produced his White Paper last autumn.

Ian Stewart: Will the hon. Gentleman give way?

Mr. Speaker: Order. The hon. Member for Havant (Mr. Willetts) has made it clear that he will not give way.

Mr. Willetts: We will use the powers in the Bill to make it easier for schools to expand. We will use the powers in the Bill to give more freedom to schools. We will use the powers in the Bill to deliver on some of the promises that the Prime Minister made, but on which he has not been able to deliver. We look forward to using the powers in the Bill to deliver what the Prime Minister called, in his foreword to the White Paper, the aim of

"the creation of a system of independent non-fee paying"

state schools. That, I think, is the true objective of serious education reform, and as we fight that battle we will be able to say that ours is the party that is united in a commitment to deliver the radicalism behind the White Paper—from which, sadly, the Government have had to retreat because of pressures from their own Back Benchers.

It is on that basis that Conservative Members are pleased to support the Bill's Third Reading.

Sarah Teather: I am not sure how to follow that extraordinary love-in between the hon. Member for Havant (Mr. Willetts) and the Secretary of State—[Hon. Members: "Inter-twingle!"] Indeed. I cannot help wondering whether such a deep and personal display of affection may be something that we should not be watching in public. Although we are liberals on these Benches, I have always felt that three is a crowd, so we will not be joining in.

Of course, the truth is that it is just a marriage of convenience, not the real thing. The Secretary of State needs the passport that the Conservatives can give his Bill, and the Conservatives are really only interested in breaking up his family. The Secretary of State has been left walking a tightrope between the two, trying to persuade his family that this time he really has changed while still clinging to his affair with the Conservative Front Bench. The truth is that, as the hon. Member for Havant said, the Bill has change very little since Second Reading, despite the Secretary of State's attempts to reassure his own Back Benchers that it has.

The three key concerns that we had when we embarked on Second Reading remain. First, we do not believe that adequate safeguards on admissions have been given. If we are to give schools more freedom to control their own admissions, we want the extra safeguard of ensuring that someone impartial administers them. I welcomed the concession that the Minister made on Report for the conducting of pilots. However, I would have preferred that a permissive clause or enabling regulation be included in the Bill so that we could be sure that the Government are serious about this issue and are not simply going to kick it into the long grass, as I fear they will. Without such a safeguard, giving schools more freedom to control admissions is not adequate.

Secondly, on accountability, we are totally opposed to giving trust schools the option of reducing the number of elected parent governors. To us, that flies in the face of all the spin about parent power. I assumed that I would never win the argument with the Secretary of State about giving away the power of veto, so that local authorities could have the strategic power that they desire to plan their own services. New Labour's commitment to new localism has never really been about accountability. Nevertheless, I was astonished by the arguments that were advanced yesterday against parental ballots.

Thirdly and most importantly, I still do not feel that an adequate, clear vision has been set out. Is this a competitive education model or a collaborative one? Still, we have the Prime Minister's vision of a competitive model, rather than the vision that, I suspect, the Department for Education and Skills would much rather pursue: of a collaborative model that allows real choice in the curriculum. Without that model, we will never see the real reforms that we want—reforms that give schools the freedom to teach what young people want to learn.

In our view, this Bill is a missed opportunity. It is a timid Bill with hidden dangers, and for that reason we will vote against it tonight.

6.47 pm

Mr. Sheerman: It is with reluctance, almost, that I rise to speak. I feel embarrassed at not having participated in the long hours of consideration of this Bill in Committee; however, my Select Committee did carry out a virtual pre-legislative inquiry when we examined the White Paper.

I welcome the Bill and I will support it on Third Reading, as will the vast majority of my Labour colleagues. I will do so because it builds, as the Secretary of State said, on what we know works. The longer that I have chaired the Select Committee, the more that I have come to realise that it is not dogma that will deal with the problems that we encounter in our schools throughout the country. Some of my colleagues like dogma. A small group of them would still like to nationalise the top 100 companies, for example, and will vote for any of those old dogmas if they are given the chance. *[Interruption.]* Well, they do not like it, do they?

Mr. Speaker: Order. The hon. Gentleman must talk about the contents of the Bill.

Mr. Sheerman: I am supporting this Bill, Mr. Speaker, because it is based on the principle of judging the evidence of what works in our schools. As the Chairman of the Select Committee, I visit at least one school a week, and I know that what works on the ground is not some high-flown dogma from the past or, indeed, the future. We need to sit down with our teachers, governors, parents and students and work out what will improve education on the ground.

Paul Farrelly: Will my hon. Friend give way?

Mr. Sheerman: I only want two more minutes.

The fact is that this Bill is not radical or revolutionary; rather, it builds on the steady progress achieved—dare I say it?—under previous Conservative Governments as well as this Labour Government. That is the truth that we sometimes dare not speak in this House. Education is too important an issue for one party to make changes on taking office, and for the other then to reverse them on taking office. However, such a consensual approach is not good enough for some of my colleagues. What I want to do is to make steady progress, which probably sounds a little Oakeshottian to some of my colleagues. We have worked for nine years to improve the education of our children throughout this country, but that is not enough. There is a long way to go, and this Bill will take us further along the path of good, steady progress.

6.50 pm

Clive Efford: There is much in the Bill that deserves to be supported and I accept the efforts that have been made by my right hon. Friend the Secretary of State and his team, and their predecessors. However, the Bill provides the opportunity for schools to break away from the school community in a locality. The danger of that is that the local authorities will lose direct control of and influence over those schools. That would mean that the local community would lose influence over those schools.

I hope that my right hon. Friend, in further proceedings on the Bill, will take on board that it should not diminish the role of local authorities. The overarching strategic responsibility for developing education in an area should remain with the local authority. We need a dynamic relationship with local communities, in which the local authority has a responsibility to consult with the whole school community—parents, head teachers, governors and everybody else involved in education—to develop an education plan that it can then publish and against which the performance of schools can be measured. Local parents will then have a clear framework for education in their area, against which they can measure the performance of schools and the delivery of education. The issue is providing information that parents can understand about education in their area that will allow them to make informed decisions about education.

Even more importantly, local authorities have to be given the opportunity to identify areas of deprivation and of special educational need so that they can direct resources to those areas to raise standards. I said on Second Reading that as we came to power in 1997 the league tables for schools were being published. Although we have improved standards enormously across all schools, the schools are in the same positions in the league tables. That is true for my area and for areas across the country. I would have liked to have seen it stated in the Bill that we intended to identify areas of deprivation and need by setting the necessary criteria, so that we could direct the resources to them and finally, once and for all, give those kids who have not had the opportunity of having a decent education the resources needed to give them that. The Bill has been more about structures than about providing support for the very people at the sharp end of doing that very job.

Ms Angela C. Smith: Does my hon. Friend acknowledge that the Government have already done a great deal to direct resources to deprived areas? Excellence in cities is a good example of the Government directing resources to where they are needed.

Clive Efford: I fully accept that and I made that point in my opening remarks. Indeed, the education action zone in my area worked because it provided extra resources and the freedom for staff and governors to direct those resources to improve standards.

The White Paper said that the Government would make an announcement about that subject in the autumn, but why is it not part of the Bill? That is what I am arguing for. If a future Government did not want to invest resources in that way, they would have to explain to parents why it is no longer part of the local education plan that resources would be directed to schools in that way. That is what I wanted from the Bill. I accept that some hon. Members will say that that is what we want to achieve, but that is light years away from the rhetoric surrounding the Bill when it was published and from some of the statements made later.

I have outlined my concerns about these proposals. Unfortunately, I cannot support the Bill this evening.

6.55 pm

Dr. Blackman-Woods: There have been some very interesting discussions and deliberations over the past two days. However, I suggest to the hon. Member for Brent, East (Sarah Teather) that consensus in the best interests of our children is something to be applauded rather than denigrated.

It is perhaps unfortunate that we could not spend more time on some of the excellent proposals in the Bill. I shall highlight a few of them briefly, beginning with the duty that the Bill places on local authorities in the provision of services and facilities for young people. That is a huge step forward and it will help a lot of young people, in my constituency and others, to access a range of services that are not available at present.

The Bill also moves forward the education of 14 to 19-year-olds. The availability of new diplomas and the right to study for specialised diplomas are essential for many of our young people and will contribute to the promotion of vocational education. In addition, local authorities will have new opportunities to provide free school meals to all children in their areas. That will transform the quality of food available to students, who will be able to eat good food at lunch time. I hope that the Government will encourage local authorities to take the option up.

We have not had an opportunity to explore what personalised learning will mean for young people. However, I have seen it at work in some schools in Sweden, and I hope that the Bill will help its delivery in this country. That is one reason why I urge all colleagues to support the Bill's Third Reading.

Other good provisions in the Bill include the new procedures to help improve discipline in schools, but

[Dr. Roberta Blackman-Woods]

before I conclude I want to mention the greater ability that this measure gives to local authorities to intervene in failing and coasting schools. That will raise standards for all our young people.

Question put, That the Bill be now read the Third time:—

The House divided: Ayes 422, Noes 98.

Division No. 255] **[6.57 pm**

AYES

Afriyie, Adam
Ainger, Nick
Ainsworth, Mr. Peter
Alexander, rh Mr. Douglas
Allen, Mr. Graham
Anderson, Mr. David
Arbuthnot, rh Mr. James
Armstrong, rh Hilary
Austin, Mr. Ian
Bacon, Mr. Richard
Bailey, Mr. Adrian
Baird, Vera
Baldry, Tony
Balls, Ed
Banks, Gordon
Barlow, Ms Celia
Baron, Mr. John
Battle, rh John
Bayley, Hugh
Beckett, rh Margaret
Begg, Miss Anne
Bell, Sir Stuart
Bellingham, Mr. Henry
Benn, rh Hilary
Benton, Mr. Joe
Benyon, Mr. Richard
Bercow, John
Berry, Roger
Binley, Mr. Brian
Blackman-Woods, Dr. Roberta
Blair, rh Mr. Tony
Blears, rh Hazel
Blunkett, rh Mr. David
Blunt, Mr. Crispin
Bone, Mr. Peter
Borrow, Mr. David S.
Boswell, Mr. Tim
Bottomley, Peter
Bradshaw, Mr. Ben
Brady, Mr. Graham
Brazier, Mr. Julian
Brennan, Kevin
Brown, rh Mr. Gordon
Brown, Lyn
Brown, Mr. Russell
Browne, rh Des
Browning, Angela
Bryant, Chris
Buck, Ms Karen
Burden, Richard
Burnham, Andy
Burns, Mr. Simon
Burrowes, Mr. David
Burt, Alistair
Butler, Ms Dawn
Butterfill, Sir John
Byers, rh Mr. Stephen
Byrne, Mr. Liam
Cabom, rh Mr. Richard
Cairns, David
Campbell, Mr. Alan
Carswell, Mr. Douglas
Cash, Mr. William
Cawsey, Mr. Ian
Challen, Colin
Chaytor, Mr. David
Clappison, Mr. James
Clark, Greg
Clark, Paul
Clarke, rh Mr. Charles
Clarke, rh Mr. Kenneth
Clarke, rh Mr. Tom
Clifton-Brown, Mr. Geoffrey
Clwyd, rh Ann
Coaker, Mr. Vernon
Coffey, Ann
Conway, Derek
Cooper, Rosie
Cooper, Yvette
Cormack, Sir Patrick
Cousins, Jim
Cox, Mr. Geoffrey
Crabb, Mr. Stephen
Creagh, Mary
Cunningham, Mr. Jim
Cunningham, Tony
Curry, rh Mr. David
Curtis-Thomas, Mrs. Claire
Darling, rh Mr. Alistair
David, Mr. Wayne
Davies, David T.C. *(Monmouth)*
Davies, Mr. Quentin
Dean, Mrs. Janet
Denham, rh Mr. John
Dhanda, Mr. Parmjit
Dismore, Mr. Andrew
Djanogly, Mr. Jonathan
Dodds, Mr. Nigel
Donaldson, Mr. Jeffrey M.
Donohoe, Mr. Brian H.
Doran, Mr. Frank
Dorrell, rh Mr. Stephen
Dorries, Mrs. Nadine
Duncan, Mr. Alan
Dunne, Mr. Philip
Eagle, Angela
Eagle, Maria
Ellman, Mrs. Louise
Ellwood, Mr. Tobias
Engel, Natascha
Ennis, Jeff
Evans, Mr. Nigel
Evennett, Mr. David
Fabricant, Michael
Fallon, Mr. Michael
Field, rh Mr. Frank
Field, Mr. Mark
Fitzpatrick, Jim
Flello, Mr. Robert
Flint, Caroline
Follett, Barbara
Foster, Mr. Michael *(Worcester)*
Foster, Michael Jabez *(Hastings and Rye)*
Fox, Dr. Liam
Francis, Dr. Hywel
Francois, Mr. Mark
Fraser, Mr. Christopher
Gapes, Mike
Gardiner, Barry
Garnier, Mr. Edward
Gauke, Mr. David
George, rh Mr. Bruce
Gibb, Mr. Nick
Gilroy, Linda
Goggins, Paul
Goodman, Helen
Goodman, Mr. Paul
Goodwill, Mr. Robert
Gove, Michael
Gray, Mr. James
Grayling, Chris
Green, Damian
Greening, Justine
Greenway, Mr. John
Grieve, Mr. Dominic
Griffith, Nia
Griffiths, Nigel
Gummer, rh Mr. John
Gwynne, Andrew
Hague, rh Mr. William
Hain, rh Mr. Peter
Hall, Patrick
Hamilton, Mr. Fabian
Hammond, Mr. Philip
Hands, Mr. Greg
Hanson, Mr. David
Harman, rh Ms Harriet
Harper, Mr. Mark
Harris, Mr. Tom
Hayes, Mr. John
Heald, Mr. Oliver
Healey, John
Heathcoat-Amory, rh Mr. David
Hendrick, Mr. Mark
Hendry, Charles
Hepburn, Mr. Stephen
Heppell, Mr. John
Herbert, Nick
Hesford, Stephen
Hewitt, rh Ms Patricia
Hill, rh Keith
Hillier, Meg
Hoban, Mr. Mark
Hodge, rh Margaret
Hodgson, Mrs. Sharon
Hoey, Kate
Holloway, Mr. Adam
Hood, Mr. Jimmy
Hoon, rh Mr. Geoffrey
Hope, Phil
Horam, Mr. John
Howard, rh Mr. Michael
Howells, Dr. Kim
Hughes, rh Beverley
Hunt, Mr. Jeremy
Hurd, Mr. Nick
Hutton, rh Mr. John
Iddon, Dr. Brian
Ingram, rh Mr. Adam
Irranca-Davies, Huw
Jack, rh Mr. Michael
James, Mrs. Siân C.
Jenkin, Mr. Bernard
Jenkins, Mr. Brian
Johnson, rh Alan
Johnson, Mr. Boris
Johnson, Ms Diana R.
Jones, Mr. David
Jones, Mr. Kevan
Jones, Mr. Martyn
Jowell, rh Tessa
Joyce, Mr. Eric
Kaufman, rh Sir Gerald
Kawczynski, Daniel
Keeble, Ms Sally
Keeley, Barbara
Keen, Ann
Kelly, rh Ruth
Kemp, Mr. Fraser
Kennedy, rh Jane
Khabra, Mr. Piara S.
Khan, Mr. Sadiq
Kidney, Mr. David
Kirkbride, Miss Julie
Knight, Jim
Kumar, Dr. Ashok
Ladyman, Dr. Stephen
Laing, Mrs. Eleanor
Lait, Mrs. Jacqui
Lammy, Mr. David
Lancaster, Mr. Mark
Lansley, Mr. Andrew
Laxton, Mr. Bob
Lazarowicz, Mark
Lepper, David
Letwin, rh Mr. Oliver
Levitt, Tom
Lewis, Mr. Ivan
Lewis, Dr. Julian
Liddell-Grainger, Mr. Ian
Lidington, Mr. David
Lilley, rh Mr. Peter
Linton, Martin
Loughton, Tim
Love, Mr. Andrew
Lucas, Ian
Luff, Peter
MacDougall, Mr. John
Mackay, rh Mr. Andrew
Mackinlay, Andrew
Maclean, rh David
MacShane, rh Mr. Denis
Mactaggart, Fiona
Mahmood, Mr. Khalid
Malik, Mr. Shahid
Malins, Mr. Humfrey
Mallaber, Judy
Mann, John
Maples, Mr. John
Marris, Rob
Marsden, Mr. Gordon
Marshall, Mr. David
Martlew, Mr. Eric
Maude, rh Mr. Francis
May, rh Mrs. Theresa
McAvoy, rh Mr. Thomas

McCabe, Steve
McCafferty, Chris
McCarthy, Kerry
McCarthy-Fry, Sarah
McCartney, rh Mr. Ian
McCrea, Dr. William
McDonagh, Siobhain
McDonnell, Dr. Alasdair
McFadden, Mr. Pat
McFall, rh Mr. John
McGuire, Mrs. Anne
McIntosh, Miss Anne
McIsaac, Shona
McKechin, Ann
McKenna, Rosemary
McLoughlin, rh Mr. Patrick
McNulty, Mr. Tony
Meale, Mr. Alan
Mercer, Patrick
Merron, Gillian
Michael, rh Alun
Milburn, rh Mr. Alan
Miliband, rh David
Miliband, Edward
Miller, Mrs. Maria
Milton, Anne
Mitchell, Mr. Andrew
Moffat, Anne
Moffatt, Laura
Mole, Chris
Moon, Mrs. Madeleine
Moran, Margaret
Morden, Jessica
Morley, Mr. Elliot
Moss, Mr. Malcolm
Mountford, Kali
Mullin, Mr. Chris
Munn, Meg
Murphy, Mr. Denis
Murphy, Mr. Jim
Murrison, Dr. Andrew
Newmark, Mr. Brooks
Norris, Dan
O'Brien, Mr. Mike
O'Brien, Mr. Stephen
O'Hara, Mr. Edward
Olner, Mr. Bill
Osborne, Mr. George
Osborne, Sandra
Paice, Mr. James
Paisley, rh Rev. Ian
Palmer, Dr. Nick
Paterson, Mr. Owen
Pearson, Ian
Pelling, Mr. Andrew
Penrose, John
Pickles, Mr. Eric
Plaskitt, Mr. James
Pope, Mr. Greg
Pound, Stephen
Prentice, Bridget
Prescott, rh Mr. John
Primarolo, rh Dawn
Prisk, Mr. Mark
Pritchard, Mark
Purnell, James
Rammell, Bill
Randall, Mr. John
Raynsford, rh Mr. Nick
Redwood, rh Mr. John
Reed, Mr. Andy
Reed, Mr. Jamie
Reid, rh John
Rifkind, rh Sir Malcolm
Robathan, Mr. Andrew
Robertson, Hugh
Robertson, John
Robertson, Mr. Laurence
Robinson, Mr. Geoffrey
Rooney, Mr. Terry
Roy, Mr. Frank
Ruane, Chris
Ruddock, Joan
Ruffley, Mr. David
Russell, Christine
Ryan, Joan
Salter, Martin
Sarwar, Mr. Mohammad
Scott, Mr. Lee
Seabeck, Alison
Selous, Andrew
Shapps, Grant
Sheerman, Mr. Barry
Shepherd, Mr. Richard
Sheridan, Jim
Simmonds, Mark
Simon, Mr. Siôn
Simpson, David
Simpson, Mr. Keith
Singh, Mr. Marsha
Slaughter, Mr. Andrew
Smith, rh Mr. Andrew
Smith, Ms Angela C. *(Sheffield, Hillsborough)*
Smith, Angela E. *(Basildon)*
Smith, rh Jacqui
Snelgrove, Anne
Soames, Mr. Nicholas
Spellar, rh Mr. John
Spelman, Mrs. Caroline
Spicer, Sir Michael
Spink, Bob
Spring, Mr. Richard
Stanley, rh Sir John
Starkey, Dr. Phyllis
Steen, Mr. Anthony
Straw, rh Mr. Jack
Streeter, Mr. Gary
Stuart, Ms Gisela
Stuart, Mr. Graham
Sutcliffe, Mr. Gerry
Swayne, Mr. Desmond
Swire, Mr. Hugo
Tami, Mark
Tapsell, Sir Peter
Taylor, Mr. Ian
Thomas, Mr. Gareth
Thornberry, Emily
Tipping, Paddy
Todd, Mr. Mark
Touhig, Mr. Don
Tredinnick, David
Twigg, Derek
Tyrie, Mr. Andrew
Ussher, Kitty
Vaizey, Mr. Edward
Vara, Mr. Shailesh
Vaz, Keith
Viggers, Peter
Villiers, Mrs. Theresa
Walker, Mr. Charles
Wallace, Mr. Ben
Waltho, Lynda
Ward, Claire
Waterson, Mr. Nigel
Watkinson, Angela
Watson, Mr. Tom
Watts, Mr. Dave
Whitehead, Dr. Alan
Wicks, Malcolm
Wiggin, Bill
Willetts, Mr. David
Williams, rh Mr. Alan
Wills, Mr. Michael
Wilson, Mr. Rob
Wilson, Sammy
Winterton, Ms Rosie
Woodward, Mr. Shaun
Woolas, Mr. Phil
Wright, Mr. Anthony
Wright, David
Wright, Mr. Iain
Wright, Jeremy
Wright, Dr. Tony
Wyatt, Derek
Yeo, Mr. Tim
Young, rh Sir George

Tellers for the Ayes:
Jonathan Shaw and Liz Blackman

NOES

Abbott, Ms Diane
Alexander, Danny
Austin, John
Baker, Norman
Barrett, John
Brake, Tom
Breed, Mr. Colin
Brooke, Annette
Browne, Mr. Jeremy
Burgon, Colin
Burstow, Mr. Paul
Cable, Dr. Vincent
Campbell, rh Sir Menzies
Carmichael, Mr. Alistair
Caton, Mr. Martin
Clapham, Mr. Michael
Clark, Ms Katy
Clegg, Mr. Nick
Clelland, Mr. David
Corbyn, Jeremy
Cruddas, Jon
Davey, Mr. Edward
Davidson, Mr. Ian
Devine, Mr. Jim
Dobbin, Jim
Dobson, rh Frank
Dunwoody, Mrs. Gwyneth
Efford, Clive
Farron, Tim
Featherstone, Lynne
Flynn, Paul
Foster, Mr. Don
George, Andrew
Gibson, Dr. Ian
Godsiff, Mr. Roger
Goldsworthy, Julia
Grogan, Mr. John
Hancock, Mr. Mike
Harris, Dr. Evan
Harvey, Nick
Havard, Mr. Dai
Heath, Mr. David
Hemming, John
Heyes, David
Holmes, Paul
Hopkins, Kelvin
Horwood, Martin
Hughes, Simon
Huhne, Chris
Humble, Mrs. Joan
Hunter, Mark
Jackson, Glenda
Jones, Helen
Keetch, Mr. Paul
Kennedy, rh Mr. Charles
Kilfoyle, Mr. Peter
Kramer, Susan
Lamb, Norman
Laws, Mr. David
Leech, Mr. John
McDonnell, John
McGovern, Mr. Jim
Meacher, rh Mr. Michael
Moore, Mr. Michael
Mudie, Mr. George
Mulholland, Greg
Öpik, Lembit
Prentice, Mr. Gordon
Prosser, Gwyn
Pugh, Dr. John
Purchase, Mr. Ken
Reid, Mr. Alan
Rennie, Willie
Riordan, Mrs. Linda
Rogerson, Mr. Dan
Russell, Bob
Simpson, Alan
Skinner, Mr. Dennis
Smith, Geraldine
Smith, John
Smith, Sir Robert
Soulsby, Sir Peter
Stewart, Ian
Stunell, Andrew
Swinson, Jo
Taylor, David
Teather, Sarah
Thurso, John
Trickett, Jon
Truswell, Mr. Paul
Turner, Dr. Desmond
Wareing, Mr. Robert N.
Webb, Steve
Williams, Mark
Williams, Stephen
Willis, Mr. Phil
Willott, Jenny
Wood, Mike
Younger-Ross, Richard

Tellers for the Noes:
Mr. Roger Williams and Paul Rowen

Question accordingly agreed to.
Bill read the Third time, and passed.

DELEGATED LEGISLATION

Motion made, and Question put forthwith, pursuant to Standing Order No. 118(6) (Standing Committees on Delegated Legislation).

CONSTITUTIONAL LAW

That the draft National Assembly for Wales (Transfer of Functions) Order 2006, which was laid before this House on 24th April, be approved.—*[Huw Irranca-Davies.]*

Question agreed to.

Motion made, and Question put forthwith, pursuant to Standing Order No. 118(6) (Standing Committees on Delegated Legislation).

SOCIAL SECURITY

That the draft Social Security (Income Support and Jobseeker's Allowance) Amendment Regulations 2006, which were laid before this House on 24th April, be approved.—*[Huw Irranca-Davies.]*

Question agreed to.

Sri Lanka

Motion made, and Question proposed, That this House do now adjourn.—*[Huw Irranca-Davies.]*

7.12 pm

Mr. Andrew Love (Edmonton) (Lab/Co-op): It would be remiss in starting this Adjournment debate not to welcome the Sri Lankan cricket team to this country and to wish its players the best of luck, because I think that they may need it.

The primary reason why I have called the debate this evening is to report to Parliament on a recent delegation to Sri Lanka that the hon. Member for Northampton, South (Mr. Binley) and I headed at the beginning of April this year. I shall report what we saw on our visit and some of the issues and concerns that were raised with us.

I want to focus on the rapidly deteriorating situation in Sri Lanka and on the action that both the UK Government and, through them, the international community are taking to address the increased number of suicide attacks, random killings and assassinations and to move towards the resumption of the talks that were cancelled in April.

I thank all those who were involved in arranging our visit, of whom there are too many to mention in this debate. I particularly want to thank those who were involved in facilitating our visit to the north—we flew to Jaffna and visited parts of the north that are under Government control.

Before we made the visit, my constituents and members of the Sri Lankan community throughout the country expressed their concern to me, as chairman of the all-party group on Sri Lanka, that tsunami aid was simply not getting through to the north and east of the country. As a result, I raised two questions with Ministers in the Department for International Development. Despite the reassurances that I received, people still expressed concerns that nothing was happening in the north and east. I was thus relieved to receive a letter from the Sri Lankan high commissioner, who detailed at some length several of the projects that were being undertaken in the north. I shall cite a representative example from the letter. She wrote that the World Bank was spending just over $32 million

"to rehabilitate small irrigation schemes damaged by the tsunami"

and providing support for "community capacity building reconstruction" in the north and east.

Even with that letter, it was still difficult to persuade those who made representations to me, so our visit to the north was welcome because it allowed us to see three sites, two of which were just outside Jaffna and one that was at Point Pedro, which is the most northerly point of the Sri Lankan island. During our visit, we saw the work of an Italian non-governmental organisation called Movimondo, which had completed work on 36 houses and built a school just outside Jaffna. Right adjacent to that was a World Bank scheme involving 111 houses. A lot of the houses were in the early stages of construction, but quite a few had roofs on. I have no doubt that they will have been completed by now. We also visited a site that was

organised by Caritas, another NGO. There were to be 68 houses on the site. Although they were in the early stages of development, we could at least see the foundations of the houses that would be there.

Mr. Sadiq Khan (Tooting) (Lab): I congratulate my hon. Friend on securing such an important and worthy debate. I have also heard reports from the Sri Lankan diaspora in my community—the Tamil diaspora—of the intimidation and harassment of NGO workers. The White Pigeon charity in my constituency and the Tamil Rehabilitation Organisation in Sri Lanka have complained especially about the recent kidnapping of workers. When my hon. Friend was in Sri Lanka, did he get the chance to speak to NGO workers and find out from them whether they were being intimidated in the work that they were doing?

Mr. Love: We had the opportunity to speak to some of those involved in the three schemes in the north, but focused our attention primarily on the work that they were doing to rehabilitate and reconstruct following the tsunami. In all honesty, we did not get on to concerns about kidnapping, although I have heard similar reports to those cited by my hon. Friend.

During our visit, we also spoke at length to the reconstruction and development agency in Sri Lanka. It confirmed that, although there had been complex negotiations, it was confident that the tsunami relief efforts were beginning to show in the north and east, so I hope that I can provide reassurance to those who are concerned about that.

Through the good offices of the ministry for resettlement, we were able to visit Puttalam, which is in the western part of the island. We met some of the internally displaced people, who are primarily Muslims, who exist in 35 camps in the region. They have been in the camps for nearly 16 years. What we found was an absolute disgrace. The shelters were threadbare. The food supplies that the people received were intermittent and the food was basic, to say the least. People had to walk two miles to get water that they could drink and more than a mile just to get a bath in the morning. There were few employment opportunities for the people. Education was non-existent and discrimination was rife among the local people.

Mr. David Drew (Stroud) (Lab/Co-op): I congratulate my hon. Friend the Member for Edmonton (Mr. Love) on securing the debate. The sad thing about Sri Lanka is that religious intolerance is still bad. The conflict between the Sinhalese and the Tamils is one thing, but the undercurrent of religious intolerance is just as bad. Did he see any of that on his visit?

Mr. Love: In relation to the Muslim community, a great deal of the discrimination described to us was partly based on religious differences. I have heard reports of other minority religions being discriminated against. It is of concern, but it was not our primary focus on visiting the island.

We spoke to a number of the people in the camps and were surprised to discover that they did not want to return to their original homes in the north and east. They felt safe where they were and had been living there for a considerable time. It was very much the strong feeling of both members of the delegation that they had been forgotten by everyone—by their Government and the international community. It was part of our wish on returning to raise their profile and see whether something could be done. I note that the Department for International Development has been involved in innovative programmes on internally displaced persons. In former programmes, it has tried to assist people to return to their original homes. It could construct a similar programme so that people can rehabilitate themselves within the district of Puttalam and establish employment opportunities. Perhaps the Minister can pass that request on to his colleagues.

Mr. Brian Binley (Northampton, South) (Con): I congratulate the hon. Member for Edmonton (Mr. Love) on obtaining the debate and thank him for his great companionship on the trip. I support what he says about those unfortunate people in Puttalam. Frankly, their plight shocked me to the core. One of our objectives was to get the British Government to raise the matter in a slightly more active way. I recognise that Ministers are aware of the situation and are compassionate about it, but I make a plea to extend those efforts and to raise the profile of those people, who have been forgotten in relation to the tsunami, the troubles and so on. Does he agree that that would help?

Mr. Love: I agree with the hon. Gentleman and endorse everything he says. I hope that Ministers will read our debate tomorrow and take those issues up on our behalf.

The main reason for having the debate this week is the concern that exists throughout the international community, but primarily on the island itself, about the major escalation in violence following the breakdown of the ceasefire agreement talks in April. That had been coming for some time. The two sides were on the slippery slope. Although there had been a so-called ceasefire agreement since 2002, the violence never stopped. If we look back at the history of that agreement, we see that, although intensive talks took place between 2002 and 2003, they soon ran out of steam. There has been little or no political progress since then. The situation between the two communities has deteriorated and violence has flared up.

A combination of events led to that position, such as the assassination of the former Foreign Minister, Mr. Kadirgama, the collapse of the post-tsunami operational management structure—P-TOMS—agreement, which would have allowed both communities to be involved in tsunami relief, and the split in the Tamil Tigers, with the Karuna faction actively engaged in violent activities, mainly against the other part of its own community. Human rights violations have been perpetrated with impunity in the north and east of the island. There was euphoria when the talks began in February, but that was soon replaced by the same old problem of lack of trust and

[Mr. Love]

confidence between the two communities, with the result that tit-for-tat violence led to the current situation.

Talks broke down after the Tamil Tigers walked out, because in their view the Government did not help to facilitate meetings between commanders in the north and east of the island. They claim that those talks have not been abandoned. I hope that that is the case, because the re-establishment of genuine talks is one of our few hopes of progressing to negotiations. The situation is serious—indeed, it is much more serious than it was. In a recent speech, the Minister highlighted the attempted assassination of the army chief, General Fonseca as an example of the escalating violence on the island. There have been many incidents, but recently, a suicide attack on a navy gunboat killed 18 crew members and injured many others. Many people who were on the boat used by the attackers were also killed.

In April, 191 people—some of them were soldiers but many were civilians—were killed on both sides of the conflict. The violence has been condemned and there has been a flurry of diplomatic activity. Norway has actively engaged in the task of trying to bring people together. What are the British Government doing on behalf of Parliament to try to bring the parties together to reduce the violence on the island? For example, have they pressed for a resumption of the talks between the two parties on a ceasefire agreement? What action has been taken by the United Nations and the European Union to try to support efforts to engage the parties? We are in a unique position—we have a long historical connection with Sri Lanka, and many Sri Lankans live in the UK—so are we assisting Norway with our expertise?

At the end of the month, major donors, including the EU and the UK, will meet in Tokyo. What action will they take to try to reduce the violence on the island? People across the country who are interested in Sri Lanka often raise the issue of whether the UK Government could and should play a more central role in offering assistance. We all know the historical record: the Indian Government and the United Nations have been involved, and Norway is currently involved. We accept that there are difficulties, but Britain can play a special or unique role. I hope that the Minister accepts the urgency of the situation.

Mr. Khan: Today, I received a letter from Mr. Seevaratnum at my local Sivayagum temple. He feels frustrated and let down by the British Government. He believes that they have failed to take enough action to make people aware of what is happening in his homeland and that they should be more interventionist and help their kin in Sri Lanka. Does my hon. Friend empathise with those feelings?

Mr. Love: I hope that the Minister can respond, as I have certainly heard such feelings expressed on many occasions. We are doing what we can, but I am sure that the Minister will offer reassurance to the House and the communities that are listening to our debate so that they can be confident that we are doing everything that we can to help Sri Lanka at a time of extreme need.

7.29 pm

The Minister of State, Foreign and Commonwealth Office (Dr. Kim Howells): I congratulate my hon. Friend the Member for Edmonton (Mr. Love) on securing the debate. These are difficult times for Sri Lanka, and I welcome the opportunity to discuss how the United Kingdom is engaged in Sri Lanka to help improve the prospects for all. We should remember that Sri Lanka is not a small, faraway island. It is a substantial country of 20 million people.

The Indian ocean tsunami caused wide-scale loss of life and devastation last year. Hopes that the process of tsunami recovery and reconstruction would help develop greater long-term harmony among communities were unfortunately not realised. Over the past year, there has been a steady and deeply worrying deterioration in the security situation in the country. Sri Lanka's development is again in danger of being overshadowed by its long- running ethnic conflict.

The appalling assassination of the Foreign Minister, as we heard from my hon. Friend, was followed by the attempted assassination of an army commander, regular attacks on military personnel, grenade attacks against civilians, extra-judicial killings, disappearances and intimidation, mob violence and violence by paramilitary groups. The cycle of violence has contributed to an atmosphere of extreme mistrust and polarisation, which has fuelled further antagonism and violence.

For a lasting peace to be possible, the violence must abate, and the parties must discuss in earnest and honest terms the issues that matter to them and find a way forward. No one else can do that for them. That is a statement which I know my hon. Friend understands. He has visited Sri Lanka, together with the hon. Member for Northampton, South (Mr. Binley), and seen it for himself. I saw it for myself on my visit there.

Only Sri Lankans can secure a peace for Sri Lanka. All sectors of Sri Lankan society need to contribute positively to the quest for peace. The Sri Lankan diaspora in the UK and elsewhere in the world, like any diaspora, needs to allow the parties the appropriate space to make progress towards peace, and we must try to help with that.

However, as my hon. Friend made clear, the international community has an important role to play in the peace process by supporting and encouraging the parties on that journey, and creating an environment conducive to building a sustainable peace that will benefit all the peoples of Sri Lanka. Within the international community, the UK uses its long-standing and good relationship with the people of Sri Lanka to work to that end. I am sure the House supports that aim.

In response to the worsening situation in December and January, the international community urged the parties to talk. As presidency of the European Union, Great Britain played a big part in those efforts. The co-chairs of the Sri Lanka donor group—the EU, the United States, Norway and Japan—put great pressure on the Sri Lankan Government and the Liberation Tigers of Tamil Eelam to put an end to the violence and fully respect the ceasefire.

Those efforts brought results, when the Sri Lankan Government and the LTTE got round the table in

Geneva in February for the first time in three years. All of us had great hopes at that moment. The Government pledged that no armed group or person other than Government security forces would carry arms or conduct armed operations, and for their part, the LTTE pledged to take all necessary measures to ensure that there would be no acts of violence against the security forces and the police. Both sides made a commitment to ensure that there would be no intimidation, acts of violence, abductions or killings.

I am sure my hon. Friend and hon. Members will agree that the resurgence and subsequent escalation in violence since that moment is all the more disappointing. Since the beginning of April, as my hon. Friend reminded us, at least 300 people have died, more than half of them civilians. That is a terrible situation.

We know that the LTTE are responsible for many of the violent acts. Our position on the LTTE is clear: they are a proscribed organisation under the Terrorism Act 2000. Along with the international community, we have urged them time and again to move away from the path of violence. Our concerns go beyond high profile attacks on the armed forces. There is an established pattern of LTTE involvement in killings, torture, detention of civilians and denial of freedom of speech. For many Tamils, any expression of opposition to the LTTE is not an option. That is the sad truth. We remain deeply disturbed by the LTTE's continuing recruitment of child soldiers.

But the LTTE is not the only source of violence. I have to make clear, too, our deep concern at the plight of civilians in Government-controlled areas, who are regularly subjected to brutal attacks by paramilitary groups, often acting with apparent impunity. There are also reports that Government security forces may be involved in some of those killings.

So what needs to happen next? My hon. Friend asked some very pertinent questions. In my view, the answer is clear. It is vital that both sides return to the negotiating table and live up to the commitments that they made in Geneva in February. We shall continue to offer political and practical support to the peace process in whatever way we can. Violence is not the answer. The only way forward is a negotiated settlement that satisfies the concerns and legitimate aspirations of all Sri Lankans and preserves national unity and integrity. I am sure that the House will join me in expressing the hope that all parties go down that road, and soon, and that we shall finally see Sri Lanka fulfil its very considerable potential. As the hon. Member for Northampton, South has told me, it is potentially a tourist paradise. It should be one of the wealthiest countries in southern Asia, but it is rapidly becoming one of the poorest. It is a disgrace that that has been allowed to happen.

What are we in the United Kingdom doing? The British Government continue to urge the Sri Lankan Government and the LTTE to fulfil the obligations that they made at the Geneva talks in February, to do all they can to stop the violence, and to return to talks. We have given our full support to the efforts of the Norwegians, who have the difficult task of facilitating this process. We very much admire their continued determination and inexhaustible work in the face of much public dissension. The Norwegian interlocutors who are doing this work always pay us the privilege of calling into the Foreign and Commonwealth Office so that they can keep us abreast and we can find out from them what we can do to help. We have continued to do that. We also continue to support the work of the Sri Lanka monitoring mission, now led by a Swedish general, in monitoring ceasefire violations.

On a practical level, we contribute to peace-building in Sri Lanka through the implementation of a peace-building strategy that has been agreed across the Department for International Development, the Foreign and Commonwealth Office and the Ministry of Defence. It focuses on such themes as greater adherence to human rights standards, preparedness for peace negotiations, and strengthening civil society. DFID has contributed £2.6 million towards de-mining activities in Sri Lanka, which is a very serious issue that my hon. Friend did not have a chance to discuss; £6.25 million to UNICEF's children affected by armed conflict programme, which is another very serious issue; almost £2 million to civil society organisations to promote conflict transformation; £3.5 million to Oxfam to reduce the number of children suffering as a result of the conflict; and £3.3 million to Save the Children Sri Lanka to increase respect and realisation of child rights.

Let me deal with the issue of internally displaced persons—I am grateful to my hon. Friend the Member for Edmonton and the hon. Member for Northampton, South for raising it. Internally displaced persons should be protected and assisted by their Governments in the first instance. However, if a Government are unable or unwilling to do that, the international community should provide support. There has been much debate about that in the United Nations recently. We must carefully examine what the international community can do to help in those circumstances.

In Sri Lanka, the United Nations High Commissioner for Refugees is mandated to assist internally displaced persons. In 2005, the British Government gave £30 million to UNHCR, of which £20 million was DFID core funding, and we would like at least some of that money to be spent on alleviating the problems of internally displaced persons in Sri Lanka. Like my hon. Friend and the hon. Member for Northampton, South, we support the principle that every internally displaced person has the right to liberty of movement and freedom to choose his or her residence.

Internally displaced persons should have conditions established by competent authorities, which allow them to return voluntarily, in safety and with dignity to their homes or habitual residence, or to resettle voluntarily in another part of the country. I hope that my hon. Friend and the hon. Gentleman understand that the Government are concerned about that important issue. I am glad that they raised it.

Since the tsunami, a great deal has been achieved and assistance is reaching most victims of that terrible natural disaster. However, with so many independent non-governmental organisations active throughout Sri Lanka, there are wide differences between districts in the standards and quality of relief work. The immense size of the reconstruction task is stretching the capacity of central and local government to manage and

[Dr. Kim Howells]

co-ordinate assistance. Assistance has been reaching some communities more quickly than others.

The Government and donors, including DFID, are working to make the administration as efficient as possible and to remove any bureaucratic hurdles that constrain non-governmental organisation activities. With that in mind, DFID has recently approved £1.5 million for the north-east provincial council—NEPC—to increase its capacity to deliver services to affected communities. The NEPC is responsible for some 70 per cent. of the area damaged by the tsunami. Despite the difficulties, the achievements to date have been substantial. Assistance is reaching communities throughout the country and making a genuine difference. Sadly, the recent escalation in violence has led to a suspension of the programme and some other DFID activities in Sri Lanka. I greatly hope that an improvement will occur in the security situation and allow those activities to resume.

Question put and agreed to.

Adjourned accordingly at nineteen minutes to Eight o'clock.

House of Commons

Thursday 25 May 2006

The House met at half-past Ten o'clock

PRAYERS

[MR. SPEAKER *in the Chair*]

Oral Answers to Questions

EDUCATION AND SKILLS

The Secretary of State was asked—

Teacher Retirement

1. **Mr. Phil Willis** (Harrogate and Knaresborough) (LD): How many secondary school teachers with a qualification in chemistry or physics will be eligible for retirement over the next 10 years. [73368]

The Minister for Schools (Jim Knight): In 2005, 26 per cent. of teachers with a physics degree and 22 per cent. with a chemistry degree were aged 50 or over and would therefore be expected to retire in the next 10 to 15 years. There is no fixed retirement age for teachers but the normal pension age for existing teachers is 60, rising to 65 for ordinary recruits from January 2007. Actuarially reduced pension benefits are also available to members of the scheme from age 55.

Mr. Willis: May I first welcome the Secretary of State and his new ministerial team and wish them well? I genuinely mean that.

Yesterday, the Education and Inspections Bill went through the House promising that more children at key stages 3 and 4 could have access to single subject physics and chemistry. Also, the Chancellor said that 3,000 extra science teachers—mostly of physics and chemistry—would be recruited by 2014. Yet only one in four science teachers has a qualification in physics, only one in five has a qualification in chemistry and the Government have missed every science teacher recruitment target since 1997. What plans has the Minister to ensure that, by 2014, we have a supply of teachers to satisfy the demands of our schools and British business?

Jim Knight: We are taking significant steps to recruit and retain more science teachers. The targets are challenging but numbers have already increased by 30 per cent. between 1997 and 2004-05—the last year for which figures are available. As a result of the Chancellor's Budget statement, we are increasing the value of the teacher training bursary for science graduates, training new science specialist high level teaching assistants, continuing the drive to recruit graduates into teaching via employment-based routes, exploring current pay incentives and flexibilities—there is a long list, but I shall not detain the House by continuing to read it out. We take the matter very seriously.

Dr. Brian Iddon (Bolton, South-East) (Lab): It is not simply a matter of good science teachers in the classroom, but of good technical back-up. Will my hon. Friend examine the training of technicians and technical assistants who help teachers in the laboratory and elsewhere in school? There are some problems with supply.

Jim Knight: As ever, my hon. Friend follows these matters carefully. He is right to highlight the important role that technicians play. The support staff in our schools perform a valuable role but, all too often, we focus only on teaching assistants. We should applaud the work and contribution of technicians. We take my hon. Friend's point seriously and the national network of science learning centres provides professional development for science teachers and technicians.

Mr. Nick Gibb (Bognor Regis and Littlehampton) (Con): The shortage of chemistry and physics teachers stems ultimately from the crisis in science teaching in our secondary schools that has developed in the past 20 years, and ill-judged reforms to the curriculum such as the double-award science GCSE. Does the Minister share our concern about the latest reform—the new 21st century science curriculum—which puts more emphasis on societal issues in science than fundamental scientific knowledge and is being boycotted by the top independent schools in favour of the International GCSE? The state sector is not allowed to use that exam because it does not include continuous assessment of coursework. Should not that rule be changed and the IGCSE be made available to all state schools as well as the private sector? If he makes that change, he will have our support on that, too.

Jim Knight: It is relatively early days for me but I am looking into all that. However, we do not agree with the hon. Gentleman—the new programme of study for science does not lower standards. We worked with the science and science education communities to develop a revised programme of study, which has a core that focuses on scientific literacy and provides options for further study and links with other subject areas. It will still be possible for schools to offer GCSEs in the three separate sciences and we are confident that the changes will ensure that our children's scientific knowledge is fit for purpose for this century.

Mr. Barry Sheerman (Huddersfield) (Lab/Co-op): We all know that great strides have been made in getting more students to study science, including chemistry, and maths. Will my hon. Friend also consider engineering? Will he further examine joined-upness and the gaps between study at 16, being oven ready for A-level and being prepared for university? There is something wrong with the joined-upness

between the ages of 16 and 18 that puts kids off staying with science. Will my hon. Friend urgently examine that process?

Jim Knight: Of course I must listen carefully to what my hon. Friend is saying, and I will look carefully at engineering. I will also look at the impact of the new diploma, and at how the foundation degree is working. I will ensure that we have the sort of joined-upness that he is looking for.

Subject Skills Shortages

2. **Mr. Philip Hollobone** (Kettering) (Con): What steps are being taken to address subject skills shortages among teachers. [73369]

The Secretary of State for Education and Skills (Alan Johnson): Having enough teachers with the right subject skills remains one of the Government's highest priorities. Ofsted commends our newly qualified teachers as the best trained ever. We have measures in place to ensure that we continue to attract the teachers that we need, particularly in priority subjects. These include bursaries of £9,000 for trainee secondary teachers and golden hellos of up to £5,000. We support a range of professional development measures to enhance the subject skills of serving teachers.

Mr. Hollobone: I recently met the secondary heads at Montsaye community college in Rothwell, Montagu school in Kettering and Latimer community arts college in Barton Seagrave, and they all said that skills shortages among teachers in maths, English, design and technology, information and communications technology and music were among their biggest headaches. Despite the policies that the right hon. Gentleman has just announced, the results do not seem to be filtering down to real head teachers in real schools on the ground.

Alan Johnson: There is a problem in those and other subjects, including modern languages. That is why we have looked at this matter again, and why the Training and Development Agency has made recommendations, all of which will be put into effect from September next year. Recruitment into maths teacher training has gone up over the past four years from 1,410 to 2,580, and the figures for science teachers have gone up by a similar amount, from 2,580 to 3,560. But there are still shortages, which is why the bursaries, the golden hellos and all the other efforts that are going into inspiring youngsters to get involved in these subjects are crucial. The hon. Gentleman has raised an important point, but it is an issue that we are aware of and that we are seeking to tackle.

Dr. Ashok Kumar (Middlesbrough, South and East Cleveland) (Lab): The fact that many of our top universities are closing their chemistry departments could have serious consequences for chemistry teachers in the future. Has my right hon. Friend made any direct assessment of the effect that this will have on the recruitment of chemistry teachers?

Alan Johnson: I know that my hon. Friend takes a huge interest in these issues, and I should like to tell him that the number of chemistry graduates has gone up last year and this year. We had a bit of a concern about Sussex university, but it announced recently that it was keeping its chemistry department open. That is no cause for complacency, however. We have to work through the Higher Education Funding Council—universities are independent organisations, as my hon. Friend knows—to ensure that those courses are available. The central point, however, is that we need students who wish to study those subjects. That is why the process starts not at the higher education level in the universities, but much further down in primary and secondary schools.

Sarah Teather (Brent, East) (LD): One in four modern language teachers are teaching a subject in which they have no qualification beyond A-level. Given the difficulty that the Government are having in recruiting graduates to teacher training, would it not be sensible also to invest in retraining existing teachers in those specialist areas?

Alan Johnson: We are doing some of that as well. Through the national centre for excellence in teaching mathematics and other learning centres, we are seeking to ensure that we give qualifications to those who come into teaching late. As for modern languages, we are using a number of strategies to increase the number of teachers with a specialism in their subject, but that does not detract from the ability to bring in people who have a degree in another subject and switch them over to modern languages. That is a way of tackling the skills shortage, and a combination of both methods is necessary.

David Taylor (North-West Leicestershire) (Lab/Co-op): Would the Secretary of State care to say a little about the success of the pilot scheme for the repayment of teachers' loans in relation to shortage areas? The prime scheme ended on 30 June 2005, although the final tranche of applicants was allowed up to 30 June 2006. This is particularly important in areas such as science and my own subject, mathematics, in which there has been a chronic shortage for a very long time, predating this Government by decades.

Alan Johnson: If my hon. Friend will accept this, I will write to him on this issue. My understanding so far—from my two weeks' experience in this job—is that that scheme has worked very well, and that we are now looking at a new phase. We are drawing on the lessons that we have learned from the previous period. I will write to my hon. Friend with the full details immediately after questions.

Mr. Charles Walker (Broxbourne) (Con): I have seven secondary schools in my constituency, but I shall spare the Minister the pleasure of having them read out. [Hon. Members: "Shame!"] I would be delighted to read them out if that is what my hon. Friend the Member for The Wrekin (Mark Pritchard) wants. More seriously, one thing common to the entirety of my constituency and Hertfordshire is a lack of maths teachers at secondary school level. Indeed,

advertisements for a new teacher often go completely unanswered. Can the Secretary of State provide something encouraging for me to take back to the head teachers in my constituency about what the Government are going to do to encourage more people into the teaching profession, specifically into mathematics teaching, in the east and south-east region?

Alan Johnson: The hon. Gentleman will recall the Chancellor's Budget statement in which, as part of the 10-year science and innovation framework, he announced a number of measures for a variety of subjects, but particularly for maths. The intention is that the number of specialist mathematics teachers will have been increased dramatically by 2014. Currently, 88 per cent. of maths teachers have a specialism in maths, which we aim to increase to 95 per cent. by 2014. That, together with the other procedures that I mentioned—the golden hellos, bursaries and so forth—will have a dramatic effect. Overall, the number of maths teachers has increased, but we need more of them, particularly with the maths specialism, to teach the subject properly.

Secondary School Places (Wellingborough)

3. **Mr. Peter Bone** (Wellingborough) (Con): What estimate he has made of the number of secondary school aged children in Wellingborough who have not been allocated a secondary school place. [73370]

The Minister for Schools (Jim Knight): Northamptonshire county council is responsible for ensuring that all parents in Wellingborough who want a place for their child are given one. The Tory county council has told the Department that all parents who applied for a secondary school place for September 2006 were offered one on 1 March, the national offer date.

Mr. Bone: I will take that answer, if I may, with a pinch of salt. Wellingborough is a fast-expanding town with thousands of new homes being built, but under the Labour Government, one of its four secondary schools has been demolished, leaving the remaining three schools grossly overcrowded with some children being bussed to school, some parents moving from Wellingborough to get an education for their children and the scandal of many children being left at home with no school to go to. Is the Department for Education and Skills fit for purpose?

Jim Knight: I think that the hon. Gentleman is stretching things a little, so he needs to look at the facts. Generally, for each year group in his area, there are 704 places across the three schools and about 630 pupils for those schools: there is a surplus. Those figures were supplied by the Tory county council. If the hon. Gentleman thinks that there is a problem with school places in Wellingborough, he needs to go to his friends in his party who run his local authority to get them to sort it out.

Education Links (UK/China)

4. **Mark Tami** (Alyn and Deeside) (Lab): If he will take steps to build higher education links between the UK and China. [73371]

The Minister for Higher Education and Lifelong Learning (Bill Rammell): There are 160 links between our universities and those in China, and 53,000 students from China studying in the UK. This month, I visited China with three vice-chancellors to explore the scope for greater collaboration. We have expanded the scholarships for excellence programme, and the second phase of the Prime Minister's initiative for international education will enable us to extend and deepen our higher education partnerships with China.

Mark Tami: I thank the Minister for that answer. Given the remarkable pace of growth and change in China, does he agree that we need to do more to establish greater links between UK and Chinese universities? I am aware of the links with Loughborough, Nottingham and Liverpool, but how do we encourage our other universities to follow suit?

Bill Rammell: I very much agree with my hon. Friend that we need greater higher education collaboration, but we are building from a high base, with 160 collaboration initiatives in place. My hon. Friend refers to the specific initiatives of Nottingham and Liverpool universities. Given that more of China's students are home grown, those initiatives are a key element of our future higher education engagement with China, so we are strongly supporting them.

Mark Pritchard (The Wrekin) (Con): Notwithstanding the Government's own problems with mandarins this week, does the Minister agree that Mandarin should be rolled out to all schools, particularly at secondary level, so that Britain remains competitive against global competition, not least from China?

Bill Rammell: I certainly want young people in this country to study modern languages in greater numbers across the board. Our commitment that in every primary school by 2010 there will be an opportunity for the teaching and study of a modern foreign language is an important initiative, and I am encouraged by the fact that undergraduate application numbers to universities this year to study Mandarin have increased by some 53 per cent.

Mrs. Sharon Hodgson (Gateshead, East and Washington, West) (Lab): Is my hon. Friend aware of Northumbria university, which has one of the largest overseas student bodies in the UK? It has 1,000 students from China, which is a quarter of the overseas student body of 4,000, and it also teaches 2,000 students on—

Dr. Brian Iddon (Bolton, South-East) (Lab): Distance learning.

Mrs. Hodgson: Yes, distance learning. I thank my hon. Friend. The university has 2,000 students who live in China doing distance learning. I would recommend that any hon. Member visit Northumbria university to find out from its best practice how it does that and learn from it.

Bill Rammell: I thank my hon. Friend for her interest in this area. I recently met with the pro vice-chancellor of Northumbria university, who is leading on those issues. While we have about 53,000 Chinese students coming to study in this country, which is welcome, I firmly believe that we have a strategic national interest in getting more British students to study in China. We will be looking to see how we can support them.

Mr. Boris Johnson (Henley) (Con): I congratulate the Minister on the steps he is taking to build up links with China. As we know how important it is that UK universities should have a good international reputation, and that there can be no greater deterrent to international students than the prospect that they might not have their degrees marked, may I urge him now to break his sphinx-like silence and say, loud and clear, that Chinese and other international students must have their papers marked this year?

Bill Rammell: I have certainly not shown a sphinx-like silence on this issue. As the hon. Gentleman knows, the Government are not involved in the dispute between universities and the trade unions, but quite rightly, given my concern for students, both home and overseas, I have kept in contact with both sides. I am pleased that the employers and the unions involved in the dispute have been and, as we speak, are continuing to talk to each other at ACAS.

I strongly urge everyone involved in the dispute not to continue to take any action that would jeopardise the assessment timetable for students and disrupt their studies. I hope that, following those talks, the unions will ballot their members as soon as possible.

Mr. Lindsay Hoyle (Chorley) (Lab): Obviously, my hon. Friend will be aware of the close links between the university of Central Lancashire and China, as well as the number of students exchanged, but can we use those good avenues to ensure that we also get the voice of democracy across to China and that students do not have to suffer religious intolerance, which we see coming out of China? Maybe there is a good role for UK universities to play to ensure that that continues.

Bill Rammell: I thank my hon. Friend for his comments. I have recently visited the university of Central Lancashire to discuss that, among many other issues. In terms of the change and development of China, the very fact that we have close links and that our students are travelling in both directions enables us to have a better dialogue with the Chinese Government over those issues.

Universities (Academic Freedom)

5. **Michael Gove** (Surrey Heath) (Con): If he will make a statement on academic freedom in universities. [73372]

The Minister for Higher Education and Lifelong Learning (Bill Rammell): Academic freedom is a fundamental principle of our higher education system. It is vital that academic staff have freedom within the law to question and test received wisdom, and to put forward new ideas and voice controversial or unpopular opinions, without placing themselves in jeopardy.

Michael Gove: I thank the Minister for that reply. He recently appointed Dr. Atta Ullah Siddiqui of the Islamic Foundation in Leicester to review Islamic education at university. Given that the Islamic Foundation has been described by the BBC's "Panorama" as one of "the most influential" outposts of "militant Islamist ideology" in Europe, given that it led the militant opposition to Salman Rushdie's "The Satanic Verses" and given that it promotes the work of Abu Ala Mawdudi, who called for a worldwide Islamic revolution, how is this move likely to promote freedom in our universities?

Bill Rammell: This is an important issue and an important review that we are pursuing. It is crucial that we get it right. I appointed Dr. Siddiqui after careful consideration and decided that he was the best-qualified of a number of candidates. If the hon. Gentleman looks at Dr. Siddiqui's record, what he has said and what he has written, they will show that he has a commitment to improving relations between Muslims and the wider community. He is vice-chair of the Christian-Muslim association launched by the Archbishop of Canterbury. He also has a distinguished academic record, and in terms of the number of questions that have been put forward, he has categorically assured me that he has no links to the Jamaat-e-Islami party. I think that he is a very credible candidate to take on this task.

Mr. David Willetts (Havant) (Con): We completely agree with the Minister about the importance of academic freedom. Does he agree, however, that the freedom that academics enjoy must be matched by a responsibility to their students? If the strike by academics were to leave many students unable to take their degrees and jeopardise their careers, that would be taking academic freedom much too far. Further to the Minister's answer, will he confirm that he will support universities that legitimately make alternative arrangements to ensure that exam papers are marked this summer?

Bill Rammell: The answer to that question is, of course, yes. The Government want absolutely to ensure that students are not adversely affected by this dispute. We have made it clear on several occasions that a resolution of the dispute is crucial. I regard it as an encouraging sign—I put it no stronger than that—that talks were held at ACAS on Tuesday and that talks are taking place today. We urge the trade unions to put an offer to their members and hope that the dispute is resolved as quickly as possible.

Secondary School Places (Milton Keynes)

6. **Mr. Mark Lancaster** (North-East Milton Keynes) (Con): If he will make a statement on the availability of secondary school places in Milton Keynes. [73373]

The Minister for Schools (Jim Knight): As I made clear in my response to the hon. Member for Wellingborough (Mr. Bone), the local authority determines the demand for and supply of places at its schools, which is a procedure reinforced by the Education and Inspections Bill. Where an authority demonstrates that it cannot fund the statutory number of places from the funding that it is allocated, it can apply to my Department for exceptional funding. It should be noted that the Government have met all funding requests from Milton Keynes borough council since 1997.

Mr. Lancaster: Every day, Milton Keynes welcomes 13 new residents as the Government force the city to expand. That puts enormous pressure on our schools. Currently, 450 pupils are being educated in temporary accommodation, and the temporary accommodation at Oakgrove is now set to stay for another five years. Given that the Government are happy to set the expansion plan for Milton Keynes until 2031 but funding for schools only until 2008, does the Minister at least accept that temporary schools appear to be here to stay?

Jim Knight: I am aware of the hon. Gentleman's concerns about the expansion of Milton Keynes and the subsequent need for enhanced infrastructure. Under this Government, Milton Keynes and its schools have been allocated more than £125 million of capital support for 2005-06 and 2007-08 alone, including £86 million based on new pupil places criteria. I am aware of his concerns about temporary accommodation, and the overall position on temporary accommodation has improved dramatically under this Government. He will know that, in 1997, investment in school buildings was just £683 million, and that will increase to more than £8 billion by 2010-11. The Government are committed to ensuring that we do not need temporary buildings and that we keep them to a minimum, but, clearly, where there is rapid expansion of population and schools, they will be used.

Prisoner Education

7. **Greg Clark** (Tunbridge Wells) (Con): If he will make a statement on his policy on the education of prisoners. [73374]

The Parliamentary Under-Secretary of State for Education and Skills (Phil Hope): With the Home Office and the Department for Work and Pensions, the Department for Education and Skills has produced an education policy for prisoners and offenders generally, "Reducing Re-Offending Through Skills and Employment". We aim to improve the skills of offenders, including prisoners, and to improve their employment prospects, so that we can help to reduce reoffending and ensure that those individuals make a positive contribution to society.

Greg Clark: I thank the Minister for that reply. Is he aware, however, that 70 per cent. of prisoners are illiterate, though it is obvious to anyone that their rehabilitation depends on them learning to read and write? Is he also aware that the director general of the Prison Service appeared before the Public Accounts Committee, on which I serve, and pointed out that only 30 per cent. of prisoners have access to education during their sentences? He said that there is

"a limit to the education one should reasonably do with prisoners."

Does the Minister agree that that is a shameful assessment?

Phil Hope: The hon. Gentleman is right that there is a huge basic skills gap among prisoners, and we are doing a great deal to ensure that we deliver more skills for life qualifications to offenders, including those in prison. We have doubled the number of offenders receiving skills for life level 1 literacy qualifications, which has been a huge success. The document to which I referred spells out in detail how we are trying to improve the quality of training inside our prisons to widen access to education and training and to ensure that more offenders, inside and outside prison, gain skills that lead them into jobs. If an offender gets a job, the prospects of them reoffending are much reduced.

Rob Marris (Wolverhampton, South-West) (Lab): For many years, education funding for young people in the secure estate was less than two thirds of funding for the average pupil in a secondary school, although young people in the secure estate are some of the lowest educational achievers and are some of the most vulnerable members of society. What are the Government doing to increase per capita funding for those young people to a higher level than the average funding for secondary school pupils?

Phil Hope: My hon. Friend is right to raise the important issue of young offenders. I was at Feltham young offender institution last week talking to young people who were undergoing education. Many are alienated, disaffected and disengaged from education. They are in secure accommodation because they committed offences that merited imprisonment, and they are some of the most challenging individuals with whom to work.

I spoke to staff at Feltham, who, like staff in other youth custody institutions throughout the country, do a fantastic job in re-engaging young people in education, and giving them skills and aspirations that they have never had before. It is a challenging environment in which to work, and I was deeply impressed. We have doubled resources for the education of offenders, and that increase, along with the talent that is there and the new Offenders Learning and Skills Service—which is now being delivered throughout the secure estate—will raise aspirations and the quality of the education given to young people in our prisons.

Mr. Nick Hurd (Ruislip-Northwood) (Con): Does the Minister recognise the concern expressed by the Home Affairs Committee and the Prison Reform Trust about the possibility that progress in the meeting of basic skills targets will be eroded by the ever-increasing number of people going through the system, the high

level of transfer between institutions, and the apparently large differentials between institutions in terms of provision? Does he share those concerns, and what is he doing to address them?

Phil Hope: I do share those concerns. We are taking a number of steps to ensure that we can deliver education and training in a service in which prisoners move from one institution to another. That is a real challenge, but our Green Paper specifies a number of measures to deal with it. They include modularised courses, which mean that an offender who has been taking a course and is moved from one institution to another can continue to study because the second institution provides a similar course.

The transfer of records is a problem. We want to improve the manual transfer system, and, ideally, to adopt a system of electronic transfer so that prisoners' learning profiles can follow them to new institutions. All our proposals are spelt out in detail in the Green Paper. The consultation finishes at the end of this month, and later in the year, once consensus has been achieved, I shall present proposals for the implementation of those changes.

Dr. Roberta Blackman-Woods (City of Durham) (Lab): I know that my hon. Friend is aware of the importance of linking education in prisons directly to the development of skills for employment, but will his Department examine the way in which education is structured in prisons? It is important to engage prisoners who are serving short-term sentences. Many of those prisoners are women. Can they be encouraged to take advantage of such programmes, and can the courses be structured in such a way that they can be continued following release?

Phil Hope: My hon. Friend has put her finger on a key issue: how we can improve the quality of education and training in our prison system. Inspection is now conducted at a level equivalent to mainstream education standards, and as a result of that regime, more prisons are paying attention to the quality of education.

I met a young woman in Low Newton prison in Durham who was taking a painting and decorating course. The possibility of a qualification leading to a job was a bonus, but it also meant that she could decorate a nursery at home for her child. We would like that combination of improved skills and enhanced life chances to be replicated throughout the prison system.

Mr. John Hayes (South Holland and The Deepings) (Con): The Government have a criminal record on prison education. A damning report from the Education and Skills Committee stated that 50 per cent. of inmates lacked the skills needed for 96 per cent. of jobs. A year later, only four of its 55 recommendations have been implemented. My hon. Friend the Member for Tunbridge Wells (Greg Clark), who is a member of the Public Accounts Committee and whose work I commend, found that only 30 per cent. of prisoners receive any formal education during their sentences.

The Government set a target: prisoners should devote 24 hours a week to purposeful activity, including education. Why, given the Minister's fine words, have the Government—according to the director general of the Prison Service—dropped their target for prison education altogether?

Phil Hope: We are in fact exceeding those targets as a result of increasing investment in the Prison Service, and offenders now have more and longer opportunities to engage in education. During the day in prisons, there are not only education courses but, because of the way in which prisons are run, other learning opportunities to enable skills levels to be increased, such as catering and making things in workshops. Training and education is provided across the piece and is seen as an integral part of the way in which the Prison Service operates. We have delivered 18 of the recommendations in the Select Committee report to which the hon. Gentleman referred. Four of them are long term and are being delivered as we speak, four others do not require any action—they were recommendations for others—and six we disagreed with.

Our record on delivering the recommendations of that report—I point out to my hon. Friend the Member for Huddersfield (Mr. Sheerman) that it is a good analysis—suggests that we have made and are making real progress. As we build on the Green Paper this year, we will see further delivery of our commitment to improve education and training for prisoners, so that their chances of reoffending are reduced and they can get a job when they leave prison.

EU Students (Loan Repayments)

8. **Sir Nicholas Winterton** (Macclesfield) (Con): What estimate he has made of the number of EU-domiciled students who will receive loans for study at a UK higher education institution and will then default on repayment of those loans. [73376]

The Minister for Higher Education and Lifelong Learning (Bill Rammell): We estimate that 14,000 students each year from other European Union countries who are studying in English institutions will be able to take out loans for tuition fees. We have put in place robust measures so that after graduation, these borrowers repay their loans—just as United Kingdom graduates do. Repayments are affordable and linked to income, and will be collected even if the graduate returns home.

Sir Nicholas Winterton: I am very grateful to the Minister for that constructive reply, but what will happen to those students who do not keep the Student Loans Company informed of any changes and those who move, for example? How will they be traced? Is it right that the hard-pressed British taxpayer should be responsible for picking up the cost of those loans that are not repaid? Why, moreover, are EU countries apparently not prepared to help the UK in recovering these loans?

Bill Rammell: I made a parliamentary written statement on this issue on Tuesday, and we have done a

number of things. We have deliberately introduced lower repayment thresholds for less wealthy EU countries, so that students who return to them will nevertheless make an income-contingent repayment. Crucially, we have put in place procedures to enable the Student Loans Company to take action to enforce the debt in court both in the UK and abroad, if necessary. We intend to use EC regulation 44/2001, which will allow the SLC to enforce a judgment made in the UK courts and in the rest of the EU. On rights and responsibilities, these provisions stem from a European Court of Justice ruling back in 1988. I ask the hon. Gentleman to recall how many times in the nine subsequent years, when the Conservatives were in office, the Conservative Government challenged the ruling. In my recollection, they did so not once.

Chris Bryant (Rhondda) (Lab): Contrary to the implication of this question, which is that EU-domiciled students are foreigners, is it not true that actually, all British students are also EU-domiciled? Indeed, they have benefited enormously from greater opportunities to study elsewhere in Europe over the past few years, but such opportunities depend on reciprocal arrangements with other countries. If we are to ensure that those opportunities really are advanced for young students—be they from the Rhondda or anywhere else in the UK—is it not vital that we strengthen our relationship with other countries? Would it not also be a good idea to have greater integration of our legal systems, so that we can pursue debts elsewhere in Europe?

Bill Rammell: My hon. Friend tempts me too far on this issue, but I strongly agree with him that we have a massive strategic national interest in a two-way flow of students: students from Britain going elsewhere in the European Union, and other EU students coming to this country. But it is important to make it clear that, although we welcome those overseas students, it is right that on leaving their courses, all those who can contribute to the cost of their higher education should do so, regardless of what country they are from and where they choose to live. The arrangements that we have announced this week will ensure that that happens.

Further Education

9. **Helen Jones** (Warrington, North) (Lab): What steps he is taking to increase the participation in further education of people with no qualifications. [73377]

The Parliamentary Under-Secretary of State for Education and Skills (Mr. Parmjit Dhanda): A wide range of policies exists to increase participation in learning by adults without qualifications. Our national employer training programme, Train to Gain, and the entitlement to free tuition for a first level 2 will both be available throughout England from this September. We also announced in our recent White Paper a new foundation learning tier to create progressive pathways below level 2.

Helen Jones: I welcome my hon. Friend to his new post, and I also welcome the steps that the Government are taking to improve participation in further education. Will he consider the issue that I raised in a recent debate in Westminster Hall, which is the closure of some adult education courses that, without leading to qualifications in themselves, actually bring into education adults who have no qualifications and who would not come through the college doors otherwise? Will he undertake to monitor that issue carefully and to learn from the success of adult and community learning in increasing the participation rates of those without any qualifications, so that we can get to those who are hardest to reach?

Mr. Dhanda: My hon. Friend makes her point exceedingly well and I enjoyed reading the report of her Adjournment debate in the early hours of this morning. She will be well aware that the personal and community development learning courses that she mentioned in her debate are being protected by a fund of some £210 million for the next two years, and I know that she will also agree that the Government face a challenge in terms of equipping people for the workplace at level 2. Part of the difficulty is that over the years so many people have taken courses below level 2 and have not made it through to that level, and 51 per cent. of those who do not have any qualifications do not end up in work, whereas 75 per cent. of those with a level 2 qualification do find work. We want to complete the pathway from no qualification to level 2, so I am sure that my hon. Friend will support the new foundation learning tier that will be implemented from September to do just that.

Miss Anne McIntosh (Vale of York) (Con): I welcome the Minister to his post and I entirely endorse the comments by the hon. Member for Warrington, North (Helen Jones). It is disappointing that the Government have cut the funding for the learning and skills council in north Yorkshire to such an extent that York college is no longer able to offer the sort of evening classes and community education that are so important in rural areas. The Minister mentions level 2 qualifications, but why should funding for that level exclude funding for community education and evening classes? The Government must surely fund both.

Mr. Dhanda: The hon. Lady makes an interesting point, but provision for spending the £210 million that I mentioned, which is ring-fenced for the next two years, is patchy nationally. Provision is not consistent across the board, and we will look at that. I am determined not to be overtly partisan on my first outing at the Dispatch Box, but it is important for Opposition Members to realise that funding for further education has increased by 48 per cent. since 1997, whereas it fell by 14 per cent. in the last term of the Conservative Government.

Lynda Waltho (Stourbridge) (Lab): In adult learners week, will my hon. Friend join me in congratulating my constituent, William McSorley, who through learndirect has gained qualifications in language, literacy and IT skills and become a confident and

capable library user? Will my hon. Friend also undertake to protect funding for such initiatives, as provided at Stourbridge library?

Mr. Dhanda: My hon. Friend makes a good point and I commend the work that she does in her constituency. I also congratulate her constituent. Over the course of this decade, we are seeking to provide basic skills to another 2.25 million people, and we are on course to meet that significant target. My hon. Friend's constituent and many others will be the beneficiaries of that and I hope that it will equip them for a place in the work force.

Trust Schools

10. **Mr. Gordon Prentice** (Pendle) (Lab): What recent estimate he has made of the number of trust schools that will be established by 2010. [73378]

The Secretary of State for Education and Skills (Alan Johnson): I have not made any estimate of the number of trust schools that will be established by 2010. Our proposals are about schools making decisions that are right for them and their pupils in order to raise standards. It will be for individual schools to decide whether they want to acquire a trust and what form that trust should take, after consultation with parents and other stakeholders.

Mr. Prentice: Why is it so difficult to give a figure for trust schools? After all, we know that the Government want more than 200 city academies, even though they depend on super-rich sponsors coming forward. Will the current controversy and police investigation into alleged cash for honours have an impact on the numbers of would-be sponsors?

Alan Johnson: I cannot give my hon. Friend a figure, as we do not have one. Many schools are already interested in becoming trusts, but the number will grow when the Education and Inspections Bill has completed its passage through the House and receives Royal Assent. I can tell him that many people are waiting to sponsor city academies. Although the controversies to which he alluded were real, they have not in any way inhibited people from coming forward. Most of them want to remain anonymous, but they all want to put something back into the communities from which they came. A lot of them have deprived backgrounds, and all the academies will be in areas of educational deprivation. Whatever their expectations, I think that it is commendable that such people want to sponsor the academies. We should congratulate them, not condemn them.

Mr. Desmond Swayne (New Forest, West) (Con): How does the Secretary of State square his answer to the substantive question with the enthusiasm of the Prime Minister's foreword to the White Paper? It was clear that he envisaged that every school, both primary and secondary, would become a trust school.

Alan Johnson: My answer was to the question about whether we had a figure for the number of trusts that would be established by 2010. I said that we did not have that figure. That is a world away from saying that we are not enthusiastic about setting up trusts, but it is up to schools to make that decision. I believe that a host of schools will wish to become trusts, and that my right hon. Friend the Prime Minister is right to speak about the policy with enthusiasm. It is being put forward because we believe that trusts can bring together experience from the outside world of universities, colleges and business and that that can contribute to raising educational attainment in a school. That is why many schools will wish to become trusts.

Childcare Work force

11. **Mrs. Joan Humble** (Blackpool, North and Fleetwood) (Lab): What action is being taken to improve skills within the child care work force. [73379]

12. **Kitty Ussher** (Burnley) (Lab): What steps are being taken to improve skills within the childcare work force. [73381]

The Minister for Children and Families (Beverley Hughes): To improve quality in early education and care, we are developing a new graduate level role—the early years professional—and increasing skill levels for other staff. We have also introduced a transformation fund, worth £250 million over the next two years. That supplements the considerable financial support that we already give local authorities to develop their early years and child care work force.

Mrs. Humble: I thank my right hon. Friend for that reply and I especially welcome the announcement of the transformation fund. When she issues guidance on staff training and development, will she take into account and acknowledge the existing expertise of the many people who have worked in child care for many years? Will she make sure that that is taken into account in the proposals to recruit and train a new and more diverse work force in child care?

Beverley Hughes: I thank my hon. Friend for that question, and I also commend her on her work to promote understanding and awareness of the need for quality in early education and child care. I assure her that we will take account of the expertise to which she referred. We want to make it easier for people in various parts of the children's work force to build on their existing qualification and find pathways to higher levels of skill. That will enable them to have more choice about where they work in the children's service. The integrated qualifications framework that we are developing will give existing child care practitioners of various kinds many more development opportunities, and in that way it will contribute to the quality that young children need.

Kitty Ussher (Burnley) (Lab): The Minister will be aware that the pay of those who work with children is notoriously low. That is not helpful when we are trying to attract people with higher skills into that sector. Can she explain the effect on child care workers' pay of the Government's actions?

Beverley Hughes: Yes, I can. Pay is agreed ultimately by employers, staff and their representatives. My hon. Friend will be pleased to know that, as a result of the Government's push towards quality and higher skills levels in the children's work force, the survey published today for child care and early years providers for 2005 shows that the average level of pay for staff working, certainly in group settings, has increased across the board in the period 2002-05 by 16 per cent. on average for hourly pay. That compares well with a 10 per cent. increase for the United Kingdom as a whole. In addition, I have asked the Children's Workforce Development Council to report to me by September on the whole package of pay and conditions and on how we might look at that to improve recruitment and retention.

SOLICITOR-GENERAL

The Solicitor-General was asked—

Community Court (Nottingham)

18. **Mr. Graham Allen** (Nottingham, North) (Lab): What recent discussions the Crown Prosecution Service has had with the Department for Constitutional Affairs about the proposal for a community court in Nottingham; and if he will make a statement. [73361]

The Solicitor-General (Mr. Mike O'Brien): I have spoken to the Department for Constitutional Affairs Ministers about a community court in Nottingham. I understand that my right hon. Friend the Lord Chancellor has asked my hon. Friend to provide a paper on the options available and I know that the Nottinghamshire local criminal justice board, together with the Crown Prosecution Service, are keen to develop these proposals.

Mr. Allen: The Solicitor-General will be aware of the sloppy, slapdash research done this week, which was based on inaccurate census figures, inaccurate boundaries and out-of-date population numbers, which has condemned Nottingham wrongly as the city with the highest crime in the United Kingdom. Will he do something that the authors of that report did not do, which is to visit Nottingham, talk to me, the local chief of police and the leader of the council, and see what great work has gone on in the past few years to force crime down by 15 per cent. in five years and reduce our murder rate by a dramatic 63 per cent.? As part of that will he also ensure that he meets the CPS and gives a warm welcome and fair wind to our proposal for a community justice centre?

The Solicitor-General: I am happy to go to Nottingham to look at the proposals for a community justice court and to talk to Jon Collins, the leader of Nottingham city council, and chief superintendent Marcus Beale, both of whom have expressed serious concerns about the way in which the report suggests that the situation in Nottingham is far worse than it is.

Probation Service

19. **Mr. David Heathcoat-Amory** (Wells) (Con): What discussions the Law Officers have had with the Home Office on the impact of the Human Rights Act 1998 on the work of the probation service. [73364]

21. **Mr. Peter Bone** (Wellingborough) (Con): What discussions the Attorney-General has had with the Home Office on the impact of the Human Rights Act 1998 on the work of the probation service. [73367]

The Solicitor-General: The Attorney-General and I have had regular discussions with Home Office Ministers about the probation service. In accordance with longstanding convention, law officers do not disclose whether or not they have given advice on a particular issue.

Mr. Heathcoat-Amory: The Government are in a complete muddle about human rights. Ministers regularly complain about an over-cautious interpretation of the Human Rights Act 1998 by Government agencies and judges. Does the Solicitor-General agree that we can at least amend the Human Rights Act, but that that is not true for the separate and even more prescriptive EU charter of fundamental rights, which the Prime Minister unwisely signed up to as part of the European Constitution? Does the Solicitor-General think it was wise of the Government to sign up to a charter which would put these human rights matters permanently beyond the control of the British Government, British Parliament and British courts?

The Solicitor-General: The status of the charter is primarily political at present; it is not part of our domestic law, but the European convention is, through the Human Rights Act, and it can be interpreted in our courts. The convention provides a basic list of fundamental democratic rights that we should respect, so I do not accept the right hon. Gentleman's view that there is a mess in respect of the convention. We need to ensure that the convention is dealt with in a way that protects both the interests of society as a whole as well as the rights of individuals.

Mr. Heathcoat-Amory: What about the charter?

The Solicitor-General: The right hon. Gentleman refers to the charter, but the question he asked was about the human rights convention and the probation service.

Mr. Bone: For clarification, are the Government considering amending the Human Rights Act?

The Solicitor-General: The Human Rights Act is enormously important. It sets out articles on respect for life, prohibition of torture and degrading treatment, freedom from arbitrary arrest, the right to a fair trial and to freedom of thought, association, religion and speech, privacy and property, all of which are in the convention that was brought into our law by the Act.

The convention was drawn up in 1950 in the aftermath of the war and those freedoms continue to represent the civil and political values of a modern democracy and have been signed up to across Europe. The convention may have been written in different times, but most of its articles balance the rights of individuals and the interests of society. We shall look particularly at article 3, which does not include such a balancing clause in respect of the interests of society. We will not repeal the Human Rights Act, but we will not rule out amendment should that be necessary. At present, our view is that some of the problems that have arisen are due to officials taking a view about human rights that is in error, and that might be resolved by better and stronger guidance rather than by amendment.

David Taylor (North-West Leicestershire) (Lab/Co-op): Given the problems that the partly privatised Prison Service is experiencing in establishing an audit trail on foreign prisoners, does the Solicitor-General believe that the soon to be privatised probation service will have similar difficulties, as the ways in which it manages offenders in the community might compromise their human rights?

The Solicitor-General: I certainly believe that the way in which the probation service will be organised will improve our management of prisoners and reduce crime. The people of this country have already seen a reduction in the level of crime; an overall reduction of 44 per cent. over the last 10 years. We can be proud about that, and we are organising the probation service to ensure that that process of crime reduction continues.

Simon Hughes (North Southwark and Bermondsey) (LD): Do Law Officers agree with the views set out in the article by David Pannick QC in *The Times* on 23 May? He stated that the Human Rights Act is not responsible for the release of rapists into the community, nor for decisions about whether they are safe to be in the community, which are the responsibility of the Parole Board; that it is not responsible for the failure of the probation service to track down foreign convicted people who should have been deported; and that the Act is a good and excellent thing, far more important for the majority of law-abiding citizens than for a minority who might have been to prison.

The Solicitor-General: The Human Rights Act is a major achievement of the Government and there is no question of withdrawing from the convention or, indeed, of blaming the whole Act for particular problems. It is right, however, that when problems arise we look at ways to resolve them. As I indicated, on some issues—especially in the Rice case—some officials have sometimes taken an over-zealous view of the interpretation of the legislation. That might be dealt with primarily through more robust guidance to those officials and by making sure that we take the strong view that in each case there should be not only a recognition of the rights of individuals but of the interests and security of society, and the right of society not to be subject to people being arbitrarily or wrongly released.

Mr. Dominic Grieve (Beaconsfield) (Con): The Solicitor-General has been drawn out in his replies. He started by telling the House that he could not say what discussions he had been having with the Home Office about the operation of the probation service and then he became a bit more forthcoming. If it is correct that in the Rice case, for instance, there was a serious failure at an official level to understand how the Human Rights Act and the European convention on human rights ought to operate, meaning that officials wrongly failed to provide a proper degree of supervision of Mr. Rice, I assume that that is a matter of concern to the Law Officers. Although I would not expect a comment to be made on individual cases, may we have an assurance that this is an area in which the Law Officers are providing guidance to the Home Office and its relevant agencies on how to do their job properly and well within the scope of the ECHR?

The Solicitor-General: I have already indicated that I cannot tell the hon. Gentleman whether Law Officers have given particular guidance to the Home Office. He is well aware of that convention. I know that he is a great supporter of the Human Rights Act, unlike many of his Back Benchers. He voted for the Human Rights Act and was supportive throughout the debate. I remember that well. The Anthony Rice case, which resulted in the tragic death of Naomi Bryant, was an example of officials not properly balancing the rights of individuals against society's need for proper security. The Human Rights Act provides for that balancing test. Where that is not being applied properly—as the chief inspector of probation made it clear in the report that it was not in that case—we must ensure that the officials concerned are given an adequate understanding of the Human Rights Act, stronger guidance and better training. We are looking at whether further changes need to be made in some areas of legislation that may or may not involve the Human Rights Act. We need to look at the matter with care and see what lessons can be learned.

Crown Prosecution Service

20. **Julie Morgan** (Cardiff, North) (Lab): What plans he has to improve inter-agency working by the Crown Prosecution Service. [73366]

The Solicitor-General: The Crown Prosecution Service will improve inter-agency working by delivering initiatives such as conditional cautioning, the prolific and priority offender scheme and prosecution team performance management. We will also develop programmes that are currently under way such as charging; no witness, no justice; and the effective trial management programme.

Julie Morgan: Does my hon. and learned Friend agree that in areas such as domestic violence, it is especially important that the Crown Prosecution Service train and work closely with agencies such as

Women's Aid, Victim Support and the probation service, so that women and children are made as safe as possible by a shared understanding of what domestic violence is and by the ability to share information?

The Solicitor-General: I certainly agree with that. Importantly, in recent years inter-agency working has had a dramatic effect on the way in which we deal with domestic violence. In particular, inter-agency working resulted in 25 specialist domestic violence courts being set up by April 2006. We are making 25 further bids for domestic violence courts that will be based on inter-agency working. There are proposals to introduce independent domestic violence advisers who will work on an inter-agency basis to improve the prosecution of domestic violence cases. Importantly, there was a 43 per cent. increase in recorded domestic violence cases in 2005-06 compared with 2004-05, mainly due to higher levels of reporting. However, unsuccessful outcomes in terms of prosecutions fell by 4.7 per cent. in 2005-06. We are improving the way in which we are prosecuting cases.

Business of the House

11.33 am

Mrs. Theresa May (Maidenhead) (Con): Will the Leader of the House give us the business for the week after the recess?

The Leader of the House of Commons (Mr. Jack Straw): The business for the week after the recess will be as follows:

MONDAY 5 JUNE—Second Reading of the NHS Redress Bill *[Lords]*.

TUESDAY 6 JUNE—Second Reading of the Company Law Reform Bill *[Lords]*.

WEDNESDAY 7 JUNE—Opposition day [16th allotted day]. There will be a debate on an Opposition motion. Subject to be announced.

THURSDAY 8 JUNE—Second Reading of the Compensation Bill *[Lords]*.

FRIDAY 9 JUNE—The House will not be sitting.

The provisional business for the beginning of the following week will be as follows:

MONDAY 12 JUNE—Second Reading of the Fraud Bill *[Lords]*.

Let me also inform the House of the business for Westminster Hall for June:

THURSDAY 15 JUNE—A debate on the report from the Foreign Affairs Committee on the human rights annual report.

THURSDAY 22 JUNE—A debate on the Democratic People's Republic of Korea.

THURSDAY 29 JUNE—A debate on the report from the Health Committee on changes to primary care trusts.

Mrs. May: I thank the right hon. Gentleman for giving us the business for the week after recess.

Figures issued yesterday show that 15 per cent. of new housing development is on garden land. Houses are being knocked down with flats built in their place, and houses are being crammed into people's back gardens. No wonder children are getting obese if they do not have any gardens to run around in. May we have a debate in Government time on the ten-minute Bill introduced by my hon. Friend the Member for Tunbridge Wells (Greg Clark), which would change the definition of brownfield sites to exclude gardens?

Yesterday, the European Union licensed Herceptin for the treatment of early-stage breast cancer. It is expected that the National Institute for Health and Clinical Excellence will approve its use in the next month. Two weeks ago, when I raised the issue of Herceptin with the Leader of the House, he said:

"I shall follow up the right hon. Lady's request that my right hon. Friend the Secretary of State for Health make a statement on advice to PCTs about Herceptin."—[*Official Report*, 11 May 2006; Vol. 446, c. 508.]

No such statement has been made. Given that many women's lives depend on it, will the Leader of the House confirm that the Health Secretary will make an urgent statement to the House after recess on the use of Herceptin?

In January, the Government published the White Paper "Our health, our care, our say: a new direction for community services". It says:

"You told us ... 'I'd like to see extended opening hours at GP surgeries, including weekends' ... Here's what we're doing ... In future, many GP surgeries will stay open longer and open on Saturdays."

I have news for the Government. GP surgeries used to open on Saturdays, until the Government's changes to the GP contract led to their being closed. All the Government are doing is desperately trying to get back to the service that people had before this Government interfered.

The White Paper also says:

"You told us ... 'I'd like to see hospitals back in the community, run for the community' ... Here's what we're doing ... By bringing health into the local community and linking it more closely with social care, we will make it easier for people to get the help they need."

However, how are the Government going to do that when about 80 community hospitals, such as Townlands in Henley and the elderly mental illness unit at St. Marks in my constituency, are still threatened with closure? How will health be brought back into the local community if there are fewer community nurses? Is this not another example of a Government in paralysis? May we thus have a debate in Government time on the White Paper on community health services?

The standards watchdog, Sir Alistair Graham, said that the Prime Minister considered standards to be a

"peripheral minor issue not worthy of serious consideration".

Many people have been shocked by news of the sale of a signed copy of the Hutton report to raise money for the Labour party, and more shocked that one of the MPs who organised the event was a Government Minister: the Minister for Pensions Reform. May we have a debate, led by the Prime Minister, on standards in public life, in which he can say whether or not he condones the sale of copies of the Hutton report for party profit?

On Tuesday, it was revealed that one criminal has escaped from Leyhill open prison every single week for the past three years. Yesterday, the Home Secretary admitted that figures on foreign prisoners that he had given to the Home Affairs Committee the previous day were wrong. Today, we learn that a suspended chief immigration officer facing investigation into claims that he offered a visa for sex was himself an illegal immigrant.

The former Home Secretary was sacked, the Minister for Immigration, Citizenship and Nationality has been moved, and the Home Secretary says that the Home Office that he inherited is inadequate in

"IT, leadership, management systems and processes".

But, of course, we have heard that before. When the right hon. Member for Sheffield, Brightside (Mr. Blunkett) took over as Home Secretary, he told us that his predecessor, who is now the Leader of the House, had left the Home Office in a mess. He said:

"Nothing had prepared us for it. It was worse that any of us had imagined possible. God alone knows what Jack did for four years."

The right hon. Member for Sheffield, Brightside also said that he respected my right hon. and learned Friend the Member for Folkestone and Hythe (Mr. Howard)

for what he did in the Home Office, and on Tuesday the current Home Secretary also spoke in respectful terms of my right hon. and learned Friend. With the Government in paralysis, it is good to see that the only thing on which Ministers can agree is that the only good Home Secretary is a Conservative Home Secretary.

Mr. Straw: The right hon. Lady asks for a debate on the definition of brownfield sites. We are responding to the Bill introduced by the hon. Member for Tunbridge Wells (Greg Clark) on that subject. If her party is committing itself to not building on any spare land in people's back gardens, she had better say so. The pressure for housing, particularly in many areas represented by Conservative MPs, means that such land, as well as other brownfield land, will have to be used; otherwise, she and her colleagues will face far worse social problems from a shortage of housing than exist at the moment.

I note what the right hon. Lady says on Herceptin. Since I made that statement, I think she will accept that things have moved on in a better way. She will be aware that Roche announced yesterday that the drug has been granted a licence for use in early breast cancer. As a result, the National Institute for Health and Clinical Excellence has been asked to carry out a fast-track appraisal of Herceptin for early breast cancer. It expects to publish guidance to the NHS in early July.

On GP surgeries and community nurses, I am delighted to debate our record on the health service compared with the right hon. Lady's Government's record on it. Since we came to office, one of the many records of which I am proud is the increase of 33,000 in the number of doctors, including general practitioners, the increase of 85,000 in the number of nurses, and the 132 new hospitals that have been opened. As a result of what she describes as "interference", which I would describe as "activity", compared with the inactivity over years and years of a Conservative Government, health care for every client and patient group has improved over the past nine years.

In respect of standards in public life and the signing of the Hutton report, my hon. Friends have apologised—that is in the newspapers today—for something that was obviously inappropriate. I hope that the right hon. Lady will let the matter lie there. I would be delighted to debate standards in public life, because the Conservatives did nothing in their 18 years in government to implement any changes in the regulations relating to standards of conduct in public life. It fell to us. Indeed, much of the responsibility fell to me, as Home Secretary between 1997 and 2001, to implement those changes, and I am very glad that we did.

As for the wider issues, we have had nine years of a very fine record on crime, law and order, and asylum and immigration. We have always—I include myself in this—been generous to a fault about the former Conservative Home Secretary, the right hon. and learned Member for Folkestone and Hythe (Mr. Howard). I always felt it important to have him right in front of the cameras, because the more publicity he received, the more support we received for our proposals in 1997 on law and order, which we put before the public. We proposed to cut crime, in place of the rising crime over the previous 18 years, to cut the time it took to process asylum seekers, given that that had risen to 22 months, and to turn around the cut in police numbers, which had dropped under the right hon. and learned Gentleman. That is what we did. Since 1997, there has been a 35 per cent. drop in crime, and the time that it takes to process asylum applications has dropped from 22 months to two months. The number of removals has doubled. In place of the cut of 1,200 planned by the right hon. and learned Member for Folkestone and Hythe in asylum and immigration staff, their numbers have increased by 5,000, and there are 14,000 extra police officers on the street—a record of which to be proud.

Mr. Jim Devine (Livingston) (Lab): May we have a debate on football in the run-up to the World cup, particularly on the need to strengthen the role of fans? Like many football fans, I am appalled that players earn in a week what a nurse would earn on average in five years. In some clubs, season ticket prices have gone up by 47 per cent., which is quite unacceptable. Is it not time to introduce a fans charter and legislation to establish a supporters trust and a fan on every board in Britain?

Mr. Straw: As an ardent football fan and season ticket holder, I accept my hon. Friend's concerns about the high rewards for football players and the pressure that some clubs at the top of the leagues have put on the finances of a wide range of clubs. The issue is being examined by a European committee on which my right hon. Friend the Minister for Sport serves, and I hope that its proposals will be taken seriously. Issues such as a cap on salaries are difficult, but they are not necessarily impossible. We ought to be concerned about the health of the game overall as well as the financial health of one or two clubs.

Mr. David Heath (Somerton and Frome) (LD): Home Office statistics are rather like Hollywood marriages—they are best timed for the early morning so that when they go wrong it does not ruin the entire day. However, may I ask the Leader of the House about the Home Office's other inadequacies? Yesterday, my right hon. and learned Friend the Member for North-East Fife (Sir Menzies Campbell) asked why a key recommendation of the Cullen inquiry after the Dunblane shootings 10 years ago has still not been implemented. Can we have a debate on the fact that the key recommendations of the Bichard inquiry after the Soham murders in 2002 have not yet been implemented? Is not the Home Office failing in its key responsibility to protect the public, and would it not be better if, instead of reorganising the police, it reorganised itself?

Can we have a debate soon on the collateral damage caused by the NHS funding crisis? Many of us are worried that there will be a knock-on effect on drugs rehabilitation funding, which plays a key role not only in helping vulnerable people but in protecting the public?

I support the view that the hon. Member for Tunbridge Wells (Greg Clark) has introduced an important private Member's Bill. I do not kid myself that his Bill, which is 12th in the list for Second

[Mr. David Heath]

Reading on 14 July, will make a great deal of progress, but many of us are concerned that gardens are considered brownfield sites for planning purposes, thus distorting development in many towns, villages and cities. That ought to be dealt with as a matter of urgency.

Finally, we learn that the tax credit overpayment figures are—surprise, surprise—to be issued in the recess. I cannot imagine why that should be the case, but will the Leader of the House arrange for a statement to be made on the first day after the recess so that hon. Members have the opportunity to ask questions?

Mr. Straw: The recommendation of a national firearms register was one of the Cullen inquiry's recommendations. However, the hon. Gentleman may have forgotten that the principal recommendation was far more effective control of firearms overall. I implemented that recommendation as Home Secretary in the first months after we came to office in 1997, and it was one of the few anti-crime measures ever supported by the Liberal Democrats. I shall write to him about the Bichard report.

The hon. Gentleman talked about an NHS funding crisis. Some trusts face financial pressures, but they do so from a very high base indeed. Spending has doubled in real terms; there has been an increase of 85,000 in the number of nurses, and of 33,000 in the number of doctors; and there are 132 new hospitals across the country. The issue for the hon. Gentleman is whether any Liberal Democrat economic and social policy could possibly have achieved that improvement and turnaround in the economy and in health care.

In respect of tax credits, I will take account of what the hon. Gentleman says, look at the statements that are likely to be made, and see whether it is possible for Ministers to be questioned on the matter when we get back.

Emily Thornberry (Islington, South and Finsbury) (Lab): Will my right hon. Friend find time for a debate on the arrest this morning by the Israelis of Kate Maynard, a solicitor at the firm of Hickman and Rose, which is based in my constituency? She was due to speak at a conference organised by Avocats sans Frontières and do other legal work, and she has been questioned about her work with Palestinians and about her work obtaining an arrest warrant for the alleged criminal General Doron Almog, which I know my right hon. Friend knows a little about. Can we have a debate on this very important subject, as the arrest would seem on the face of it to be a vindictive act?

Mr. Straw: I note what my hon. Friend says. I will ensure that the matter is raised with our right hon. Friend the Foreign Secretary.

Mr. David Jones (Clwyd, West) (Con): Will the Leader of the House make time available shortly after the recess for an urgent debate on a matter of concern not only to my constituents, but to the entire UK road transport industry—that is, the imminent and indefinite closure of the main London to Holyhead A5 trunk road between Ty-nant and Dinmael in my constituency? It was announced on Friday last week by the Welsh Assembly that because of a dangerous rock face, the road would have to be closed. No indication was given as to how long the closure will last. It may last for well over a year, and although the Assembly has been aware of the problem for a considerable time, it has put no measures in place for an alternative route. The closure will cripple my constituency, cause massive damage to the tourist and farming industry, and cause huge damage to the UK road transport industry, for which that is the principal inland route between London and the ferry port of Holyhead.

Mr. Straw: I am grateful to the hon. Gentleman for raising the matter, of which I was not aware. By the sound of it, it is principally a matter for which the Welsh Executive is responsible, not my right hon. Friend the Secretary of State for Transport. I will raise it with my right hon. Friend, as well as ensuring that the hon. Gentleman's feelings about the matter, which I well understand, are communicated to the First Minister of the Welsh Executive.

Martin Linton (Battersea) (Lab): When the House returns, may we have a debate on the problems of industrial firms in London? The largest industrial concern in my constituency is Young's Brewery, which told its employees this week that, having failed to find an alternative site in Wandsworth, it is moving to Bedford. Many of us feel that the departure of the Ram brewery, which has been there for 425 years, will rip the heart out of Wandsworth. Should we not debate how we can keep firms like Young's in the communities that they serve, before the developers turn us all into identical and soulless suburbs?

Mr. Straw: I understand my hon. Friend's concern, having faced problems of the closure of one regional brewery in my constituency, and having ensured the maintenance of another. Those of us who enjoy Young's products also like the association with London, so I understand his concerns. Let me also say, however, that overall manufacturing investment is very strong and everybody accepts that there must be some changes in the location of employment.

Mr. Peter Bone (Wellingborough) (Con): Waiting lists for in-patient NHS operations longer than six months were in December 959, in January 957, in February 904 and in March 915, according to a parliamentary answer that I received from the Secretary of State for Health. The Prime Minister and other Ministers have continually claimed from the Dispatch Box that the number was zero. What measures can the Leader of the House take to ensure that statements by Ministers from the Dispatch Box are accurate?

Mr. Straw: I do not dismiss the figure that the hon. Gentleman gives, which is just under 1,000, but it is one or two per constituency, compared with the thousands per constituency that existed in 1997. On accuracy, as he knows, we are assiduous, as previous Ministers have

been, in ensuring that if figures are given that are not accurate, they are corrected very quickly.

Mrs. Sharon Hodgson (Gateshead, East and Washington, West) (Lab): Is the Leader of the House aware of the recent Fairtalk survey highlighted in my early-day motion 2161?

[That this House recognises the concerns expressed by many hon. Members and others about the high cost of incoming calls to hospital bedside telephones provided by Patient-line, Premier and Hospital Telephone Services; warmly welcomes the Fairtalk survey carried out by Patient and Public Involvement forums across England which covered 40 per cent. of all hospitals using these services and questioned 1,255 patients and members of the public, a much larger sample than previously surveyed; notes that in 88 per cent. of cases people surveyed rated the cost of inbound calls as expensive or very expensive and in some cases as causing real hardship, and that 80 per cent. were not aware of any areas within hospitals where they could use a mobile phone; and calls on the Government to ensure these findings are taken into full account during the current review of the use of mobile phones in hospitals and when awarding or reviewing the contracts to the providers of bedside telephone systems.]

The survey carried out by patient and public involvement forums across the country found that 88 per cent. of people considered hospital bedside telephone systems to be too expensive. May we therefore have a debate on whether to allow the use of mobile phones in controlled and safe areas in hospitals to end people's dependence on those overpriced services?

Mr. Straw: I will raise the matter with my right hon. Friend the Secretary of State for Health. I understand my hon. Friend's concerns. It can only be a matter of time before the problems of mobile telephones interfering with medical equipment, which is the reason why their use is controlled, are overcome.

Mr. Nigel Dodds (Belfast, North) (DUP): May we have a debate soon in Government time on the growing knife culture in society? The Leader of the House may be aware that yesterday a three-month knife amnesty got under way in Northern Ireland. It has been widely welcomed, not least by the parents of Thomas Devlin, a young teenager in my constituency, who was knifed to death last August. I pay tribute to the campaign that his parents have waged for the amnesty and for tougher measures against those who carry and use knives to commit crime. A debate would allow us to discuss these issues and see what more can be done to eradicate this growing problem.

Mr. Straw: Yes, is the answer. It has been a constant problem ensuring that young men, in particular, are not attracted to carrying and then using knives. As the police are pointing out, aside from anything else, those young men become far more vulnerable to attacks by other youths who are carrying knives. As the hon. Gentleman knows, we have begun a knife amnesty. It is relatively successful, but all of us, in all parts of the House, in support of the police and community organisations, must keep up the battle to persuade those young men, principally, not to carry knives and never to use them.

Mr. David Winnick (Walsall, North) (Lab): If we are to have a debate on the Home Office, would it not be useful to examine carefully the role of the most senior civil servants previously and to some extent now? Is it not about time that politicians stopped covering up for those who have demonstrated sheer incompetence in their jobs?

Mr. Straw: The system we have in this country is that Ministers take responsibility for their Departments. At any one time there will be some officials who are performing well and some who are perhaps performing not as well. In my experience of nine years in government, both the home civil service and the foreign service do extremely well, often in difficult circumstances. The fundamental problem with the Home Office, which distinguishes it from any other Government Department, is not the quality of the staff, but the nature of the individuals whom the Home Office must deal with. In every other area of Government activity, local or national, those who are the customers, so to speak, of the Department—schoolchildren, parents, patients—are on the whole willing volunteers, but the last thing the customers of the Home Office are is willing volunteers. Many of them are dysfunctional individuals—criminals, asylum seekers, people who do not wish to be subject to social control, the purpose of the Home Office. It is that which places the burden on the staff and provides a challenge to both staff and Ministers. But we have no proposals to shift from a fundamental aspect of the way we run Government, which is that it is Ministers who are responsible for their Departments.

Bob Spink (Castle Point) (Con): May we have a debate on maintaining the integrity of our precious electoral process and democracy? In the debate we could expose and seek to prevent sinister abuses of the system, such as those investigated by James Redgrave, the excellent *Essex Enquirer* reporter, which are soon to be considered by the Director of Public Prosecutions?

Mr. Straw: I am afraid that I cannot comment on individual investigations, but the Electoral Administration Bill is currently going through Parliament and is intended to tighten controls on electoral administration and to counter fraud.

Anne Moffat (East Lothian) (Lab): Is my right hon. Friend aware of the latest findings in Scotland about the smoking ban? It has not reduced trade in public houses. Will he assure me that there will be a ban in the House, with no exceptions, including in the Members' Smoking Room?

Mr. Straw: That is a matter for the House to decide. As someone who was rather sceptical about the bans, I find the evidence in Scotland interesting and significant.

Mrs. Maria Miller (Basingstoke) (Con): May I join my right hon. Friend the Member for Maidenhead (Mrs. May) in calling for a debate on community health services? The Leader of the House's reply only emphasised the need for such a debate. The Government's strategy is to shift the delivery of patient care from hospitals to our communities, yet only last week, the British Medical Association issued a report that stated that three out of every four GPs feel that their surgeries are not big enough to tackle future demand. We need an urgent debate in Government time to ensure that the Government's strategy matches what the NHS delivers on the ground.

Mr. Straw: The NHS is delivering in the hon. Lady's area. In the Hampshire and Isle of Wight health authority area, there are nearly 3,000 more nurses, more than 1,000 extra doctors and 382 more consultants. That is making a genuine difference to patients. I wish that Opposition Members would praise the work of additional staff and its effect on patient care.

Keith Vaz (Leicester, East) (Lab): I support the calls from Members of all parties for a debate or statement on the operation of the Home Office. The Home Secretary's statements to the Select Committee on Home Affairs and his assessment of his Department were devastating. I appreciate that, when my right hon. Friend was Home Secretary, he started the reform process, but a major problem remains with the way in which the Home Office operates. The latest allegations of sex for visas are serious. Like my right hon. Friend in Blackburn, I will go to my surgery in Leicester on Friday and there will be many cases of constituents complaining about the Home Office. The matter is not for an Adjournment debate but for the Floor of the House, where all hon. Members can participate in setting the benchmarks for a more efficient and effective Home Office. May we have such a debate?

Mr. Straw: As my hon. Friend knows, my right hon. Friend the Home Secretary gave evidence to the Home Affairs Committee, which is compiling a report on Home Office administration. It is best for us to await the outcome and the recommendations before deciding about a future debate on the matter.

Mr. Roger Williams (Brecon and Radnorshire) (LD): The Leader of the House may know that all four Welsh police chief constables now say that the reconfiguration of the police service in Wales cannot take place in the time scale that has been set out. They also say that, if it were carried out in the proposed way, there would be a financial deficit of approximately £60 million year after year. More and more people believe that the proposed model is not right for Wales. Indeed, in the Welsh Grand Committee, the right hon. Member for Torfaen (Mr. Murphy) proposed an alternative model that would tackle some of the concerns of people who want to ensure that local policing remains strong. Will the Leader of the House ensure that everybody gets together on the matter so that we get an affordable and effective solution for Wales?

Mr. Straw: My right hon. Friend the Home Secretary is taking time to consider those matters and, of course, taking the advice of the Welsh Assembly and my right hon. Friend the Secretary of State for Wales. However, I note that Mr. Terry Grange, the chief constable of Dyfed-Powys, said to the BBC in December last year:

> "I would ask myself why there are four police forces in Wales... one would probably be the best in all honesty".

There is therefore a debate in the police service as well as in the community about the future of police services in Wales.

Mr. Lindsay Hoyle (Chorley) (Lab): My right hon. Friend is aware of the work of Derian House children's hospice in Chorley. It is sad that the hospice movement, especially children's hospices, is underfunded. It is unacceptable that the funding crisis continues, with the Government funding only one week in 52. That must change. We need a debate and we must ensure that the hospice movement, especially the children's hospice movement, is properly funded.

Mr. Straw: I note my hon. Friend's comments. There is a fine hospice, which is supported by voluntary contributions, in my constituency. I shall pass on his concerns to my right hon. Friend the Secretary of State for Health.

Mr. Edward Leigh (Gainsborough) (Con): May I join the hon. Members for Walsall, North (Mr. Winnick) and for Leicester, East (Keith Vaz) in calling for a debate on the Home Office? At a recent Public Accounts Committee meeting on the Home Office's accounts, we heard that they were in such chaos that the Comptroller and Auditor General could not qualify them but had to disclaim them. In other words, there were no accounts even to consider. The former Home Secretary is wrong to say that the problem is simply one of dealing with dysfunctional people. Home Office procedures and administration are dysfunctional. Although he is right to say that, ultimately, Ministers take responsibility, Sir John Gieve, the former permanent secretary, was in charge and is now deputy Governor of the Bank of England. We need a debate in the House and we must take a serious interest in not only policy but administration.

Mr. Straw: Of course, I agree with the hon. Gentleman's latter point. If Ministers are to be successful, they must do both. One of the failings of the right hon. and learned Member for Folkestone and Hythe (Mr. Howard) when he was Home Secretary was his effort to evade responsibility by claiming that he was responsible only for policy and that others were responsible for operations. The test of a policy is how it operates in practice.

I accept that there are problems with the Home Office—no one has ever denied that—and there always will be. Administration should be better, but the nature of the tasks that the Home Office undertakes—especially given the extraordinary explosion of movement across borders, the increase in civil wars and so on since the collapse of the Berlin wall and the end of the Soviet empire—means that the pressures are

likely to remain and put pressure in turn on all interior Ministries, including the Home Office.

I note what the hon. Gentleman said about debates and I look forward to the Public Accounts Committee's report as well as that of the Home Affairs Committee on the matter.

Mr. Gordon Prentice (Pendle) (Lab): Are we getting the most out of official residences? Dorneywood, for example, is open to the public only one week out of 52, and my spies tell me that the Deputy Prime Minister rarely goes there. May we have a statement when we return on the allocation and proper use of ministerial residences?

Mr. Straw: There are many ways in which my hon. Friend can raise the matter, but he knows that those residences go with certain jobs. In addition, I understand that they do not cost the public purse anything, or anything significant.

Sir George Young (North-West Hampshire) (Con): May we have a debate in Government time before the summer recess on Iraq and Afghanistan, where the position remains difficult? It is some time since we had a proper debate on that subject. Will the Leader of the House arrange for the Prime Minister to introduce the debate and the Foreign Secretary to wind it up on the Adjournment so that the Government can take the mood of the House?

Mr. Straw: As I have said on other occasions, when I was Foreign Secretary, I sought a debate on those issues, although it would have been opened not by the Prime Minister but by the Foreign Secretary. I am still trying to arrange such a debate. Meanwhile, there is a debate in the second week in June on proceedings before the European Council. Since the European Council will consider Iraq and Afghanistan, that is a good opportunity for the right hon. Gentleman to raise his concerns.

Jim Sheridan (Paisley and Renfrewshire, North) (Lab): May we have a debate about the corrosive impact of elements of the popular press on democracy? My right hon. Friend may know that there is an undercurrent of racism to the popular press's surveys, supported by Opposition Front-Bench spokesmen, that present Scots as dour, dreary and unfit to hold the most senior position in British politics. That is damaging to our democracy. If another nation or religion were treated in the same way, there would rightly be a public outcry. Even today, one of the most successful British football managers is being criticised for endangering England's World cup hopes. I am sure that Sir Alex Ferguson and I will be the first to offer England our support, with the volume turned down, of course.

Mr. Straw: As a true-born Englishman, may I say that I understand my hon. Friend's concern? I hope that the World cup will lead to real ecumenical feeling between the different nations of the United Kingdom. I have always supported Scotland whenever they were playing in a game other than against England, but, as Scotland have a bye on this occasion, I look forward to all Scottish Members on both sides of the House supporting England in the World cup.

Pete Wishart (Perth and North Perthshire) (SNP): The right hon. Gentleman is emerging as a truly reforming Leader of the House and I know that he is keen to represent all shades of opinion in the House. Will he therefore have a look at the membership of the Liaison Committee and work to end the exclusion of the minority parties? Even a cursory glance at the arithmetic will show that we are entitled to a place, and it is not good enough simply to say that membership is confined to the Chairs of Committees, because co-option is an easy matter. Will he demonstrate that he truly speaks for the whole House by ending this unfair exclusion?

Mr. Straw: Flattered though I am by the hon. Gentleman's compliments, it is probably too early to say, after only three weeks in the job, whether I am going to be a truly reforming Leader of the House. I shall look into the composition of the Liaison Committee, but I cannot promise him the result that he wants.

Dr. Brian Iddon (Bolton, South-East) (Lab): An audit of hepatitis C health care in England was published this week by the all-party group on hepatology, and it shows that diagnosis and treatment of the disease are a matter of chance. An estimated 400,000 people are carrying the disease, the vast majority of whom do not know that they are carriers. That represents a health time bomb. Will my right hon. Friend draw the report to the attention of the Secretary of State for Health? May we also have a statement in the House on the Government's delivery of the hepatitis C strategy and their action plan?

Mr. Straw: I congratulate my hon. Friend on the work that he has undertaken with the all-party group on hepatology. I will indeed tell my right hon. Friend the Secretary of State for Health about this matter. As she is sitting on the Front Bench, that should be straightforward.

Alistair Burt (North-East Bedfordshire) (Con): The Home Office can release and then lose serious offenders from overseas, but the immigration and nationality directorate can find women asylum seekers who have committed no offence, some of whom have been detained for more than a year at the Yarl's Wood detention centre in my constituency without any immediate prospect of deportation. The mental anguish resulting from indefinite detention can only be imagined, and the system was never designed to be used in this way. Will the Leader of the House find time for an urgent debate in Government time on this matter, so that we can determine whether there is a better way of dealing with these almost forgotten women?

Mr. Straw: I know of the hon. Gentleman's concern about this matter, and it illustrates the complexity of dealing with asylum seekers. In general, people on both

[Mr. Straw]

sides of the House say that asylum seekers should be sent back as quickly as possible and that their rights should be restricted. However, Members on both sides are assiduous in representing individual cases. The Home Office has to deal with individual cases, rather than with the generality. In my experience, it is very rare for anyone to be detained in a detention centre for as long as 12 months without a very good reason. They are fully entitled to apply for bail, and if there is no good reason for detaining them, bail will be granted.

David Taylor (North-West Leicestershire) (Lab/Co-op): In the last year for which figures are available, there were 4,159 fires in the home caused by smoking materials. Those fires resulted in 1,416 non-fatal injuries and 123 fatalities. On 13 and 14 June in Brussels, the general product safety directive committee will consider regulations that could lead to a requirement for reduced incineration propensity cigarettes—those that go out unless they are actively being smoked—to be produced in this country. We shall be represented by officials from the Department of Trade and Industry at those meetings. Will the Secretary of State for Trade and Industry make a statement to the House on the attitude his officials will take, and whether he will support my forthcoming early-day motion, to be tabled on the day that we return from the Whitsun recess, or my 10-minute Bill, which I shall present on the third day after the recess?

Mr. Straw: My hon. Friend is right to be concerned about this important matter and I will certainly talk to my right hon. Friend the Secretary of State for Trade and Industry about it. If it is possible for him to make a statement, there will be one.

Dr. Evan Harris (Oxford, West and Abingdon) (LD): This morning, the Oxford Radcliffe hospital in my constituency announced 600 job losses, half of which will be compulsory redundancies. The Secretary of State for Health has said that this is the best year that the NHS has ever had and that such developments are a sign of efficient hospitals, but this is a debt-ridden hospital that is being forced to do that. Her remarks have been described as coming from another planet and a parallel universe by people working in the health service. Will the Leader of the House arrange for the Health Secretary to come to the House on planet Earth to explain why hospitals up and down the country—including the Oxford Radcliffe—are cutting all these jobs? The cuts will have a huge impact on patient care.

Mr. Straw: I heard my right hon. Friend the Secretary of State for Health give an excellent explanation about the problems, which are not affecting anywhere near all the health trusts and authorities. They affect the few trusts that, despite record levels of overall spending, are still spending above those levels and placing pressures on their own health facilities and those of other heath trusts. I greatly regret the fact, as I am sure my right hon. Friend does, that these redundancies have been announced, but the hon. Gentleman will be aware that there are a large number of unfilled vacancies in the Oxford area. I wish that he would tell his constituents about the huge improvements that are still being made in his area, illustrated by the vast improvements in patient care, and by the fact that the number of nurses in that area has increased by 2,700, and the number of doctors by 1,200.

Mr. David Heathcoat-Amory (Wells) (Con): Is the right hon. Gentleman aware that, a year or two ago, the European Scrutiny Committee resolved that its routine meetings should be held in public? That was a modest request, but it was nevertheless ignored by the then Leader of the House, who refused to change the Standing Orders to permit that arrangement, despite the Government's professed commitment to openness and to the public's right to know. Will the new Leader of the House—whom I very much welcome—bolster his reforming credentials by looking more favourably on this request, so that we can blow away the cobwebs of secrecy and allow the public to see what we try to do on their behalf?

Mr. Straw: I will certainly look into the right hon. Gentleman's request. When I was Foreign Secretary, I was in the vanguard—along with the then Minister for Europe—of seeking ways to improve the scrutiny of European business by the House. I promise the right hon. Gentleman, and you, Mr. Speaker, that I will look very carefully at the overall recommendations to improve scrutiny by the House.

Dr. Julian Lewis (New Forest, East) (Con): May I appeal to the Leader of the House to secure from the Secretary of State for Health, whom I am pleased to see in the Chamber, a statement on the dangerous decision by the South London and Maudsley NHS Trust to close the emergency centre at the Maudsley hospital? It is one of the few places in the country offering a walk-in service to people suffering a serious psychotic or suicidally depressive episode. It has been said that such people will now have to go to an ordinary accident and emergency unit, which will be potentially lethal for them and distressing for the other people in the unit. Can this be examined as a matter of urgency?

Mr. Straw: I am sure that the arrangements being made in respect of the Maudsley hospital are more than adequate to meet the needs of those patients. I must say to the hon. Gentleman, as I have said repeatedly to Opposition Members who raise these issues, that, had it not been for our spending plans—which were opposed by every single Conservative Member year after year—none of the improvements in the health service would have taken place.

Mr. Desmond Swayne (New Forest, West) (Con): The Leader of the House will know that the best way to improve scrutiny is through transparency. May I therefore urge him to place on the Order Paper a motion that would enable us to end the scandal of the European Scrutiny Committee sitting in private? That arrangement excludes Members of the House, members of the public and journalists, and it is a scandal for a free Parliament and a free people.

Mr. Straw: I am in favour of open scrutiny, and I have already said to the right hon. Member for Wells (Mr. Heathcoat-Amory) that I want the House's scrutiny of European and other business strengthened. Some Select Committees need to meet in private some of the time, which does not necessarily undermine their scrutiny—it may improve it—but I understand the point that hon. Members are making and I will work on it.

Mr. John Hayes (South Holland and The Deepings) (Con): As it is adult learners week, I was going to ask the Leader of the House for a debate on those matters so that we can consider why we lost 150,000 adult learning places last year. Given the right hon. Gentleman's earlier comments, however, I am going to ask for a debate on crime. Gun crime is soaring and knife crime up 36 per cent. on last year, so we need a debate to test the bizarre idea that dysfunctional clients excuse dysfunctional Ministers.

Mr. Straw: On places for adult learners, investment in further education, including for adults, has been dramatic. On crime, I am happy at any stage to set our record on fighting crime against the record of the previous Conservative Administration. The simple fact is that in 18 years of Conservative Administration, crime doubled and by 1997 police numbers were going down.

Mr. Denis MacShane (Rotherham) (Lab): Say it again.

Mr. Straw: Under 18 years of Conservative Administration, crime doubled and police numbers were going down. Under the Labour Administration, crime has gone down, not up, by 35 per cent. and police numbers have risen by 14,000.

Pensions Reform

12.21 pm

The Secretary of State for Work and Pensions (Mr. John Hutton): With permission, Mr. Speaker, I should like to make a statement on the future of our pensions system.

Our first priority has been to tackle pensioner poverty. Compared with 1997, we are spending more than £10 billion extra each year on pensioners, and almost half that spending goes to the poorest third. We have raised the minimum income from a totally inadequate £69 a week in 1997 to more than £114 today. As a result, for the first time in a generation, pensioners are now less likely to be poor than anyone else.

We have also tackled the loss of confidence in the private pensions market. We have legislated to clear up the pensions mis-selling scandal, created the pensions regulator and the Pension Protection Fund. We established the financial assistance scheme to help some of those who stood to lose most from schemes that collapsed before 14 May 2004. I know that many Members have been concerned that the scheme is limited to those within three years of retirement.

My right hon. Friend the Prime Minister announced in March that we were expediting a review of the financial assistance scheme and I am delighted to announce today that it will be extended to cover eligible people who were within 15 years of their scheme's normal retirement age on 14 May 2004. Under that extension, the Government will top up to 80 per cent. of the expected core pension for those within seven years of scheme pension age, to 65 per cent. for those within eight to 11 years of scheme pension age and to 50 per cent. for the remainder.

We have made real progress on pensioner poverty, but despite those improvements, significant challenges remain. We established the Pensions Commission in 2002 to consider what reforms might be necessary to meet those challenges, and I am grateful to the three commissioners—Lord Turner, Jeannie Drake and John Hills—for the work that they have done. In its report last November, the commission made it clear that there was no immediate "pensions crisis", but that there would be one if we did not act soon. They identified four major challenges.

First, the Commission found that between 9 million and 12 million people are not saving enough for their retirement. Secondly, it estimated that, by 2050, there would be 50 per cent. more pensioners than today and that the ratio of people in work to those in retirement would halve over the same period. Thirdly, as a result of historical legacy, the current state pension system is complex and delivers unfair outcomes, especially for women and carers. Of those recently reaching state pension age, 85 per cent. of men have a full entitlement to a basic state pension compared with only 30 per cent. of women. Finally, it found that, if we maintain current indexation, the basic state pension might be worth in today's earning terms only £35 by 2050 and that more than 70 per cent. of pensioner households could be eligible for pension credit—never the

[Mr. John Hutton]

Government's intention. The Commission urged the Government not to duck the long-term challenge of reform.

I believe that the proposals in today's White Paper address the challenges that the Pensions Commission identified. We will therefore introduce a new system of personal accounts that will make it easier for more people to save. We will reform state pensions so that they are simpler and more generous. We will modernise the contributory principle and make the state pension fairer and more widely available. We will increase the state pension age, keeping the proportion of life spent receiving the state pension stable for each generation and helping to secure the long-term financial stability and sustainability of the state pension system. Let me take each of those in turn.

A new system of personal accounts will be introduced from 2012, providing more than 10 million people with the opportunity to save in a low-cost savings vehicle. Employees will be automatically enrolled into either their employer's scheme or in the new personal account, but they will have the right to opt out. The accounts will provide a simple way for people to take personal responsibility for building their retirement income. Employers will be required to contribute 3 per cent. of employee earnings in a band between £5,000 and £33,000. Employees will contribute 4 per cent. on the same band of earnings and a further 1 per cent. will be contributed in tax relief.

I recognise that these changes represent a major change in our pension system. Accordingly, we are taking steps to help smooth the introduction of reform. Employer contributions will be phased in over at least three years and the contribution rate will be fixed in primary legislation. In order to minimise the burden on the smallest businesses, we will consult on additional transitional support and on whether a longer phasing period is necessary. However, the Government are clear that reforms to private pensions must go hand in hand with reforms to the state pension system.

During the next Parliament, we will re-link the value of the basic state pension to average earnings. Our objective, subject to affordability and the fiscal position, is to do that in 2012, but in any event by the end of that Parliament at the latest. We will make a statement on the precise date at the beginning of the next Parliament. That will help to preserve the value of the basic state pension. We will also simplify the state second pension so that it gradually becomes a flat-rate weekly top-up to the basic state pension.

That means that a person retiring in around 2050 who has been in employment or caring throughout their working life could receive a contributory state pension worth £135 a week in today's earnings terms, which would be £20 a week above the guaranteed income level. Without those reforms, people retiring in 2050 would receive a total contributory state pension worth between £90 and £100 a week—well below the means-tested threshold.

We will continue to uprate the standard guarantee in the pension credit with average earnings from 2008, so the pension credit will continue to help the poorest pensioners, but we will also be able to limit the spread of means-testing. We will make an immediate start by modifying the calculation of the savings credit from 2008. That gives a clear indication from the outset of our determination to make clear people's incentives to save. As a result of that change and our restoration of the earnings link, we estimate that, by 2050, far from rising to 70 per cent., only about a third of pensioners will be eligible for pension credit.

Our reforms to the state pension must also achieve fairer outcomes for women and carers, but we do not believe that a residency test for future accruals, as proposed by the Pensions Commission, would be the right way to achieve that. It would offer no immediate help to a group of women aged 45 and above who have poor contribution records and, quite literally, no time now to put it right. That is why, from 2010, we will introduce radical changes to the current system, reducing the number of years needed to qualify for the basic state pension to 30 and improving the system of credits to better reflect the different ways in which people contribute to society. As a result, by 2010, 70 per cent. of women reaching the state pension age will receive a full basic state pension, compared with 30 per cent. today. By 2020, up to 270,000 more women will get a full basic state pension—approximately three times the number under a residency-based approach.

We propose to increase the state pension age in line with life expectancy. The state pension age for women is already due to rise from 60 to 65 between 2010 and 2020, to equalise with men's state pension age. There will be a subsequent rise for both men and women from 65 to 66 over a two-year period beginning in 2024, and further increases—also over two years—to 67, starting from 2034, and to 68 from 2044. However, no one over the age of 47 today will be affected by these changes.

Finally, today's White Paper proposes a number of simplifying measures that will streamline the regulatory environment. We will abolish contracting out for defined contribution schemes at the same time as we restore the earnings link. We will reduce the burdens on schemes by introducing legislation to allow them to convert guaranteed minimum pension rights into scheme benefits—reforms that will, I believe, be of significant benefit to employers and employees. We will introduce legislation to begin implementing these reforms in the next session.

In November, I set out five tests for the reform of our pensions system: they needed to promote personal responsibility and to be fair, especially to women and careers, and they needed to be simple to understand, affordable and sustainable for the long term. I believe that we have met those five tests.

Today's White Paper seeks to entrench a new pensions savings culture, whereby future generations can take increasing personal responsibility for building their retirement savings. While there will always be specific individual circumstances, such as debt or stock market performance, that affect people's savings, fundamentally these reforms mean that people should be better off in retirement by having saved. Moreover, this package of reforms continues to protect the poorest pensioners from poverty and, for the first time, delivers fair outcomes for women and carers with a modernised contributory principle, operating within a simpler overall architecture.

Over the period to 2020, our proposals broadly keep spending on pensioners as a proportion of national

income constant at today's levels, thus helping pensioners to share in rising national prosperity. In the long term, the rise in the state pension age will help to secure the long-term financial stability and sustainability of the state pension system. Altogether, this represents a comprehensive integrated package of reform. I believe that it can lay the foundation for a new and lasting consensus on a long-term solution of the pensions challenge that we face as a country. I commend the White Paper to the House.

Mr. Philip Hammond (Runnymede and Weybridge) (Con): I congratulate the Secretary of State on the safe delivery of his White Paper to the House. Frankly, there have been times over the past couple of months when we were not sure that it would see the light of day. We welcome the key elements of the package that he has just announced. The Conservative party fought the last election on a platform of a restoration of the earnings link to curb the growth of means-testing—[HON. MEMBERS: "Oh!"] We fought the last election on a platform of a restoration of the earnings link to curb the growth of means-testing—something that the Chancellor said at the time was unaffordable.

We also welcome the package of measures that will address the unfairness suffered by women in the present system, but let us just take a moment to set the statement in context:

"when Labour came to power we had one of the strongest pension provisions in Europe and now probably we have some of the weakest."

Of course, those are not my words but those of the right hon. Member for Birkenhead (Mr. Field)—Labour's first Minister for Welfare Reform.

Since 1997 the savings ratio has halved, and 9 million people in this country are not saving enough for their retirement. Some 60,000 occupational pension schemes, with more than 1 million members between them, have wound up or begun the process of winding up on Labour's watch. At least 125,000 people have lost some or all of their accrued pensions rights. Not all of that is the Government's fault—[HON. MEMBERS: "Oh?"]—but the Chancellor's £5 billion a year tax raid on pension funds, the two reductions in the minimum funding requirement, the ever more complex regulatory regime and the pernicious affect of widespread means-testing on the savings culture are matters for which this Government are responsible, and that is the context of the statement today.

I should like to join the Secretary of State's tribute to the work that the Pensions Commission has done. We do not agree with every detail of the commission's proposals, but the key recommendations of its report clearly point the way forward. Cross-party consensus is essential to a lasting pensions settlement. Long-term savers want long-term stability, which needs a guarantee that the pension regime will not change every time there is a general election. So it is bad news for Britain that the consensus building that the Government promised us on the back of the Turner report has been a victim of the internecine warfare between the neighbours in Downing street.

It is bad news, too, that a degree of uncertainty has now been inserted in the equation by the Chancellor's insistence on the caveat that the restoration of the earnings link in 2012 is subject to some subjective tests of affordability. The start date for the restoration of the earnings link is pushed back into the next but one spending review—the fiscal equivalent of the long grass—and is subject to a get-out clause that reduces the very certainty about state benefits that was the cornerstone of the reform package that the White Paper was supposed to deliver. The Prime Minister's legacy is left to a decision that will not even be taken until the next Parliament. No wonder the Government are now so keen to build that cross-party consensus to which they have devoted no time over the past few months.

We have set out our own five criteria by which we will judge the White Paper; they largely reflect the criteria that the Secretary of State has set out. Does it deliver pensioner dignity? Does it deliver fairness, not just between the generations and the sexes, but between different groups in society? Is it affordable? *[Interruption.]* Is it simple enough for people to understand? Perhaps most importantly of all, does it underpin self-reliance through the promotion of saving? *[Interruption.]* I am glad that the Chancellor is having such a good time this afternoon.

On the basis of what the Secretary of State said and an initial trawl through the White Paper, we have a number of detailed concerns, which I will address—but first I want to say something about affordability. We share the Government's determination that the proposed settlement must be affordable and sustainable. No party that seriously aspires to be in government when these changes take effect can take any risk with the public finances or the stability of the economy.

Conservative Members will certainly not make promises that we cannot deliver, but if there is to be an affordability test, there must be transparency about the cost and the financing of the package of measures in the White Paper. Without transparency, affordability will remain a matter for the Chancellor's subjective judgment. Given the challenge of longevity, change is essential, and I believe that the British people will be willing to shoulder the burden of change, provided that it is fairly distributed—but if change is not seen to be fair, it will not be durable.

This package will improve the situation of women with broken contribution records and those who have committed time to caring responsibilities—we very much welcome that—but is it fair that a woman who retires one day before the changes take effect should spend the rest of her life living on a partial basic state pension, while her neighbour who retires a month later with the same contribution record will have a full basic state pension? Is it fair that tucked away in the small print is a provision that will freeze the maximum state second pension at today's level, but will not freeze the contributions that people pay towards that pension? That issue has been neither properly understood nor properly debated.

The Secretary of State has said nothing at all about public sector pensions. Can the Government really look the British public in the eye and tell them they have to work until they are 68 to gain their basic state pension rights, when the Government have cravenly surrendered to pressure from public sector unions and

[Mr. Philip Hammond]

agreed to their demands for retirement at the age of 60 on a full final salary indexed pension for the next 40 years?

Public sector workers deserve fair treatment, just as everybody else does, but median public sector pay is now higher than private sector pay and growing faster, and public sector workers are benefiting from the increase in life expectancy. They, too, must share in shouldering the burden of adjustment. In the interests of fairness, the Government must reopen the public sector pensions debate. We cannot be bound by a deal based on favours, not fairness.

The acid test of this package is the extent to which it promotes saving. The proposals that we have heard about today will halt the growth of means-testing, but only after another six years of expansion. It is far from clear to us that, with 30 to 45 per cent. of the pensioner population remaining within means-tested benefits, savings behaviour will change, as is required to deliver the Government's objectives.

There is also a huge concern that the introduction of the auto-enrolled state-sponsored scheme along the lines of the national pension savings scheme, together with the abolition of contracted-out rebates, will be the death knell of many more generous occupational pension schemes. I hope that the Secretary of State can confirm that the Government are committed to a review of the regulations around occupational schemes that will support them and make them less onerous for employers to develop.

We will support the NPSS proposal, including the proposed compulsory employer contributions, because we believe that that will help to ensure that saving pays, but we need to hear the Secretary of State say very clearly that that cannot be at the expense of Britain's economic competitiveness, and that as employers pay those contributions on behalf of their employees over time, that will be reflected in slightly lower pay increases, as remuneration is transferred from cash wages to pension contributions. That is essential to ensuring the affordability of those proposals.

Finally, I want to refer to the Secretary of State's announcement on the financial assistance scheme. We welcome the broadening of the eligibility criteria, although there is no indication of the cost of that or of how it will be funded.

Will the Secretary of State also tell the House what he will do to ensure that the financial assistance scheme works more effectively? In its first year, it has managed to pay out less than £127,000 to fewer than 50 beneficiaries while spending more than £5 million on administration. This is a question not just of broadening the criteria or of pouring extra money in, but of reforming the system to make it work more effectively.

The White Paper has been long awaited and will be widely welcomed. Whatever our separate party political motivations, it is now our duty as elected representatives—all of us here—to do what is right for the long-term interests of Britain. In this case, that involves building that cross-party consensus, however late in the day it is to start that process. We are willing to engage in that process, if the Government are now, at last, willing to do so with us.

Mr. Hutton: I think I can assume from that that the hon. Gentleman generally supports the reforms that we are making through the White Paper; I genuinely welcome that, by the way. His point about consensus is well made, and we certainly intend to establish and maintain the widest and deepest consensus that we can. However, an important part of that has to be a grown-up approach to affordability issues. He cannot just brush those away, as he did by suggesting at the beginning of his remarks that affordability is not an issue. It is absolutely fundamental.

May I correct the hon. Gentleman on one or two things that he said that are not right? I have only a few minutes, so I shall try to keep to the point. He said that means-testing would be extended over the next six years. That is not true. He will have the opportunity in due course to look more carefully at the White Paper, and he will see that the changes we are making to the savings credit fix will prevent that from happening.

I agree with the hon. Gentleman that the administration of the financial assistance scheme needs to be improved, and we will set out how we intend to do that. His remarks on public sector pensions reflect two problems that he has. We all remember the Conservative party saying before the election that it had no plans at all to change any aspect of public sector pensions. Now, with the election behind him, he is waving his plans to change the pension schemes of the nurses, the teachers, the doctors and the local government workers. People will draw their own conclusions about his consistency in doing that.

More fundamentally, the hon. Gentleman is confusing occupational pension age with the state pension age. It is simply not true that people in the public sector will have the benefit and advantage that he claims.

In general, I welcome the hon. Gentleman's support for our proposals, but I would be remiss if I did not, finally, correct some of his description of the record. He described the pensions system as being pretty well perfect when his party left office and we took office. I do not think that that is what many pensioners would say. There was no help for the poorest pensioners, and there was pension mis-selling on a scandalous scale. There was no scheme protection at all for people whose pension schemes collapsed. Anyone who thinks that is a credible record does not understand the reality of pensions policy.

Mr. Frank Field (Birkenhead) (Lab): I congratulate the Secretary of State on trying to make a silk purse out of a pig's ear. I draw his attention to the extraordinary support for that part of his statement in which he announced that those on the Government side of the House want to give much greater justice to women working than they have hitherto received. However, can he help me with one problem that I have, given that he has rejected an investment-led and accepted a tax-financed approach?

Four years ago, the then Secretary of State sent us back to our constituencies to sell to our constituents the idea that the state second pension would not only eradicate poverty as we knew it, but would last their lifetime. Today this Secretary of State has, in effect,

announced the winding up of the state second pension as we know it. Why will these tax-financed reforms last for even four years?

Mr. Hutton: I am very grateful to my right hon. Friend—*[Laughter.]* I thank him for welcoming those parts of the White Paper that he agrees with—but I have to make something clear to him, and to others, in relation to the state second pension. We had always signalled our intention that over the long term, we would move to a flat rating by 2050. Lord Turner, having considered those issues, has concluded that we should be looking to do that on a faster time track.

I simply say to my right hon. Friend that he needs to consider the two reforms together—the restoration of the earnings link for the basic state pension and the changes we are making to the state second pension. Overall, this is a beneficial sequence of changes that will benefit pensioners in their retirement. I set out the figures on that in my statement.

Mr. David Laws (Yeovil) (LD): I start by adding our congratulations to Lord Turner and his fellow commissioners on what is clearly an influential report on pensions. I also congratulate the Secretary of State, as well as his team and his officials, on introducing the White Paper according to the timetable that was initially indicated, which some of us might have felt would be difficult, particularly in the light of the divisions in the Government on the issue.

I also congratulate the Secretary of State on appearing to have brought the Chancellor of the Exchequer on board for the pensions solution. Indeed, the Chancellor was even seen smiling on the Front Bench earlier. Whether that is because he feels that he is now in a position to take credit for the proposals, or whether he feels that he has succeeded in burying some of them, we shall find out over time.

The Secretary of State knows from our earlier discussions that there is a great deal in his White Paper that we welcome and agree with, and that we believe fundamentally that the direction he is taking on pensions reform is the right one. However, he also knows that we have a major concern that the pensions architecture that he is building rests on the sandy and insecure foundation of a basic pension system—a state pension system—that will still rely hugely on means-testing, have a very low basic state pension and therefore raise issues of complexity and disincentive to save.

We have indicated to the Secretary of State that we are in favour of the proposal to restore the earnings link, that we have broad support for the NPSS and that we also accept the increase in the state pension age in order to fund a lot of those improvements. However, I want to discuss some of our fundamental concerns about today's statement, starting with what appears to be a Gordon Brown get-out clause in relation to when the link to earnings will come in.

The Secretary of State has given the impression today that he is signing up to Lord Turner's proposals. In fact, he is bringing forward by five years the proposals to increase the state pension age, therefore saving money, and the Chancellor of the Exchequer seems to be moving back by between two and five years the date when pensioners will see some benefit from the earnings link. Why is there the issue of an affordability test, when the cost of the proposals is clear? Why is it stated on page 110 of the White Paper that the earnings link and higher state pension age should be "inextricably linked", when it is now clear that although the Secretary of State proposes to increase the state pension age, he is vague about when the earnings link will be introduced? He says that there will be a decision on that at the beginning of the next Parliament, if his party is still in power. Can he indicate what "beginning" means? Does it mean within the first Budget or within the first year? Does he accept that in bringing forward the state pension age and delaying the earnings link, he is short-changing the pensioners who will be interested in this statement?

On the earnings link, will the Secretary of State also comment on the position of the 1 million pensioners who live abroad, some of whom do not even receive a price link at present in relation to the state pension? Will he confirm whether the earnings link will be extended to pensioners abroad, including those who do not benefit at present?

Does the Secretary of State accept that he was wrong to describe the basic pension that he will deliver as in any way generous? If the earnings link is delayed until 2015, as it could be, does he accept that the average pensioner today would be just £2 better off than with a price link? In other words, does he accept that the settlement does little for today's generation of pensioners? Does he also accept that although he has succeeded in capping the degree of means-testing in the system, he is still reliant on a system in which, even if his figures are accurate, one third of pensioners will be subject to means-testing? How will that affect the incentives for people whom he hopes will enter the national pension savings scheme?

Will he also indicate why he has not accepted—*[Interruption.]*

Mr. Deputy Speaker (Sir Michael Lord): Order. These are complicated matters, and the House should listen courteously to the Member addressing the House.

Mr. Laws: I am grateful to you, Mr. Deputy Speaker. These are important issues, and we are entitled to ask the Secretary of State for answers.

Why has the Secretary of State rejected Lord Turner's proposal to have a permanent standing commission on pensions and to consider those issues on an ongoing basis? Why does he suggest instead that there should simply be periodic reviews? Can he also return to the issue of public sector pensions and tell us whether the Government will at some stage set up a similar Turner-type review to consider the reform of public sector pensions?

As we consider proposals for legislation, we also want to find as much cross-party consensus as possible. We have accepted major parts of today's White Paper and the direction of travel. We are of the view, however, that the Government are only delivering half solution today, because of the inadequate nature of the basic pension system on which it will be built. We therefore

[Mr. Laws]

fear that it will not be the final settled pensions solution that all of us have sought.

Mr. Hutton: I am grateful to the hon. Gentleman for his support. I fundamentally reject his analysis that this is anything other than a comprehensive and integrated series of reforms, which will benefit pensioners. Let me respond to some of his points.

The hon. Gentleman was concerned about the spread of means-testing, and so are we. That is why I have announced these reforms, which will see means-testing fall considerably. He has mentioned the figure of a third, and it will be about a third. However, we expect only 6 per cent. of pensioners who are being means-tested in 2050 to be in receipt of the guarantee credit. The remainder will receive the savings credit, which, as he knows, is designed to reward savings. That is a good outcome, not a bad one. I ask him to reflect on that.

The hon. Gentleman asked about increases in the state pension age. I need to remind him that those increases will not take place before 2024, and we intend to introduce the earnings link by 2012. There is therefore no question whatever of the link being broken as he suggested. We are absolutely not short-changing today's pensioners. This is a comprehensive, full and positive endorsement of Lord Turner's report, and we have responded in a way that, as he said at the beginning of his remarks, he did not expect us to. Having heard him, however, I am delighted that we responded as we did. I do not want to set up another quango, which is why I have decided not to set up a pensions commission as Lord Turner recommended.

As for public sector pensions, let me remind the hon. Gentleman and the House that several negotiations are taking place now, scheme by scheme, to change the terms of those schemes. It is right to change those terms, and the negotiations will continue.

I am grateful to the hon. Gentleman for his support. I am surprised that he did not refer more positively to his proposals, which, as I understand it, would cost the taxpayer an extra £11 billion in 2010, rising to £16 billion in 2015 and £90 billion in 2050.

Mr. Terry Rooney (Bradford, North) (Lab): I congratulate my right hon. Friend on the comprehensive reform package that he has brought forward today. Can he confirm that he will not abolish the new deal to finance the earnings link, and that that link will not last for only four years? More seriously, getting a consensus in the House should be fairly easy, but we have had consensus in the past, and it lasted about three years—so it is much more important to get a consensus among the general public. What education and promotion programme does he envisage to get all the messages across to the general public?

Mr. Hutton: I am grateful to my hon. Friend for reminding us that the Conservative party's policy at the general election was to pay for the restoration of the earnings link by scrapping the new deal, thereby making it harder for younger people to get jobs. That is not the right way to build a sustainable affordable package for long-term pensions reform. That is why we have eschewed that approach.

My hon. Friend is right to talk about the need for consensus building. Now that the proposals have been made, and we have broadly received a welcome from the Opposition parties, which we very much appreciate, Ministers have a responsibility, which we would be happy to undertake with the Opposition parties, to take the message around the country about the importance of the reforms and how good they will be for pensioners in the long term. I look forward to the support of the two Opposition Front-Bench spokesmen in doing so.

Sir John Butterfill (Bournemouth, West) (Con): I congratulate the right hon. Gentleman on a thoughtful package of proposals. I want to ask some questions about it, but the all-party group that I chair will welcome pretty well everything that he has put forward.

In relation to the national pension savings scheme, to what extent does the Secretary of State envisage the participation of the private sector in its implementation? Alternatively, will it be entirely a state enterprise? In relation to tax relief, he said in his statement that there will be a 1 per cent. tax relief contribution. Who will get that tax relief? Do employers get any tax relief? How does the tax relief structure work within the system? That is an interesting point for all of us.

I also welcome the principle of the return to a link with earnings, which is perhaps long overdue. I am concerned, however, that it will take so long. The way in which society treats its elderly always involves an intergenerational transfer. My problem is that, for example, those who fought in the last war and created the conditions and freedoms that we enjoy today will be in their 90s before the earnings link is reintroduced, and many who grew up in the post-war austerity period will be in their 80s. Is it not possible to bring forward that reintroduction a little, as Lord Turner recommended?

It seems to me that there are a number of ways in which that could be done—

Mr. Deputy Speaker: Order. I think that the hon. Gentleman has probably said enough for the time being.

Mr. Hutton: I am grateful to the hon. Gentleman for his support, and I appreciate the work that he does in the House for pensioners. He asked several specific questions about the restoration of the earnings link. We aim to restore it in 2012, and that is partly a decision about affordability, but is also linked to the creation of the national pension savings scheme and low-cost personal accounts at that time. It is important to introduce those reforms together, which is why we propose 2012. The national pension savings scheme and the personal accounts will be run by private-sector providers.

Let me make it absolutely clear that the Government are not nationalising the pension savings industry, and have no intention of doing so. I hope that reassures the hon. Gentleman.

Several hon. Members *rose—*

Mr. Deputy Speaker: Order. These are complicated matters, and the Front-Bench spokesmen understandably took quite a long time to ask their questions. A good many hon. Members are attempting to catch my eye. I ask for one brief question from each Member, and the briefest possible answers from the Secretary of State. If need be, I may interrupt Members if they go on for too long.

Mr. Denis MacShane (Rotherham) (Lab): I welcome my right hon. Friend's package, especially his action in reducing the shadow of the means test, which has stalked pensions for too long. Will he also think again about the financial assistance scheme? Although he has gone some way towards meeting the concerns of the 85,000 steel engineering and other workers whose case is before the European Court of Justice, he has not gone all the way, and we do not want a ruling from the ECJ that would turn his hand. May I invite him to continue to consult on and consider that sensitive issue as he examines the White Paper further and implements its proposals? A great many people feel that their pensions were stolen from them.

Mr. Hutton: We will certainly do that. I think that what we have announced constitutes a significant extension of the financial assistance scheme. I was asked earlier about the cost: it will be an additional £2 billion.

Sir Nicholas Winterton (Macclesfield) (Con): May I ask a direct question about the state second pension? There has already been a certain amount of publicity and comment in the broadsheets following leaks of the Secretary of State's announcement today. Is it true that anyone earning more than a reasonable salary who is contributing to the state second pension, whether directly to the scheme run by the Government or to a private scheme if they have contracted out, will receive no benefit whatever from that contribution?

Mr. Hutton: That is certainly not the case, as Lord Turner has made clear. We must take into account not just reforms of the state second pension, but the impact of the restoration of the earnings link to the basic state pension. People will be better off as a result of our combined reforms.

Jim Cousins (Newcastle upon Tyne, Central) (Lab): I congratulate my right hon. Friend on his statement. I hope he will not mind my spoiling the consensus by saying that it is not necessary to look at the small print of what he said to see that it has Labour origins and a Labour direction, which comes as a relief in these troubled times.

I hope there will be no attempt to cherry-pick Turner so that the personal savings scheme starts in 2012 and the earnings link does not. Will my right hon. Friend assure us that the two dates will be coupled, and that the start of the personal savings scheme and the restoration of the earnings link will constitute a single package?

Mr. Hutton: Yes.

Mr. Charles Walker (Broxbourne) (Con): I welcome much of what the Secretary of State has said. He is aware that many people with quite small pensions are still paying income tax. Has he considered raising the threshold at which pensioners start to pay income tax?

Mr. Hutton: We have done that already, and those are matters for my right hon. Friend the Chancellor of the Exchequer.

Alun Michael (Cardiff, South and Penarth) (Lab/Co-op): I warmly welcome the statement, and everything that my right hon. Friend has said. May I ask specifically about the help that he will give to, for instance, the workers at Allied Steel and Wire—whose headquarters were in my constituency—who lost their pensions when the company collapsed?

I am grateful to my right hon. Friend and the Chancellor for listening to the representations made by my hon. Friends the Members for Cardiff, West (Kevin Brennan) and for Sittingbourne and Sheppey (Derek Wyatt), by me and by others, and for giving such a major boost to the financial assistance scheme. Will he tell me how individuals will learn about their specific circumstances, so that they can be certain about their futures: must they apply, or will they be approached by the Department?

Mr. Hutton: I thank my right hon. Friend for his support, and pay tribute to the work done by him and others in highlighting the predicament in which many pensioners found themselves when their insolvent employers' pension schemes collapsed. I am truly grateful for the work he has done.

My right hon. Friend's constituents need do nothing. They will be informed of their entitlement under the new arrangements. As I said earlier, I think that we need to improve the operation of the financial assistance scheme, and we will present proposals on that shortly.

Greg Clark (Tunbridge Wells) (Con): The Secretary of State has made it clear that the earnings link will be restored in 2012, subject to affordability and the fiscal position. We understand that that has been agreed with the Treasury. As he will know, the Treasury green book contains a section on projects with uncertain outcomes, which advises Ministers and officials to attach probabilities to each of the likely scenarios. Assuming that he has followed the Treasury guidance, may I ask what probability he has attached to the earnings link not being restored in 2012?

Mr. Hutton: This is not a project with an uncertain outcome.

Miss Anne Begg (Aberdeen, South) (Lab): I was interested to hear what the Secretary of State had to say about women and pensions, and I think that many women will be very happy about it. He mentioned a reduction in the time for which contributions must be made to 30 years. He also said that it might be easier

[Miss Anne Begg]

for some women, and carers, to accrue national insurance credits. Will he give us a little more detail about those changes?

Mr. Hutton: We will change the way in which carers' contributions accrue for pension entitlement under both the basic state pension and the state second pension. We will make it easier for carers to earn a state second pension credit. The entitlement that currently applies to those looking after a child under six will be extended to those looking after a child under 12. As for carer's credit, on which we intend to consult, we want to extend basic state pension credits to those caring for more than one person if the time spent on that combined caring totals 20 hours at week. At present, the total must be more than 30 hours a week.

Mark Pritchard (The Wrekin) (Con): Given that employers can opt out of the personal accounts, what projections has the Department made about those who might opt out, and what if the projections are wrong?

Mr. Hutton: We think that many millions of people will save under the NPSS, which will provide a welcome boost to the savings culture. I hope that the hon. Gentleman welcomes that.

It is difficult to estimate the number of people who might opt out in the future. We think as many as a third of eligible employees might want to opt out of the low-cost personal accounts that we are introducing. We are making it clear today that that must be a personal choice. It would be wrong—and Turner rejected the idea—to compel every employee to participate in the new personal accounts, irrespective of personal circumstances. For that obvious reason, we decided not to do so.

Dr. Ashok Kumar (Middlesbrough, South and East Cleveland) (Lab): May I praise the Secretary of State for a courageous and forward-looking statement? How many of the Texon UK workers in my constituency will be able to benefit from the financial assistance scheme? I urge him to be proactive: a number of those workers may not be aware of the changes that he is introducing.

Mr. Hutton: I am grateful to my hon. Friend for what he has said. I do not know the precise figures relating to the financial assistance scheme, but I will find out. I can reassure him that it is our responsibility in the Department to ensure that scheme members who might be eligible for the additional support are notified. If he has any worries about how that is proceeding, he should come and see me.

Dr. Vincent Cable (Twickenham) (LD): Will the Secretary of State investigate an alarming practice involving occupational pensions? Overseas companies, such as Parsons Engineering and EMC Engineering in the United States, are effectively defrauding their British pensioners by contriving an arrangement whereby they temporarily liquidate a British subsidiary, expunge their pension liabilities, offload them on to the British taxpayer and resume normal business, including the winning of large Government contracts.

Mr. Hutton: I should be happy to look into that if the hon. Gentleman would like to come and see me.

Natascha Engel (North-East Derbyshire) (Lab): I know that means-testing pensioners has been unpopular with some, but the truth is that pension credit has lifted millions of older people out of poverty. What is the future of pension credit, and how will my right hon. Friend's announcement today ensure that there is no pensioner poverty trap tomorrow?

Mr. Hutton: We are making it clear that there will be a continuing role for targeted financial support for the poorest pensioners. One obvious reason is that many women, in particular, have not accrued a full entitlement to the basic state pension. They will be in the pensions system for many decades, and we have no intention of withdrawing any of their financial support. I think it right, in the short, the medium and the long term, for us to adopt sensible measures to restrict the spread of means-testing. By definition, ours must always be a targeted approach, and I hope and believe that the measures we have announced today will go a long way towards dealing with my hon. Friend's concerns.

Mr. Nigel Dodds (Belfast, North) (DUP): I, too, welcome the changes to the financial assistance scheme. Workers in my constituency at the Richardson's IFI plant have been treated shabbily and are devastated; I hope that these changes will help to improve the situation. Is the decision to uprate the pension credit in line with earnings from 2008 subject to an affordability test?

Mr. Hutton: The decision to uprate the pension credit from 2008 in line with earnings is an affordable decision and we are committed to it.

Mr. John McFall (West Dunbartonshire) (Lab/Co-op): I draw the Secretary of State's attention to the Treasury Committee report on this issue, published this week, which was unanimous. May I remind him that the national pension savings scheme will be successful only if regulation is kept at a minimum? Simplicity is the key word and if we can achieve that, we will have a realistic chance of achieving the 30 basis-point annual management charge that Lord Turner envisaged. More money will thus go into the pension pots of workers, instead of the pockets of the financial institutions, enabling them to get the maximum amount at the end of their working life.

Mr. Hutton: I agree absolutely with my right hon. Friend and I congratulate him and his Committee on a very good report. The point to which he has drawn our attention is fundamental. If we can get anywhere near the 30, 40 or 50 basis points that Lord Turner has suggested might be possible under the personal account scheme, that will improve the value of people's

savings by as much as 20 or 30 per cent., which will be a major boost to those on low and middle incomes in particular.

Hywel Williams (Caernarfon) (PC): Plaid Cymru and the Scottish National party welcome the improvements to the position of women and the restoration of the link with earnings, but we regret that that is at the cost of establishing a citizen's pension, which is our favoured route. Will continuing with the means test not guarantee that a proportion—albeit small—of pensioners will remain in poverty, particularly in Scotland and Wales?

Mr. Hutton: I do not think so. For reasons that I have tried to spell out and that I do not want to repeat, it is absolutely essential to maintain additional targeted financial support for the poorest pensioners; to do anything else would be quite wrong. The hon. Gentleman's preferred solution—the citizen's pension—would cost the taxpayer an immediate £10 billion in 2010. Unless and until he and his hon. Friends can come up with a way of financing that proposal, we should treat it with a very large dose of salt.

Derek Wyatt (Sittingbourne and Sheppey) (Lab): I thank my right hon. Friend for the courtesy that he and his predecessors have extended in the past four years regarding the financial assistance scheme, and for increasing it from £400 million to £2 billion—an astonishing sum. He has said today that he will look again at those who do not yet qualify who will be aged under 50. Can he tell us what percentages of people above and below the age of 50 will qualify for the FAS?

Mr. Hutton: That will depend largely on whether such people meet the FAS eligibility conditions, which we are not changing today, so I cannot give my hon. Friend an exact figure. However, he has played a very significant role in getting Ministers to look again at this issue, and I thank him for his encouragement and support.

Justine Greening (Putney) (Con): Given that one of the main drivers for reform is the decline in the dependency ratio over forthcoming decades, why did the Government opt for the tax-funded proposal outlined today, rather than an investment-funded one? Was such a proposal considered, and, if so, why was it thought less preferable than the one outlined today?

Mr. Hutton: We have broadly followed Lord Turner's analysis and recommendations. He looked at that proposal and rejected it, and so have we.

Ms Diana R. Johnson (Kingston upon Hull, North) (Lab): I congratulate my right hon. Friend on the White Paper. I was particularly interested to hear about provisions dealing with the inequality experienced by women and carers, but I have a remaining concern: the need to persuade young people to save for their future and to provide them with information on saving. How can we prevent them from opting out of a national pension savings scheme?

Mr. Hutton: This is a very interesting area on which, if I am being honest with my hon. Friend, we need to do more work. The Government take seriously the question of improving knowledge of pension and financial issues generally. Now that we have the road map for the future on pension reform, we need to explore every potential avenue. I spent part of the morning at Merrill Lynch—an example of a very large City financial institution that is collaborating with local schools to improve financial capability and knowledge. We need more of that, and we would be happy to support it.

Mr. John Greenway (Ryedale) (Con): Who will be responsible for the clarity of the explanatory leaflets for personal accounts, given that no advice is to be provided, because of the low cost to which the right hon. Member for West Dunbartonshire (Mr. McFall) referred? Indeed, I greatly share his concern about that issue. What will the Secretary of State's strategy be to ensure that employers, who currently contribute rather more than 4 per cent. to their employees' pensions, will not use this as an opportunity to reduce their costs and, therefore, provision?

Mr. Hutton: I agree with the hon. Gentleman on that latter point, and we will have to look very carefully at this issue as we introduce the reforms. When he has a chance to look at the White Paper—I realise that copies have only just been placed in the Vote Office—he will see that we want to continue to talk to people about these matters in more detail, given that we now have a longer time in front of us to prepare the legislation. Indeed, I suspect that the proposal will come before the House later than the second Session. If the hon. Gentleman is willing to work with us on this issue, I would welcome that. The question of leaflets will have to be considered in greater detail over the next few years, but my current thinking is that such a responsibility will rest with the national pension savings scheme, which will oversee such arrangements. But it is obviously very important, in the light of everything that has happened recently, that we learn the lessons of the last few years and do not repeat the mistakes.

Ian Lucas (Wrexham) (Lab): I warmly welcome the restoration by a Labour Government of the earnings link, which was so cruelly taken away by the Conservatives. Will transitional arrangements be put in place for women such as my mother, who are not eligible for the full state pension and would like to have the benefits of the proposed improved scheme?

Mr. Hutton: I am grateful to my hon. Friend for that question. I obviously do not know the details of his mother's circumstances, but I very much hope that she will benefit from the restoration of the earnings link and from the other reforms that we are making. Reforms to the contributory principle will take effect from 2010, and I am afraid that if my hon. Friend's mother has reached retirement age by then—I suspect that she might have—she will not benefit, sadly, from that proposal.

Bob Spink (Castle Point) (Con): Will the Treasury consider ways of assisting small and medium-sized enterprises, in particular, in meeting their 3 per cent.

[Bob Spink]

contribution to the new pensions; and how can we ensure that that contribution will not be increased in future, as another stealth tax?

Mr. Hutton: I agree with the hon. Gentleman on that point. We have made it clear today that, as the White Paper spells out, the 3 per cent. employer contribution will be fixed in the legislation that we will introduce in the next Session. It will be up to subsequent Governments to change that, if they want to, but to do so they would have to come to this House to seek primary legislation. The White Paper makes it clear that we intend to consult soon on a series of transitional support measures that might be necessary to help employers with the introduction of the employer contribution. We hope to get that document out soon.

Kelvin Hopkins (Luton, North) (Lab): I very much welcome my right hon. Friend's statement today, representing as it does the breaking of a logjam in pensions policy. But will he not go a little further in doing something to help today's pensioners now? May I suggest that he give serious consideration to raising the basic state pension fairly rapidly toward the point that it would have reached had the Tories not broken the earnings link? If it is a question of affordability, I should point out that, if we can afford to subsidise the savings of the rich to the tune of tens of billions of pounds every year, surely this is affordable.

Mr. Hutton: I am grateful to my hon. Friend for his support, which is important to me. It is worth pointing out one fact. We are spending £11 billion more this year on pensioners compared with 1997, which is £8 billion more than an earnings link would have delivered. The Government have delivered on a very positive agenda for pensioners. This statement, however, is about long-term pension reform. Such reforms will start in 2010 and accelerate in the following decade. The decisions that we take today on improving pensioners' standards of living are matters for my right hon. Friend the Chancellor.

Mr. Desmond Swayne (New Forest, West) (Con): What comfort can APW workers take from this statement, who were excluded from the terms of the financial assistance scheme because of the responsible decisions that properly had to be taken by their trustees?

Mr. Hutton: I am very familiar with that scheme; indeed, some of my right hon. and hon. Friends have also raised this issue with me. Today, we are confirming an extension of the financial assistance scheme for eligible employees, but of course, in order for them to qualify for it, the employer needs to have been insolvent. We have not found a way to resolve the issues that the hon. Gentleman raises, but we stand ready to continue to consider them in the weeks and months ahead.

Lyn Brown (West Ham) (Lab): Can my right hon. Friend tell me what ages children will need to be to qualify their parent or carer for the weekly credit for child care?

Mr. Hutton: I think that the answer is 12.

Mr. Edward Leigh (Gainsborough) (Con): It is easy for politicians to make promises today that have to be paid for by electors tomorrow. Does the Secretary of State think that it is important that the younger generation be reminded about how much these proposals will cost? Assuming that they are introduced in 2012, what will be the cumulative cost of the restoration of the earnings link in its first 5 years of operation?

Mr. Hutton: That figure is buried in the White Paper somewhere. I know that there is a table with that information because I was doing my homework on it last night, but of course I cannot find it now—that is the way of the world. I agree with the hon. Gentleman on one point: we have always made it clear that we will make proposals only if they are affordable. I am convinced that these reforms are and will be affordable, and will not involve taxes having to go up to meet the commitments. That is important.

Mr. Ian Davidson (Glasgow, South-West) (Lab/Co-op): I question the fairness of raising the retirement age. The average life expectancy for a man in my constituency is 69. If we raise the retirement age to 68, the average male in my constituency will have the equivalent of a gap year between retirement and death, whereas in other parts of the country the gap is a decade or more. Will my right hon. Friend assure me that steps will be taken, in parallel with raising the retirement age, to ensure that efforts are made to raise life expectancy in constituencies such as mine?

Mr. Hutton: We are aware of the issue to which my hon. Friend draws attention. The state pension age will reach 68 in 40 years' time and I am confident that his constituency and others will have a matching rise in longevity to meet that. The Turner commission suggested that we consider the issue of when pension credit becomes available, and the White Paper makes it clear that we are doing so, because that proposal might go some way towards addressing the concerns of my hon. Friend and others.

Dr. Julian Lewis (New Forest, East) (Con): The Secretary of State reiterated today what he said on 16 March, which is that he still proposes to consider the case of APW Electronics and others, on which there is a three-party consensus—led by the right hon. Member for Southampton, Itchen (Mr. Denham)—that something must be done. Can the Secretary of State tell us how many firms are in the position of having been forced to give up 80 per cent. of their pensions under duress before the scheme came into effect? Will he use his best endeavours to save the futures of only a small number of people?

Mr. Hutton: I do not know the exact figure, but only a few employers fall into that category. My right hon. Friend the Member for Southampton, Itchen has been at the forefront of the campaign for people in that position. If it would be helpful, I would be happy to meet the hon. Gentleman and others to discuss the problem and try to find a sensible way forward. Unfortunately, I am not announcing today a way forward on that problem, but I am happy to receive a delegation to go through the arguments and seek a sensible solution.

Kitty Ussher (Burnley) (Lab): Does my right hon. Friend agree that the proposal to finance the restoration of the earnings link in the long term merely through so-called efficiency savings, as proposed by the Opposition at the last election, was never credible?

Mr. Hutton: Unfortunately, on a day of consensus, I have to agree with my hon. Friend. At least there is a consensus on this side of the House, which is always pleasant. We have a responsibility—as the hon. Member for Runnymede and Weybridge (Mr. Hammond) said—to set out how we will fund such reforms over the long term. That was completely absent during the last election and we have now proposed a sensible package of proposals that will allow us to sustain our reforms for the long term.

Mr. Henry Bellingham (North-West Norfolk) (Con): The Secretary of State will be aware that hundreds of former Albert Fisher employees in my constituency have had their lives turned upside down. They will welcome the announcement of the widening of the criteria, but after so much heartache can they really trust the Government to come up with the extra funds of £2 billion without strings attached? If there are problems, will he agree to receive a delegation of former Albert Fisher employees?

Mr. Hutton: I am always happy to talk to the hon. Gentleman about any problem in his constituency and to meet him and his constituents to cover that ground. We are making a commitment to improve the financial assistance scheme and the money will be there to support the extension. I sense today that people have warmly welcomed our proposals. We are trying to put right an injustice and today's announcement will go a long way to resolving the issue.

Mr. John Denham (Southampton, Itchen) (Lab): I thank my right hon. Friend for his promise to meet members of the APW scheme, because they—and we—will not go away. Having said that, as a former pensions Minister I think that today should be seen as an historic occasion. My right hon. Friend has produced the best opportunity for a lasting cross-party consensus on pensions policy that we have seen in the past 30 years. It is a truly remarkable achievement and he should be congratulated, and Lord Turner should be congratulated on laying the groundwork. I hope that today will be seen as the most significant day in pension policy for many years.

Mr. Hutton: I thank my right hon. Friend for those remarks. It is probably best for others to make such claims—but I agree with him! I am happy to have further discussions with him on the APW issue, and we will go every inch of the way to try to find a sensible solution.

Mr. Peter Bone (Wellingborough) (Con): If I have understood the Secretary of State correctly, in 2044 the retirement age will increase to 68. Does he envisage that that age will have to increase? Will someone starting work today be guaranteed to retire at 68, or will the age have to be increased in the future?

Mr. Hutton: With great respect to the hon. Gentleman, there is a limit to the range of my knowledge and wisdom on these matters and 40 years is probably as far ahead as I can safely predict.

Nia Griffith (Llanelli) (Lab): Given that many more people now have a fragmented employment history, moving from one employer to another frequently or doing two or three jobs at once, will the new system serve them well?

Mr. Hutton: That is a very important point. Many of the workers who are not currently saving for their own retirement are in that position. As we design the personal account scheme, one of its principal objectives will be to have sufficient flexibility and portability, so that it can be easily moved from one employer to another. I hope that that will be one of the hallmarks of the new scheme and I am happy to continue discussing that with my hon. Friend if she would find that useful.

Tony Lloyd (Manchester, Central) (Lab): I, too, congratulate my right hon. Friend on an excellent package. Perhaps the best aspect of it is that it will erode the injustice towards women that has been endemic in the pensions structure. He has given guarantees about the state system, but women are still disadvantaged in occupational pensions. Will he think seriously about having a gender impact assessment of the White Paper to identify those systemic problems and to get across to women that planning for their pensions is very much in their interest?

Mr. Hutton: My hon. Friend is right, and we have already informed the Equal Opportunities Commission that we will make a gender impact assessment of our proposals.

Mr. Frank Doran (Aberdeen, North) (Lab): I congratulate my right hon. Friend on the White Paper and the manner in which he secured it. On behalf of my constituents who are members of the Richards pension fund—now part of the financial assistance scheme—I thank him for the extension of the scheme, which will be important to many of them. He will be aware that the scheme has serious problems of cost, complexity and delay, so what proposals does he have to improve the administration of the scheme?

Mr. Hutton: I am grateful to my hon. Friend for his kind words, which are much appreciated. I said earlier that we are not satisfied with the current standard and

[Mr. Hutton]

level of performance. We are considering several options for improving that, but I do not really want to announce the details today. It is only fair and right to point out that some of the difficulties that we have encountered arise from the complexity of the situation, and we are heavily dependent on receiving information from scheme trustees on time. If that does not happen, it is difficult to act as quickly as we would like. We are looking at the administration of the scheme and I want to speed it up, because it is important for those who can benefit from it to get the financial support as quickly as possible. That might go some way to addressing the uncertainty and fear that they have about the future.

Mr. Clive Betts (Sheffield, Attercliffe) (Lab): I warmly welcome the totality of the package that my right hon. Friend has announced, but will he give some consideration to the continued existence of the higher-rate tax relief? By and large, it tends to go to people who already save for their pensions anyway. Instead, could he not transfer some of that money to provide even more assistance and encouragement for people to adopt the new personal accounts? The people who will opt out are probably those at the bottom end of the earnings scale, and we could give them greater assistance if the higher-rate tax relief were abolished.

Mr. Hutton: We will certainly look at what my hon. Friend suggests, and I welcome his support for the White Paper. However, these are matters for which my right hon. Friend the Chancellor has responsibility, and it is probably safer and better for me to stick to my own responsibilities.

Rob Marris (Wolverhampton, South-West) (Lab): My question is along similar lines to the one asked by my hon. Friend the Member for Sheffield, Attercliffe (Mr. Betts). The higher-rate relief costs the Treasury £18 billion a year in forgone tax revenues. Overwhelmingly, it is claimed by the richest in our society yet evidence from the Department for Work and Pensions suggests that tax relief on pension savings has almost no effect in encouraging people to save for their pensions. Therefore, will my right hon. Friend explain in more detail the matter raised by the hon. Member for Bournemouth, West (Sir John Butterfill): how will the 1 per cent. tax relief in the national pensions savings scheme work, and what will it do?

Mr. Hutton: The 1 per cent. tax relief in the NPSS will be paid in the normal way that tax relief is paid into existing occupational schemes. My hon. Friend raises a wider point that several other hon. Members have also referred to and, although I do not want to repeat a standard answer, all matters to do with tax relief are for my right hon. Friend the Chancellor. I know that he will be considering those matters.

Mr. Adrian Bailey (West Bromwich, West) (Lab/Co-op): I welcome the announcements made by my right hon. Friend, especially those having to do with the financial assistance scheme. However, what will be the position of self-employed people in respect of the NPSS? How will it work for them, and how many self-employed people are expected to enrol in the scheme?

Mr. Hutton: I am grateful to my hon. Friend. Again, it is very difficult to offer a precise estimate, but several hundred thousand self-employed people might choose to enrol in the NPSS. Obviously, they cannot be enrolled automatically as, by definition, there would be no employer contribution on their behalf. The estimate that I have given is not an exact science, but we are clear that self-employed people should have the right to invest pension savings in the low-cost personal accounts if they want to.

Richard Burden (Birmingham, Northfield) (Lab): May I add my congratulations to my right hon. Friend? There are many positive elements in the package that he has presented, and I especially welcome the substantial extension to the financial assistance scheme, which will be of great importance to my constituents and others who have worked at Kalamazoo. I understand that he cannot say precisely how many people will be effected by the extension, but they will want to be assured that the matter will be kept under review in the future. Finally, may I add my voice to those who have stressed the importance of speeding up the administration of the scheme? Some people have immediate needs, and it is important that they be addressed now.

Mr. Hutton: I am grateful to my hon. Friend. We will continue to look at every aspect of the matters that he has raised to ensure that the scheme works as we want it to. We think that roughly another 20,000 people will be eligible for additional support under the financial assistance scheme measures that I have announced today.

Tom Levitt (High Peak) (Lab): And finally, I am sure that the whole House is grateful to you, Mr. Deputy Speaker, for allowing the statement to run on, so that so many hon. Members could get in. However, my right hon. Friend will know that there are probably more existing and future members of the failed Turner and Newall pension scheme in my constituency than anywhere else. We are hopeful that, if necessary, the pension protection fund will come to that scheme's rescue, but the matter raises questions about employer contribution holidays, and about the relation between British law and the law of the other countries when multinational companies are involved. Does he envisage any changes to the operation of the PPF, or to the criteria by which it operates?

Mr. Hutton: No, the White Paper contains no announcements of changes to the PPF, which has only just begun operation. However, we will keep all matters to do with the reforms under very careful review.

Mr. Deputy Speaker: I thank the House for its response to my earlier plea about the way in which questions should be asked. Also, I am grateful to the Secretary of State for the way in which he responded to them.

Point of Order

1.34 pm

Mr. Peter Bone (Wellingborough) (Con): On a point of order, Mr. Deputy Speaker. Earlier today, I asked the Minister for Schools how many children of secondary school age in Wellingborough had not been allocated a school place. I learned this afternoon that the number was a minimum of 11. I think that the Minister may have misled the House, very inadvertently, by suggesting that the number was zero.

Mr. Deputy Speaker (Sir Michael Lord): That is a matter that should be taken up in other ways. It is not for the Chair to deal with now.

Whitsun Adjournment

Motion made, and Question proposed, That this House do now adjourn—*[Jonathan Shaw.]*

1.35 pm

Mr. David Drew (Stroud) (Lab/Co-op): I am delighted to take part in this debate, especially given that the earlier statement on pensions makes this an important day for all of us.

I want to speak about four matters that are important to my constituency, but I shall begin with an international problem that has not yet received a sufficient airing in this place. I hope that my hon. Friend the Deputy Leader of the House, who is on the Front Bench this afternoon, will refer it to his ministerial colleagues in the Department for Environment, Food and Rural Affairs and in the Foreign Office.

Last Monday, the European Parliament decided to allow the fishing deal between the EU and Morocco, which involves the waters off the western Sahara, to go ahead. As an issue, it does not arouse the same level of interest or raise the same hackles as the many and varied conflicts in the middle east, parts of Africa, south-east Asia or South America. However, the UN promised people in the western Sahara that there would be a referendum on their territorial independence. They have waited a long time, and it still has not happened. That is a disgrace.

To rub salt into the wound, the fish in the sea around the western Sahara—one of the area's most important resources—are about to be gobbled up by trawlermen from Spain and other EU countries. Thankfully, it is unlikely that British trawlermen will be involved, as we have so few left. The people of the western Sahara feel that they have been sold out.

I and other hon. Members have asked questions about the matter, and I have been dismayed to discover that the Government seem to take the view that, as long as the deal did not break international law or make a huge impact on the numbers of fish in the sea in that part of the world, there were no grounds on which to object to what the EU was planning.

Another problem has to do with the advice given to British Members of the European Parliament. I do not want to be party political, but Labour MEPs either did not vote or chose not to vote against the scheme, even though the vote represented an opportunity to express the clear position that the Government have adopted in respect of the western Sahara. Unless I am mistaken, that opportunity was not taken. The people in the western Sahara have been sold out by the international community for a generation or more and, as well as speaking words of support for them, we should put those words into action.

I turn now to the four local issues that I want to raise. I shall be brief, as I know that there are lots of other hon. Members who want to speak in the debate. First of all, there is currently a lot of talk about how we can make greater use of renewable energy sources. I am a great advocate of renewables, but the idea of building a barrage across the river Severn has recently been put back on the agenda by the First Minister of the Welsh Assembly. He is a member of my party and a

[Mr. David Drew]

friend of mine, and has said that it is time for the scheme to be reappraised. I do not mind a review of the decision made some years ago.

The original feasibility study started in the 1970s and carried on until the 1990s. I tried to struggle through all the different papers and the volumes of evidence, and I have two quick comments to make. First, there were strong environmental downsides to building a Severn barrage. The colossal proposal might cater for about 25 per cent. of our energy needs, but not least of the downsides was the irretrievable damage to the flora and fauna of the river Severn. Secondly, I am a strong supporter of the so-called nuclear option, as hon. Members may know, but in some quarters it is ruled out as being the wrong approach because of its sheer scale and the fact that it is designed to pump electricity into the national grid when what we want is microgeneration. I agree that we need microgeneration. The Severn barrage is a colossal scheme, paid for not necessarily by the public sector, but largely by the private sector. The come-back of that will be massive development, largely of housing, which will have a big impact on Stroud.

Local government reform is back on the agenda. We may all be tempted to yawn at the prospect of ritual sacrifice and to believe that whatever we say and do, nothing much will happen. I hope that on this occasion something will happen, because it is about time that Gloucestershire moved to some sort of unitary arrangement, especially given that those areas with unitary arrangements seem to have better, simpler local government. I ask my hon. Friend the Deputy Leader of the House to pass my views on to the new Department for Communities and Local Government. If we are to be serious about local government reform, please can we make sure that the proposals are properly aired and that we consider the benefits, not just the faults, of the proposals? A return to the status quo is unacceptable.

I see advantages for Gloucestershire becoming a two-authority county, although there are arguments for one authority. The current arrangement of six districts and one county lead to great confusion. We must ensure that that confusion is put to bed once and for all and that we give people the service that they deserve. Health cuts mean that that requirement is greater than ever, because we desperately need to clarify the relationship between social services and health provision.

Bob Spink (Castle Point) (Con): The hon. Gentleman talks a lot of sense, as he always does. Does he share my despair at the removal of democracy from local people? Does he want democracy taken to the lowest level and to stop regionalisation?

Mr. Drew: Of course I do. Double devolution is a trendy term. As a town councillor for the past 18 years, I strongly believe that the first layer of government has a part to play, but we do not need three layers of government. We need two layers of largely local government. We need to empower urban areas so that they have that first layer of community, neighbourhood government. We need to see that through as quickly as possible with a democratic mandate. The Government talk about leadership, fitting with the local authority and value for money. I am happy to have that debate, but I am not happy to end up with the same fudge.

We need to sort out our rail service, especially the status of the line between Kemble and Swindon—that is the London line for me. In my constituency I am in the fortunate position of having a north-south line and an east-west line. Many years ago someone had the bright idea to single-track the line between Kemble and Swindon, and that was to extend all the way to Cheltenham. Whoever came up with that was hardly looking to the future because it is now the cause of significant delays. When trains run late other trains have to wait for the nine to 10 miles of single track to become clear. We are not talking about the usual cattle train moving people backwards and forwards; we are talking about 125s and a mainline service.

When I was first elected, the CBI said that its most important objective was to have a first-class rail service—in terms of service, not tickets—from London to Cheltenham. We have not seen any investment to achieve that, but that line has to be re-signalled in the next decade or two, so we may see it yet. I should like to see that front-ended and brought forward as a matter of urgency. I think that I am able to call upon the support of the Great Western, which has now won the Greater Western franchise. It seems interested in how we could redouble the line and get trains moving much more easily, frequently and without lateness being built in because of the lateness of other trains.

Finally, I congratulate the Government on doing what I think is right. I was very pleased with the Affordable Rural Housing Commission last week when it made important statements on how we need to get more affordable housing into our ruralities. It offered ideas of how we might do that, such as changing the planning system, investing more money and showing more inclination to make sure that when houses are built we build more affordable and social housing. Pleasingly, there was a particular mention of an idea that some of us in Stroud have been pioneering on community land trusts or what is technically called locally, Gloucestershire Land For People. We hope to do a deal with English Partnerships on the Cashes Green hospital site, which will yield many benefits. I am sure that many hon. Members now know something about community land trusts. The one great advantage is that the asset value is locked away so that people, while sharing in the appreciation of their property value, cannot sell the land. The land remains in communal ownership. The idea sounds rather socialist in principle, but is widely used in the United States, where there are good examples of community land trusts, and many other parts of the world. We are looking for an early decision that that would be the preferred bid for that site—I am about to become a director, so I should declare an interest. The people behind the bid have been given encouragement and resources. That would be a model for the rest of the country, so this is not just about Stroud getting a bit of a lift. We would be doing something that could be adopted more widely to provide the sort of answers that we need in order to provide affordable housing.

My hon. Friend has plenty to think about from me. I am sure that other hon. Members have views to share. I wish everyone a happy Whitsun.

1.48 pm

Paul Holmes (Chesterfield) (LD): I, too, have one or two issues to raise in this Adjournment debate. Although they are based on constituency examples, each one is part of a national trend. I am sure that hon. Members present will nod in recognition of the issue that they too have in their constituency. They may disagree on how to deal with the problem, but almost everyone present will share it.

The first one is in connection with the national health service. Tomorrow I have my usual Friday afternoon constituency surgery. One of the people who has booked in to see me is a ward sister from Chesterfield's Royal hospital. She is one of 133 people in her position at the hospital who were summoned in on Tuesday last week to be told by hospital management that their jobs were being restructured and that they could all reapply for them, but that over the next few months one third of them would lose their jobs. In short, 43 ward sisters are going to be made redundant. The hospital is well run, and hopes to manage the process without too much stress and pain by absorbing the cuts in its normal nursing staff turnover of 8 per cent. a year, through natural wastage and turnover rather than compulsory redundancies, although in the end that method may have to be used. None the less, 43 ward sisters will lose their jobs in Chesterfield over the next year.

The hospital is undertaking a similar exercise by making an analysis of other staff sectors to try to shed jobs to save money. The House can imagine the trauma facing 133 ward sisters who have been told that a third of them will lose their jobs and that more job cuts will follow in other parts of the hospital.

Why is the hospital in that position? It seems to have done everything that the Government wanted since 1997. The hospital became a trust. I do not support trusts; I opposed the hospital's move to trust status at the time, for the same reasons as I opposed the concept of school trusts in the Education and Inspections Bill. Introducing free-market, cut-throat competition is not the way to improve or deliver health services or to educate our children. However, my local hospital became a trust, as the Government wanted, and it has been incredibly successful.

In each of the past three years, the hospital was awarded three stars by the Government—the top rating. Last year, it was also commended as the top hospital in the east midlands—the best in five counties. Since 1997, it has done everything that the Government wanted, so the job losses that are being imposed are not the fault of the hospital management nor of the excellent NHS staff who are hitting every target, even after the introduction of competition. The chief executive told me recently about the worry of losing patients to NHS providers elsewhere and to private sector treatment centres such as the one at Barlborough, just outside my constituency.

The hospital has made further improvements in departments that were already doing extremely well, such as ophthalmology. It can now treat more patients, to the benefit of the Chesterfield Royal but at the expense of other hospitals in the area which will lose patients and income, and thus face even greater problems, which is why I opposed trusts in the first place.

The hospital has done everything it was asked, and done it extremely well, yet now people will have to be sacked, and services for the people of Chesterfield will be reduced. Why? The hospital was expecting a cut of 1.7 per cent. in the tariff for providing medical services; in effect, that was the Gershon efficiency review saving that public bodies in general, including my local council, were expected to make on a yearly basis. However, at the last minute the calculations were abandoned and the Government told the hospital that the tariff reduction, or the cut in funding, would be 2.5 per cent. Even worse than that last-minute increase in the deficit, the hospital was told that there would be a special technical adjustment to the tariff of another 2.5 per cent. In the space of only three or four weeks, a good, well-funded, well-organised and efficient hospital went from planning for a managed efficiency saving of 1.7 per cent. to trying to cope with a 5 per cent. cut in its funding.

That situation has been mirrored across the country, on a much bigger scale in some areas. Figures released today show that 12,000 job losses have been announced in the NHS since 1 March alone, which makes the 43 announced so far in Chesterfield look quite small, although it is no comfort to those who are losing their jobs in Chesterfield that health trusts elsewhere, including areas close to Derbyshire, are suffering much greater losses imposed at only a few weeks' notice.

The situation is the result of the Government's rushed introduction of market-based competition and their insistence on hospitals hitting centrally imposed targets on waiting lists, whatever the financial cost. Trusts are reaping the whirlwind because they have overspent in various sectors to enable the Government to hit their targets. Reform has been forced through at breakneck pace to hit the appropriate media headlines and to help create the Prime Minister's legacy.

The same is happening in other parts of the NHS, such as dentistry. A stream of people have visited my constituency surgeries or written to me over recent months to tell me that it is impossible to find a dental practice in Chesterfield that will take on new NHS patients. After the introduction of the new contract, several dentists have completely opted out and no longer treat NHS patients. About half the people of Chesterfield were not enrolled with an NHS dentist and the figures have got worse over the past two months. It appears that they will get even worse over the next year. Again, that situation is common throughout the country.

It is time for a long-term, sensible planning regime in the health service, rather than emergency cuts. We should put a brake on this disastrous process and pause a while to consider what is being done to the NHS. Meanwhile, NHS staff in Chesterfield and elsewhere need reassurance about the job losses they face at present, and those in the pipeline for later in the year, which threaten them even though they are absolutely blameless and have done everything asked of them by the Government.

Ms Diana R. Johnson (Kingston upon Hull, North) (Lab): I am interested in the hon. Gentleman's comments about the NHS tariff. Does he think that there should be a common tariff across the country or should the costs of operations vary from one hospital to another? It seems sensible to have the same costs throughout the country. Does he agree?

Paul Holmes: There are different costs in different parts of the country, although there is weighting in the system to take account of wage rates; for example, in London and Derbyshire. There must be some variations. The point I was making is that NHS reforms must be carefully planned to ensure stability. In Germany, where the health service took a similar road, the process took 18 years, yet we are trying to do it in no more than 18 months. To make the NHS—the largest single employer in Europe—a more efficient organisation, we need to look at local accountability and decision making rather than jumping at the behest of centrally imposed targets from Whitehall. That is not the way to run the health service, the police service, the Home Office or many other Departments of State.

Council housing is a major issue in my constituency, as it is in many parts of the country, although it takes different guises, because, as a result of Government policy, many councils no longer control it. Every week, people contact my surgery or my Chesterfield office about the problems of finding social housing. Two age extremes typify the problem. There are young families with children who want a house. They may be living with parents or friends and as children come along the situation becomes impossible. They may be living in one-bedroom council flats on the first or second floor, which is wholly unsuitable for children, so they want a family house. They cannot afford to buy or rent in the private sector so they want a council house.

At the other age extreme are pensioners or people approaching pensionable age. They may be living in council flats. I know one couple who were the first occupants of a brand new flat on a new council estate in the early 1960s. They still live there, but their flat is on the top floor, so what was suitable for them when they were young—they had no children—is no longer suitable now that they are in their 70s. They suffer from arthritis and they have noisy young neighbours with a different lifestyle. They want to move to an old people's bungalow.

The problem for the council is that it no longer has bungalows or family houses to offer. Were it not for the right-to-buy policy, Chesterfield would have 19,000 council properties; there are actually fewer than 10,000 and the number is falling each year. I have never objected to the right-to-buy policy. I was elected to Chesterfield council in 1987 and was a member of the housing committee. Labour councillors were furious about Margaret Thatcher's right-to-buy policy, which had just been introduced. As I said to them, I could not understand why they were so angry. If they had thought of the policy of using public money to build social housing and allowing people who had lived in those houses for five, 10 or 15 years to cash that in as a discount and buy a house—something that those people would never have been able to afford to do under normal conditions—I would have seen that as a good piece of socialist engineering to give people access to the property market and property ownership. I have been told since—I discovered this only this year—that the Labour party was considering that in the late 1970s, but ruled it out of the manifesto as being unacceptable. How things have changed.

The problem with the right-to-buy policy from the 1980s and now is that the money is not invested back into providing more social housing. In Chesterfield, for example, 75 per cent. of the money from each right-to-buy purchase is taken away by the Government to spend elsewhere—or disappears into the Chancellor's coffers—rather than being invested in providing more social housing. Since 1997, there have been 600,000 right to buys across the country and the waiting list for council housing has gone up by—hon. Members have guessed it—a nice symmetrical 600,000 to the nearest round thousand. Those seem the social housing provision polices of the madhouse. Right to buy can provide social mobility and access to the property market, but the money must be reinvested if we are to avoid major problems.

The Government's answer is to force tenants across the country to leave the tender mercies of the council and have a registered social landlord, a housing association or a private finance initiative landlord—in other words, to privatise in one form or another. That costs more in the long run—just like PFI builds for schools and hospitals—because taxpayers foot the vast bulk of the bill and because people in the private or semi-private sectors borrow more expensively. However, it gets the money off the public sector borrowing requirement. It is a nice piece of voodoo economics or voodoo accountancy to massage the public spending figures. It is a piece of nonsense that is sold to us as choice.

When I have raised the matter in debates, in Prime Minister's Question Time and in private meetings with Ministers, I have been told over and over again that I should celebrate choice. I do celebrate choice. One area where I part company from some of my fellow members of the Defend Council Housing group in Parliament, of which I am the vice-chair, is that some of them would say that there should be no privatisation or opting out of council properties. As a teenager, I grew up on one of the biggest council estates in Europe, in Sheffield, and I can see that some council tenants in some parts of the country might well feel that their council has made such an appalling job of running their estate that they would rather have a different landlord. However, the vast majority do not feel like that and the vast majority of councils that have moved over to this system have done so because the Government put a gun to their head or because they faced Hobson's choice. Essentially, the decision is sold as, "You privatise, or you do not get your house repaired." That is the choice that is being presented. I cannot understand the logic of a Labour Government who go down that route.

Of course, once one has gone down that route there is no going back. If the people of Chesterfield do not like the way in which the council is running the 10,000, 12,000, 15,000 or 19,000 council houses at any one time, they can change the management. They did in 2003: they elected the Liberal Democrats. People can change the situation; that is what democracy is about. However, once they have gone down the road of having

a housing association or a PFI landlord, that is it. There is no coming back. There is no accountability with those landlords, especially when a small housing association merges with another and another and becomes a big national organisation instead of the small, local, friendly, housing association that was sold to people in the first place.

Then there is the limited amount of money that the Government allow to be distributed into social housing via councils. What happens in that case? This has been mentioned in meetings we have had with Ministers. Of course, there is a limited amount of money and it is rationed. However, it is not rationed fairly according to which councils have the greatest need. The Government basically say, "Well, in the case of the hundred or so councils where tenants have voted not to privatise, that's tough. You do not get anything. You have voted and made your choice and we are going punish you. You don't get the cash." The ones that go half way down the road and have an arm's length management organisation will get what limited cash is still available via the Government.

That is no way to allocate the limited funds that are available for public sector housing through council provision. Of course, money is always short and has to be rationed and spent over a number of years, but that money should be allocated on the basis of the need of places such as Chesterfield, Birmingham, Cambridge, Camden and the other areas that have said that they do not want to privatise. The money should be allocated according to need, not according to whether people are willing to have an ALMO or whether they take the democratic choice to stay with the council.

What happens to rents in some parts of the country? In Chesterfield last year, not only did the Government take £6 million away from Chesterfield council tenants in right-to-buy receipts that went off into the Chancellor's coffers, they took £3.2 million from their rents to spend in other parts of the country. When I raised that with the Minister, he said, "Oh, but we only do that to affluent Tory shires." I had to point out that Chesterfield is not an affluent Tory shire. It is a working class coalfield community, except that, since 1992, there have been no coal mines left. It is a working class community that had lots of engineering and steel works—except they have almost entirely gone, as well. It is a community that had much higher than average unemployment. That is coming down, but it is still higher than average to this day. It has many social problems. It is not an affluent Tory shire. However, £3.2 million is taken away from council tenants' rents in Chesterfield every year—last year, the year before, the year before that, and next year—to spend elsewhere.

To my horror, I discovered that some of that money is going via the Office of the Deputy Prime Minister, as was, to provide infrastructure in London for the Olympic games. Why are council tenants in Chesterfield seeing their rents go into that sort of spending? If Chesterfield borough council were allowed to keep half that money every year, it could provide the old age pensioners' bungalows to allow old pensioners to move out of family council houses, which would free them up for young people with children.

Mrs. Theresa May (Maidenhead) (Con): I am interested in what the hon. Gentleman has just said, because it suggests to me—I hope that he shares my concern about this—that Ministers are making decisions on matters that affect people's lives not on the basis of need, but according to stereotypical views of what the area is like and, by the sound of it, whether the council is controlled by the Conservatives.

Paul Holmes: I am not sure that Ministers would go down to the wire on that. As that was said in the meeting that I attended, it was a sop to the Labour members of the Defend Council Housing group who were there. It was as if they were saying, "It's okay. You don't need to worry. It's for a good reason." I am not sure whether, if one followed the small print, that would be how the decision was justified. As I say, it seems inexplicable that, last year alone, Chesterfield lost £9.2 million from its council tenants—from right-to-buy money and from rents. If Chesterfield borough council had half that money every year, we would not have a problem with housing people in Chesterfield. Instead, the waiting lists get longer. Whenever that is explained, people cannot understand the logic of a Labour Government following such policies. I know that many Labour Members agree with what I am saying.

There is a fourth option, which is Liberal Democrat policy and Labour party policy. The Labour party reaffirmed the policy of equal access to funding for all councils and council tenants at the last Labour conference and the one before that. However, the Labour Government have reaffirmed each time that they will take no notice whatsoever of their own members or their own conference, and will carry on with their divisive, iniquitous and socially unfair set of policies.

I could bring up many other issues, but I have an eye on the time and bearing in mind that there are lots of other Members who wish to speak, I will not. I will mention one issue in passing. I had the privilege of taking part in an Adjournment debate on Tuesday, which was held by the right hon. Member for West Derbyshire (Mr. McLoughlin), on the forced, compulsory merger of police forces to make an east midlands police force. I do not need to go into the details again because I went through them on Tuesday. I will simply summarise and say that we are seeing the merger of five county police forces into one super-force. That is happening all over the country. There was a sham consultation that was carried out to a ridiculous timetable. On 7 April, the five police authorities in the east midlands told the Government that they did not want to merge voluntarily. On 11 April, they were told that they were going to merge anyway. What was the point of the whole sham process that started last autumn when the Government knew what they intended to impose in their first place?

The changes are not going to be funded properly in any part of the country—certainly not in Derbyshire and the east midlands. Paying for the reorganisation will lead to reductions in the number of police officers on the beat. Above all, the change will lead to a loss of local responsiveness and accountability. I know the chief constable of Derbyshire. I can call on him easily. His base is not far away from Chesterfield. I know the chief superintendent of C division, which covers Chesterfield, and I am meeting her tomorrow to

[Paul Holmes]

discuss all sorts of issues. How will I go on if the chief constable is in Northampton, or Leicester, or Nottingham? That will be just impossible—it is a nonsense.

Since a new set of Ministers has taken on most posts in recent weeks, I hope that we will hear some answers that suggest that the Government are going to change their inexplicable policies on these matters, although I fear that I hope in vain.

2.9 pm

Ms Diane Abbott (Hackney, North and Stoke Newington) (Lab): I wish to raise one constituency matter and two international matters. The constituency matter on which I shall address the House is gun, knife and gang-related crime. The whole House will have read in the newspapers last week about the tragic stabbing of Kiyan Prince in north London. We in Hackney are familiar with the aftershock of such crime because in 2004, 16-year-old Robert Levy was stabbed to death by a 15-year-old.

I wish to say a few words about the matter because the problem with both gun and knife crime is that, when there is an especially spectacular incident, it is all over the papers for a day or two, but then people forget about it. However, the problem is ongoing. There is a rising tide of incidents in the inner city. The problem does not just affect London, because the number of incidents of gun, knife and gang-related crime is increasing in urban areas throughout the country.

We need to be aware that knife crime and knife homicide is a schoolboy's crime because the peak age for knife crime is between 14 and 21. The idea of playground quarrels that would once have resulted in a bloody nose ending with someone bleeding to death in the gutter, like Kiyan Prince or Robert Levy, is tragic. Such tragedies are also avoidable.

I praise the Government for the work that they have already done on knife crime. We are going to raise the age at which it is legal to carry a knife from 16 to 18. We will also give teachers more powers to search schoolchildren for weapons, and there is talk of experimenting with metal detectors in schools. All those measures will be important and helpful, but I stress that we will not have an impact on knife, gun and gang-related crime in the long run unless we address the youth culture in our inner cities. The saturation of that youth culture with music, videos and video games, all of which are riddled with violence, lies behind some of the shocking incidents, such as the stabbing of the young man in north London a few days ago. Welcome though law enforcement measures are, they will not alone solve the problem.

In Hackney, in the aftermath of the stabbing of Robert Levy, the police and community made a tremendous effort to address the situation. The police went into schools to teach young people about the dangers of knives and set up all kinds of mentoring schemes to give young people alternatives to their malign role models on the street. Very often, young teenagers are mentored in the ways of violence and crime by older men, so the police in Hackney are targeting those people so that they can get them behind bars. Meanwhile, the police are trying to work with young people and support their parents so that they can be given a different value system from that of the street, violence and MTV. The Government need to address the problem through not only law enforcement measures, but resources for such long-term work with young people and parents, whether that is done through local authorities, or through partnerships among the police, local authorities and the voluntary sector.

It is easy for hon. Members from other parts of the country to say, "We don't have the problem in my constituency. It is a localised thing in the inner city, so why should I concern myself with it?". I would say to that that we are seeing the type of gun crime that was once a feature of areas such as Brixton and Hackney in Nottingham, Yorkshire and as far afield as Aberdeen, so what those hon. Members see in the city of London today, they will see in other urban areas tomorrow.

Some of the wards in London with the most serious problems relating to gun and knife-related crime are on the edge of what will be the footprint of the Olympic park. The idea that we will bring millions of people in 2012 into an area that has systemic problems with gun, knife and gang-related crime on its fringes could—I say only "could"—prove embarrassing to all of us. For the sake of the mother of Kiyan Prince, the parents of Robert Levy, a whole generation of young people growing up in our city and this country's reputation, we cannot afford to let gun and knife-related crime be only the stuff of a few days' headlines before we all move on. We need sustainable work—both law enforcement and community work—that will help to save a generation of young boys who are being sucked up into a malign, lawless and violent culture.

I want to raise the international issue of Guantanamo Bay. Hon. Members might say, "It's been there since 2002, so why should we talk about it again?" However, it is important to put it on record that, in the past week, important benchmarks have been set relating to the debate on Guantanamo Bay. First, the UN Committee against Torture has investigated Guantanamo Bay and concluded that the conditions there constitute torture. The Committee has also called for the camp to be closed down as soon as possible. We have also heard in the past few days that four detainees at Guantanamo have attempted to commit suicide, which gives the lie to the notion that there is nothing wrong with the regime there. Last but not least, our Attorney-General has taken the serious step of making a public speech saying that Guantanamo Bay should be closed as a matter of principle. Lord Goldsmith was swift to say that he was speaking in a personal capacity, and we must accept that, but when someone in his position with such a distinguished legal career steps up to condemn what is happening in Guantanamo, the House must listen. The Attorney-General is not the only person who has called for the closure of Guantanamo. The UN Secretary-General, Kofi Annan, has called for that, as have Amnesty International and Human Rights Watch.

The problem with Guantanamo is partly what happens inside it, partly the dubious legal basis on which the Americans are holding the people and, finally, the negative effect that its very existence has on the war against terror. The Americans would argue that

they are entitled to hold the people indefinitely without due process, as that would be internationally recognised, because they are at war. When it is suggested that, if the people are prisoners of war, they should be subject to the Geneva convention, the Americans refuse to accept that, but they cannot have it both ways. They cannot say that they are holding the people because they are at war, yet refuse to accept that the Geneva convention applies.

The Americans try to say that the conditions are fine and that the complaints of ex-detainees are unfounded, yet even the UN officials were not allowed to meet detainees without signing confidentiality agreements. Once the detainees actually leave Guantanamo—as did the British detainees, thankfully, due to the hard work of Lord Goldsmith and others—the stories that we hear about the treatment that they have endured are horrifying.

As my hon. Friend the Member for Leicester, East (Keith Vaz) said earlier this week, the Government should facilitate a visit to Guantanamo by a delegation of British MPs. The Government should also do more for British residents who are not necessarily British nationals who find themselves interned in Guantanamo. I know that it is not the practice of Britain to offer consular services to people who are just British residents, but it is also not the practice of Britain to stand on the side while people are undergoing torture. International institution after international institution, culminating in the UN Committee against Torture, have said that conditions in Guantanamo are tantamount to torture.

Tony Blair has to take advantage—

Mr. Deputy Speaker (Sir Michael Lord): Order. The hon. Lady is an experienced Member of the House and knows that we do not address our colleagues in that manner.

Ms Abbott: My profuse apologies, Mr. Deputy Speaker.

The Prime Minister should take advantage of his special relationship with George W. Bush to raise the issue of Guantanamo in more emphatic and public terms than he has hitherto. The House recently debated the report on the 7/7 bombings in this country. As a House of Commons, we talk about anti-terrorism measures and legislation, policing, enforcement and law and order to ward off the threat of terrorism. However, as long as young Muslim men and women, wherever they might be, including in this country, see the camp at Guantanamo and people held outside the law, and hear the allegations of torture, it undermines both our fight to get community cohesion and the war against terror. We need to demonstrate that when we talk about civil liberties, freedom and enduring international values, it is not just talk but something that we mean. There is much more that our Government and Prime Minister can do to close down Guantanamo once and for all. That would represent an advance in the war against terror.

The second international issue that I want to raise is the situation in Nigeria. It is a special country to me. I have one of the largest Nigerian communities in London and I have been privileged to visit it twice within the past 12 months. A horrible disaster took place in Nigeria in the past few days that was not been as well reported as it might have been. A pipeline explosion killed more than 200 people on the outskirts of Lagos. More than 100 blackened corpses were strewn on the water's edge. The Lagos state police commissioner said:

"You can see the corpses. Some are burnt to ash. Others are remnants. We estimate"

that more than 200 people died. Those people died not as a result of a natural disaster, but because they were tapping into a pipeline that runs close to Lagos to take away petroleum in jerry cans to sell. No more dangerous activity can be imagined, but the idea that there are people who are desperate enough to make money from such an activity points to some of the social and economic dislocation in Nigeria.

Oil has been both a blessing and a curse. It has been a blessing because it could make Nigeria a prosperous country, but it has been a curse because, as is the case in so many oil-producing countries, it has brought with it corruption and an undue reliance on the oil production sector. It is not just that people die from tapping into pipelines. One of the other tragedies of oil production in Nigeria is that, although the Niger delta produces some of the highest quality oil in the world and makes billions, the Nigerians who live there exist not only in the most abject poverty, but in an area that has terrible oil pollution. The water is polluted. They cannot fish or farm, and they do not have access to fresh water. The situation has been going on for years. The huge profits made in Nigeria have not helped the people of the delta.

Norman Lamb (North Norfolk) (LD): Does the hon. Lady agree that there needs to be far greater transparency in the payments made by extraction companies to developing countries? The brutal truth is that most of the money does not go to benefit the general population, but enriches a small elite.

Ms Abbott: I agree absolutely and wholeheartedly, and I shall come to that point because it is at the heart of my remarks.

The natural gas from oil extraction is flared night and day, which means that villages are illuminated night and day. That shows the crudeness of the oil industry. It does not bother to use the natural gas as a resource in itself because the profits to be made from oil are so vast. Who benefits from that? As the hon. Gentleman said, there is no transparency in the payments made.

The last time I was in Nigeria, we had a meeting with Shell. When I asked about oil pollution, the senior person in the company said that it was all caused by people tapping into its pipelines. I said, "Are you saying that there was never any oil pollution in the delta until people started tapping into pipelines?" She said, "No." I then asked, "Does Shell take no responsibility for the lack of infrastructure and schools, and the desperate plight of the people?" She said, "Well, no. We give money to the federal Government and local politicians. Our responsibility ends there." It is not good enough for a company with such strong British links to have that attitude to the environment and poverty reduction.

[Ms Abbott]

We have worked with Nigeria on debt relief and governance and we all welcome the return to democratic elections. However, we need to work with Shell and other oil extraction companies to tell them that it is not enough for them to wash their hands and to say, in effect, "We have paid off federal and local officials. What more do you expect us to do?" Shell bears a big responsibility for the plight of ordinary people in the delta. It is time it faced up to that responsibility. Anything Her Majesty's Government can do to help them do that will be important.

When I was in Nigeria, we heard about attempts by President Obasanjo, who is in his second term in office—in fact, he did another term as general in the long period when Nigeria was under military rule—to change the constitution so that he could have a third term. Fortunately, the Nigerian Senate debated that and voted his proposal down. That is a victory for democracy in Nigeria.

This Government have a proud record on raising concerns about Africa and trying to work with it on debt reduction, most notably with Nigeria itself, but we need to go further. The Chancellor recently made a speech on corruption, but we need to go further still. We need to impress on a country such as Nigeria, which has the potential to be very wealthy, that there are still outstanding problems with governance, transparency, and the fact that the people of the Niger delta and across the country live in such poverty when the region is Shell's most profitable area for oil production.

I make no apologies for raising Nigeria in the Chamber. Africa has so much potential. To visit Africa and see its raw materials and the potential of its people being wasted because of governance problems is tragic. I am grateful for the opportunity to draw those things to the attention of the House.

2.28 pm

Tony Baldry (Banbury) (Con): For me, this is undoubtedly the blackest day since I came into the House 23 years ago. Today, the Oxford Radcliffe Hospitals NHS Trust announced the loss of 600 NHS posts. One of the consequences of that is that it will almost certainly undermine for ever the viability of the Horton general hospital in my constituency to perform the role of general hospital. The posts have been lost because the Oxford Radcliffe Hospitals NHS Trust had a £33 million cut imposed on it at the beginning of the year. It was told at the outset of the financial year that it had to make savings of some £33 million.

The House should pause for a second, as that means that 600 people have lost their jobs. Some of those posts will be lost as a result of natural wastage, but there will be 300 to 350 redundancies, affecting consultants, nurses from the Royal College of Nursing, ancillary workers, professionals allied to medicine, clerical staff, administrators and receptionists. They will lose their job because the way in which NHS funding works is desperately unfair to Oxfordshire and the Thames valley.

NHS reference costs for 2005, which were published by the Department of Health in April 2006, provide an efficiency profile for hospitals, and they show that the Oxford Radcliffe Hospitals NHS Trust is the most efficient general hospital trust in England, with a turnover of more than £300 million. However, it has to abolish more than 600 NHS posts, largely because of the way in which funding is allocated. Thames Valley strategic health authority receives the lowest allocation of any SHA in the country: each person in my constituency receives an average of £1,125, while the English average is £1,138 a head. That difference may not appear to be very great, but the overall difference between Thames Valley SHA and the next SHA on the list is £120 million. If we moved closer to the national average, that would remove the need for the £33 million cut imposed on the Oxford Radcliffe Hospitals NHS Trust.

Mr. Henry Bellingham (North-West Norfolk) (Con): Everyone in the House will sympathise with my hon. Friend's constituents. Is he aware that in west Norfolk my local hospital has just announced a major redundancy package? Does he agree that that flies in the face of the Secretary of State's recent statement that all redundancies would be achieved by natural wastage or by delaying appointments? She has some explaining to do, as there is mayhem in some hospitals and PCTs.

Tony Baldry: My hon. Friend makes a very good point. The Secretary of State said that last year was the "best year ever" for the NHS, but her words ring hollow for people in Oxfordshire. Sadly, the fact that an acute hospital trust has lost 600 posts does not merit a single mention in any of today's national newspapers. Such is the loss of NHS jobs in recent months that it is regarded as commonplace. That is what the Government have managed to do to the NHS.

Mr. Tim Boswell (Daventry) (Con): My hon. Friend and I share the Horton hospital, which is part of the Oxford Radcliffe complex. Does he not agree that the cuts are worrying? Given the proven efficiency of that hospital grouping and the fact that, as he said, the fundamental problem is its overall unit funding compared with that for other bodies, what hope is there for the others?

Tony Baldry: Indeed. My hon. Friend makes an extremely good point. I still believe in democratic principles, so perhaps public pressure and the petitioning of Parliament and the Government will have an impact. Ministers appear to live in a parallel universe, as they do not understand that NHS performance will be ratcheted down, year on year. The £33 million that Oxford Radcliffe Hospitals NHS Trust must find is additional to the £17.3 savings that the primary care trust—effectively, there is a single PCT in Oxfordshire—must find. Services in Oxfordshire are being squeezed in two ways: the acute hospital trust must make cuts, and the commissioning authority cannot provide as much money.

My right hon. Friend the Member for Witney (Mr. Cameron), my hon. Friends the Members for Wantage (Mr. Vaizey) and for Henley (Mr. Johnson), and I have written to the Prime Minister. We sought to summarise our concerns:

"These cuts are the result of a staggering £33 million debt in the area's NHS. The debt crippling our health services could be wiped out if Oxfordshire's NHS were funded at the national average. It is not. Instead it is underfunded by twenty per cent. No NHS Trust in Oxfordshire was to be funded at the national average this year. The Government's own figures reveal that Oxfordshire receives the lowest funding per patient in the whole country. The Government's own audit shows that the Oxford Radcliffe NHS Trust is the most efficient hospital Trust in the whole of England and Wales. These are not our figures, they are not the Trusts; they are the Department of Health's own. This blatant bias is reinforced by the fact that your constituency"—

our letter was addressed to the Prime Minister—

"is funded per patient above the national average by almost the same amount Oxfordshire is underfunded. NHS staff should not pay for the Government's unfair funding system and nor should patients. Job losses will set back mental health services including Witney and Banbury, witness the loss of community hospital beds across South Oxfordshire, and leave the John Radcliffe struggling to deliver operations. Oxfordshire now has fewer qualified nurses than we did four years ago."

Mr. Michael Wills (North Swindon) (Lab): I accept that these are difficult issues, and the hon. Gentleman is making the case for his constituency extremely well. However, can he remind the House of how much funding his area received in 1997, and how much it receives today?

Tony Baldry: The hon. Gentleman is welcome to come to my constituency. On 19 June we are holding a public meeting in Banbury, which he is welcome to attend. Indeed, I would invite any Minister to visit Oxford or Oxfordshire, as they are notable by their absence. It is a great pity that when the Prime Minister summoned NHS chief executives to Downing street to talk about the crisis in the NHS he deliberately excluded Trevor Campbell Davis, the very competent chief executive of the Oxford Radcliffe Hospitals NHS Trust. There is no way in God's creation that the hon. Gentleman or his ministerial colleagues can persuade my constituents or the people of Oxfordshire that a service lacerated by cuts is better than the service that the Government inherited in 1997, when the Horton was a vibrant general hospital.

Let me explain the impact of the cuts. As my hon. Friend the Member for Daventry (Mr. Boswell) can confirm, it is not just a matter of losing a general hospital. Banbury has for a long time been at the centre of a catchment area called "Banburyshire". It includes most of the constituency of my hon. Friend the Member for Daventry and a large part of the constituency of my hon. Friend the Member for Stratford-on-Avon (Mr. Maples). Those villages and market towns have looked to Banbury as their natural centre for facilities such as medical services. Indeed, the general practitioner of my hon. Friend the Member for Daventry is a Banbury GP.

For over a century we have had a general hospital serving that community, and it has been part of the identity of Banbury and the surrounding area. With the loss of the general hospital, we will be forced to look to Oxford, over an hour away, for many services. The loss of the general hospital will have a serious impact on the sense of identity of the area. From villages north of Banbury, such as Boddington, Oxford is a very considerable distance away.

Among the services that will be lost are the 24/7 children's services. To take up the point made by the hon. Member for North Swindon (Mr. Wills), the reason why we have 24/7 paediatric care at the Horton is a consequence of the tragic death, way back in the mid-1970s, of a little boy called Ian Luckett. As a result, the then Secretary of State for Health and Social Security, Barbara Castle, set up a public inquiry, which deemed that there should be 24/7 paediatric services at the Horton hospital. Opening the inquiry, the chairman said:

"The reason there has been this third enquiry is because it is recognised by the Department . . . that there should be the fullest enquiry to ensure such a thing"—

the death of a child—

"does not happen again."

The inquiry recommended that

"only severely ill children, fit to travel, should be admitted directly to Oxford hospitals."

The history of the matter is set out in an Adjournment debate that I held on 17 March 2004.

However, now we are to lose 24/7 paediatric services at the Horton. In other words, in my constituency we will have a worse health service than existed under Labour, under Barbara Castle, in 1974. We will not lose paediatric services alone. We will also lose obstetric services, out-of-hours emergency services and the special care baby unit. From now on, we will have only a midwife-led maternity unit. We have had a vibrant and viable maternity unit until now. Midwives do a brilliant job, but as all hon. Members know, any GP looking after an expectant mother where there is a scintilla of a suggestion of any complication will now suggest to her that she go to the John Radcliffe hospital, rather than the Horton general hospital, to have her baby. By undermining maternity services, we will lose obstetric services and undermine gynaecological services as well.

Mr. Boswell: I ought to declare an interest, in that my wife bore all three of our children in the Horton maternity unit. Does my hon. Friend agree that if there is to be a midwife-only service, if any complications that have not been anticipated develop, it will be extremely difficult to get access to specialist care within the necessary critical time?

Tony Baldry: My hon. Friend makes a very good point. Everyone in the House must recognise that even in the best conditions, it takes at least an hour to get from Banbury to Oxford.

We face a complete unravelling of services. Paediatric services, maternity and obstetric services, gynaecological services and surgery will all be undermined. What did the manager of the hospital say this week when he was challenged? He said that he looked to improved on-site care for the elderly and provision of community beds. Within a couple of weeks we have gone from having a general hospital with all the services that we have always expected a general hospital to give, to some super-community hospital with a collection of services at the whim of whoever is running the trust.

Mrs. May: In relation to the loss of maternity services and services such as paediatrics and obstetrics, does my hon. Friend share my concern that that is a pattern that we are seeing across the country? For example, Wycombe hospital has lost its maternity unit, and the special care baby unit is now at Stoke Mandeville in Aylesbury, which means that my constituents have to travel even further for that service. The same has happened in Bury. Across the country, people are losing services locally and losing choice.

Tony Baldry: My right hon. Friend makes a good point. There are a smaller number of acute hospitals such as the John Radcliffe, and the Horton's viability as a general hospital will be undermined. Worse, when I met the primary care trust's acting chief executive the other day, it was made clear to me that the commissioners oppose community hospitals because they are so strapped for funds that they will move anything they can from the acute centre to social care, for which there is a means test administered by the county council. Community hospitals and community beds will, therefore, also disappear and acute services will be under great pressure.

One has only to look at the Oxford Radcliffe Hospitals NHS Trust website to realise that one of the consequences of the cuts is that £38 million will have to be saved in surgery. That means that no one will get an operation for at least six months. The whole point of managing surgery becomes trying to ensure that, to save money, people wait for the maximum time, but are treated just within the Government target.

The position is bleak. As recently as Prime Minister's questions on 19 April, the Prime Minister trumpeted an expansion of cardiac services at the Oxford Radcliffe Hospitals NHS Trust. The consequence of the cuts is that cardiac ablation therapy to control an irregular heartbeat—the treatment that the Prime Minister received—will no longer be available to most patients at the John Radcliffe hospital.

General hospitals such as the Horton are being undermined, the John Radcliffe has to reduce its services substantially, the acute hospital trust has to make massive cuts in surgery and NHS skilled staff are being made redundant. That is crazy. My constituents and the people of Oxfordshire find it insulting when Labour Members try to pretend that that constitutes an improvement in the NHS or in services for my constituents. It demonstrates that Ministers and Labour Members are increasingly living in a parallel universe. I partly understand the reason for that. Ministers will not visit hospitals such as mine. Their officials wheel them out simply to see showcase improvements, so they get a false sense of what is happening.

The funding formula is skewed against counties such as Oxfordshire so unfairly that I suspect that many Labour Members are genuinely misled into believing that there is more money in the NHS than is the case. However, they should reflect on the fact that so many of the cuts are being made in London and the south-east.

My constituents will try to respond through every possible democratic means. We have started a petition, which appears in today's newspapers such as the *Banbury Guardian* and the *Banbury Cake*. People can sign it online at www.saveourservices.com. When, on one day, approximately 155 beds are lost at the Churchill hospital and 30 beds at the John Radcliffe, and we learn that Oxfordshire will have fewer qualified nurses than in 2002, I am sure that hon. Members understand why today is, for me, the blackest day since I became a Member of Parliament. I hope that the Government will reflect and realise that what they are doing to the NHS is unacceptable, and that the people of Britain will not accept it.

2.48 pm

Mr. Michael Wills (North Swindon) (Lab): I should like to take the opportunity of the debate to consider a much longer-term vision for Swindon, the town that I have the honour of representing. Swindon's existence and prosperity are a tribute to the power of vision. In its first incarnation as a great manufacturing town, it owed everything to the great engineer and entrepreneur, Isambard Kingdom Brunel. When the railways, on which Swindon's prosperity was based, began to decline, the vision and foresight of a post-war Labour town council prompted it to buy a lot of land and to make the town very attractive to businesses. At a time when it was not a fashionable occupation for Labour councils, it wooed businesses to come to Swindon, and that has been the basis of our prosperity for many decades.

We have been open to the world economy, however, and we now face very particular challenges, from which there is no hiding place. Chinese exports to Europe have increase 100 per cent. in three years, for example, and up to 5 million European and American jobs will be outsourced in the next 15 years. Moreover, many people now realise that we face competition not only from low-wage and low-skill economies. Every year, universities in China and India turn out 4 million graduates.

Nowhere can escape change. Each of Swindon's major employers has experienced radical restructuring, including W.H. Smith, Asda and Zurich, and Motorola is now consulting on further redundancies. Even the most successful companies in our town are having to face these challenges. Swindon is a prosperous town at the moment, but that prosperity cannot be taken for granted. We must remain attractive to the employers who are going to bring in the high-skill, high-value-added jobs on which our future prosperity depends. That means not only that we need the right skills base but that the town must have an attractive environment.

The employees on whom those employers will depend are highly mobile, not only within the United Kingdom but throughout Europe and across the globe. Their skills are highly in demand and they can move anywhere, so we have to make the town attractive to them. If we do that, we will have a better chance of attracting the employers on whom the town's prosperity depends. I made this case strongly to the Government a few years ago, and I was able to persuade them to bring in an urban regeneration company, now known as the New Swindon Company. It is regenerating the town centre with that vision very much in mind, and about £1 billion worth of redevelopment will take place in due course. The University of Bath is planning to locate a major

campus in Swindon, which will also be crucial to providing the basis for the high skills on which the town's prosperity depends.

We have to get the vision right, and we have to do so now, while these decisions are being taken. This not a party political issue. I represent the Labour party in North Swindon, but the town council is now Conservative dominated. However, all these decisions will have an impact long after everyone who is now active in local politics has departed the scene. We have to get it right. That is our duty as local politicians. But these crucial decisions are being made, primarily by the town council, without sufficient ambition for the town. We have to compete with other towns not only in the United Kingdom but in Europe and across the world. We have to be more attractive than towns elsewhere, but the town council does not seem able to grasp that vision. I want to explore this point in relation to cultural regeneration and to more general environmental concerns.

The town council has a vision for the town centre, working with the New Swindon Company, that will undoubtedly result in a significant improvement on what he have now. Any hon. Members familiar with Swindon town centre will know that that would not be hard to achieve. However, when the town council talks about building a desperately needed new library, why does it not talk about building one of the best libraries in Britain or Europe? If we consider the example of Tower Hamlets, we can see what an imaginative borough council can do. There is a wonderful new library there called the Idea Store. It is visionary and exciting, bringing in local people in a way that no one would have imagined 10 or 15 years ago. But Swindon does not think in that visionary, imaginative way. Swindon borough council has to learn from elsewhere, and to think about how it can compete with Tower Hamlets and everywhere else in Europe. We are also talking about building a new concert hall in the town, but we are not talking about a concert hall that would be capable of attracting world-class performers. We should be.

The Swindon local area agreement has just been signed off, and it represents an important step forward for the borough council. It is an improving council with a great deal of support from central Government, and the local area agreement brings together many local agencies in a worthwhile way. I have been urging the borough council for a long time to have a visionary theme to underpin its work, but what did it come up with? It came up with, "Swindon—the UK's best business location". Any town is likely to want to be that, but we must look a little more deeply to avoid a bland and meaningless phrase.

There is nothing in the local area agreement to suggest why Swindon is going to be the best business location. I very much hope that it will be, but we have to work at that, not just assert it and assume that it will be true. We have to produce the infrastructure and resources that will make it the best business location. The targets in the local area agreement are, of course, good and will improve the position on the ground in a range of different ways, but they are not very ambitious. They are, for the most part, pretty much in line with targets that the Government have set centrally. All that the local area agreement is doing is mimicking those targets. It is good, but not good enough.

For three or more years, I have been begging the council to develop a green vision for the town and to make it the centrepiece of the local area agreement, but I am afraid that I have been ignored. Everyone accepts that, in climate change, we face one of the greatest problems in the history of our species and that if we do not tackle it now, the consequences for our world will be incalculable. We all have to make a contribution: it is not just a matter for international agreements and national Governments; we have to act personally and in our local areas. We have opportunities to do that and other towns are doing it.

A Conservative council in Woking is doing fantastically good work in energy conservation. Why cannot the Conservative council in Swindon mimic what a Conservative council in Woking is doing? I am not sure that Swindon council is even aware of it. There is absolutely no evidence that it is on its agenda at all. Reykjavik, to take an example from Europe, is already piloting running its buses on hydrogen. When we are having a major regeneration and re-sculpting of the town centre, why cannot we find something as imaginative and visionary as that in Swindon? When Isambard Kingdom Brunel built the town, he had a wonderful far-reaching vision, which now seems to have been ignored.

I shall conclude with an example of how difficult it is to persuade Swindon borough council to be more ambitious for the town. Nearly two years ago, I held a meeting in the House of Commons, to which I invited the then leader of Swindon borough council, its officers and various other local dignitaries, as well as a distinguished galaxy of representatives from some of our leading cultural institutions. We had an interesting lunch, in which these distinguished representatives of some of our leading, world-class institutions came up with their ideas about how to transform Swindon with a cultural vision based on lots of exciting and stimulating concepts. No one would expect the town council to take ideas away from the lunch and implement them, but with so much expertise and incalculably valuable advice being freely offered, one would expect it to explore some of those ideas.

After the meeting, I wrote a note summarising some of the ideas that were proposed and sent it to the borough council. I asked how it would like to proceed and how I could help it, but to this day I have received no reply and, needless to say, none of the ideas has been pursued. A truly ambitious council would have taken those ideas and run with them. All the decisions facing the town now—what to do with the town centre, the new university, the redevelopment of a big site owned by the Science museum in Wroughton in the south of Swindon—desperately require a bold and ambitious vision if the town is to compete successfully with other towns in the UK and across the world.

Time is running out, as the important decisions are being taken as we speak, and the town stands to benefit from them, but it will not necessarily be good enough. We are not ambitious or competitive enough in Swindon. I am desperately worried that, unless the borough council wakes up now and realises that it is competing throughout the world with similar towns that are ambitious and competitive in their approach to the great challenges of the future, our prosperity may soon become a distant memory.

2.59 pm

Mr. David Evennett (Bexleyheath and Crayford) (Con): I am pleased to be able to participate in this Whitsun recess Adjournment debate and to raise some important issues that are of major concern to my constituents in Bexleyheath and Crayford. Those mainly concern crime, antisocial behaviour, vandalism, graffiti, juvenile drunkenness, gangs and the availability of knives across the constituency—in fact, across the borough of Bexley.

Those problems, which mainly affect town centres in our borough and in my constituency, particularly Bexleyheath, Crayford and Welling, have spread to residential areas. There is an increasing problem—an epidemic—which is the No. 1 concern of residents in our borough of Bexley. People feel that not enough care and consideration are being given to those issues by national Government and that their quality of life is being affected.

The police, the national Government and the recently defeated Bexley council all said that they were concerned and talked a lot about the issues, but people locally feel threatened by behaviour of the sort I am describing—in the streets, the shopping centres and their homes—and that the Government have not addressed it.

The Prime Minister raised the respect agenda, but many in my area feel that it is just another gimmick. We have two good local free-sheet newspapers. This week, one, the *Bexley Extra*, has a headline "Boy, 15, Stabbed Opposite Church". The other, the *News Shopper*, has a headline "Teenage Rampage: Knife-Wielding Youths Riot on the Streets". Those are the things that worry and anger people in the borough of Bexley.

I listened with interest to the speech made by the hon. Member for Hackney, North and Stoke Newington (Ms Abbott), particularly the first part, which was about Hackney and the knives and the culture there. I endorse an awful lot of what she said, because we have the same in south-east London. It has already spread out, as she highlighted, to the suburbs, where there is great concern of a similar nature to that which she raised. I commend her views on the fact that we need things for the young people to do, role models and so forth. She made an important point and I am grateful to be able to follow that part of her speech.

I was also interested in remarks made by my hon. Friend the Member for Banbury (Tony Baldry), who is no longer in his place. He thinks that the Government are out of touch with what people on the ground feel about those issues. People feel that there is endless talk and no solutions. While there are certain areas of great improvement—we accept that there are more police and more community support officers—there is still fear of crime among people and concern about the consequences for their lives. It needs to be addressed much more seriously by the Government.

On the doorstep in the recent local election campaign, one reason for the unpopular Labour council being soundly defeated at the polls in Bexley was that people felt it had not addressed those issues of local concern. Of course, other issues were involved, such as the huge council tax increase of 40 per cent. over the last four years, which did not help. The Conservative campaign looked at positive policies to deal with those issues of disorder, crime and antisocial behaviour.

When I was a Member of the House 10 years ago we were concerned about other issues, such as noise nuisance, neighbour disputes and lack of concern. I was heavily involved in the peace and quiet campaign, which one of my constituents, Val Weedon, did so much to lead. The campaign is now called the Noise Association. We managed to get some action taken—action to raise awareness and to get environmental health officers, housing associations and central Government to realise that quality of life issues matter.

The quality of life issues at that time were noise nuisance, inconsiderate neighbours, bad behaviour and so forth, but now we have moved on. In our area, there is intimidation, graffiti and fear of groups. That is a tremendous worry for all sorts of people. Pensioners in particular no longer want to go out in the evening.

Bexleyheath has some good restaurants and pubs, as well as bingo and all sorts of interesting evening entertainment, but pensioners are frightened to go out because of the gangs, the youths and the drunkenness. Of course, the Government's new licensing laws have not made that easier. In Bexleyheath, binge drinking has increased and has become a culture. I am afraid that gangs of truants from school are also around during the daytime, intimidating pensioners on buses. There are many serious issues in the borough that are causing concern.

I want to mention a few areas where there have been particular difficulties. The Hadlow road area of St. Michael's ward has had seven years of unrelenting problems with youths on bikes and motorbikes, and of incidents involving damage to plants and other features in people's front gardens. The police and the ward's newly elected councillors are looking to have a police station in a local shop to provide a police presence. One of the problems in the past has been the inability of the police to respond, as they have been diverted to other areas of the borough or into town when a need arose. Local people have therefore been without their local neighbourhood police.

However, with community safety partnerships and community teams of police officers and community support officers in each of the wards, the picture is not all negative. I know that the Deputy Leader of the House will take note of the fact that we have had more police and community support officers. We must make sure, however, that they are dedicated to the wards in question and that they deal with the problems there, rather than being diverted elsewhere, as in the past. I hope that the residents of Hadlow road and its environs will see an improvement in the near future with the rolling-out of the neighbourhood teams.

Hampton House in Colyers ward is a troubled area where people feel insecure when the pubs empty late at night, leading to a lot of noise and nuisance, especially involving youngsters who are sometimes, regrettably, under-age. Residents have their doors or windows knocked on by people passing. While none of that is criminal, it is a quality of life issue, as people feel intimidated. Young mothers, families with young children or pensioners find such situations distressing, and more police need to be visible on the beat throughout the day and particularly in the evening.

Bexleyheath is a great centre and has facilities not just for pensioners but for many parts of the community. However, gangs of youths milling around are still a problem, and they sometimes come quite a distance, because, as we know, when a town has decent pubs or clubs, it attracts a lot of people. By the same token, there must be the transport to get those people home. Regrettably, as we have not been given the right number of buses and other transport facilities to get people home, the trouble carries on.

Recently, Crayford town centre, which is not an area that has had problems before, has suffered from gangs having car rallies or races around the local car parks. Again, that is intimidating and worrying and creates noise and nuisance. It frightens residents and causes disturbance in the evenings in a nice, quiet town. One could go on about such concerns. There has been wanton damage to parked cars in certain areas. Those issues must be addressed. The area now has an excellent new council under Conservative control, and Councillor Ian Clement, who is very much a community man, has already considered certain measures that he wants to implement.

I am sure that both the Minister and my right hon. Friend the Member for Maidenhead (Mrs. May) agree that we should adopt a zero-tolerance approach. We should say that we will not put up with the current situation, and that a range of measures are needed to deal with it. We may need more parenting courses, because parenting is a difficult task in today's society. It is difficult to bring up children when there are so many pressures on individuals, including children. Of course we want parents to be responsible for their children, but what is so worrying is that sometimes they do not know where their children are. My wife and I regularly tried to find out where our children were when they were teenagers. That was very important to us: we cared. I often had to rush home from here to pick up my son from some party, or rave, or whatever it might be.

Mr. Charles Walker (Broxbourne) (Con): You should have joined in.

Mr. Evennett: I am a child of the sixties. I liked Motown and Dusty Springfield. That was in a different age, though.

We also need the police to be more user-friendly. In the past, people have been unable to contact them because a mobile phone is not answered or they cannot get through to the police station. Bexley is fortunate in having a good police force under Robin Merrett, who is doing a tremendous job, but it is vital that people can contact the police when they need to. When they feel concerned because there are yobs outside, for instance, they should be able to contact their community policeman. They should be able to find someone at the end of a telephone line to whom they can talk.

I agree with the hon. Member for Hackney, North and Stoke Newington: we must ensure that there are things for youngsters to do. It is no good telling them what to do, because those of us who are a bit older had different interests and wanted to do different things when we were growing up. They need to be consulted. Bexleyheath has a first-class dance centre and a youth centre where people work tremendously hard, offering kick-boxing and many kinds of sport, but there are not enough centres such as that. There are not enough different opportunities for youngsters to do something constructive rather than milling around in groups, possibly drinking.

We need less talk and more action. Under our last Labour council there were endless committee meetings, talks and discussions. As I have often said, I would sit around with a large number of police officers and councillors who would be put to better use doing something constructive, such as going out on to the streets and looking after the community. We need fewer committees, and more action.

Andrew Selous (South-West Bedfordshire) (Con): Young people in my constituency have told me that they have not been terribly impressed by the Government's focus on the importance of "learning outcomes" from youth activities. Does my hon. Friend agree that young people who take advantage of youth services want to relax, have fun and engage with their friends? They do more than enough learning during the week at school.

Mr. Evennett: My hon. Friend is absolutely right. The point about life is that it should be varied. We should have opportunities to relax and enjoy sport, for instance, without thinking about learning outcomes, which are complete nonsense—and I speak as a former teacher. I consider learning to be very important.

Andrew Selous: At school.

Mr. Evennett: Yes, at school.

We need determination and, obviously, a visible police force, but something else is needed. Bexley is a great place: it is the second safest borough in London. That is only comparative, however. It is no good pointing out that it is the second safest borough if people in it are feeling frightened or threatened. We must be realistic. We must accept that there are problems locally, and that antisocial behaviour has consequences such as lack of concern, lack of respect, crime and criminal damage. We have heard often in the House in recent days that crime is not as bad as it was, but crime in Bexley increased by 6 per cent. last year, which is not impressive.

I welcome the opportunity to raise these issues today, which are of great concern to my constituents. I accept that the Government have done some things to address them, but they have done an awful lot of talking, as well. There is a lot more to be done to improve the quality of life in our borough.

3.15 pm

Lyn Brown (West Ham) (Lab): I want to discuss the case of a constituent of mine. Earlier this year, Mr. Singh came to my surgery to discuss his long-running dispute with Thames Water about the installation of a water meter at his property and the subsequent enormous rise in his family's water charges. He told me that Thames Water was not given permission to install the meter, and that it gave him the impression in previous correspondence that a meter

[Lyn Brown]

would enable him to save money on his water bills. That has not happened. Since the fitting of the water meter, Mr. Singh's water charges have risen excessively: from £159 per annum—the current rateable value for his house—to £469 per annum, which is an increase of almost 300 per cent.

Mr. Singh's is not a wealthy household in the home counties. There is no huge lawn to water or a swimming pool. His is a small household, consisting of only two adults and one child. The family tell me that they have always been very conservative in their use of water. They have no dishwasher, seldom run their appliances and try to make the most effective use of water by waiting a week before doing their washing. Since installation of the water meter, their usage has had to drop even further as they try to reduce their bills to manageable levels—but to no effect. With mounting bills, they now restrict themselves to the absolute minimum level of water consumption. They are genuinely afraid to turn on their taps and appliances, for fear of a further rise in the water bill. Certainly, since the meter was installed their water bills have trebled, while their already low usage has decreased. Clearly, there is a problem somewhere.

In response to Mr. Singh's complaints, I wrote to the chief executive of Thames Water to express my and my constituent's concerns about the water supply, and to request Thames Water's assistance in investigating and diagnosing the error that was clearly occurring. I also asked whether it could provide Mr. Singh with the leak detection and repair service that it claims to offer its customers. I know that the House will be surprised and somewhat dismayed to learn that as of this morning, I have received only an acknowledgment of my letter of 17 March. Perhaps it is not just water that is leaking from Thames Water's pipes.

We need to remember that Thames Water is the only privatised water company in England and Wales that continues to fail to meet its Ofwat targets for acceptable levels of leakages from its pipe system; indeed, it has failed to meet them for the past five years. I acknowledge that Thames Water has inherited some of the worst and oldest water pipes in the country, and that it is not easy to access and fix London's underground pipes, but the Ofwat targets are not excessive. Thames Water's own estimate of water leaked per year has in fact risen: from 688 million litres a day in 2000-01 to 915 million litres a day in 2004-05. That accounted for approximately a quarter of all the water leaked throughout England and Wales.

Let me be more specific. Each day, 915 million litres of precious water leak of out Thames Water's pipes. That amounts to 10,590 litres of water wasted per second. One third of the total amount piped into the water distribution system is lost.

I accept that totally eliminating water leakage is not economically practical, but Thames Water is not doing enough. Instead of concentrating its efforts and resources on reducing the waste of an increasingly precious and vital national resource, Thames Water could be accused of concentrating on squeezing further profits out of its customers. Instead of making its supply network as reliable and efficient as is practically possible, it focuses its considerable efforts on persuading householders to accept the installation of water meters, while also raising prices in an effort to reduce demand and ensure that it is able to fund dividend payments to its shareholders. Those dividend payments have been at least £130 million a year for the past six years.

I fear that Thames Water's actions will have the effect of pricing many people out of the hygienic use and consumption of water. Should that continue, it may result in a public health problem. Let us remember that consumers of water have no realistic option to change their supplier if they are unhappy with the service provided, the cost charged or quality of product. The Government have already recognised fuel poverty as a real issue that affects many low-income households across the UK, and the prospect of compulsory water meters raises the prospect of water poverty.

Despite the miserable weather that we have had this week, the south-east appears to be entering a period of drought. We are beginning to see hosepipe bans and hearing talk of drought orders being enforced. Water customers are being asked to restrict their usage, while enormous quantities of water are wasted by inefficient infrastructure. Surely something can be done to pressure water companies to increase their renewal and improvement of the pipe network. Let us remember that those companies have a statutory responsibility to supply water to their paying customers. Why should customers accept conservation measures that assist a private profit-making company which seems more interested in returning profits to its investors than in fixing leaks that waste such enormous amounts of clean, precious water?

The case of Mr. Singh raises concerns about our water companies in general, and Thames Water in particular. It is their responsibility to provide an acceptable level of service to all their customers who, I repeat, have no alternative water supplier. How can Thames Water justify relying on customers to reduce their consumption while allowing a third of the water supply to leak out of its pipes? And how can it be right to promote water metering when it hits the poorest households in this country hardest, and risks pricing low-income households out of the opportunity to use fresh, clean water in 21st century London?

As water becomes a more scarce resource, it must surely be the right time for further Government measures to improve regulation of the water industry. The water industry must get its own house in order before it can lecture its paying customers on what they should be doing to solve this crisis. The water companies must remember that they are not only there to look after the interests of their shareholders: they must balance that with the interests of the public they are there to serve.

3.24 pm

Mr. Alan Reid (Argyll and Bute)(LD): I wish to take the opportunity today to raise a few constituency issues. I represent a large rural constituency, so transport is a key issue and will be the theme of all the issues that I shall raise. Faced with the threat of global warming and climate change, we need to use the taxation system to change people's behaviour and encourage them to use more public transport where it is available.

However, public transport is not a practical solution in many very remote areas. We need a road pricing system that allows us to vary charges, so that it would cost more to drive in congested areas where there are public transport alternatives but a lot less to drive in very remote areas where there is no alternative. Using potholed, single-track roads should cost a lot less than using busy motorways.

It is obvious that road pricing is still quite a few years away. Until it can be introduced, we need to modify the present vehicle taxation system to take account of the fact that some parts of the country have public transport alternatives while others do not.

I want to talk about vehicle excise duty and fuel duty. There is a strong argument for a lower rate of VED in rural areas to compensate for the lack of public transport alternatives. People would still pay fuel duty according to how much they use their cars, but they should be compensated by paying less in VED, which at present is a fixed charge. Moreover, we should charge a lower rate of duty on fuel sold at remote petrol stations. That would require an EU derogation that several other member states have already received. Britain did not oppose that, and I urge the Government to apply for the same derogation in respect of very remote areas in this country.

I shall give an example of why we need that derogation. Petrol sold at pumps on the islands of Mull and Islay costs about 15p or 20p more per litre than it does in big cities. The irony is that people who live in areas where they have to drive long distances, and where there is no public transport alternative, have to pay far more for fuel than do people who have to drive only short distances and who have alternatives. That is hardly fair, and a more equitable tax system would introduce lower fuel duties for a few very remote parts of our country.

Ideally, people should be able to use public transport instead of having to rely on their cars. The Government's policy is supposed to be to encourage people to do so, so it is a scandal that Royal Mail, a Government agency, should be withdrawing postbus services in my constituency. In the past month, it has announced the withdrawal of those services between Dunoon and Tighnabruaich, between Inveraray and Dalmally, and between Lochgilphead and Inveraray.

That is bizarre. A Royal Mail van has to travel those routes every day in any case, and the postbus service was based on the fact that passengers could be carried at no extra cost or damage to the environment.

The reasons that Royal Mail has given for the decision are also a bit strange. It has said that it is ending the postbus service on the Dunoon-Tighnabruaich route because it was too popular, but that the other two routes have been closed because they were not popular enough. We do not seem to be able to win—if Royal Mail wants to end a service, it will find a reason.

Royal Mail has said that the Government's move earlier this year to open up postal services to full competition means that it has to concentrate all its efforts on its core business—collecting, sorting and delivering mail—in order to survive. That is not joined-up government: surely all Government owned bodies have a duty to follow Government policy, which is to promote social inclusion and the protection of the environment. Clearly, it is a social inclusion matter if people are trapped in their homes because they cannot travel.

I urge the Deputy Leader of the House to speak to his colleagues in the Department of Trade and Industry and urge them to intervene by telling Royal Mail to keep its postbus services.

The Deputy Leader of the House of Commons (Nigel Griffiths): The hon. Gentleman should speak to the Transport Minister in the Scottish Parliament.

Mr. Reid: Royal Mail is a reserved power, and the responsibility of the Government here. The Scottish Parliament's Transport Minister has no control over it.

I urge Ministers to change Royal Mail's remit. All Government-owned bodies should have a social and environmental remit, as well as a remit to carry out their core business and balance the books.

I am concerned about the Post Office side of the Royal Mail. The planned withdrawal of the post office card account in 2010 will threaten the viability of thousands of rural post offices. I urge the Government to think again. The Government have also hurt post offices by taking away the TV licence business, encouraging motorists to renew their vehicle excise duty through the internet rather than at post offices, and by refusing to allow the Post Office to bid for the contract for conducting new passport interviews. They seem determined to close thousands of rural post offices, which will certainly be the result if those policies are not changed. The Government should be giving business opportunities to post offices instead of driving them away. Post offices fulfil an important economic and social role in rural communities and we cannot afford to lose them.

I referred to passport interviews. From the end of this year people applying for their first passport need to attend for an interview. The Government promised that nobody would need to travel for more than an hour to attend. From the proposals published by the Passport Office, for the highlands and islands that looks like being yet another broken Government promise. In my constituency the Government are opening a new passport office in Oban and there will be a set of satellite offices with webcam links to the main office, so that people can be interviewed down the webcam. Given the set of offices proposed it will be impossible for many of my constituents to reach the nearest office or webcam link within an hour, certainly using normal modes of transport, and I am sure that the Government will not be providing helicopters.

It is interesting that in setting the one hour limit, the Government were anticipating that everybody would use a car. Certainly it would take several hours by public transport to reach those offices. Even with a car, it will be impossible for people in villages on the west coast, such as Tayvallich and Achnamara, to drive within an hour to the nearest passport interview centre in either Oban or Campbeltown.

Norman Lamb: Is my hon. Friend aware that the Post Office tried to tender for the contract to operate as passport offices, but was denied the opportunity to do

[Norman Lamb]

so, denying local people the chance of a local facility for renewing their passport? Does my hon. Friend agree that that seems crazy, given what is happening to the post office network?

Mr. Reid: My hon. Friend is right and he anticipates my speech. I was going to mention that very fact later on. Obviously, nearly everybody lives well within an hour's journey from a post office, so the answer was to conduct the interview at the post office. That would have the double benefit of being easy for people to reach and providing the Post Office network with a valuable source of income. That is what the Government should have done, if they had wanted to keep to their promise that people would be required to make a journey lasting no more than an hour.

People on Iona will have no chance of travelling for an interview within an hour, but there is no proposal for an office there. Travelling by car and ferry to the nearest office on Mull will take well over an hour. People who live in towns and villages on the Gareloch or on the east side of Loch Long are expected to travel to the main passport office in Glasgow—a journey that will take more than an hour. The journey to Glasgow by train, taking into account the time to reach the nearest station, will take over an hour. Given the state of Glasgow traffic, driving into the centre will take over an hour. I urge the Minister to take this information back to his colleagues in the Home Office. The Passport Office certainly needs to reconsider the proposed network of offices in the highlands and islands.

Although at present only people applying for their first passport need attend for interview, if the Government get their way and introduce compulsory identity cards, people renewing their passports after 2010—if the election is delayed until then—will have to do so, too. Everybody will need to attend such offices if the Government get their way.

I have concerns about the Government's proposals for a private finance initiative contract for the joint search and rescue helicopter service, which at present is operated extremely efficiently by the Royal Air Force, the Royal Navy and the Maritime and Coastguard Agency. It is a vital service that saves people's lives and it works well. Rescue services are not a suitable candidate for privatisation, so I urge the Government to think again. If something is working well, why change it?

Another concern is the proposed competitive tender for ferry services currently operated by Caledonian MacBrayne. The tender was forced on the Scottish Executive by European rules, but deficiencies in UK employment law mean that the tendering process will not be fair, and I urge the Government to look into them. UK employment law does not give seafarers the same rights as workers on land. The minimum wage does not apply to services outwith UK internal waters, which are not the same as territorial waters; internal waters are mainly river estuaries. Caledonian MacBrayne pays more than the minimum wage, but the rules do not apply to services from the Scottish mainland to most of the islands. The PFI opens up the possibility that a foreign-registered company could win the contract and although TUPE—Transfer of Undertakings (Protection of Employment) Regulations—would protect existing staff, the company could easily replace them as they leave over time with people employed on less than the minimum wage. There is clearly a loophole in the law.

There is another loophole in respect of vessels sailing in UK territorial waters. If the employing company is based outside the UK and does not operate in the UK, it can avoid employers' national insurance contributions. I do not understand why the Chancellor allows that loophole to continue, as he is clearly losing revenue. It also means that if Caledonian MacBrayne is to have any chance of winning the contract it will be forced to transfer all its employees to an offshore company based outwith the UK, perhaps in the Channel Islands or the Isle of Man. As well as the loss to the Treasury, UK rules, such as those on the minimum wage, will not apply.

I urge the Government to look into the matter. I do not understand why seafarers sailing on routes that are entirely within UK territorial waters do not have the same employment protections as workers on land.

The next issue I want to raise is the switchover from analogue to digital television. It is an exciting opportunity that opens up tremendous prospects, but we must be aware of the problems for many vulnerable people. I am pleased that the Government have promised to help such people, but under current proposals that help will have to come from the BBC licence fee, which is not an appropriate vehicle. The licence fee is a poll tax and whereas it is right for it to be used for the provision of BBC services, support for vulnerable people during switchover is a social need, which the Government should meet through general taxation. The BBC has proposed an increase in the licence fee to £180 in a few years if those costs are forced on it. That is excessive and I urge the Government to reconsider the matter.

I hope that the Minister will consider the issues that I have raised and that there will be Government action on them.

3.40 pm

Ms Diana R. Johnson (Kingston upon Hull, North) (Lab): I have been interested to hear what all hon. Members have said today. In particular, I was struck by the comments that hon. Members have made about health care in their constituencies. It has been said that Labour Members—or at least Ministers—seem to be living in a parallel universe. My experience of the NHS in my home city of Hull is very positive. Just one example is a recent visit that I paid to the Hull and East Yorkshire eye hospital. A consultant told me that the time between his seeing a person who needs a cataract operation and his operating on them is now nine days. That is in marked contrast to the months and months that people had to wait in the past.

I am also aware of the local improvement finance trust projects in my constituency—taking place through the NHS and private finance—to build community-based NHS facilities to replace some of the old-fashioned facilities that we had in the past. Hull's NHS services have been chronically underfunded for many years, so I am delighted at the investment that

has gone in since 1997 and I can certainly see that coming to fruition. When I talk to my constituents, they cannot speak highly enough of the NHS.

My theme today is health and, in particular, the wider agenda in relation to public health. I am delighted that we have had many opportunities to talk about public health since I arrived in the House. We took a historic vote on smoking in public places and I was delighted that so many Members backed the ban. I was also delighted that a new Member, my hon. Friend the Member for Wakefield (Mary Creagh), introduced the Children's Food Bill in the private Members' ballot. I am delighted that several of the Bill's proposals were adopted by the Government, but there is still more to do. Yesterday, I was pleased to see the Third Reading of the Education and Inspections Bill, which contains provisions relating to nutritional standards in all our schools.

All those measures added together show that the Government are committed to the public health agenda. I want to talk specifically about the public health agenda in my home city of Hull. I am saddened to say that the Liberal Democrats in my home city are taking retrograde steps when it comes to improving the public health of the people of Hull. I will put the matter in context. The National Obesity Forum recently produced some figures showing that more than a quarter of English secondary school children are clinically obese. That is almost double the proportion from a decade ago. The National Obesity Forum says that a "public health time-bomb" is in the making because children who are obese in their early teens are twice as likely to die by the age of 50.

I am interested in that because Hull has some poor health statistics. We are high up in the cancer league tables. The number of teenage pregnancies has been high. Our educational achievements have not been as good as they should have been. Our housing stock is not as good as it could be. The unemployment situation has not been as good as it could be, although obviously it has got better in recent years. For all those reasons, the council, the NHS in Hull, and the voluntary and community sector are thinking carefully about what they can do collectively to improve the health of young people and children in our primary schools.

By the time Jamie Oliver took up the issue of healthy school meals, Hull was already ahead of the game. People in Hull had sat down quite a while ago and looked at some proposals in relation to the excellence in cities schemes, education action zones and the children's fund moneys that were available. Breakfast clubs had been set up in schools and fruit had been provided. Things were thus already happening, but Hull was unique because it took the bold step of deciding to introduce healthy free school meals for all children in our primary schools.

Hull could do that because of the Education Act 2002, which allows local authorities to go to the Department for Education and Skills and ask to change and innovate, if they think that they can make a real difference in their communities. Hull city council approached the then Secretary of State for Education and Skills, my right hon. Friend the Member for Norwich, South (Mr. Clarke), and he agreed that we could innovate. The idea of free healthy school meals for all pupils in our primary schools thus went ahead.

The scheme has been an enormous success. Children have started to eat much more healthy lunches and they are getting breakfast when they arrive at school first thing in the morning. Fruit and water are also made available during the day, so there is a whole package of measures. The university of Hull is undertaking an ongoing review to examine the effects of healthy eating in our schools. Everyone is agreed that the scheme is an innovative and exciting way of trying to tackle some of the public health problems that can start early in a child's life. If children adopt healthy eating early in life, it is likely that they will maintain it in their teenage years and adulthood.

The cost of the scheme is about £3.8 million in 2005-06, and Hull city council has been able to bear that cost. The scheme fits in with the Chancellor's view of investing to save because I believe that such investment early in children's lives will mean that the NHS will be saved a huge amount later on because it will not have to deal with the problems of obesity, given that we all know that diabetes and cancer are more prevalent among people with weight problems.

The scheme in Hull has won the Caroline Walker Trust award for promoting healthy eating to improve public health. The Minister of State, Department of Health, my hon. Friend the Member for Don Valley (Caroline Flint), who is the Minister responsible for public health, recently visited Hull and discovered at first hand how much children are enjoying the free healthy food when she had a healthy school lunch at the Parks primary school. Hull has made it clear that it is happy and willing to share the good practice that has been developed in the city both nationally and internationally. It recently hosted an international conference to spread such good practice.

I am bringing the matter to the House's attention because, unfortunately, the Liberal Democrat group on Hull city council has decided that it wishes to return to the policy that exists in the rest of the United Kingdom, whereby children whose parents are on certain benefits become entitled to free school meals. The Conservative leader on the council agrees with the Liberal Democrats about opting out of the innovative and exciting scheme and has said:

> "We have consistently opposed universal free meals because it perpetuates a culture of state reliance".

That is a great shame because all hon. Members probably accept that the state has a role to support and empower people who often find it difficult to manage on their own. Since we have had free healthy school meals for all children, no one has been seen as any different and all children have enjoyed the food. The take-up rates for the healthy food have increased phenomenally.

Andrew Selous: Is the hon. Lady aware that some local authorities get round the problem that she identifies by giving the children swipe cards? If everyone has a swipe card, children who need free school meals can get them without identifying themselves as such, which lessens problems of stigma.

Ms Johnson: I do not have a problem with swipe cards, but society needs to address head-on the problems of unhealthy eating in all our communities. It

[Ms Diana R. Johnson]

is not just poorer children who eat junk food. Children from better-off families often eat it, too. They might have money available to go to Burger King, or wherever they choose to go to buy burgers or fish and chips. We need to recognise that we all have an investment in our young people getting a healthy start in life, and we should do that through healthy free school meals.

Lyn Brown: Does my hon. Friend agree that giving free school meals to all school children would help to deal with those who are not entitled to them, but whose families live on low incomes? That is one way for schools to ensure that all children have a healthy start in life, and the energy and material to think and work well at school.

Ms Johnson: My hon. Friend is right and makes an important point about those children whose families are just above the benefit level.

On the alliance that has formed in the city of Hull between the Liberal Democrats and the Tories, in the recent local elections, the Leader of the Opposition talked about "Vote blue, get green," but in Hull it is "Vote yellow, get blue." That is how it is in Hull these days. The lack of vision shared by the Liberal Democrats and the Tories—the lack of insight into what joined-up thinking can do to change the long-term health of one of our poorest communities—is a disgrace.

In the statement on pensions, the Liberal Democrats made lots of comments on how they disapprove of means-testing. I was struck by how ironic it is that they take the view that they do in the city of Hull. Perhaps that is indicative of the franchised approach that they take to national Government and local government. The two do not seem to marry.

If Hull loses the pilot scheme, we will not have the hard evidence that will come out of the project if it continues for the full three years and beyond, and we will not see the changes that can be made. Professor Derek Colquhoun of Hull university's centre for education studies is involved in looking at the project and giving an opinion on how well it is doing. He says:

"The data so far tells us that take up of school lunches among Hull's primary school children has gone up massively, from 36 per cent. to 64 per cent., since being offered free to all. This is significant as eating a healthy lunch is vitally important to improving health and educational achievement."

According to researchers, early indications are that children's readiness to learn is already improving. That is certainly my experience of talking to teachers in primary schools. They have seen a real change in the behaviour and willingness to learn of some of the young people in their classes.

John Dickie, head of the Child Poverty Action Group in Scotland, is a leading participant in the campaign for free school meals. He says:

"The lesson emerging from Hull is that improving the quality of school meals in itself is not enough. To really boost healthy eating in school the free provision of school lunches to all children is essential."

He goes on to call for Scottish Ministers to listen to the facts and follow what is happening in Hull.

Mr. Alan Reid: The hon. Lady mentioned Scotland. Is she aware that her colleagues in the Labour group in the Scottish Parliament voted against free school meals? The Labour party is not universally in favour of free school meals for everybody.

Ms Johnson: I am speaking on behalf of my constituency and the decision of the Labour council to introduce an innovative project and pilot to see whether we can achieve the benefits that all the agencies involved—the primary care trusts, the local authorities, and the voluntary and community sector—think will happen if it is seen through. Hull is leading the way. It is a great shame if we cannot get cross-party consensus that the pilot should carry on. We can learn a lot from Hull. It has led the way on a number of things. I could go through the list, but I will not. The Liberal Democrat council has not introduced a motion in full council, but it has certainly suggested that it will try to force through a return to means-tested school meals for children whose families are on benefits. That is a great pity, and the Liberal Democrats should be thoroughly ashamed of themselves.

3.55 pm

Bob Spink (Castle Point) (Con): Following last year's report by the Science and Technology Committee on the Human Fertilisation and Embryology Authority, a number of issues have still to be resolved. First, when will the Department of Health release its report on the reform of the outdated Human Fertilisation and Embryology Act 1990? When will a joint Committee of both Houses report on the scientific, medical and social changes relating to abortion since 1967? Despite huge advances in the scientific understanding of foetal development and serious abuses of the Abortion Act 1967, there is no mechanism to protect the foetus.

It is nearly 40 years since the 1967 Act was passed and science has made tremendous advances. Public opinion has changed, partly as a result of huge improvements in the imaging of the unborn child. Parliament is not reluctant to grapple with the issue. A communications research survey showed that nine in 10 MPs want the abortion law to be reviewed continuously in the light of advances in medical science. There is a political will to act—in the last election, all three party leaders called for a review of the timing of abortion—so why has action not been taken? Should we wait cynically for the next election? Are human life and dignity to be held so cheap?

Thirdly, animal-human hybrids and chimeras are not science fiction. They have crept up on an unsuspecting and unwelcoming public, and have caused worldwide concern. Indeed, the issue was raised in the European Parliament last week. The Donaldson report of 2000 stated that those creations are not covered by the 1990 Act, and rightly recommended prohibition. However, some people at the HFEA and the Department of Health want to legalise them for research purposes. Dark forces are plotting to make animal-human hybrids and chimeras acceptable. In its consultation on the 1990 Act, the Department of Health asked for views on

"whether the law should permit the creation of human-animal hybrids or chimera embryos for research purposes only".

The HFEA's clinical and scientific advances group and its ethics and law committee have been asked to provide advice on the creation of human-animal hybrid embryos for research. I dispute the right of the Human Fertilisation and Embryology Authority to provide advice on animal eggs and non-gamete human cells or to become involved in non-fertility matters. As its name suggests, its remit extends only to human gametes and embryos. It is not empowered to play with such monstrous propositions. It would be dangerous to extend its remit, because it is an undemocratic, unaccountable and self-interested body. It is time that the House brought those three supremely important issues—indeed, they are issues of life itself—under democratic control. I urge the Minister to pass that message on to the Prime Minister and the Department of Health, and to obtain answers on those three points.

In my constituency, much is happening. A major proposal to import a full 5 per cent. of the national energy requirement would result in ships on the Thames transhipping gas via Canvey island to provide energy for the national grid. My local paper said that the Secretary of State for Trade and Industry was encouraging

"planning officers to consider the crucial national benefit of such schemes and to look at Britain's urgent need for gas, as well as local people's concerns."

He appeared to be putting improper pressure on our local authority, and in some ways trying to bypass the usual planning procedures. That caused great public concern.

I respectfully say to the right hon. Gentleman, who is a good man, three things. First, we can accept no increase whatever in risk for Canvey people. Secondly, the matter must be brought to a public inquiry at the earliest possible moment—that is, immediately the council rejects it. Finally, we should do and say nothing that might increase the blight of our beautiful island, Canvey island, and of people's homes on that island.

I turn to the problem of antisocial behaviour. Castle Point has great kids. They are hardworking, they have great integrity, they are honourable, and their parents and our community as a whole can be enormously proud of them. They are our future, but they are spoiled by a few yobs who, fuelled by drink and with growing-up difficulties like we all had, cause mayhem for our community. They are making life for individuals miserable and intolerable.

Canvey island is plagued by antisocial behaviour and worse, especially in the King George park area. Groups or gangs of 50, sometimes 100 and, in recent weeks, 150 kids have been gathering together, showing off and causing mayhem. Cars have been badly damaged and one, I believe, written off. Fences and walls have been vandalised. There have been serious fights in the street and people have been hurt. Whole neighbourhoods feel under siege, businesses are hit hard and are suffering, the town centre is becoming a no-go area for decent people, and quality of life is being destroyed.

People feel intimidated, traumatised and afraid. People are standing in their front gardens late on a Friday night to try and ward off these gangs of youths. That is intolerable. It should not be happening. An evil racial element has again—it happened a few years ago—crept in, and must certainly be stopped.

I have been there personally on four of the past five weekends. I was there last Friday and it was pretty bad. I observed many kids with drink in their hands. I was there on Saturday. It was less bad then—not too bad at all. I patrolled the streets with the police on Saturday night, and I pay tribute to them. They are doing a difficult job in difficult circumstances. If they had better resources, they could do the job better. I pay particular tribute to Kevin Diable-White of Essex police, who is trying to organise the defence of the community and to find long-term solutions to the problem. He is doing a good job.

The statutory responsibility lies with the council and the police force. Things were very bad on Canvey island 18 months ago and a curfew order was introduced. That quietened things down, the situation improved and the curfew order was lifted. I complained at the time. Since the curfew order has been lifted, things have become much worse very quickly. Now we must get tough in Castle Point.

We need zero tolerance of yobs. We need to bring back the curfew order and try dispersal orders. The police must attend residents' 999 calls without exception and without excuse. That is not happening at present. The police must use my under-age drinking law more. Sadly, that is the most used law in the country, apart from road traffic regulations. On every occasion that the police use the law to remove drink from under-age children, they should use the whole of the law, which gives them the duty to bring in the parents and involve them. They must let the parents know what the kids are doing, so that the parents can understand and take responsibility and so that, where appropriate, the police can impose parenting contracts.

The council needs to provide decent facilities for all our kids. That may not stop the bad ones, but it will take the decent ones away from the action. All this must be done in close co-ordination with the community. As a sort of knee-jerk reaction, a teen shelter has been suggested for the King George park. Residents are extremely concerned about that. Any such decision must be made with the community rather than being inopportunely imposed on it in a way that simply exacerbates matters.

I called for a meeting of the local council, police and residents so that we can again listen carefully to residents. That should be a good start in tackling the problems, but the solutions will take a long time to develop and put in place.

Nationally, we need a deeper understanding of the cause of, and sustainable solutions for, antisocial behaviour. We cannot dismiss the fact that some kids are simply bad and need tough lessons. Of course, it cannot be denied that the prime responsibility lies with the parents, although it is difficult when there is only one. We all accept that sometimes parents can do their best and still experience problems with their kids. The Government must accept some blame for the increasing problems. Their reluctance to allow proper discipline from the earliest age has not been without consequence.

The over-focus on children's rights rather than their responsibilities from a young age is an increasing problem. The roll-out of the Government's Sure Start programme, with inadequate evidence of its impact on families, children and developing antisocial behaviour,

[Bob Spink]

is a specific example of bad Government policy. Another Government policy of getting mothers back to work and denigrating the role of the housewife may have wide and as yet unrecognised consequences for society. That is all part of the Government's politically correct agenda, and provides a backdrop against which the growth in antisocial behaviour occurs.

My local council on Canvey island and the mainland has been negligent because it has failed to provide and maintain a decent range of facilities for young and older children. It has removed children's play areas, forcing children, from six to 16, on to the streets and into culs-de-sac to play football and congregate simply because they do not have a park. At 4 o'clock, I have a meeting in Central Lobby with the Heritage Lottery Fund about providing two new parks for my area. One would go well in the Woodside area in Benfleet. I hope that I can make some progress on that. I will, of course, stay for the next speech.

Castle Point is a great community but we are suffering infrastructure breakdown. We experience massive and intolerable congestion on our local roads, overcrowding on our rail line and serious flooding, water, sewage and air quality problems. Residents cannot get their children into their local schools. Some live next door to a school but cannot get their children into it. Two schoolchildren who have lived in my constituency for nine months still go to school in Dagenham. That is ridiculous. What do those responsible do about it? They plan to build 1,000 more houses without any infrastructure. Our green land is under constant threat. We want local councillors to stand up for the residents, not be apologists for the developers or the Deputy Prime Minister.

We need new access to Canvey island and a new terminus railway station. Let me make a small but indicative local point: we need decent public toilet provision throughout the borough. The public toilets were closed without consultation. The council has changed its policy only after massive pressure from the public and press. It has done a U-turn—perhaps I should say a U-bend. It is beginning to reinstate the decent public toilet provision and disabled access that it took away. That is especially needed by elderly and vulnerable people. Perhaps we think that it is a light matter and we can laugh and joke about it, but it is serious for many people in our communities. I congratulate the *Yellow Advertiser* and especially Paul Peterson, who fought for decent toilets. The council should, as a gesture of good will, ask Paul Peterson of the *Yellow Advertiser* to open officially the new disabled access toilets that his fight has forced it to provide.

On a much more serious and fundamental issue, our democracy and election processes are held to be precious, but they have been damaged in Castle Point. It should be for the people, not for a small group with its own secret agenda, to decide who should represent them, and who should make vital decisions on planning, or on the sale—or the suggested giveaway—of major public assets, or on the award of contracts. Such decisions should be taken transparently in the council chamber, not in smoke-filled back rooms by a self-selected group of elected and unelected individuals. This is quite a sinister development. The public know about it, however—hence the extraordinary Castle Point election result last month, in which the Conservatives lost five of the six seats that they fought on Canvey Island. They were all safe Conservative seats in an area in which, in stark contrast, those same local people gave me the second biggest swing achieved by any Tory against Labour at the general election last year. If that swing had been replicated across the country, we would be sitting on the other side of the House today.

There is a clear message here. The people understand what is going on and they demand action from the authorities who are in control, including the Director of Public Prosecutions, whom I mentioned in the House earlier. I was emphatically elected by the people of Castle Point to deal openly and properly with these difficult matters on their behalf, and to stand above party political interests in defending our democracy and fighting for what is right. I can readily accept councillors criticising me for speaking out, but I will not stand by and do nothing. All that is necessary for evil to triumph is for good men to do nothing.

In Castle Point, our democracy has been abused. Our council and great political structures have been brought into public disrepute, and we must take action to regain public respect and trust. Writing in the *Evening Echo* newspaper this week, Tony Burnell sagely said:

> "I have long advocated that politics should be taken from local government."

I have long agreed with that.

4.11 pm

Andrew Selous (South-West Bedfordshire) (Con): I should like to say to my hon. Friend the Member for Castle Point (Bob Spink) that if he has constituents or anyone else waiting for him, I shall take no offence if he chooses to go to be with them now.

We have had our usual interesting debate on a wide range of issues this afternoon. Health and antisocial behaviour matters have been to the fore, although housing, transport and urban planning issues have also been raised, among others. I want to focus exclusively on education, however, and on what is going on in our schools, and I make no apology for doing so in a week in which the Education and Inspections Bill has dominated the proceedings of the House.

The first issue that I want to consider is the provision of schooling for children with special needs. I am aware that the Education and Skills Committee is undertaking a report on this important subject, and we look forward with great interest to reading its findings when they are put before the House. In almost five years in the House, I have noticed a real increase in the number of people coming to my surgeries to tell me that their children are on the autistic spectrum or that they have attention deficit hyperactivity disorder or any one of a range of learning difficulties. I have discovered from talking to other hon. Members across the House that this is a common theme.

There has been a real increase in the number of children with some form of learning difficulty having problems in accessing the curriculum properly, and this is a matter of great concern for Members on both sides of the House. I remember when the right hon. Member

for Norwich, South (Mr. Clarke) was the Secretary of State for Education and Skills, he made a statement to the House on the subject. He expressed his concern at the way in which parents had to battle through the system to get the right provision for their children.

It is obviously deeply distressing for a parent to have a child with some form of learning difficulty or special educational needs, and schools need to do their very best to cope with those requirements. We have a system that fairly routinely forces parents to spend huge amounts of money to represent themselves, and it can take an enormous time—in some cases, many years—to get a proper resolution. When there are considerable differences in the type of provision available in different local authority areas, I think that there is great cause for concern. Particularly in view of how long it takes some parents to sort the issues out, we must remember that children have only one chance, and that if they miss vital years of their education without getting the right support, that is very wrong indeed.

As for the costs, I know of some parents who have spent up to £5,000 or £6,000 fighting and presenting their case to the local authority in order to get the right type of education for their children. I shall mention one specific case in my constituency. I have spoken to the parent, who is happy for me to discuss her case, which has recently been flagged up on the BBC education website. The parent, Michelle Chambers, has a six-year-old daughter with severe speech and language difficulties. Although the daughter is six, she has the language ability of a three-year-old child. When her mother recently accessed the school records, she was concerned to find out that her daughter had had to be physically removed from classrooms or restrained or taken to different parts of the school on some 37 different occasions between 13 January and 21 March.

I am concerned about several aspects of that case. The parents were not automatically told what was happening by the school. I understand that the local education authority, Bedfordshire county council, fully investigated the case when it was raised by Mrs. Chambers and it tells me that the correct procedures were followed. It is worrying in itself if the national guidelines for schools mean that children can be treated in that way over such a long period without the parents being informed. That is deeply wrong and unfair to parents. If they are to be fully knowledgeable and involved in what is happening to their children at school, they must know the facts about what is going on.

I know from talking to hon. Members throughout the House that language and speech problems can present real difficulties for many people. Part of the medical provision comes through the local primary care trust, but the principal authority for the child's education is obviously the local education authority. Time and again, it seems that there is a gap between the PCT on the one hand and the LEA on the other, often with considerable finger pointing going on between the two. I am concerned that vulnerable children are literally falling through that gap. In my own area, Bedfordshire Heartlands primary care trust has a £20 million deficit, which it has been ordered to rectify. It has recently had to remove one specialist, who provided help with speech and language training in Leighton Buzzard.

The hon. Member for North Swindon (Mr. Wills) spoke about local area agreements. When I first heard about them, I made it clear to my local authority that I would judge the success of that Government initiative on the practical basis of exactly what it would do to close the gap between the education service and the health service for these vulnerable children who have speech and language difficulties.

Special educational needs are a very great concern. I do not think that we have it right yet, because of the fact that parents must battle for so long. There is obviously great concern about the number of special schools that have been closed recently. I was sorry that that Labour and Liberal Members were unable to back us on new clause 5 during the consideration of the Education and Inspections Bill yesterday, although it would only have ensured that the Secretary of State for Education and Skills kept special schools open unless sufficient places of the right quality were available in nearby schools. The disappearance of special provision is certainly very worrying.

The second education issue that I want to deal with is bullying in schools. Last night I saw Dame Kelly Holmes referring to that on television. I think that she is heading a campaign this week. What has struck me recently is the great difference in practice in schools' anti-bullying policies—and I am pleased to see that the Deputy Leader of the House is agreeing with me. By law, every maintained school in the land must have an anti-bullying policy—as I know, because I am a governor of a local school—but there is all the difference in the world between a policy that is perhaps checked by the school governors who look at it, ensure that it is fine and then put it back into the file, and one that is enforced as the school's central purpose with the head teacher putting life and meaning into it.

When children arrive in the schools with the very best practice, they are told from the very start exactly what bullying is. It is any form of behaviour that is distressing or causes anxiety to other children at the school. It is very far from just being physical. It can manifest itself in all sorts of ways and often happens outside lessons: in the corridor while waiting for a lesson, in the lunch queue or in the playground, and so on. Again, as a country we have not really got to grips with bullying in schools. I should like children, perhaps at the end of each year, to write down confidentially and anonymously their experiences of what bullying was like in the school. Perhaps that way, the school and the LEA would have some idea of what was really going on, and the head teacher and the governors could be presented with that information.

I should like to commend a school in my constituency—Vandyke upper school in Leighton Buzzard—for recently getting every child, bar a very few children who were concerned about bullying but who did not want to sign the anti-bullying contract for individual reasons of conscience, to sign its anti-bullying policy in front of the whole school. Signing a policy is one thing—it was a good innovation—but the real issue is whether it is put into practice and enforced.

[Andrew Selous]

I am disappointed by the attitude of parents when they are told that their child is bullying other children. Perhaps that is not something that schools can do a great deal about, but it saddens and depresses me hugely sometimes. If most decent parents are told that their child is bullying other children, first they feel incredibly sorry and upset about the effect on the children who are being bullied, and try to contact the parents of those children to express their sorrow and give them complete reassurance that they will do something about it. Obviously, they then work with the school to try to ensure that their child's behaviour becomes acceptable—and, of course, to get to the bottom of what it is in their own child that is causing them to bully other children.

My experience recently, however, is that when parents are confronted with the fact that their child is bullying other children, their first reaction is often to think, "Gosh, will it hurt my child's prospects? Will it damage their school report?" I am tremendously saddened when that sort of attitude is prevalent among parents. Perhaps when parents sign home-school contracts—which, again, we debated yesterday—it could be impressed on them that they have a duty to be thoroughly responsible. If their child is bullying other children in any way, they have an obligation to try to deal with it and to assist the school, thereby ensuring that our schools are safe and happy learning environments for all our children, where education can take place properly. None of us should underestimate the distress caused to children when they suffer any form of bullying.

The third and final area that I want to touch on is the level of basic literacy in our schools, by which I mean our children's ability to read, write and do basic arithmetic—the three R's, as they used to be called. A couple of weeks ago, I went round an upper school in my constituency with the headmaster and was taken to the learning support area to speak to the outstanding lady who heads that unit. The children at the school are aged between 14 and 16, and that teacher told me that in her estimation, about a quarter of them have difficulty with reading and writing. I was shocked by that statement. We have had a number of debates on the Education and Inspections Bill this week, but it strikes me that that is a national outrage.

I do not seek to make party political points here, because I do not think that things were much better when we were in power. I will make a deal with the Deputy Leader of the House: I will not blame the Government now, if he will not come back and say that it was our fault when we were in power. This issue should shock and anger us all. Here we are, the fifth largest economy in the world and a major western industrialised nation, and in some cases—

Norman Lamb *rose—*

Andrew Selous: I will give way in a moment. I looked at the figures before the debate: Sir Claus Moser said in 2000 that about one in five adults were functionally illiterate, while Digby Jones of the CBI has said one in seven. Whatever the figures—they vary in different parts of the country—they are far too high. It is, I am afraid, an incredible indictment of what is going on in our schools that so many children cannot read and write properly.

Norman Lamb: I agree with the concerns that the hon. Gentleman is expressing. Is he aware that this country has about the longest tail of under-achievement for students leaving school at 16? It is incumbent on us all to try to understand why that is. Does he also accept that that clearly relates to social class? There is discrimination in education. Educational attainment relates to where people come from, which is unacceptable.

Andrew Selous: I agree with the points that the hon. Gentleman makes. If about one in five or one in seven of our nation's children cannot handle basic reading and writing and basic numeracy—in some parts of the country, the figure is even higher, at 40 per cent.—that is unbelievably serious. For goodness' sake, what have children been doing in our schools for the 11 years between the ages of five and 16 if they leave unable to read properly?

Looking at the issue from first principles, it strikes me that when such a problem is identified when children leave lower school or primary school, there should be intensive—almost exclusive—concentration on teaching them to read and write. What is the point of taking them on and teaching them history, geography, religious education and all those other subjects if they cannot read and write properly?

I gather that in some schools in the Caribbean, and even in places such as Ghana, children do not move up a year unless they have mastered the basics of that year. I spoke earlier this week to our shadow Secretary of State for Education and Skills, my hon. Friend the Member for Havant (Mr. Willetts), and to my hon. Friend the Member for Bognor Regis and Littlehampton (Mr. Gibb), who has been instrumental in bringing the teaching of synthetic phonics into greater national focus. All credit to the Government, as they have taken on board many of the points made by my hon. Friend the Member for Bognor Regis and Littlehampton. He told me that it is possible, through an intensive 10-week course, to give any seven-year-old child basic reading skills.

Earlier in the debate, we heard about antisocial behaviour from my hon. Friends the Members for Bexleyheath and Crayford (Mr. Evennett) and for Castle Point. If we cannot get these basics right in our schools, what hope do we have of conquering problems such as antisocial behaviour if children aged 16 or older leave without the basics—being able to read and write and get a job of any sort in the employment system?

Why is there no sense of anger about that? Why are MPs not picketing their local directors of education? Why are we not having tough conversations with heads outside this House? Why does this issue not dominate Education and Skills questions? The Public Accounts Committee's report last year, "Skills for Life: Improving adult literacy and numeracy", drew the following hugely understated conclusion about raising basic levels of literacy and numeracy:

"a large proportion of its resources"—

those of the skills for life strategy—

"are taken up by recent school leavers, many of whom might reasonably have been expected to gain their qualifications at school."

Given all the debates that we have had this week about structure, funding, independence and involving other organisations, we must get on top of that issue. We must drive down the percentage of children who leave school at 16 without those basic skills. Unless we can do that, we will not have a hope of dealing with the problems of antisocial behaviour about which we have heard this afternoon, or of increasing our national productivity and competing effectively with other countries in Europe, and with India, China and other countries in the far east, as we need to do.

4.31 pm

Mr. Charles Walker (Broxbourne) (Con): Once again, I wish to raise the issue of the Hertfordshire Partnership NHS Trust, which provides mental health services. It is an important trust, which serves Hertfordshire and my constituency, and faces significant cuts this year and perhaps in coming years.

In case I sound churlish, let me say that the Government's record in mental health is moving in the right direction. Everyone, across the political spectrum, wants the best service delivered to some of society's most vulnerable people. Let me add the caveat, however, that the Government have probably slightly lost their way recently, especially in Hertfordshire.

As Members of the House and the wider public know, mental health problems come with a huge amount of stigma attached. One need only think of the headlines in *The Sun* when Frank Bruno underwent mental health problems—the headline "Frank Loono" was considered—and when Adam Ant had his problems. The behaviour of the media was disgraceful.

For that reason, I am glad that the Government are spending money on a campaign to raise awareness of mental health problems and to try to reduce the stigma—Shift. Unfortunately, that campaign receives funding of only £1 million across England, which is 2p per head. That pales into insignificance when compared with the 15p per head spent in Scotland, although that is not a huge sum of money either. I am afraid that those figures are not in the same ballpark as the money spent on smoking cessation programmes, important though those are.

The Hertfordshire Partnership NHS Trust was founded in 2001 and has operated since without going into deficit; it has balanced its books. This year, however, despite its good financial record, it was asked to make savings of £5.6 million—more than a 5 per cent. cut in its annual budget. I raised the issue in an Adjournment debate on 19 April, when I mentioned several of the services to be closed. I will not rehash those points today; the House is aware of them and they are recorded in *Hansard*. However, those closures are against the proposals in the Government's White Paper "Investing in Your Mental Health", which most Members of the House welcomed.

When I first raised the issue in that Adjournment debate, the Minister of State, the hon. Member for Doncaster, Central (Ms Winterton) said:

"The Hertfordshire Partnership NHS Trust's total increased investment in its mental health services is £4.2 million over and above inflation for the three-year period from 2003 to 2006."—[*Official Report*, 19 April 2006; Vol. 445, c. 204.]

That sounds good, until we remember that although the trust had an additional £4.2 million, the Government are now asking for £5.6 million back. What they gave with one hand they seem to be taking back with two.

When I raised that with the Minister, she said:

"I will come to some of the specific points that the hon. Gentleman has raised."—[*Official Report*, 19 April 2006; Vol. 445, c. 204.]

Unfortunately, she forgot to do so. Undeterred, I raised the same issue with the Secretary of State for Health—who, I may say, knows me by name, which is probably more than some of my own Front Benchers do, so I have a great deal of time for her. When I asked my question, she looked me straight in the eye and said:

"I shall come to that point in a little more detail in a moment."—[*Official Report*, 9 May 2006; Vol. 446, c. 193.]

I had absolutely no reason to disbelieve the Secretary of State. After all, she calls me Charles in the Division Lobbies and always makes time for me. Unfortunately, she too forgot to return to the point.

Mrs. May: What were you doing in the same Division Lobby?

Mr. Walker: Only yesterday evening I bumped into the Secretary of State during the vote on the Education and Inspections Bill as we supported the Government against their own Back Benchers. When I suggested to her that she might want to answer the question about what was happening to the money in a little more detail at a future date, she smiled very sweetly and moved on quickly.

I am extremely disappointed that my local mental health trust faces such huge cuts over the coming year. If we are to believe Government figures given during a debate on 7 February, they account for a third of all the money being clawed back from mental health trusts in the United Kingdom. In response to a question asked by my hon. Friend the Member for South Cambridgeshire (Mr. Lansley), the Minister of State, Department of Health said:

"11 of 84 trusts are making expenditure reductions that amount to £16.5 million out of a total expenditure on mental health of more than £6 billion".—[*Official Report*, 7 February 2006; Vol. 442, c. 755.]

Well, £16.5 million across 11 trusts does not sound a lot of money—in fact, I am sure that it is a little more than that—but my trust accounts for a third of that amount, £5.6 million, with the other 10 trusts have to make cuts of £1.1 million each. I cannot believe that that is just or fair, particularly given that the Hertfordshire Partnership NHS Trust has never been in deficit in the five years for which it has been in operation. It has always balanced its books. What message do those cuts send to other trusts throughout the country that are struggling to balance their books? Not a very positive one.

Perhaps the Hertfordshire trust has been a little naïve. Why did it even bother to balance its books over the past five years? Perhaps it should have just gone

[Mr. Walker]

into deficit, like so many other trusts. I am concerned about the fact that the trust is being asked to bail out other parts of the health service. That seems to contradict what the Secretary of State for Health believes. When I asked her about this—no, I did not ask her, actually; she just said it—she announced:

"we are reforming the way in which the NHS is run so that every hospital"

—I assume that she meant "trust"—

"takes responsibility for organising the best care within its budget. We will not expect others to bail them out."—[*Official Report*, 9 May 2006; Vol. 446, c. 196.]

That is simply not the case. As I have explained, my local mental health trust is being asked to bail out hospitals and trusts that are in deficit to the tune of £5.6 million. It is being penalised, and there seems to be no justice in the way in which it is being treated.

Of course, the Government will say that they have put local decision making in the hands of local health communities. That does not apply in this case. After all, it is the Government who fund the NHS, via the taxpayer. It is the Government who expect trusts to achieve financial balance, and demand that they do so. And it is the Government who, in this instance, are in essence asking for their money back.

I have raised my concerns with a number of charities, including Rethink, which as most Members know is a leading mental health charity. In its briefing, which was sent to Members of Parliament only a couple of weeks ago, it states:

"We believe that this is a national pattern in which wider health deficits are being addressed by shifting resources out of mental health."

That is a fairly damning and worrying statement that should concern everyone in this Chamber and at the Department of Health, and all those outside this Chamber who would doubtless like to be here now. Mental health cuts are the deepest cuts. Mental health has traditionally been underfunded, so every pound taken from it can almost be multiplied by two or three when one contrasts that service with the better-funded areas of health care, such as cancer and heart disease.

I wrote to the Minister of State, Department of Health, the hon. Member for Doncaster, Central to ask her whether she was aware of the scale of the cuts and of the damage that they would do to local mental health services in Hertfordshire. She kindly responded on 5 May, saying:

"In deciding what proposals should be considered, the PCTs took account of...efficiency savings that could be made and that would avoid an adverse impact on front-line services".

Well, the cuts in Hertfordshire will have an impact on front-line services—a very severe one. The hon. Lady also said that PCTs took account of

"proposals that were in accord with the principles and priorities set out in the recent consultation on mental health services".

I assume that she was referring to "Investing In Your Mental Health".

I have spoken to national charities and charities in the local health community, and they are absolutely convinced that the cuts will impact on people's health and increase the risk of suicide, and might lead to additional suicides. The hon. Lady went on to say that proposals were considered

"that did not worsen any inequality in the delivery of services across Hertfordshire."

I am afraid to say that those proposals will lead to huge inequality in the delivery of services and have an enormous impact on many people's lives.

I ask the Secretary of State to intervene in this matter. She is a decent woman, and if she took the time to look at what is going on and to consider the fact that a trust that has never been in deficit in five years is being penalised for the deficits of others, she might change her mind. As Rethink said, the Department of Health is complacent about these cuts and the impact that they will have on some of the sickest people in society—people who are ignored by, and who feel marginalised by, society. These are vital, critical services for local people, and central to their well-being.

4.43 pm

Norman Lamb (North Norfolk) (LD): I was pleased that the hon. Member for Broxbourne (Mr. Walker) focused on mental health, which has always been the Cinderella service. It self-evidently deals with some of the most vulnerable people, and many of us are extremely concerned about cuts to the service.

I want to take this opportunity to raise a number of issues that are of concern to Norfolk in particular, but all of which have some wider significance. First, I want to discuss the very sad closure of RAF Coltishall in my North Norfolk constituency and the question of age discrimination. A constituent of mine, Mr. Tony Thorpe, is a civilian employed by the RAF at Coltishall and has worked there for nearly 11 years. He is 60 and was amazed to discover that the cut-off point for entitlement to redundancy payment is 57. Such employees are exempt from the normal right to statutory redundancy payments, and he was initially told that he would get no redundancy payment at 60. We should bear it in mind that, at that age, it is particularly difficult to get other work. He was subsequently told, however, that he would receive a discretionary payment of £1,500—a figure based on allowing £150 a year for each of his 10 complete years of service. That is massively less than someone who had served the same number of years but was aged 40—an age at which it is much easier to get other work. That is not an appropriate way to treat someone who has worked loyally for the RAF for more than a decade.

The law will change on 1 October, when the Employment Equality (Age) Regulations 2006 come into force under the European employment directive. The explanatory notes state that, among other measures, they will remove the upper age limit for unfair dismissal and redundancy rights, giving older workers the same rights to claim unfair dismissal or to receive a redundancy payment as younger workers. The Government will introduce those rights in October, but they are denying the same rights to someone who is being made redundant before then.

In 1999, the Government introduced a voluntary code of practice on age diversity in employment that

was supposed to set out best practice principles. The Government have failed to follow their own code and are discriminating against loyal staff only months before they legislate to outlaw that unacceptable discrimination. Today, the Government accepted the argument that we will all have to work longer, so why should they discriminate against someone aged 60? I urge the Minister to pass on my concerns to his colleagues in the Department for Trade and Industry, because that injustice needs to be addressed immediately.

The next issue is a case study of what has been dubbed the "Tescoisation" of Britain. In Norfolk, Tesco already has 44 stores, but in a long-running saga it has attempted to secure a supermarket site in Sheringham, a thriving coastal town with an impressive town centre and shopping area. Last September, in the latest stage of the saga, the local authority planning committee emphatically rejected Tesco's latest proposal, voting 20 to nil against it. However, in April, councillors were forced into an extraordinary volte face. They decided no longer to resist Tesco's appeal against an earlier refusal after receiving legal advice on an agreement that had come to light on the sale of land by the council to Tesco. It had been signed by officers immediately after the 2003 district elections, when a new council had been elected but before members took their seats. The new councillors were not informed and a confidentiality clause was included that appears to have prevented them from explaining to an amazed public why they had changed their minds so completely compared with just a few months earlier. It appears that that legal agreement effectively prevented the council from pursuing any alternative proposal on council-owned land. Tesco managed to secure an exclusive right, without the public knowing, to pursue a supermarket application.

The public were amazed by the apparently inexplicable change of approach and it is untenable for local people to be left in the dark about a process that has been characterised by secrecy. I pay tribute to the council for being determined to get the full facts into the public domain, but I am concerned that years of secret negotiations between council officers and a major supermarket chain appear to have resulted in a legal agreement with a secrecy clause, leading to a volte face by the council without the public having any idea why that has happened. That is not an example of open and transparent decision-making. The whole planning process needs to be looked at to ensure that the public can have confidence in it.

Norfolk and Norwich university hospital is one of the Government's flagship private finance initiative projects. It was built immediately after the 1997 general election, and it pioneered, on behalf of the whole NHS, the new form of financing that the Government said was the way forward. The hospital now faces a financial black hole of about £15 million.

We have heard already in this debate about health service redundancies. My hon. Friend the Member for Chesterfield (Paul Holmes) told the House that his local hospital is to lose a number of nursing sisters. The flagship Norfolk and Norwich hospital faces the prospect of up to 450 redundancies—nearly 10 per cent. of its work force. That is obviously a massive concern to the people involved, but we must also be worried about the impact on patient care.

The trust has said:

"We do not believe that we can achieve the required level of cost savings to break even in 06-07 without the risk of severely compromising the ability of the hospital to deliver safe, high-quality patient care."

That is an extremely serious matter, so what caused the financial crisis? Was it chaotic management? Clearly not: we heard earlier from the hon. Member for Broxbourne that his hospital trust had met its financial targets every year, and the same is true of the Norfolk and Norwich. It has broken even every year, at the same time as implementing the sort of major change that the Government have encouraged. It is well run, but it was told about its budget settlement only two weeks before the start of the new financial year. That is a ridiculous way to plan the finances of a major hospital.

I want to highlight two issues, the first of which is the PFI contract. I referred the contract to the National Audit Office a couple of years ago, as it seemed to be very expensive and a poor deal for the NHS. Ultimately, the NAO agreed, finding that the Norfolk and Norwich hospital trust was paying an additional sum, or premium, for being one of the first PFI hospitals. When it was built, it was very difficult to secure private sector engagement, and the hospital had to pay extra.

The private partner in the project was the Octagon consortium. Two years after the hospital opened, Octagon refinanced and secured a windfall gain of £116 million, £82 million of which it retained. In its recent report on what is an extraordinary scandal, the Public Accounts Committee said that

"the benefits to Octagon's investors have soared on refinancing to levels which are unacceptable even for an early PFI deal".

The report went further, adding:

"We do not expect to see another Accounting Officer appearing before this Committee defending what we believe to be the unacceptable face of capitalism...in the consortium's dealings with the public sector."

Those are the words of the PAC's Conservative Chairman, and they are a pretty strong condemnation of what happened.

Octagon's chairman is the well respected Lord Lieutenant of Norfolk, Richard Jewson. He and his colleagues should reflect on the PAC's findings very carefully. It is a major Committee of this House, and its findings must be taken very seriously by the Government and their private-sector partners. Both the Government and Octagon should reflect on the findings, and consider whether it is in their long-term interests to assist the Norfolk and Norwich hospital trust further in dealing with its severe financial difficulties. The public of Norfolk will expect nothing less than a further contribution from Octagon.

I call on the Secretary of State to intervene. Norfolk's patients should not pay the price of pioneering a new form of financing on behalf of the Government and the health service. The premium for this expensive PFI contract amounts to about £6.8 million a year—a significant amount.

[Norman Lamb]

Many hon. Members might be aware that the market forces factor is the device by which the economics of operating in different geographical areas are taken into account and, theoretically, equalised to ensure fairness around the country. The formula is a fiction. I understand that departmental officials have serious doubts about whether it is fit for purpose. It discriminates against Norfolk and Norwich hospital and results in an income reduction for it of some £5.2 million in this financial year. Addenbrooke's enjoys a 13 per cent. advantage under the formula over the Norfolk and Norwich, yet the cost of employing staff in Cambridge and Norwich is precisely the same. All areas have to pay the same, other than London, which pays London weighting. The Secretary of State has undertaken to look at the formula. I know that it affects other parts of the country adversely as well. I hope that she will report back speedily to prevent the worst impact of the cuts to which I have referred. There needs to be a fair formula.

Finally, most hon. Members will not be familiar with the construction of the BBL pipeline—a gas pipeline to Backton in my constituency. The site takes in about a third of the country's gas supplies, so is of fundamental, strategic importance. The pipeline is of enormous significance and the Government are desperate to get it built before next winter because they do not want a repeat of the gas shortages that we experienced last winter. Clearly, it is an urgent priority.

When such projects are undertaken local inshore fishermen receive disruption payments. The construction of the pipeline might have a serious impact on their work and livelihoods. According to the DTI, there is no legislation or set procedure to be followed regarding compensation payments. Apparently, it is a matter of good will. That causes me and many others serious concern. It is extremely important that the fishermen's interests be protected. If something of national, strategic importance is being undertaken, those affected by it should not be forgotten.

I have particular concerns about the process that was followed. In negotiations with the company, two people represented the fishermen, Andy Roper and David Shillings. While acting for the fishermen, Mr. Shillings was offered a payment by the company. I raised these concerns with the company, but was told that I had got it all wrong, that Mr. Shillings was a representative of the company, not the fishermen, and that he would receive a payment of £50,000. I was told that this was all set out in a legal agreement and was above board. One week later I received an e-mail from the company, apologising that it had got it all wrong and that Mr. Shillings was not a representative of the company, but was a representative of the fishermen. The company apologised for the confusion. Its explanation was literally incredible.

One person cannot represent both sides in negotiations. A representative protecting the interests of the fishermen self-evidently cannot be offered £50,000 by the company with which he is negotiating. That raises a central concern: did the fishermen who depend on the North sea for the livelihoods receive a fair deal? I have raised the matter with the Government, who simply say that it is nothing to do with them and that it is for the company to negotiate with the fishermen. However, I should like the DTI to look into the issue. If such essential projects have an impact on other people, such as fishermen, their interests and their livelihoods should be taken into account. There should be a statutory right to disruption payments and a legal framework to protect their interests.

I have raised four issues of major concern to Norfolk, but they all have wider implications. I hope that the Minister will refer all of them to relevant colleagues.

5 pm

Mr. Edward Vaizey (Wantage) (Con): I am grateful for the chance to contribute briefly to the debate.

My constituency is the eighth richest in the country; anecdotally, I am told that we have more PhDs per square foot than any other constituency. However, representing an affluent constituency brings its own problems, which I want to highlight. It is important that the Government understand that one of the most economically dynamic areas of the country needs their assistance as much as deprived areas.

My hon. Friend the Member for Banbury (Tony Baldry) spoke eloquently about the crisis facing Oxfordshire's health services. Today, members of staff at the John Radcliffe hospital have been told the number of redundancies and job cuts that will be made. I do not propose to repeat the points that my hon. Friend made about our health service; I shall focus on some infrastructure issues that cause great concern in my constituency.

The main trunk road running through the constituency is the A34. Two weeks ago, tragically, a young man was killed crossing the road. The ensuing chaos was extraordinary to behold; it was like a scene from a disaster movie. Traffic was backed up for miles and people travelling between Wantage and Didcot took four or five hours to travel just six miles.

The A34 dual carriageway is the only road linking some parts of my constituency and some of its economic areas. There are no plans to upgrade the road for the foreseeable future, certainly not for the next 10 years, yet it is of major importance, taking freight from Southampton to the midlands while serving as a local road for local businesses that have a national and international imprint.

I urge the Minister to impress on his colleagues the need for the Government to take a proper, strategic look at infrastructure in my constituency. Not only does it contain some the country's most successful businesses, but it serves the south-east. We take most of London's waste for landfill and Didcot power station provides power for at least a third of the homes in the south-east. We are also due to get the Oxfordshire reservoir, of which Members who take an interest in our current water shortage will be fully aware. The reservoir site is just south of Abingdon and it will be huge—four miles wide—and will provide water for London and Swindon. The scheme has been on the cards since 1990, but there is tremendous uncertainty about the plans. It will be a national decision, taken by the Government, but it will have a huge impact on my local community. There has been no discussion and the

Government have given no indication of the impact of the construction of the scheme. There has been no discussion about the additional benefits that could come to my constituency, in terms of upgrading the local infrastructure, if the reservoir were to be built.

The other great problem that I face—many of my colleagues who represent south-east constituencies also face it—is the number of new houses being built. In Didcot, the main town in my constituency, we are getting 3,000 additional homes and we are due to get a further 5,000 if the South East England regional assembly has its way. Just north of Wantage, in Grove, which is already the largest village in Europe, another 2,500 homes have just been approved, doubling the size of the village. With up to 12,000 or 13,000 additional homes in that small part of the country coming on line in the next 10 or 20 years, it will be vital to deal with the infrastructure, and particularly the A34.

Finally, the reason why the issue is so important in terms of the Government's national interest is that, thankfully for the people living in my constituency, an enormous amount of scientific investment is being made. The Diamond Synchrotron is due to come on line in the next year, representing a financial investment by the Government of some £500 million. That will ensure that Harwell/Chilton remains at the forefront of scientific innovation not just in our country, but in the world. Up the road, nuclear fusion research is taking place at Culham. With the opening of the ITER site in the next few years in the south of France, that work will continue to have enormous importance.

All that scientific investment means that we have a huge number of spin-off scientific companies such as Oxford Instruments and companies based at Milton park, which are really driving the British economy. However, when I visit those local businesses, they come back to me again and again with one point: the gradual breaking down of the local infrastructure. The road network is of poor quality and, recently, the Government, through First Great Western, were planning to cut train services between London and Didcot. We are still fighting that battle and we are gradually saving those train services. I hope that we will have saved them by the time that the revised timetable comes out in the autumn.

Essentially, my contribution to the debate is to ask the Government to sit at the table with my local politicians and local businesses to create some kind of strategic plan for my part of the world. We look after London's waste; we power the south-east; in the next decade, we are probably going to provide most of the water for London; and we have thriving, dynamic businesses. However, we receive almost no Government investment or strategic help whatsoever.

5.8 pm

Mrs. Theresa May (Maidenhead) (Con): This is the third recess Adjournment debate that I have sat through as shadow Leader of the House and, although such debates are usually seen and mainly used as a good opportunity for hon. Members to raise issues that are relevant to their constituents, it is noticeable that a number of hon. Members have used today's debate to raise issues of concern outside the United Kingdom. It was good that the debate was opened by the hon. Member for Stroud (Mr. Drew) with just such an appeal in relation to the recent EU announcement on fisheries in waters off the African coast—continuing his interest in matters relating to the western Sahara. He has sat through quite a lot of the debate, but unfortunately he is not in his place at the moment.

I was going to confess to the hon. Gentleman that I did not know many of the details of the announcement that he referred to. However, I felt that his comments raised an important wider issue relating to the way in which the House scrutinises decisions that are taken in the European Union. He referred to the question of what advice had been given to individual Members of the European Parliament on the fisheries issue and on how to vote on it. One of the questions that we in the House need to address is how the House can express a view before Ministers take decisions in the European Union arena, because at the moment the House is not able to express a view. Ministers take decisions and then come back with the results of those decisions. Even then, there is not adequate scrutiny.

Various other foreign affairs matters were raised. For example, the hon. Member for Hackney, North and Stoke Newington (Ms Abbott) spoke in detail about Nigeria, a country that she obviously knows well. She talked about the need to ensure that money invested in Nigeria is used to the maximum benefit of all people in the country. She also spoke about payments by oil companies, and I would add intergovernmental support to that particular list. We need to address the aid that is given to countries more widely and ensure that it is used for the benefit of all in the country that receives it. The hon. Lady also talked about the future of Guantanamo Bay. She and several of her hon. Friends have led a principled campaign on the camp since it was first established.

The hon. Member for Stroud raised several points relating to his constituency. I noted his concerns about the environmental impact of the Severn barrage, but hope that he agrees that the Government need to broaden their policy on renewables beyond an overemphasis on wind farms, especially onshore wind farms.

I was pleased to hear from the hon. Gentleman that First Great Western was expressing an interest in improving the London-Cheltenham line. I merely caution him that First Great Western's interest in improvements does not always turn into action through which those improvements are seen, as I have discovered during my campaign to turn back the devastating cuts in services for my constituents who use Maidenhead and Twyford stations on the main line and the branch line stations of Wargrave, Furze Platt and Cookham. I wish the hon. Gentleman well in his campaign.

I also wish my hon. Friend the Member for Wantage (Mr. Vaizey) well in his campaign with First Great Western on services to Didcot. Some of the services for his constituents are those that no longer stop in my constituency. His constituents are able to travel on the fast line, whereas my constituents have to take services on the slow line. The battle will continue with the Government because infrastructure is important to our parts of the country. My hon. Friend talked about the importance of his constituency, but the Thames Valley area is economically important to the south-east and

[Mrs. Theresa May]

the country as a whole and good train services are a key part of its economic vitality. The hon. Member for Stroud, my hon. Friend and I share a common concern in battling against First Great Western, so I hope that we will all have some success in our campaigns.

The hon. Member for Stroud also talked about access to affordable housing in rural areas. That matter was also touched on, albeit from a slightly different angle, by the hon. Member for Chesterfield (Paul Holmes), who spoke specifically about the need for more social housing in his constituency. Access to housing is indeed a problem in many parts of the country. Many people think of it as a paradox that under a Labour Government, the amount of social housing being built has fallen dramatically. Far from providing for those people in need of social housing, this Labour Government have left them on one side, all too often forgotten. Of course, that is a legacy of the Deputy Prime Minister when he had a job to do and a Department to run, as opposed to his position now when he has a grand title, a seat in Cabinet, a Cabinet Minister's pay, a grace-and-favour home and a car, but no Department to run.

The problem regarding the building of affordable homes in rural areas to which the hon. Member for Stroud referred cannot be addressed simply by building lots of smaller houses. Such houses can create additional problems in an area because they are often not built to designs that are sympathetic to local villages and towns. They are often built without the necessary supporting infrastructure, and, in some areas, the market means that even smaller homes are still not affordable for many. The Government need a more coherent approach on housing provision and should consider not just cramming yet more houses into smaller spaces, but the infrastructure required and support for those who are getting a foot on the property ladder. I was worried to hear reports earlier this week that the Government were pulling, or reducing, their scheme on housing for key workers, so perhaps the Deputy Leader of the House will address that in his winding-up speech.

The hon. Member for Stroud also talked about local government reform. I will not comment on his specific points about the structure of local government, but simply say that history shows us that a Government who start to focus on local government reform are generally a Government in decline.

The role of local government in attracting business to local areas was raised by the hon. Member for North Swindon (Mr. Wills), who gave a spirited advertisement for the town and its need to continue to attract investment and employment into the area. He argued for vision for Swindon. I suggest that he should also recognise the need for realism. However, I am grateful to him for his effective endorsement of the concept of general well-being raised in a speech earlier this week by my right hon. Friend the Member for Witney (Mr. Cameron), the Leader of the Opposition.

In addition to the international issues raised by the hon. Member for Hackney, North and Stoke Newington, she also mentioned the important problem of gun, knife and gang crime. I very much support her view that we need to look not just at the crimes themselves, but at the youth culture that leads to them. The evidence is that many young men feel the need to carry knives for their own protection. However, as long as they do that, I am afraid that such crimes will continue and will increase in number, and the culture will never change.

It is our challenge to change that culture, but it cannot be done by legislation. We have had many debates about criminal justice measures, and 43 pieces of legislation have been passed in nine years, yet the problems remain. We have never properly debated the causes of antisocial behaviour and how to tackle the culture that leads to that criminal activity.

Norman Lamb: Tough on the causes of crime.

Mrs. May: Of course, the Government came into office with the mantra, "Tough on crime, tough on the causes of crime." What we have is lots of legislation on crime, but nothing on the causes of crime.

The picture that the hon. Member for Hackney, North and Stoke Newington drew was echoed by my hon. Friend the Member for Bexleyheath and Crayford (Mr. Evennett) in an effective contribution that painted a vivid picture of the problems in his area and the lack of activity by the previous Labour council. I congratulate the Conservative group on Bexley council on its excellent results in the local elections on 4 May.

Antisocial behaviour was also raised by my hon. Friend the Member for Castle Point (Bob Spink). Sadly, the problems identified by my hon. Friends are experienced elsewhere. Last Saturday afternoon, I spoke to residents in South road and High Town road in Maidenhead about the problems they experience from gangs congregating near Grenfell park and from people walking past their houses after they have left bars. They are often young people who have been binge drinking, a problem to which my hon. Friend the Member for Bexleyheath and Crayford drew attention.

My hon. Friend also mentioned police community support officers. I agree that we need more police on the streets but, failing that, we need more PCSOs. A recent petition that I and others ran in Woodley in my constituency got more than 600 signatures in favour of a PCSO there. It is only a pity that the Liberal Democrat-controlled Woodley town council has been reluctant to find the £15,000 necessary to part-fund a PCSO out of the £1 million it takes each year from local residents.

My hon. Friend rightly said that those problems are quality of life issues and that we must have zero tolerance of crime and antisocial behaviour. It is only by not accepting that sort of behaviour and by insisting that something be done about it that we can hope to overcome the problem. If we shrug our shoulders and pass on, saying, "Well, it's only antisocial behaviour," the problems are exacerbated.

Local policing will not be helped by the Government's moves to create large regional forces. As the hon. Member for Chesterfield said, those moves are often rejected by local forces. The Government's consultation on that has been shown to be a complete sham by the number of police forces that do not want to be merged and yet those mergers are going ahead.

On a different subject, the hon. Member for West Ham (Lyn Brown) spoke about water supply, in particular leakages, but also the impact of increased costs on many people. There is no doubt that rises in the costs of utilities, together with rises in council tax, have hit many people hard, especially those who are on fixed incomes. She also referred to the water shortage in the south-east. Obviously, repairing those leaks would have a significant impact on that, but I suspect that she and those of us who spend part of our time in London should say a word of gratitude to my hon. Friend the Member for Wantage, who told us that his constituency is going to have a reservoir which will help to solve London's water problems.

On the subject of water shortages, last night, I visited the 2nd Cox Green girl guides in my constituency. I answered questions about my experience as a Member of Parliament, and I encouraged the girls to think about politics as a career. I was asked a range of questions, but as we sat with the rain beating against the window, one girl could not help but ask why there was a hosepipe ban.

I suspect that water shortages are less of a problem in the constituency of the hon. Member for Argyll and Bute (Mr. Reid). He raised a number of issues that affect his constituents, most of them arising from the geographical position of his constituency. It is right to remind the Government of the problems experienced by rural areas, where the considerable distances that people have to travel make it more difficult for them to access services. They must pay high petrol prices, but the Government's attempts to drive people on to public transport simply do not work in such areas because, as he pointed out, public transport is not available. As a result, people in rural areas end up paying more.

The hon. Gentleman spoke about the Royal Mail and the removal of the post office card account. He and other hon. Members will know that in recent months that has been raised time and time again in business questions, but the Government continue to duck the issue. May I remind the Deputy Leader of the House that the chief executive of the Post Office has said that the removal of the post office card account would result in the Post Office operating 10,000 fewer branches? The Government, however, have refused to address the future of the Post Office. They cannot continue to set their face against the issue. They must address it, as the removal of the card account will have a significant impact on the future of Post Office branches.

The hon. Member for Kingston upon Hull, North (Ms Johnson) gave us an entertaining picture of the political scene in Hull, with particular reference to school meals. May I suggest that before she worries about cross-party consensus she should try to achieve consensus in her own party? She obviously feels strongly about healthy eating, which she regards as the answer to childhood obesity. I believe that there are two sides to the problem: it is not just about what children eat but about how much exercise they take. Sadly, under the Government, there has been a drop in physical activity in many schools. For many years, children have become increasingly sedentary, whether they are watching television, surfing the net or playing computer games, so we must ensure that they take more physical exercise and run around. In business questions, I said that the cramming of houses into smaller spaces reduced the size of gardens, so children did not have much space to run around and enjoy physical activity. I am sorry that that met with laughter from Government Members, as the policy of cramming too many small houses on to a site reduces gardens and open space, which will have an impact in future.

Reduced access to public parks will have a similar impact. No recess Adjournment debate would be complete without a contribution from my hon. Friend the Member for Castle Point, who said that public parks in his constituency were important, as they gave youngsters space to run around. Other members of the population could walk and sit in them, and their enjoyment would improve their quality of life. He raised, too, matters of conscience on which he has strong views, particularly abortion and the use of human embryos. However, he raised one issue that was new to me—the creation of animal-human hybrids—and I hope that the Deputy Leader of the House listened carefully to the points that he made.

In yesterday's debate on the Education and Inspections Bill, we raised special needs education, particularly special schools, as my hon. Friend the Member for South-West Bedfordshire (Andrew Selous) pointed out. He referred to the problems experienced by many parents of children with special needs when trying to access the right provision for their children. The process means that parents often have to spend a long time fighting for such provision for their children. For some, that ends up in tribunals, and often in paying for support at the tribunal. I shared my hon. Friend's concern about the case that he raised in relation to the daughter of his constituent, Mrs. Chambers. The fact that information can be kept from parents should be a concern for us all in the House.

I am grateful to my hon. Friend for raising the issue of bullying, which is a problem for far too many children. Like him, I do not believe we do enough to prevent and stop bullying. Sadly, whereas good practice in schools can improve the situation, bad practice can at best achieve nothing and at worst can make matters worse. We must do more to identify good practice with regard to bullying and to spread that good practice.

My hon. Friend also spoke about basic literacy in our schools. It is a serious matter, not just because of the impact that illiteracy has on children's lives as they go through school and the fact that it holds them back in further learning, but because of the problems that it causes when they reach adulthood in getting a job and in basic living—understanding Government forms or reading instructions on convenience food or medicine bottles—let alone how it affects their overall quality of life. My hon. Friend is right: we in the House should be more angry about the matter than we are, and I commend him for highlighting it.

Quality of life was also a theme in the contribution of the hon. Member for North Norfolk (Norman Lamb), who spoke about a number of constituency cases, notably that of his constituent Tony Thorpe, who was not eligible for redundancy payments following the closure of RAF Coltishall. The hon. Gentleman ably set out his constituent's case and the apparent unfairness of the current regulations. He also spoke about the treatment of North sea fishermen in the

[Mrs. May]

context of the work on the BBL pipeline. I trust that the Deputy Leader of the House listened to those specific points.

The hon. Member for North Norfolk mentioned a Tesco store in Sheringham. I remember Sheringham from my childhood. I remember playing crazy golf on the beach at Sheringham with much joy and delight, at least to me, if not to those watching and playing with me. The hon. Gentleman's comments about the Tesco store raised important points about the planning system, particularly about negotiations between the council and Tesco.

I cannot comment on the individual case because I do not know enough about the details, but there is an issue with regard to the planning system because it depends on public confidence. All those involved in the planning process have a duty to behave in a way that ensures public confidence in the system. It is an issue that I often raise with reference to the enforcement of planning conditions. If developers believe that they can get away with breaching or ignoring planning conditions, the whole system is brought into disrepute.

My hon. Friend the Member for Wantage, who squeezed his way into the debate at the end, spoke about a variety of issues. I have mentioned the transport issue. For areas of economic vitality, infrastructure is crucial. The Thames Valley Economic Partnership has pointed out that because the Thames valley is economically vibrant and doing well, transport infrastructure is not put into it. Of course, the opposite is true. If transport infrastructure is not put in, the economic vibrancy will start to fail.

My hon. Friend mentioned the Diamond synchrotron and other incredibly impressive scientific work being done in his constituency. Last week at the TVEP dinner, I had the benefit of listening to somebody from the Rutherford Appleton laboratory in his constituency, who waxed lyrical for some time about space exploration and the impressive scientific work being done there. He also told us one important fact: in 2029 an asteroid will come very close to earth. The good news is that in 2029 it only comes close to earth. The bad news is that in 2036 it may very well hit the earth. Like everybody at the dinner, those in the Chamber are probably making a mental calculation of where they will be in 2036 and whether that matters to them. I leave them to do that.

Several hon. Members mentioned the NHS. It has been raised consistently in business questions since I became shadow Leader of the House in December. The hon. Member for Chesterfield was the first to mention it in this afternoon's debate when he spoke about job losses at his local hospital, which is not a failing but a three-star hospital that has consistently delivered Government policy. Both the current and the previous Leader of the House have constantly criticised me in business questions for referring to job cuts in the NHS. I reiterate that they should get out and find what is happening in the NHS.

As several hon. Members said, real job cuts are taking place. There are 43 fewer ward sisters in the Chesterfield royal infirmary, 600 jobs are going in the Oxford Radcliffe Hospitals NHS Trust and 450 jobs will be lost in the Norfolk and Norwich University Hospital NHS Trust. Cuts are also happening in mental health trusts, as my hon. Friend the Member for Broxbourne (Mr. Walker) outlined when he mentioned the Hertfordshire Partnership NHS Trust. Berkshire Healthcare NHS Trust has to save £10 million. It hopes to do that without cuts in services, but how can it without affecting services?

My hon. Friend the Member for Broxbourne referred to his somewhat cosy relationship with the Secretary of State for Health, which he appears to have developed on several occasions in the Division Lobby. He gave the impression that he had spent rather a lot of time with her there. Although I appreciate that we have joined the Government in the Lobby on a small number of occasions recently, my hon. Friend has either been spending more time there than with us—I doubt that—or he is a fast worker. However, job cuts in the health service are a serious matter. They will affect patient care, not only the lives of those whose jobs are taken away.

The hon. Member for Chesterfield specifically mentioned financial planning and what happens when the Government pull the rug away from under one's feet half way through the system. In the Thames valley area, the rules changed six months into the financial year and it was therefore little wonder that the trusts found themselves in financial difficulties. Yet the Government keep saying that mismanagement in the trusts leads to the deficits. That is often not the case, and the Government's actions cause the problems.

Mr. Walker: Does not my right hon. Friend think it remarkable that a trust that has balanced its books for five years without going into deficit is now being asked to contribute £5.6 million to other trusts' deficits?

Mrs. May: Yes, I do. It is also remarkable that the Oxford Radcliffe Hospitals NHS Trust, which is the most efficient trust, has to make 600 job cuts as a result of the requirement to cut the amount of money that it is spending. My hon. Friend the Member for Banbury (Tony Baldry) spoke movingly about the impact of that decision, which is being made today, on not only those who lose their jobs but Horton general hospital in his constituency and services for his constituents generally.

The Government keep responding, as the hon. Member for North Swindon did today, by saying that more money is being spent on the NHS today than in the past, so everything must be all right. We all know that more money is being spent on the NHS today than in the past. Taxpayers know that, but they want to know how the Secretary of State for Health can say that it has been the best year ever for the NHS when staff are losing their jobs, community hospitals are threatened with closure and units such as the maternity unit at Wycombe hospital have been closed. That means that people have to travel further for services and their choice is being taken away from them. People have a simple question. They know that they have been paying more towards the health service, but what has happened to the money? The answer is that too much has been spent on the target culture and administrative changes.

I have been a Member of Parliament for nine years and, in that time, the structure of primary care in my

constituency has been changed four times. Those changes not only disrupt services but take up money that is doing nothing to improve patient care. The Government need to open their eyes to what is happening out there in the national health service. People know that the money that the Government are spending is not going on the improvements that they were promised, and from which they believed they would benefit. This Government are out of touch and in paralysis.

5.35 pm

The Deputy Leader of the House of Commons (Nigel Griffiths): One of the pleasures of holding this position in the House of Commons is that it gives me the opportunity to listen to so many contributions from colleagues on both sides of the House, as they speak from experience and with passion and conviction. I want to deal with as many of their points as possible in sequence, but I hope that hon. Members will forgive me if I deal first with what I thought was the outstanding contribution among the many excellent speeches made today.

The hon. Member for South-West Bedfordshire (Andrew Selous) talked about the problems relating to special educational needs, a matter in which I have both a professional and a private interest. He spoke movingly of the struggle that individual families face, and I am glad that the subject has been raised. It is important that the report from the Select Committee be taken seriously and I know that its members will have listened to him and to others with expertise in this field. That will mean that they will be able to produce a very informed report.

The hon. Member also raised bullying in schools and, like him, I praise Dame Kelly Holmes for lending her considerable weight on that issue. He hinted about the way in which the issue was being tackled. I believe that this relates to leadership in schools and that the problem can be dealt with. Indeed, it has been dealt with most effectively in my own constituency by a relatively new head teacher called Donald Macdonald of Liberton high school. He takes personal responsibility for the issue and talks to parents himself, rather than delegating the task to the deputy head or to other teachers. He takes what other hon. Members have described as a zero tolerance approach.

The hon. Member also mentioned literacy levels, but I shall not respond by saying where the improvements have been made. We need to look at how the problems are to be tackled. I heard similar criticisms before I came to this role, when I was the Minister with responsibility for small businesses and construction. Those concerns are shared equally by Digby Jones of the CBI, by Brendan Barber and by the Federation of Small Businesses, among others. Although I believe that we have turned a corner on this issue, we should unite to drive up standards further, along the lines suggested by the hon. Member.

My hon. Friend the Member for Stroud (Mr. Drew) requested that I take up the issue of the European Union and the Moroccan fishing settlement. I shall ensure that my colleagues in the Department for Environment, Food and Rural Affairs and the Foreign Office learn of his concerns and write to him about them. He also mentioned his criticisms of the Severn barrage. I know that that issue divides Members of Parliament just as it divides communities. He said that he was pro-nuclear and I know that he will be making a submission to the Energy Minister, who is considering that matter.

My hon. Friend also touched on local government and on his belief that the Government must implement their reform of local government, especially in his area, which has a two-tier council structure. Again, I will ensure that my colleagues who are dealing with that issue are made aware of his comments. He and other hon. Members mentioned railway lines. In his case, it was a single line that was causing problems. That must be frustrating for him, as he will be aware that we have doubled spending on the railways in the past five years to £4.3 billion, and that we now have the fastest growing railway in Europe. Last year, it carried more than 1 billion passengers, which I understand might be the highest figure on record. However, there is still more to be done. He praised the Affordable Rural Housing Commission and supported community land trusts, and I know that that will be welcome as well.

The hon. Member for Chesterfield (Paul Holmes) raised a number of issues. I am sorry to hear that his local three-star hospital is reporting the steps that it wishes to take. The true picture is very different from the one painted in the media. There have been other reports where the number of job cuts has simply not been realised. Although the facts are not something that many Opposition Members seem interested in, let me give him some for solace. Of course, all the extra spending in the health service has gone on helping to recruit more nurses, doctors and consultants. In his own health area, the last figures that I saw indicated that there were something like 3,500 more nurses serving his constituents and the wider health area than in 1997, and more than 1,000 doctors and more than 300 consultants.

The hon. Member referred to the problems that he says are being faced in dentistry. He will know that we have increased investment in dental schools and education by more than 30 per cent., but to ensure better value for money, we have also increased the number of dental students by 34 per cent. The facts are clear: 4,600 more dentists are now practising in general and personal dental services than in 1997. Although adult registrations with dentists fell by 1 million between 1992 and 1997, under this Government they have increased by 1 million, but there are still issues that must be addressed and I am grateful to him for raising the issue.

The hon. Member spoke of people's inability to secure social housing. I chaired the housing committee in Edinburgh some years before his service in local government. I never shared the misguided support for the indiscriminate sale of council houses. I am pleased that £150 million has been spent by the Government to reduce homelessness, which is down by 70 per cent.

I thought that the right hon. Member for Maidenhead (Mrs. May) was uncharacteristically critical of the Deputy Prime Minister. If she looks at the record that I think he will be judged on, she will see 230,000 more affordable houses and a £2.2 billion budget that has gone to secure 30,000 social houses a year towards 2008. Those are important benefits, when

[Nigel Griffiths]

we need to address the issue of housing for those who are priced out of the high-value housing market.

The hon. Member for Chesterfield also mentioned the police merger, but that has been the subject of extensive consultation. One thing was clear before that consultation was embarked on: there were too many police authorities. The arrangements are not fit for purpose in the 21st century and they must be reorganised, and I am sure that, at the end of the day, we will have a more effective police service in his area and elsewhere.

My hon. Friend the Member for Hackney, North and Stoke Newington (Ms Abbott) raised an issue that concerns all hon. Members: knife crime. It is important to ensure that the steps that we have taken so far are made even more effective. We have added a number of knife types to the offensive weapons list. We have raised the minimum age at which knives can be bought from 16 to 18. There is now a knife amnesty, which runs until 30 June. The last knife amnesty took place exactly 10 years ago, and I understand the more than 30,000 weapons were handed in. Of course, the message from us all is clear: carrying knives is an offence. They are offensive weapons. They merit penalties for possession, including imprisonment. I am glad that that was raised.

The Government have been clear and consistent on Guantanamo Bay. It would be better if the Guantanamo Bay base closed. The US Administration know our position.

My hon. Friend also raised Nigeria and the pipeline explosion that killed an estimated 200 people who she said were responsible for illegally tapping into that pipeline. Nigeria is a country in which we have taken a particular interest and my right hon. Friend the Chancellor was there earlier this week. We are determined to ensure that our aid to that part of Africa and elsewhere is proportionate to our being the fourth largest economy in the world.

The hon. Member for Banbury (Tony Baldry) raised the issue of the NHS trust in his area and his concerns over the reported number of threatened job losses that the acting chief executive of the trust is telling him about. It is important, again, to know that there have been several thousand additional NHS front-line staff—nurses, consultants and doctors specifically—since 1997. That is all part of that investment whereby spending on the NHS will triple between 1997 and 2008. I regret that neither he nor his hon. Friends voted for any of that additional money to the health service. I do not have to remind his constituents of what would have been the impact had the Conservative budget continued.

The hon. Member raised the issue, as did the right hon. Member for Maidenhead, who is speaking for the Opposition today, and implied that, although a lot more money may have been spent, the quality of service and delivery of services have not improved. Let me give him and the House the improvements in the two primary care trusts in his area—North East Oxfordshire and Cherwell Vale. In 1997-98, there were 6,912 operations carried out in North East Oxfordshire PCT. That figure has risen by a quarter to 8,536. The figure for the Cherwell Vale PCT was 10,847 operations in 1997-98. In 2004-05, it had risen by almost 50 per cent. to 15,152.

Tony Baldry: May I make a request of the Deputy Leader of the House? All I ask is that we find a Minister who will come to Oxfordshire to see the reality, rather than living in this fantasy world. Will a Minister come to Oxfordshire and explain to my constituents how losing a general hospital is in some way an improvement and an advance?

Nigel Griffiths: The hon. Member spoiled the strength of his appeal with talk of a fantasy world and by not accepting the facts. I was surprised at the strength of his language in saying that that was the blackest day ever, in the face of such figures and a trend that I am confident will continue.

The hon. Member mentioned the reorganisation as well as the position of general hospitals and of maternity—

Mr. Simon Burns (West Chelmsford) (Con): Will the Minister give way?

Nigel Griffiths: How could I refuse?

Mr. Burns: I am grateful to the Minister for giving way, because there is an issue that causes problems here. He told us how many operations there were in that PCT area in 1996-97 and how many now. Can he tell us how he worked out the number of operations carried out in 1996-97, because there was no such thing as a PCT at that time?

Nigel Griffiths: I looked at the same geographical area and the information covered by it. The figures will have been added up from the hospitals in operation then and divided between PCTs. That is a fair question, if I might say.

On hospital closures, I know from the major hospitals in my constituency, including the sick children's hospital, which I visited last Saturday, that the relentless pressure on technology, as well as the need for multi-million pound suites of technological equipment and for large teams of specialists, are driving the health service towards not just a more expensive delivery of service, but centralisation, because the critical mass can be achieved only by harmonising.

I recognise that that causes problems and it gives me no pleasure to hear from the hon. Member for Banbury, who is genuinely representing constituents' concerns, that his constituents may have to travel for an hour to a local hospital. That has been accepted over time in rural areas, and it is a pity if people see it as a diminution of the modern health service. I am not convinced, however, that such technological development, with highly skilled surgeons, nursing teams, anaesthetists and so on, does not tend to dictate that fewer highly expensive facilities are provided that do more and more effectively. I hope that he can have that dialogue with my right hon. and hon. Friends in the Department of Health. It is, however, a genuinely vexing issue.

The hon. Member also mentioned one or two other issues, and I shall not make the political points that I might have done—*[Interruption.]* Can I get away with saying that, in relation to cardiology services, 2.5 million patients are now receiving specialist drug treatments compared with 300,000 in 1997? I do not know how much of that is related to extra funding, how much is related to technology and so on. Without making a political point, I am glad, as he will be glad, that 2.5 million people are receiving that treatment. Of course, since 1997, heart disease is down by 38 per cent.

Mrs. May: If cardiology services have improved so much, why did more than 100 patients have their operations cancelled at the John Radcliffe hospital, which is part of the Oxford Radcliffe Hospitals NHS Trust, at the turn of the year? They were not put on a longer waiting list; they were just told that the hospital did not provide that operation any longer.

Nigel Griffiths: I am sure that staff at that hospital did not sit down and say that they were going to consign 100 patients to some terrible condition from which they are going to die. I do not believe that modern clinicians, surgeons and cardiologists do that. The right hon. Member is using that case selectively, without appreciating the full facts. No doctor or consultant would deprive any of her constituents of an operation or treatment that they thought necessary. They are getting more funding to carry out such treatment now than ever.

My hon. Friend the Member for North Swindon (Mr. Wills) raised a number of issues relating to regeneration. I know that he will make further representations, and I was pleased that he raised the issue of a new library, as the staff of Edinburgh's Sighthill library, which is near my constituency, have just been given a UK-wide award for best public service delivery of the year.

As the hon. Member for Bexleyheath and Crayford (Mr. Evennett) warmed to his subject, he became less heated and more persuasive, having started at a pretty fierce pace. It is unusual for me to praise a Member for that. Of course, we share his concern about gangs of youths, which was also raised by other Members. We have put through legislation that is helping to control that problem, and that was acknowledged. Some criticism was made relating to whether the police could provide better enforcement, and I am sure that we all have that dialogue with our police forces when we get complaints from local residents. I know that chief constables such as mine listen and respond in relation to their policing technique. There are many more police to deal with the problem now. I will not give the figure. It should also be recognised that there have been 4 million fewer victims of reported crime over the past nine years, along with a substantial drop in the number of burglaries and cases of violent crime. We want to ensure that that trend continues. I have listened carefully to what has been said by the hon. Member and others, and I will ensure that, notwithstanding his other duties at the moment, the Home Secretary is aware of the concerns that are being voiced.

My hon. Friend the Member for West Ham (Lyn Brown) raised a case involving a constituent that I am sure is not unique. I should also be surprised if the chief executive did not respond fairly promptly. I know that she would not hesitate to refer the matter to Ofwat if she did not receive a satisfactory response. My right hon. Friend the Secretary of State for Environment, Food and Rural Affairs will happily respond to any issues that she may wish to raise with him.

The hon. Member for Argyll and Bute (Mr. Reid) advocates road pricing. I am sorry that I could not enlist his support for the conversion of the Liberal Democrats in Edinburgh, who campaigned against it with environmental groups. I may refer them to him for a bit of education. I will certainly check whether the Scottish Liberal Democrat Minister responsible for transport, Tavish Scott, can intervene with a subsidy to help the ferry service about which the hon. Gentleman is concerned. He may not have budgeted for it, but the hon. Gentleman issued a heartfelt plea.

There are a number of serious issues relating to the Post Office. For me, the most serious is the poor treatment that it receives from Liberal Democrat councils such as Aberdeen. Unlike my colleagues in Edinburgh, who have ensured that people can pay rent, service charges and trade waste charges in their local post offices, I am afraid that the Liberal Democrats in Aberdeen refuse to take up that service. After I raised the matter when responding to an Adjournment debate some time ago, they said that they would think about it. That was before the election, so it was at least a year and a bit ago. I am sorry that there has been no movement on that. We have shown in Edinburgh how it can be done, and that it is the best way of supporting a local service.

The best way to support the card service is to do what the Government have been doing: spending, I understand, almost £1 billion on the service over its duration, until towards the end of the decade. The service has been strongly endorsed by the Government and funded by them to the tune of the colossal sum of about £100 million a year. I understand that it is only one of 23 or 24 card and payment services that are available to post office customers, and I urge them to explore those other services as well.

The hon. Member referred to the search and rescue helicopter service. I will certainly draw that to the attention of my right hon. Friend the Secretary of State for Defence. The hon. Member mentioned digital changeover, and called for taxpayers' money to help. I do not know whether that is an uncosted Liberal Democrat budget promise. He raised another tax issue with his plea for a reduction in the tax on petrol in rural areas. Again, I am keen to see the costings. I am not sure whether the matter was raised in the recent Budget debate, but I will check the minutes. I am sorry that my Labour colleagues in the Scottish Parliament in Edinburgh seem to have been misled, seduced almost, by the Liberal Democrat practices down in Hull that my hon. Friend the Member for Kingston upon Hull, North (Ms Johnson) highlighted. She made an excellent speech about the need to tackle obesity. That sounds like a pilot project well worth extending throughout the country, and I hope that my colleagues in the Department of Health will note what she said.

There were a number of other contributions, but time is tight, so I will endeavour to—

It being Six o'clock, the motion for the Adjournment of the House lapsed, without Question put.

Health Services (Gloucestershire)

Motion made, and Question proposed, That this House do now adjourn.—*[Steve McCabe.]*

6 pm

Mr. Mark Harper (Forest of Dean) (Con): I first want to place on the record my thanks to Mr. Speaker for selecting as the subject for this Adjournment debate health services in the Forest of Dean and Gloucestershire. The background to the debate is that on 10 May, which was rightly named "black Wednesday" by my hon. Friend the Member for Cotswold (Mr. Clifton-Brown), 12 hospitals or similar facilities and hundreds of beds and jobs were threatened with closure by the local health trust.

As those closures will affect all the Gloucestershire constituencies, we tried to start an all-party campaign against them. Four of the six Gloucestershire MPs—my hon. Friends the Member for Cotswold and for Tewkesbury (Mr. Robertson), the hon. Member for Cheltenham (Martin Horwood) and myself—are opposing the closures. I see that the hon. Member for Stroud (Mr. Drew) is in the Chamber, and I know that he, too, has many concerns about the closures. We are stronger when we are united; it is just unfortunate that we have been unable to get all six Gloucestershire Members on board for a united campaign.

In my constituency, both the community hospitals—the Dilke Memorial hospital and the Lydney and district hospital—face closure, and the closure of Colliers Court, which deals with mental health, is also proposed. I am very grateful to our local press, which has run strong campaigns on this issue. *The Forester* and its editor, Viv Hargreaves, ran a "Save our Services" campaign, and *The Citizen* and its editor, Ian Mean, ran a "Save our Hospitals" campaign.

So that the Minister completely understands why people in Gloucestershire are so concerned about these closures, it is worth considering briefly one or two of the recent headlines in the local papers. *The Citizen* ran "A Black Day for Health Care in the County", *The Forester* ran "Meltdown in the NHS", and the *Forest of Dean and Wye Valley Review* ran "The Bitter Pill". As recently as yesterday, one paper ran the headline, "Take Your Medicine—the only way to beat off the threat to the Dilke and Lydney hospitals is to bring down the Government." That is perhaps going a little too far for the moment, but that headline certainly represents the strength of feeling in my constituency. In the light of the tremendous public concern, the broadcast media have also been excellent. ITV, the BBC and our local radio stations have covered the issue very well. I want also to pay tribute to local campaigners who have rallied to defend our services; there are too many to thank individually.

On 11 May, my hon. Friends the Members for Cotswold and for Tewkesbury and I wrote to the Secretary of State for Health a letter that we, with a delegation of nurses from Gloucestershire, hand-delivered to the Department of Health. We are still waiting for even a holding reply. People in the office of my hon. Friend the Member for Cotswold spoke to the Department last week and at the beginning of this week, but we cannot expect even the reply to a request for a meeting until next week—during the recess.

The Secretary of State has already had a meeting with the hon. Member for Gloucester (Mr. Dhanda), and I had thought that the Department was perhaps playing party politics. Then I discovered during yesterday's Westminster Hall debate on community hospitals that the hon. Member for Stroud, too, has written to the Secretary of State and has not had an answer. We expect a reply soon, and with no disrespect to the Minister present, we also expect to have a meeting with the Secretary of State. I would be grateful if the Minister gave some indication of when we will get a reply, and a meeting.

Mr. David Drew (Stroud) (Lab/Co-op): I am happy to make common cause with the hon. Gentleman. I have not said that I will not see the Secretary of State; in fact, I have been lobbying her very carefully in the past few days. The hon. Gentleman might be surprised to hear that I have had a reply from the chief executive of the strategic health authority. On tracking down the figures, it has emerged that in the past four years, Avon and Wiltshire received £175 million in additional funding, of which Gloucestershire has, of course, had none. We might want to raise that point with the Secretary of State, and the hon. Gentleman will doubtless be willing to join me on that particular bandwagon.

Mr. Harper: I am very grateful to the hon. Gentleman for raising that point; we would welcome his joining us in our meeting with the Secretary of State. That interesting information perhaps highlights the concerns that constituents have when they see that the various areas within a strategic health authority are not being treated fairly and equally, which is all that they are asking for.

The White Paper on community hospitals makes it clear that community hospitals that are under threat of closure should not be lost in response to short-term budgetary pressures. Both the Dilke and Lydney community hospitals in my constituency are threatened with closure for exactly that reason, and I want to know what the Government intend to do about that contradiction.

I raised that issue with the Prime Minister yesterday, and instead of answering my question he changed the subject. I hope that the Minister will do better. The Prime Minister is quick to claim credit for any good news in the NHS, as he attempted to do in his response to me yesterday, but if he is personally responsible for all that goes well, it follows that he must take responsibility for what goes badly. If he is responsible for new hospitals opening, he is also responsible when community hospitals are closed.

It is not only hospitals that we must be concerned about, but the services available in the community. I received an e-mail yesterday from a GP in my constituency, who pointed out that there is a complete embargo by the PCT on replacing staff who leave and on employing new staff. In the West Gloucestershire PCT, which covers my constituency, six health visitor posts and two community nursing posts are being held unfilled. That does not fill us with confidence that services that are being cut in hospitals will be replaced by services in the community.

The Minister will know that I continue to raise, through parliamentary questions, the issue of the policy of the Department of Health on deficits in the NHS. The cuts proposed in Gloucestershire have been prompted by deficits, but there is a contradiction at the heart of Government policy, and I hope that the Minister can clear it up. The January 2006 operating framework for 2006-07 said:

"All NHS organisations should plan to recover deficits for previous years and balance their books for 2006-07."

However, the Secretary of State wrote to my hon. Friend the Member for South Cambridgeshire (Mr. Lansley) on 12 April, stating that the Department expected

"all organisations that are overspending to show improvements during 2006-07, and by the end of the year everyone should have monthly income covering monthly expenditure."

Those two statements outline different policies and both cannot be true. My hon. Friend tried to get an answer to that conundrum at Health questions on 16 May. The Secretary of State was absent, for a good reason, and the Minister of State, Department of Health, the hon. Member for Leigh (Andy Burnham) skirted around the issue and did not answer the question.

My hon. Friend the Member for Westbury (Dr. Murrison), in winding up for the Opposition in the debate on community hospitals in Westminster Hall yesterday, pressed the matter again. The Minister of State intended, I am sure, to answer the question yesterday, but unfortunately ran out of time. I plan to give the Minister adequate time to deal with the question in this debate, and it is critical to my constituents and others in Gloucestershire that she does.

The strategic health authority for Avon, Gloucestershire and Wiltshire is operating under the impression that financial balance must be achieved across the year and all historic deficits must be cleared. That message is being driven down to the primary care trusts. Moreover, Gloucestershire—to reinforce the point made by the hon. Member for Stroud—is losing £6 million this year, which is being taken away to bail out other areas, and we are expected to cut services to fund that. If the Minister does not confirm the position set out by the Secretary of State in her letter to my hon. Friend the Member for South Cambridgeshire, the cuts bandwagon will continue rolling and will pick up speed.

I now come to consultation. The health White Paper also says:

"PCTs taking current decisions about the future of community hospitals will be required to demonstrate to their SHA that they have consulted locally and have considered options such as developing new pathways, new partnerships and new ownership possibilities. SHAs will then test PCT community hospital proposals against the principles of this White Paper."

I have to say that many people in my constituency have a very cynical view of consultations. They believe, with some justice, that decisions are already taken, that lip service will be paid to their views and then the PCTs will plough on regardless. Just yesterday, I heard that an official from the PCT turned up at the Dilke hospital, and when asked what he was doing, said that he was there to oversee the closure. That is before the consultation process has even started.

The Department's own guidance says that

"there is a statutory duty for NHS bodies to consult the local overview and scrutiny committee on a substantial change...committees should also note the duty to 'consult and involve' patients and the public conferred on NHS organisations".

The NHS has also issued guidance on service changes. It says that proposals for reconfiguration of services should involve the development of options with people, rather than for them. They should also focus on the redesign of services, and not their relocation, and take a whole-systems view that explores the contribution of all health and social care providers, working together to build sustainable solutions for the whole community. None of that has happened. The proposals for cuts came out of the blue and at short notice. They took everybody by surprise.

The Department's guidance also states that the local NHS body must also make it clear when the consultation period will end. Full consultation should last for a minimum of 12 weeks. In their headlong rush to cut services, the PCTs are determined that consultation should last only five weeks, but I can see no justification for that. Moreover, the PCTs are also threatening us. The chief executive of the West Gloucestershire PCT told *The Citizen* newspaper on 23 May:

"We have no option but to speed up our plans to change services...Every month that goes by without savings being made increases the level of savings required later in the year."

That is blackmail, pure and simple. It is not acceptable to me or to my constituents to say that more services will be cut if we demand a proper consultation period. I hope that the Minister will spell out the Government's view of the matter, as I am sure that the PCT will take note of it. Does she agree that the people of the Forest of Dean and Gloucestershire are entitled to a consultation process of at least 12 weeks, or does she support the blackmail strategy adopted by the PCTs?

I wanted to talk about whether the changes are "substantial"—a description used but not defined in the relevant regulations. I do not have time to go into detail, but some of the proposal headings deal with changes in service accessibility, the impact on the wider community and especially on transport, the number of patients affected and the method of service delivery. I therefore contend that the proposed changes are indeed substantial.

In addition, I want to put it on record that if the overview and scrutiny committee considers that the proposal is not in the interests of the health service in its area, it may refer the decision to the Secretary of State. If the consultation process lasts only a meagre five weeks, I strongly urge the committee to do just that.

The NHS guidance also says that, when the overview and scrutiny committee considers whether a proposal is in the interest of the local health service, it should also consider the extent to which patients, the public and stakeholders more widely have been involved in planning and development. Only by securing full involvement activity will an NHS body be able to take a considered view of whether its plans are in the interests of the health service for which it is responsible. I contend that so far, none of that activity has taken place.

[Mr. Harper]

One other aspect is worth mentioning. The Minister will know that existing PCTs will be dissolved in September this year—a fact that does not exactly promote long-term thinking, as existing board members and senior managers will, understandably, be worried about their future. I, and a number of my hon. Friends, would prefer such decisions to be taken by the people who will be around to implement them and deal with their impact. They should not be taken by people who will be able to wash their hands of the whole thing in September and move on to something else.

The Department has answered my parliamentary questions by confirming that the new PCT to be established in Gloucestershire from 1 October will not be bound by any decisions that have not been implemented by that date. I think that it would be better to wait, and I would be grateful if the Minister would say whether she and the Government agree.

It is worth spending a little time on explaining why the cuts, especially to the community hospitals, have generated such anger in the Forest of Dean. Local people feel a tremendous sense of ownership of their hospitals, and for a very good reason. Both hospitals have friends organisations that have raised tremendous sums, and that money has been spent on new equipment and on financing new buildings. When the PCT threatens to close hospitals that have been built, at least in part, by the community's own efforts, there is justifiable anger.

I do not have time to go into tremendous detail, but it is worth noting that the friends of Lydney hospital have raised about £840,000 since 1990. The money has been spent on equipment for the hospital, and in several instances has contributed to significant hospital building. When the A and E department was built the friends contributed £225,000, and when GP beds were being developed the friends contributed £280,000. The community truly views that hospital as its own, and views with anger the proposal to close it.

Gloucestershire's share of health funding is only 88 per cent. of the national average. The demand for health care in Gloucestershire does not reflect that. The change in the formula in 1997 increased the weighting for deprivation and reduced the weighting for the age of the population. I do not expect that to be fixed now, or even that the Minister will comment, but it is useful to put down this marker for the 2007 comprehensive spending review, when it can be addressed.

A delegation of GPs from my constituency came to see me yesterday after they had a meeting with Lord Warner at the Department of Health. They are working on a set of alternative proposals for the Forest. I understand that the proposals were of great interest to the Minister. However, if we do not slow down this headlong rush to cuts, it will be too late to implement those proposals, because some of the facilities will already have been closed.

Yesterday, when the Minister of State, the hon. Member for Leigh, replied to the debate on community hospitals, he said,

"People want services to be available closer to where they live, and they want health and social care to become more seamless with more personalised and integrated care."

He continued:

"the White Paper laid out clearly our intention to move toward more local and community provision."

It seems to me that the proposals of the primary care trust move in the opposite direction.

The Minister also said:

"It is incumbent upon every one of us, as leaders in our communities, to lead that debate"—

that is, the well-informed debate called for by the NHS Confederation. I am pleased to have played my small part today in holding this one. He also said that during the summer a statement would be made about the amount of capital that the Government would make available for new community facilities. It would be criminal if that statement was made after the facilities in Gloucestershire had already been cut.

In response to the hon. Member for Stroud, the Minister said that the Government were planning

"an announcement on the White Paper in due course, which will apply to all kinds of services...it will cover the breadth of services. We want PCTs to look carefully at the White Paper; it is not just words, and we want them to see clearly the direction of travel and provide the kind of services that his constituents and mine want on the ground."—*[Official Report, 24 May 2006; Vol. 446, c.511-513.]*

I agree with that, but if the Minister who is here today wants that vision to take shape in Gloucestershire, it is not enough to say the words; she needs to act.

At the moment the primary care trusts are heading in the opposite direction. By the time the Government make any announcement, the cuts will have been made. I urge the Minister to intervene and send a clear instruction to the strategic health authority and the primary care trust to stop, listen and think again. If she does that, she will have my thanks and that of my hon. Friends. If not, the people of the Forest of Dean and Gloucestershire will not forgive her, or this Labour Government.

6.18 pm

The Minister of State, Department of Health (Caroline Flint): I congratulate the hon. Member for Forest of Dean (Mr. Harper) on securing this debate on health services in the Forest of Dean and Gloucestershire. I welcome my hon. Friend the Member for Stroud (Mr. Drew) to the debate.

I appreciate that this issue is of great concern to the hon. Member for Forest of Dean and his constituents and I will do my best to respond. Within the framework of the national health service plan and other national guidance, responsibility for planning and developing local services lies with local health organisations. I am sure that he would agree that that is important and has been a change. It reflects the fact that there are different needs in different communities around the country. The health needs of one area may not be the same as those in another part of England. Even within a PCT area there can be considerable different challenges for different communities, which is why we place great emphasis on the issue of health inequalities. In particular, we look at health outcomes—life expectancy and the numbers of people being treated for cancer and heart disease—as one way of addressing different health needs. That is something that PCTs have to do.

People might need to spend less time in hospital than 20 or 30 years ago, because as technology advances and medicine changes, conditions can be treated more effectively and quickly, thus enabling patients to return to the comfort of their homes and the support of their families. That has been a welcome development for many people over the last decade or so and the momentum continues, which is one of the reasons that so many more people can be seen as out-patients rather than in-patients.

More people want services outside hospital, closer to their homes. One concern about community hospitals in many parts of the country is that they were designed for a particular model, whereby older people spent more time in hospital rather than being supported in their own home. Some of the lengths of stay in community or cottage hospitals are unacceptable. They demonstrate a lack of joined-up thinking between PCTs, social services and other organisations that support older people by giving them a better quality of experience after their hospital treatment in their recuperation and rehabilitation in an environment closer to home.

Mr. Harper: The Minister makes a sensible point, although my discussions with clinicians in the two community hospitals in my constituency do not suggest that she would find the experience she describes. She referred to integration between health and social care, but none of the changes was made in consultation with social services and the county council—they came as just as much of a surprise to them. We certainly do not have that joined-up thinking in Gloucestershire.

Caroline Flint: The hon. Gentleman is entitled to make that point, but I am trying to draw a bigger picture of the changes in demand for health services and their provision in the 21st century as a backdrop to some of the current discussions about how we should spend our money in the health service. Despite the challenges for community hospitals and the changes being discussed on the ground, we still see a role for them, in the right place, fit for purpose and, we hope, providing a range of services, some of which will enhance existing provision and some of which will be new, in a different environment, to meet patients' needs.

Mr. Drew: As the Minister of State, my hon. Friend the Member for Leigh (Andy Burnham), said yesterday, the key criteria set out in the document of 16 February, "Moving care closer to home", will be used to assess the value and viability of community hospitals. We want more detail about those proposals and I agree with the hon. Member for Forest of Dean (Mr. Harper) that we should not rush them. Will my hon. Friend the Minister tell us whether payment by results will be taken into account? That will be crucial in judging the viability of community hospitals, and indeed of the maternity unit in my constituency.

Caroline Flint: Payment by results is one of the reforms we introduced to ensure both that there are tariffs for care and a clearer framework in which to plan and provide services. I shall be happy to write to my hon. Friend about community hospitals and maternity care, where we are considering how we might expand the system. I am sure that he agrees about the importance of getting things right so that at each step of the way those commissioning and providing services understand what they can gain from the reform and how they can implement payment by results in the future.

It is down to primary care trusts working with others in the local health community—strategic health authorities, local government, community groups, Members of Parliament and councillors—to discuss and decide how best to deliver local services. All areas, including the Gloucestershire health community, have seen significant improvements in services and they are all continuing to improve.

Halfway through the 10-year NHS plan, there are tremendous improvements. Since 1997, the maximum waiting time for in-patient treatment has fallen from 18 to six months; the maximum waiting time for an out-patient appointment with a consultant has fallen from 26 to 13 weeks; and 98.8 per cent. of patients are seen, diagnosed and treated within four hours of arrival at accident and emergency departments. Some of our successes may have led to people forgetting what the situation was like 10 years ago, when waiting in accident and emergency departments lasted more than four hours and waiting for operations lasted more than six months—in some cases it took years. It is important to put that on the record. We are dealing with an adjustment in a period of improvement, not a period of regression.

We have a performance management system and a performance assessment system that requires the NHS to deliver both clinical and financial targets, and there cannot be a trade-off between meeting those requirements and reducing deficits. I know that the Gloucestershire health community is committed to providing sustainable, high quality services for its patients, and that the proposals are about securing patient services for the future while at the same time achieving financial stability.

That is really important for all those working in health care locally, including people who are working in organisations that are in deficit. Those deficits are not new. We have exposed deficits and made the situation much more transparent. The people who work in those organisations have to live with deficits on a year-by-year basis and the organisations that are balancing their books have to live with the year-by-year challenge of being asked to help out the organisations that are in deficit. That is traditionally how the NHS has run and managed its finances, but it is not acceptable any more. It leaves a cloud of uncertainty and insecurity hanging over everybody.

This year will not be the first year in which changes have been happening to services or services have been delayed because of the trade-off at the end of the year and the deficits that have existed for a considerable time. We have to get things right so that we can better plan for the future and give more security to staff and patients in planning their services, and so that we do not have a year-on-year trade-off to deal with debts. That is why it is important that financial deficits are dealt with. However, alongside that there is a parallel discussion about the sorts of services that we want and need for the future.

Mr. Harper: I am grateful for what the Minister has said. No one is arguing that the deficits should be allowed to run on for ever, but there is a contradiction. Under the current structure, strategic health authorities and PCTs are trying to be in balance for the whole of this year, to clear all the historic deficits in this year and to cut another £6 million across Gloucestershire to pay for the top-slicing that the strategic health authority is performing to bail out areas that are in the worse shape. If the Minister is confirming that that is the case, I should tell her that that is not what the Secretary of State said in her letter to my hon. Friend the Member for South Cambridgeshire (Mr. Lansley). She said that all that those concerned had to do was to improve the situation through 2006-07; they were not required to clear all the historic deficits. Those are two different things and they have a dramatic impact on what is happening on the ground. We need some clarity on that.

Caroline Flint: I appreciate the hon. Gentleman's question. The strategic health authorities remain responsible for the performance management of their organisations and they have a duty to ensure that all trusts in their area achieve financial balance. The aim is for the NHS as a whole to return to financial balance by the end of 2006-07. A minority of NHS organisations might be unable to achieve a balance within that framework. However, all organisations that are overspending will be expected to show an improvement during this financial year and, by the end of the year, every organisation should have monthly income covering monthly expenditure. I am happy to write to him on that point if further clarification is needed and if that helps him and my hon. Friend the Member for Stroud.

The primary care trusts are investing in community services to increase the availability of care and treatment for patients in the Forest of Dean. I understand that there is a proposal to close Dilke Memorial hospital and an anticipated closure of Lydney and district hospital, too. However, in the longer term, the PCT is proposing a new community health facility to be developed on a new site in the Forest of Dean.

The hon. Member for Forest of Dean mentioned the consultation period. Cabinet guidelines are 12 weeks, but Department of Health guidance to primary care trusts and SHAs allows some variability, because clearly some issues may not require a 12-week consultation. I understand that, in this instance, the overview and scrutiny committee agreed to a shortened consultation period, but, again, I am happy to write to him on that.

Mr. Harper: The mental health trust consultation has started, but the consultation on community hospitals has not even been discussed by the overview and scrutiny committee—

The motion having been made at Six o'clock, and the debate having continued for half an hour, MR. DEPUTY SPEAKER *adjourned the House without Question put, pursuant to the Standing Order.*

Adjourned at half-past Six o'clock.

Westminster Hall

Tuesday 9 May 2006

[MR. MARTIN CATON *in the Chair*]

NHS Maternity Services

Motion made, and Question proposed, That the sitting be now adjourned.—*[Mr. Michael Foster.]*

9.30 am

Sir Nicholas Winterton (Macclesfield) (Con): I am delighted to have obtained this debate on maternity services. Perhaps I should first declare a non-pecuniary interest, in that I am an honorary vice-president of the Royal College of Midwives. It awarded me that position, which I am honoured to hold, after the Select Committee on Health, which I chaired in the early 1990s, produced what I would describe as a groundbreaking report on maternity services.

My purpose in calling for this debate is fourfold. First, I want to mention the "Making it Better, Making it Real" consultation on health care services for children, young people, parents and babies in Greater Manchester, east Cheshire, High Peak and Rossendale. However, I want to make particular reference to in-patient services at East Cheshire NHS trust's Macclesfield district general hospital. Secondly, I want to draw attention to the continuing staff shortages affecting maternity units, of which I know the Minister is aware. Those shortages are exacerbated by the current funding deficits in the health service. Thirdly, I want to question this Government's commitment to making good their manifesto pledges on maternity services. Finally, I want to propose the implementation of measures designed to arrest the current shortage of midwives and deliver high-quality maternity services for all women.

However, I begin by focusing at constituency level and on the consultation on the reconfiguration of service provision. Some may consider the recruitment of staff to small units a problem that affects the quality of and generates risks to continued service provision. In addition, questions have been raised about the financial viability of smaller units. I say to the Minister that those issues do not exist at the East Cheshire NHS trust, where a vibrant facility is continually providing high-quality care within the income calculated under payment by results—a policy introduced by the Government.

The services provided by the East Cheshire NHS trust are needed by the population of eastern Cheshire, which, by the way, includes the constituency represented by my hon. Friend the Member for Congleton (Ann Winterton). The trust also serves the population of High Peak, the Buxton area, and north-west Staffordshire, represented by the towns of Leek and Biddulph.

The maternity and children's services at the Macclesfield district general hospital are sustainable, affordable, efficient, safe, highly regarded and recommended, and those facts are known to the strategic health authority. Those facilities are integral to the delivery of district general hospital services on the Macclesfield hospital site. They are responding to increased demand, and are providing a local service to a geographically large and isolated part of Cheshire, Derbyshire and north Staffordshire. I remind the Minister that the Government believe that services should be provided to people as locally as possible.

Both children's and maternity services have sustainable models for the delivery of the European working time directive. The proposed model for paediatric services is innovative and approved by national and local training organisations. I emphasise to the Minister that services such as paediatrics, obstetrics and maternity have no vacancies at Macclesfield district general hospital and are rarely closed to admissions. If they are closed, it is never due to lack of staffing, but due to excess demand. Does that mean that there is a danger that such in-patient services will be removed to a hospital much further from the community that they serve? I hope not.

The service is sustainable under the new financial rules. Financial analysis across all specialties shows that income for obstetrics and paediatrics under payment by results covers expenditure. The payment by results rules expect the non-activity-driven paediatric services—that is, the community-based services—to be paid for at cost by the commissioners. The service does not require any capital development to provide future services. The hospital and community service is provided by the integrated paediatric consultant team, reducing the infrastructure costs involved with separate teams.

All services have undergone a Commission for Healthcare Audit and Inspection review. Regular visits from the training organisations have resulted in praise for the service and an increased demand to manage more junior doctors—not fewer—at Macclesfield district general hospital. The most recent quote from the Mersey deanery, following the annual assessment visit last October, stated: "Best hospital so far". That recommendation came from a teaching hospital. The demand on services has increased against a background of a changing age profile, about which we all know. Women are choosing to deliver their babies at the East Cheshire NHS trust. Parents and, yes, general practitioners are choosing to bring ill children to that trust.

Only last week, a mother of three from the Buxton area, whose family are patients at Macclesfield district general hospital, spoke at a public meeting of her fear that her son, who has asthma, would lose open access to the children's ward. When she was 38 weeks pregnant, she transferred from Stepping Hill hospital, Stockport, to Macclesfield district general hospital because, "Bigger hospitals forget about people; we need smaller units." Stepping Hill is the hospital to which people would be directed if the in-patient services were transferred from Macclesfield district general hospital. That is an example of the people who use the service speaking, and that is what is critical about the consultation, which ends in a day or two's time and which I hope will be noted by the Government.

Some 96 per cent. of those questioned in the 2004 national young people's patient survey rated the overall care at Macclesfield district general hospital as excellent, very good or good. Of that 96 per cent., 33 per cent. said that it was excellent. That is a high degree of approval.

Ann Winterton (Congleton) (Con): Will my hon. Friend further confirm that mothers who live in the

[Ann Winterton]

large rural area that surrounds Macclesfield—in west Derbyshire, north Staffordshire and particularly in my constituency of Congleton—do not wish to lose facilities at Macclesfield district general hospital, which is a mere 10 miles from where they live, to Stepping Hill hospital, Leighton hospital or University Hospital of North Staffordshire?

Visiting those three hospitals would involve long journeys for those mothers. The arrangements for parking are difficult—and anyway, many such parents have no transport of their own. Should people in rural areas have a worse service than those in urban areas?

Sir Nicholas Winterton: My hon. Friend raises important issues, some of which I shall touch on in a moment. She refers particularly to transport. Transport from the Congleton area—and from Macclesfield, for that matter—to Leighton hospital is not only fairly limited in its frequency, but expensive and inconvenient. How would the House like to see a mother perhaps with two other young children going from Macclesfield, Congleton or many of the rural villages that surround those towns all the way to Stepping Hill in Stockport, or to Leighton hospital near Crewe? My hon. Friend raises important issues, and I intend to come on to one or two of them later.

Eastern Cheshire primary care trust's demographic assumptions indicate a reduction in the number of children between the ages of nought to five of about 10 to 15 per cent. Over the past four years there has been a reduction in the number of children born but an increased demand on the services of Macclesfield district general hospital. The influences on the level of demand are, of course, wider than the total number and relate to morbidity, expectation of the users and the services available. East Cheshire NHS trust is working with the Eastern Cheshire primary care trust to develop appropriate in-patient and community services.

To pick up on what my hon. Friend the Member for Congleton said, the impact of the removal of in-patient children's services and consultant-led births would be disproportionate in a hospital the size of Macclesfield district general hospital. The immediate impact would be to remove all children's planned and emergency surgery, which would result in the removal of all adult ear, nose and throat provision, because 44 per cent. of ENT provision at the hospital is for children. Another department would therefore be made vulnerable and would inevitably close.

Gynaecology emergencies would be redirected to surrounding hospitals. It has been estimated that midwife-led births are appropriate for approximately 350 women, representing only 18 per cent. of deliveries. The loss of activity would have a significant adverse impact on the financial viability of the remaining services provided by the Macclesfield district general hospital.

The loss of income is assessed at about £8 million. I know that money is important to the Minister, but although the loss of income is assessed at £8 million, expenditure reductions are anticipated to be only about £5 million. That creates a 4 per cent. additional recurrent financial pressure on the East Cheshire NHS trust if paediatric, maternity and obstetric in-patient services are removed. The risk to recruitment and retention of all other specialties would be high indeed. That has been highlighted to me by one of the consultants at the hospital, Dr. Mark Nicol, who is an accident and emergency consultant and lead clinician in strategy at the district general hospital.

Services are provided to the whole of eastern Cheshire; the High Peak, in particular Buxton; and the north Staffordshire area—the townships of Leek and Biddulph. Some women from Stockport choose to give birth at Macclesfield district general hospital because it is a delightful hospital with a super reputation.

I now come again to a matter raised by my hon. Friend. Public transport in a rural area, such as Macclesfield, Buxton and north Staffordshire, is in short supply. I refer in particular to my hon. Friend's constituency. There are no direct bus routes from Congleton, or Knutsford for that matter, to Stepping Hill in Stockport. The last bus from Stockport to Macclesfield is at 5.10 pm. I remind the Minister that one in six people in rural areas do not possess a car; how are they going to get to the hospital? The Minister might say that the ambulance service will take them, but it is already inadequate and does not meet any of its attendance targets now, let alone with the huge additional burden that would be imposed on it if in-patient facilities were removed from Macclesfield to other hospitals.

The paediatrics and maternity service is staffed by seven full-time equivalent consultants, and the team covers acute and community paediatrics. There are close links with the Eastern Cheshire primary care trust, which provides services such as school nursing, child health surveillance, immunisation and vaccination.

Sadly, in the consultation, Macclesfield district general hospital appears in option D, which is not the preferred option. So far, however, option D has been supported by 70,000 people who have signed a petition and 25,000 people who have completed and sent in cards to the authorities. It is supported by people in east Derbyshire and north Staffordshire, by all the consultants and clinicians at the district general hospital and by all the general practitioners. It is supported by Macclesfield borough council, Congleton borough council, Cheshire county council and the Macclesfield branch of the Royal College of Midwives. That shows the support for Macclesfield district general hospital and the in-patient services that it provides, and if the consultation is to be meaningful, to be taken seriously and to be trusted, the overwhelming evidence in support of option D will, I hope, carry weight with the authorities.

I now move on to maternity services more generally. Sadly, the maternity care that women and their families receive continues to be adversely affected by a long-standing shortage of midwives in large parts of the country. I pay tribute to the Royal College of Midwives, which, from time to time, provides information to Members and to me, as one of its honorary vice-presidents. In 2005, the number of NHS midwives fell for the first time in five years. On 30 September 2005, the head count stood at 24,803 midwives, down by 36 on the previous year—yes, that is only a small number, but it is down. Although there is better news on full-time equivalents—the

Government's preferred work force measure—the figure edged up by only 95 in the same period. Between 1997 and 2005, the number of full-time equivalent midwives in the NHS in England rose by 896, from 18,053 to 18,949—a rise of just 5 per cent. over eight years. As the Minister will be aware, that compares somewhat poorly with full-time equivalent figures for the overall nursing, midwifery and health visitor work force, which increased by 23 per cent. over the same period.

Sadly, the midwifery work force is ageing. Analysis conducted by the Health and Social Care Information Centre reveals that the average age of a midwife increased from 33 in 1997 to 40 in 2004, that the age profile for midwives is much older than that for all NHS staff and that nearly half the midwifery work force in some strategic health authorities is in the 46-69 age group. In addition to the NHS work force statistics, the Royal College of Midwives produces an annual staffing survey. The most recent figures—as at 1 July 2005—show that 78 per cent. of maternity units had vacant midwifery posts. That is the situation nationally, although not, I am pleased to say, in Macclesfield. Some 59 per cent. of vacancies were unfilled for more than three months. Vacancies represented 5 per cent. of the establishment, rising to 9 per cent. in south-east England and 12 per cent. in London.

Although Government vacancy statistics for midwifery are lower than the RCM's figures, there is good reason to suggest that the Government have understated the extent of the shortage of midwives. In an answer to a parliamentary question asked by the hon. Member for Northavon (Steve Webb), the then Under-Secretary of State for Health, the hon. Member for Birmingham, Hodge Hill (Mr. Byrne), stated that the Government counted only vacancies

"that trusts are actively trying to fill that have lasted three months or more".—[*Official Report*, 18 April 2006; Vol. 445, c. 242W.]

Even so, if a midwife leaves her job, the vacancy is not a vacancy unless it has lasted for three months and the trust is genuinely trying to replace her. A declining number of midwives could be left to staff a unit, but according to the Government there would not officially be any vacancies in that unit.

I move to the issue of work force pressures. Midwives are the primary carers for women experiencing normal pregnancies and births. That essential role has been a constant since legislation for the regulation of midwifery was introduced in 1902. The pivotal role of midwives was highlighted by the Health Committee in its report in the early 1990s in which we emphasised the importance of the continuity of care; of an identified midwife dealing with a pregnant woman throughout her pregnancy and delivery.

Over the years, midwives have adapted to the changing NHS environment. As the Minister knows, every midwife is responsible for maintaining her existing skills and ensuring that she becomes competent in any new skills required for practice. In short, midwives have been required to adapt and extend their role, and increase their work load in response to a series of policy and socio-economic drivers. The national service framework for children, young people and maternity services compels every NHS trust to meet certain commitments regarding minimum levels and standards of care in maternity services. I repeat, from personal knowledge, that the district general hospital in Macclesfield well meets all those standards.

The Government's manifesto promises:

"By 2009 all women will have choice over where and how they have their baby and what pain relief to use."

It goes on to say:

"We want every woman to be supported by the same midwife throughout her pregnancy."

That was one of the major recommendations of the Health Committee report on maternity services.

Childbirth has become an increasingly interventionist and medicalised practice. Increased intervention in childbirth increases the demands placed on the midwifery work force. The length of post-natal stays has increased in line with rising intervention rates, and that places an additional call on midwifery time. Moreover, the additional requirements resulting from increased intervention rates come at a time when the overall number of births is also on the rise. There was a 5 per cent. increase in the number of births in England in 2003-04 compared with the previous year. That places yet more demands on midwives, as does the increase in the number of women experiencing childbirth both later and earlier in their lives.

The proportion of pregnant women who are teenagers or women aged 40 years and over is growing. Between 1991 and 2003, the number of women in England aged 40 or over conceiving almost doubled from 11,497 to 20,128. In the same period, conceptions in women under 20 also rose. Older and younger women who are pregnant tend to be at greater medical and social risk than pregnant women aged 20-39. Consequently, their care needs tend to be more complex and intensive.

I return to an issue that I mentioned at the beginning—NHS funding deficits. The current funding difficulties in the NHS in England have exacerbated midwifery shortages and the various pressures on the midwifery work force. The Royal College of Midwives has undertaken what it would describe as a snapshot survey of heads of midwifery in England, in order to assess the impact of funding deficits on midwifery services. According to the RCM survey, more than one in three managers reported that their maternity services budget had been cut—that is serious—and more than one in four that their training services budget had been cut.

More than one in four respondents reported that their midwifery staffing establishment had been reduced. Half of all trusts had been operating a recruitment freeze. One in four managers reported that their trust had been replacing senior midwives with more junior colleagues, and a similar number said that support staff had been substituting for midwives. I am sure that the Minister will take that information very seriously. One in four respondents report that they have reduced the number of home visits by midwives. At a time of urgent need for more midwives, not fewer, the RCM has received reports that a number of strategic health authorities are set to cut the number of midwifery training places. Again, that bodes badly for the future.

Of particular concern is mounting evidence that post-registration midwifery training will no longer be financially supported and that, for example, the 18-month conversion

[Sir Nicholas Winterton]

programme in Oxford for nurses wishing to train as midwives will be stopped "for this year only". The arguments for cutting 18-month training places are clearly financial and the move is a short-term knee-jerk reaction that will have long-term ramifications for the midwifery profession.

It is also a matter of grave concern that a number of birth centres throughout the country have closed or are under the threat of closure. Birth centres can play a significant part in increasing choice for women during pregnancy and childbirth and in ensuring that maternity services are delivered in what we would all describe as a more home-like setting. Closing birth centres will therefore make it harder to implement the Government's own policies on maternity services.

Although midwives have embraced changes in accordance with Government policy, such as shifting services closer to where people live and providing more diverse services, the funding deficits, allied to continuing staff shortages, are making it harder for midwives to implement those policies in practice. That much has already been acknowledged by the Government, and I give them credit for that. In recent oral evidence on NHS charges given to the Health Committee, the right hon. Member for Liverpool, Wavertree (Jane Kennedy), who sadly resigned recently as a Minister, had to concede that staffing shortages affected delivery of quality maternity care, saying that

"one-to-one midwifery support is part of the National Service Framework, it is a commitment we made in our manifesto. The brake on us delivering that is the lack of midwives and we are working hard, as in other areas, to increase the numbers of people in that area. I think it has increased by 2,200. Progress is being made on that score but it is slow."

She went on to say that the only reason why women did not receive one-to-one care was because there were not

"enough midwives to be able to provide it".

The Government are aware of some of the problems facing maternity and midwifery, but inertia on their part has also contributed to a lack of progress in implementing the manifesto and other policies affecting maternity care. The national service framework was published more than 18 months ago, yet there is still no sign of an action plan for the implementation of its maternity standard element, nor is there any evidence that the Government have properly and fully costed it. While the Government could have taken forward the implementation of their own manifesto commitment, they have instead—I regret to say—indulged their obsession with tinkering with structures, while services are being cut. That is proving to be a very expensive distraction.

It is as yet unclear whether payment by results will ensure a fair and consistent basis for funding maternity care. When the crunch point comes for maternity services, will the result be a fair, accurate and fully funded tariff, or will commissioners conclude that there are insufficient funds for maternity care, and so opt to pay for a reduced quality service? I hope that that will not be the case. The wider question is: how can anyone be sure that payment by results will result in

"payment being linked to activity and adjusted for casemix"

rather than in perpetuating existing inadequacies in the system for funding maternity care? When asked by my hon. Friend the Member for Guildford (Anne Milton) what assessment had been made of the likely impact of payment by results on the number of home births and caesarean sections, the then Under-Secretary of State for Health, the hon. Member for Birmingham, Hodge Hill, replied that no such assessment had been made and gave no date or time frame for when this work was likely to take place.

It is not clear whether the tariff used for applying payment by results will reflect social as well as medical costs. Coming from Macclesfield, I am well aware that there are not only medical costs but in some areas also social costs. Pregnant women and new mothers from socially disadvantaged groups tend to require greater support in respect of advocacy. In some areas, translation and interpreting services are required, as well as closer liaison between midwives and other health and social care professionals. Will the Government guarantee that the tariff will reflect the different costs incurred by women with different medical and social needs?

When will the Government be able to say how maternity services will be commissioned in the future? While practice-based commissioning is central to the Government's reforms, it does not follow that this will be the most appropriate level at which maternity services will be commissioned. Clearly, different commissioning functions will need to be delivered at different levels, according to factors such as population size, purpose and strategic significance, and the interrelationship between these factors will vary between services in the same locality. Thus, the integrated nature of maternity services implies that commissioning will need to take place at a different level than, for example, the commissioning of elective hospital services. Furthermore, midwifery services have increasingly engaged with the wider public health agenda and have played a significant role in working collaboratively with commissioners—a bigger-picture role that must not be lost as a result of the new commissioning proposals.

Finally, let me explain the way ahead as I see it. The Government have a major job to do in order to get maternity services back on track and to rebuild trust with women who use maternity services and all those clinicians and others who work in the services, particularly the midwives who care for women. Current NHS deficits should not be addressed by cutting maternity services budgets or cutting the number of training places for student midwives; they should be increased because there is a proven need for them. Increasing the number of student midwives would also help to address the growing age profile imbalance in the midwifery service work force. The NHS cannot afford to lose any midwifery posts through redundancy. To help stabilise the situation facing maternity units in England, the Government should give trusts a more realistic time scale in which to address their deficits. They must address them, but they must be given time to do so. In addition, the Government must fully fund pay modernisation, as there is evidence that trusts are using the funding crisis to try to avoid their obligations under the "Agenda for Change" agreement. Moreover, three Secretaries of State are on record as stating that "Agenda for Change" is fully costed. Is it fully costed? To reduce the excessive demands on an already overstretched work force, the Department of Health must urgently address continuing midwife staff shortages. If the Government do not attract and retain significantly greater numbers of midwives, they will sadly fail to meet their manifesto commitments.

The Department of Health should publish without delay the plan of how it will implement not only the maternity standard of the national service framework for children, young people and maternity services, but all other relevant commitments made in this important area, including the manifesto commitments. It is unacceptable that 18 months after the publication of the national service framework so little has been achieved.

The national tariffs relating to maternity services must be developed in a way that reflects all the costs associated in providing care to women and babies with diverse clinical and social needs. Commissioners should explore the potential for contracting midwifery group practices to provide antenatal and post-natal care services in deprived areas. I am not just concerned about my own area, where the need is great; there are many more deprived areas of the country where such services are important. The midwifery group practices must provide antenatal and post-natal care services in deprived areas in the event of a GP opting out of providing such services. The midwifery group practices are important.

I pay tribute to those who played such a major role in the Health Committee when I chaired it and when it produced the report on maternity services to which I have referred. That was during the period 1990 to 1992, which is a long time ago. I still greatly respect the help given to me by the late Mrs. Audrey Wise, who was as emotionally involved and committed to the report as I was, Mrs. Alice Mahon, who stepped down from Parliament recently, David Hinchliffe, the Labour Member who chaired the Health Committee with such distinction until the end of the previous Parliament, Rev. Martin Smyth from Northern Ireland and the right hon. Member for Coatbridge, Chryston and Bellshill (Mr. Clarke). This House remains concerned about these important services.

I have tackled both the national and local aspects of the issue. I hope that the Minister will appreciate that I am committed to saving the in-patient paediatric, maternity and obstetric services at Macclesfield district general hospital, and that I am strongly supported by Dr. Ian Spillman, the leading paediatric clinician, Dr. Val Lether, the lead obstetrician in Macclesfield, and all the other clinicians and consultants, who unanimously believe that it would be wrong to remove the in-patient services. The situation facing maternity services and the midwifery profession nationally also requires Government attention.

10.8 am

Paul Rowen (Rochdale) (LD): I congratulate the hon. Member for Macclesfield (Sir Nicholas Winterton) on securing the debate and on his excellent tour de force. One of my predecessors, Sir Cyril Smith, speaks highly of his work, which has taken place over 35 years, and I am privileged to follow his remarks. The hon. Gentleman spoke about maternity services in general and how NHS policy can impact on those services in his local hospital in Macclesfield. I echo and support his general remarks. He is far more knowledgeable than I am on the issue.

I wish to concentrate on the "Making it Better, Making it Real" consultation, which, as the hon. Gentleman said, covers not only the Cheshire PCTs, but much of Greater Manchester, and which has an effect on my constituency. The proposals are currently out for consultation, and the consultation period ends this Friday. The recommendation in the report is to cut the number of maternity units and child care services from 13 to eight or nine.

I am not opposed to change—indeed, I accept that some reconfiguration is needed—but like the hon. Gentleman I am very concerned about the proposals. Not one of the options given includes providing maternity, child care or obstetric services at Rochdale infirmary. With Bury excluded and Burnley general hospital also set to lose its maternity services, a large part of Greater Manchester and Lancashire will be left without easy access to child care and maternity services. Not only that, but for many reasons—whether lack of transport, poor public transport or high levels of deprivation—those areas need such services.

The proposals do not make economic sense. The unit at Rochdale infirmary is purpose-built and was opened in January 2001. By contrast to at least one of the strategic health authority's preferred options, no new investment will be needed to keep the unit open. It is very popular. The number of deliveries at the unit has risen since it opened from 1,776 to 2,270 last year. It is the only one of the four hospitals in the Pennine Acute Hospitals NHS trust to have admissions rising year on year. The background against which that is happening is one in which the population of Rochdale is set to rise by 6.7 per cent. by 2028, whereas that of the other towns in the area, such as Oldham and Bury, is set to fall.

There are some specific facilities and practices at Rochdale infirmary that are worthy of special mention and should be retained. The hon. Gentleman mentioned the importance of antenatal services in deprived areas, and the antenatal ward is open 24 hours a day, seven days a week. Referrals are made by professionals, but also by the women themselves, and since opening the number who attend for antenatal services has risen from just over 3,000 in 2002 to nearly 6,000 last year. If the strategic health authority proposes to close Rochdale's maternity and antenatal services, which are unique in the Pennine Acute Hospitals NHS trust in that they are the only ones to be open 24 hours a day, thought needs to be given to how that facility will be provided.

There are many examples in the post-natal ward at Rochdale infirmary of care being given to babies that is only provided in other areas by special care baby units. That includes the care of pre-term babies as young as 34 weeks' gestation, and low-weight babies, weighing as little as 1.8 kg. The staff have real expertise that is not recognised in the title they are given. It is incorrect and controversial to say that staff become deskilled in small units because they do not care often enough for the more unusual cases. The example of Rochdale infirmary shows that that is not so.

As I said, the Rochdale infirmary unit is the only one in the trust with a rising admission rate, and it has a large number of admissions from outside the Rochdale area. Last year's figures, for example, included 45 babies from Bacup, nine from Rossendale, 61 from Whitworth, 26 from Todmorden and 87 from Oldham. More than half of the 87 women from Oldham made a definite choice of Rochdale rather than Oldham. The other half went there because the unit at Oldham was closed. In fact, the unit at Rochdale was closed 16 times last year, not because of lack of staff—the hon. Gentleman referred

[Paul Rowen]

to that—but because it was full and could take no more people. As he said, the national service framework states clearly that it should be a priority

"to deliver easy access to supportive, high quality maternity services designed around the needs of women and their babies".

Given the popularity of the Rochdale infirmary unit, I believe that it could and should be maintained.

The consultation document gives four criteria for choosing the options, none of which includes Rochdale. The main criterion is safety. The document states:

"there needs to be sufficiently large critical mass of patients in order to maintain the skills of the staff."

No figure is given, but it has been stated that 4,000 deliveries could be a safe figure. I dispute that.

A report by Reform, an independent, non-party organisation, gives evidence that larger units do not automatically provide better quality care or a safer environment for maternity and neonatal care. The report states that larger units are less likely to be able to provide high-quality care because they are more difficult to manage efficiently. It states:

"there must be an end to the drive towards larger, more centralised delivery units across the UK. The current trend to merge medium size 2,000-3,000 delivery maternity units into giant 5,000-6,000 plus delivery units is not evidence based. Competition between such medium sized units should be the driver for higher standards."

I believe that the report describes what is happening in Rochdale, and it would be a travesty if the unit were to close.

The second criterion is equity. The consultation document states that disadvantaged and vulnerable groups will be able to access health services easily. It adds that the services will need to reflect the geographical spread of the population, reasonable travelling times, choice and type of service, and choice of location for service users. However, that is not addressed in the current options. If we look at a map of the review area and include Rossendale and Todmorden, we see that a huge geographical area will be left without maternity and paediatric in-patient services if the proposals are accepted.

Rochdale experiences a higher level of ill health than the national average. In September 2004, it had more than 400 families living in accommodation supported by the National Asylum Support Service. The teenage pregnancy rate in Rochdale is greater than the national average. It is one of the areas worst affected by deprivation. All those factors point to the need to retain a locally based service.

The hon. Gentleman referred to recruitment and retention of midwives—a key point. I said that the closures in Rochdale were because the unit was full, not because of a lack of staff. The number of midwives leaving Rochdale has remained low for many years, and the usual reason for leaving is retirement. There are no problems with recruiting staff to Rochdale infirmary's maternity suite, in contrast with the situation in both Bury and Oldham, where there have been problems with recruiting and retaining staff. In my view, if something works well, we should not change it.

On patient satisfaction, there has been a huge campaign in Rochdale, similar to the one described by the hon. Gentleman, by people supporting the efforts to keep the maternity and paediatric unit open. More than 37,000 signatures were collected for a petition saying that the unit should be maintained, and during the Easter recess more than 80 people travelled from Rochdale to Westminster to present the petition to the Prime Minister.

I shall quote some of the comments from the customer satisfaction questionnaire that were given to me by the midwives. They include:

"the maternity unit can't close, it would be a waste of a very good unit...the service I received from everyone was first class and very professional ...this department is a credit to the hospital...this hospital has a maternity unit to be really proud of."

Those are examples of people's satisfaction with the unit.

Before the Pennine Acute Hospitals NHS trust was created, Rochdale infirmary had a three-star rating. It was the first hospital in the country to be awarded magnet accreditation. It is already a centre of excellence in the fields of midwifery, obstetrics and paediatrics. The care given is exemplary and second to none, and the population of Rochdale are speaking out strongly against closure. When the consultation finishes on Friday, I hope that there will be another look at the proposals, that some sense will be applied and that there will be a move to ensure that a maternity service is retained in that part of the conurbation of Greater Manchester.

Mr. David Drew (Stroud) (Lab/Co-op) *rose—*

Mr. Martin Caton (in the Chair): Order. Exceptionally, I shall call you, Mr. Drew, even though you missed almost the whole of the initiator's speech. However, I ask that you complete your remarks by 10.30 so that the Front-Bench spokesmen have adequate time.

Martin Horwood (Cheltenham) (LD): Mr. Caton, I wish to speak as well, and I was here for many of the opening remarks.

Mr. Martin Caton (in the Chair): I apologise, Mr. Horwood. I did not see you standing.

10.21 am

Martin Horwood: I congratulate the hon. Member for Macclesfield (Sir Nicholas Winterton) on securing this important debate, and I apologise for missing some of his opening remarks. It is a shame that we are discussing this subject in the context of such a dire financial crisis in the NHS. By way of background, I should tell hon. Members that the financial crisis in the Cheltenham and Tewkesbury primary care trust has produced a deficit of precisely zero. In fact, that PCT has never been in deficit. What is more, the Gloucestershire Hospitals NHS foundation trust has been an efficient and relatively low-cost provider of health care services, and our mental health care trust is a three-star trust and about to be in the first wave of foundation trust status applicants among mental health service trusts. Our local managers have done absolutely everything right in financial terms, yet we are suffering.

A review of the maternity strategy in Gloucestershire was already under way. In the words of the consultation document, the strategy

"encompasses all elements of care that a woman and baby need from pre-conception, through antenatal care and birth to post-natal care; reflects the needs of the population; takes into account the views of users, professionals and other stakeholders."

Those are fine words.

Mr. David Drew (Stroud) (Lab/Co-op): I apologise for arriving late, Mr. Caton. I was stuck on a train. I know that the hon. Gentleman will clearly make the points that I would have made. Does he recognise, as I do, that this is the third review? For the Stroud maternity unit, it is the third review in 10 years. Can we stop the reviewing and actually deliver services? It is about time someone listened to what the people want, which is not another review or closure of services. Does he agree with that?

Martin Horwood: I agree entirely. The hon. Gentleman, who represents a neighbouring constituency, faces a direct threat to the maternity services in his constituency, as I do in mine, where the context is a financial crisis caused not by financial deficits in Cheltenham and Tewkesbury but by deficits elsewhere in Avon, Gloucestershire and Wiltshire, particularly in the neighbouring Cotswold and Vale PCT. Those deficits are leading to a huge range of closures and cuts in services, from health visitors to adult mental health services, from community nursing to overnight care for children in Cheltenham, from cuts in access to acute care to the closure of the Delancy rehabilitation hospital in Cheltenham.

Of course, added to that list is the euphemistically named "rationalisation", which, over time, will put obstetrics and gynaecology services on one site. My neighbour in Stroud and I are under no illusions as to what that means. The inevitable site for the rationalisation is Gloucestershire Royal hospital in Gloucester, which means that there is a direct threat to the Stroud maternity services and to St. Paul's maternity unit in Cheltenham, despite the fact that it is an excellent purpose-built facility like the one in the constituency of my hon. Friend the Member for Rochdale (Paul Rowen). My children were born at St. Paul's, and my family can bear personal witness to the excellent care and first-class facilities that it offers.

The closure of the maternity unit would strike at the heart of our town. Without it, there will be no more Cheltonians, in the old-fashioned sense of the word, because almost no one will be born in the town. Only about 1 per cent. of Cheltenham people are born at home so almost no one will be a Cheltonian ever again if this unit closes. Instead, people will have to face a dangerous extension in drive time, during a very stressful period, through an unfamiliar urban landscape in Gloucester city, which could add dangerous minutes.

I put the example of my son, Sami, who was born within minutes of getting through the door of St. Paul's maternity unit, to the chief executive of the foundation trust and asked what would have happened if we had had to add another 20 minutes to our journey. Would he have been born on the Golden Valley bypass between Cheltenham and Gloucester? The chief executive's reassuring reply was, "Nature would have taken its course." That will not be of much reassurance to my constituents. Inevitably, they will suffer the injustice of losing a service that is much valued and supported, despite the fact that there has been no financial crisis in our primary care trust area.

We are promised a consultation period, but we had a consultation period on children's services last year, which revealed overwhelming public opposition to the closure of overnight care at Battledown children's ward in Cheltenham, and 27,000 people signed a petition against that closure. All three primary care trusts and the local NHS foundation trust categorically agreed that a nurse-led unit, at least, would survive and that 350 children a year would not be transferred to Gloucester from Cheltenham under a pilot scheme. Despite all of that however, those proposals were discarded at a few weeks' notice due to the pressure of the current financial crisis. Little wonder, then, that 13 local NHS trust governors described the process of public consultation on significant change as having been reduced to "absolute farce". As my hon. Friend mentioned, the fact that there is only one local service left reduces to nonsense the concept of patient choice between different local services. Sadly, I fear that maternity services will go down the same path.

10.27 am

Mr. David Drew (Stroud) (Lab/Co-op): Thank you for your forbearance, Mr. Caton. I was sorry to miss the remarks of, in this case, my hon. Friend the Member for Macclesfield (Sir Nicholas Winterton).

I would like to make two points, one of which follows on from my intervention on my near neighbour, the hon. Member for Cheltenham (Martin Horwood), dealing with the continual review of these services. No one can quite understand the psychological damage that that does to members of staff who are for ever looking over their shoulder, wondering whether they will have a job or a service to deliver. The sad thing is that Stroud maternity hospital was set a whole series of measures that it had to meet to survive. It has more than met those. In fact, it does not want too many more births because that will put it under significant pressure.

The danger in the current review is that the hospital faces the centralisation of services and staff feel somewhat forlorn and thrown aside because of the threat to the work that they did to meet those requirements. The threat comes from the acute trust, in its various forms in Gloucestershire, which is a matter that I have already taken up with the chief executive because I think that it is wrong.

The second issue is that Stroud hospital, while not being unique, is somewhat unusual in that it provides cradle-to-grave care. If we take the cradle away from an important community hospital, we shall immediately create a chink in the armour that is the health service in Stroud. Our area does not have an acute hospital—we lost that in its previous incarnation, which I could say a lot about—but we have maintained very effective community services.

If women choose to have their babies in a community setting, but the community facility is then taken away, many will then choose to have home births. We know that there would be no saving: the figures

[Mr. David Drew]

have already been done. In fact, it is likely that the cost will increase as the number of home births goes up. That may be a good thing, and it may be the choice of those mothers, but it is not very satisfactory when the arguments on financial grounds are driven by the idea that centralising can save money. I know that there are medical considerations, but we seem to have overcome those. We are now faced with the brutal reality that it is a question of cost, not choice. I hope that the Minister listens, and that she already understands the view in my area. I hope that we can kill stone dead the idea of closing Stroud maternity hospital.

10.30 am

Sandra Gidley (Romsey) (LD): I start by congratulating the hon. Member for Macclesfield (Sir Nicholas Winterton) on initiating this debate. It is an important subject, and I pay tribute to the Select Committee report of years ago, which was followed by the Cumberlege report "Changing Childbirth". The hon. Gentleman did not mention that in 2002 the Health Committee decided to set up a sub-committee to review what progress had been made since those days. The work goes on, and he got us off to a good start.

I was interested to hear what my hon. Friend the Member for Cheltenham (Martin Horwood) said. I got quite nostalgic, because my two babies were born in St. Paul's, which was an excellent and popular unit. I did not live in Cheltenham, I lived in Tewkesbury, but Tewkesbury mothers chose to go there, and it would be a real loss to the local community were it to close. I do not understand the reasons for it, and I wish him success in keeping it open.

The hon. Gentleman raised many points that I would have raised myself had I had full rein. I agree wholeheartedly with everything that he said, and he provided a comprehensive analysis of the subject. The underlying factor in maternity services is the shortage of midwives and the inability to increase their numbers. The Select Committee report in 2002 raised concerns about retention rates, high drop-out rates, and thehigh drop-out rates on some midwifery courses. The Government's response was to commission Professor Mavis Kirkham and team at a cost of £70,000 to carry out a study called "Why do Midwives Stay and Why do Midwives Return?", stating that the results would inform future midwifery recruitment and retention policy.

It will be helpful if the Minister tells us whether the report has been produced, what assessment has been made of it, and what future plans there are to increase the number of midwives. As the hon. Gentleman pointed out, there has been an abject failure in the Department. One can in no way say that there has been success, when in 2005 the head count fell by 36. We all know that the head count is the Government's preferred way of accounting, and the Minister please should not insult us by returning to whole-time equivalents just because it happens to suit the occasion.

It is easy to bandy figures about, but the availability of midwives underpins so much more. Some services have suffered, and poorly staffed units are leading in some cases to closures. The 2002 report received considerable evidence to show that poorly staffed units often have an increased rate of caesarean sections. That procedure is more expensive and places a greater demand on national health service resources. It has not been mentioned much today, but we should try to tackle it. The rate of caesarean sections in this country is about 24 per cent, and the World Health Organisation says that it should be about 14 per cent., so there seems to be a problem with the way in which we are managing things.

Hon. Members have illustrated today that if units close, choice decreases. Often, the midwife-led units suffer. Other impacts include a lack of time to devote to the detection of domestic violence, which often starts during pregnancy. Our report highlighted that midwives are ideally placed to identify domestic violence and link up with other health workers. However, many midwives simply do not have time for that, nor do they have any extra time to give to ethnic minority women and to public health matters such as encouraging pregnant women to give up smoking, which I am sure the Minister is keen to encourage. A recent local development that has worried me greatly is that antenatal classes have been axed. I shall cover some of those matters in more detail.

The cuts in antenatal classes are particularly worrying because that is where many women obtain information about where to give birth and what will happen when they do, and about post-natal support such as for breast feeding. That service has been cut ostensibly because of lack of numbers, but it is clear that no attempt has been made to commission services from elsewhere and organisations such as the National Childbirth Trust and even independent midwives would be keen to step into the breach.

What is even more worrying is that many women decide at antenatal classes where to give birth. Until that point, they may not have been aware of a local birthing or midwifery unit and it is insidious to reduce demand for a birthing unit so that in future years, or even months, NHS managers will be able to turn round and say that there is no demand for such services.

It is extremely worrying that women will not receive information about giving birth because if they know what is going on they are more likely to have a pleasant experience. Some people would say that childbirth is never a pleasant experience, but there are differences in how people feel about giving birth and how they cope with it. Antenatal education can help with that. Women are left to obtain information from a variety of sources, which is okay if they are educated and can afford to buy books and magazines, but more difficult for those who are struggling on a budget and do not know where to go for help.

It is more common for a woman to arrive at hospital feeling frightened and vulnerable, which can lead to her not having a good birth experience. That brings me to one-to-one midwifery care. Much is made of that and most midwives would say that one-to-one midwifery care enables a midwife to stay with a woman and to provide support from the onset of labour and probably even before that, during pregnancy, and to be present during the birth, but one-to-one care is shown in the figures if the midwife is simply present at the end to

deliver the baby. The reality is that in busy obstetrics units many midwives look after more than one woman during labour. That is a disaster waiting to happen.

I tabled some parliamentary questions to try to obtain a definition of one-to-one midwifery care and had a spectacular lack of success. A certain Mrs. Blair opened the new Royal College of Nursing building and happened to mention that she had had two midwives. She was lucky, but she did not seem to think that it was unusual. It might help if someone made it clear that Members of Parliament and their wives should have the same treatment as other people.

One-to-one care is more likely to be achieved in a birthing centre. Other advantages of midwife-led units are that care is provided by midwives who can specialise in supporting women through normal births with a minimum of intervention and an explicit philosophy to provide a friendly, individualised, women-centred and family-focused service which can deliver high-quality care. The problem seems to be that on paper the costs are a bit higher. What often happens is that the wider picture is not taken into account and there is evidence to show that women delivering in birthing units have a lower rate of intervention and less need for aftercare. That is not factored into the equation, but it should be.

I have talked a little about the rates for caesarean births. The Government have decided to publish success rates for certain cardiac surgeons, but when the Health Committee suggested that they should publish obstetricians' success rates for caesarean sections, we were told that there were no plans to do so. Now that we have more openness in other areas, it would be useful to develop that idea.

I am rapidly running out of time. I end by saying that the lack of midwives means that there is little time to devote to breastfeeding. Next week is national breastfeeding awareness week. It would be useful if the Minister could tell us when the breastfeeding co-ordinator will be replaced—the post has been unfilled since February. Perhaps we shall hear some good news next week.

10.40 am

Mr. John Baron (Billericay) (Con): I congratulate my hon. Friend the Member for Macclesfield (Sir Nicholas Winterton) on securing this debate and on the eloquent way in which he raised the issues. I wish him well in his campaign to keep mother and child in Macclesfield hospital, and also in promoting option D.

I welcome the Minister to her new responsibility for maternity services. May I say how sad we were to hear that the right hon. Member for Liverpool, Wavertree (Jane Kennedy) had resigned? Despite her obvious defence of Government policy, one felt that one could hold a constructive debate with her. I hope that that will continue.

To say that midwives and those who work with them make an invaluable contribution to the NHS and to our national life is to state the obvious. We have all been touched by a midwife. However, contrary to what has been said by the Health Secretary, it has not been a good year for maternity services. Unfortunately, as we have heard, they are rapidly becoming the latest victims of NHS deficits.

According to a survey by the Royal College of Midwives carried out last September, 78 per cent. of maternity units in England have been experiencing staffing shortages. Vacancy rates in England stood at almost 5 per cent. of establishment, the figure rising to more than 10 per cent. in London. Of those vacancies, almost two thirds represent long-term vacancies of more than three months. My hon. Friend went into some detail about why the Government may be understating the extent of those midwifery shortages, so I shall not go over that ground again.

Meanwhile, according to last month's work force census, the number of full-time equivalent midwives—the best way of measuring their availability—has risen by only 5 per cent. since 1997, during which time spending on the NHS has almost doubled. That suggests that midwifery is one of the poor relations within the NHS.

The big question on many people's lips is, "Where has all the money gone?" Even on the Government's head-count measure, the number of midwives working in the NHS fell between 2004 and 2005. It is generally accepted that the Government have bombarded the health service with targets. That has spawned a massive growth in bureaucracy, because the targets have to be monitored and measured; and that bureaucracy has soaked up a lot of the new NHS money and prevented it from reaching front-line services. Maternity services certainly seem to be suffering as a result.

The challenges facing maternity services are growing, not diminishing. The number of births in England in 2003-04 was 5 per cent. higher than in the previous year. Women are experiencing childbirth both earlier and later in their lives, and younger and older women tend to be at greater medical and social risk. That is one of the factors that has contributed to the need for more medical intervention in childbirth, which has resulted in longer post-natal stays and greater pressure on hard-working midwives.

Now is the time to have more midwives—that is generally accepted—yet we believe that staffing shortages under this Government are now compromising patient care. In July 2005, the Healthcare Commission report on maternity services highlighted the problems of overcrowding, the shortage of midwives and the fact that staff are too busy to give advice on the feeding and bathing of new babies. The RCM and others pointed out this week that the current financial crisis in the NHS is adding to the woes of the profession. Indeed, in a snapshot survey of heads of midwifery carried out by the college, one in three managers reported that maternity service budgets had been cut and one in four respondents reported that midwifery staffing numbers had been reduced; and almost half of all trusts have a freeze on recruitment. If the Minister believes for one moment that NHS deficits are not affecting front-line services, I strongly recommend that she examine the RCM data.

The shortages have a knock-on effect for the midwives who remain in the NHS, as their work load increases so that the system can cope, they become more stressed and morale suffers. Such dedicated professionals deserve better support. The impact of deficits on front-line services can be seen in the scaling back of antenatal classes and neonatal home visits in some areas,

[Mr. John Baron]

as my hon. Friend the Member for Hornchurch (James Brokenshire) has highlighted in the House on a number of occasions.

Elsewhere, specialist neonatal care units are suffering; there is no shortage of evidence of that. We have heard about a case in which a Coventry woman who went into premature labour was driven more than 100 miles in an ambulance because there were no available facilities anywhere in the midlands. The woman, who was expecting twins, ended up in Manchester, in pain and feeling very isolated. That story made the local press.

The Government recognise, to a certain extent, that there are problems. In their last manifesto, they made a clear commitment—referred to by one or two speakers today:

"By 2009 all women will have choice over where and how they have their baby and what pain relief to use."

The manifesto went on to say:

"We want every woman to be supported by the same midwife throughout her pregnancy."

However, I ask the Minister how the Government can hope to implement their manifesto promises, or meet the standards already drawn up, when there is a shortage of midwives. As the right hon. Member for Liverpool, Wavertree admitted recently in evidence to the Health Committee, although one-to-one midwifery support

"is a commitment we made in our manifesto...The brake on us delivering that is the lack of midwives...we do not have enough midwives to be able to provide it".

Perhaps the Minister can tell us how many women are currently being offered one-to-one maternity services. Or perhaps she would care to comment on the Jentle midwifery programme run at the Queen Charlotte's and Chelsea hospital, which invites couples to part with £4,000 in return for 24-hour one-to-one care. I do not for one moment criticise women for seeking the best possible maternity care in the NHS, and I understand that the aim of the scheme is to reinvest profits in front-line services, but it would be absolutely outrageous if some mothers were being charged for a service that Labour says ought to be theirs by right, while those who cannot afford to pay are being left behind by the Government. Having offered a policy at the last election, Ministers should be implementing that policy for all mothers, irrespective of their ability to pay, but staff shortages stand in the way.

How can the Government offer women greater choice in where they give birth when the National Childbirth Trust has drawn our attention to closures of community-based birth centres? At least 10 of approximately 100 centres across the UK are either closed or facing closure. As we all know, those centres allow maternity services to be delivered in a less medicalised, more home-like setting and therefore promote choice, but choice is now being curtailed as cash-strapped primary care trusts withdraw midwives to cover shortages in acute hospitals. An alternative to giving birth in hospital is home birth, but one in four respondents to the RCM's survey of maternity managers reported a reduction in the number of home visits by midwives.

There can be little doubt that we need to tackle the current financial crisis and develop longer-term strategies for recruiting more midwives into the profession and for retaining the ones that we have. I would like to ask the Minister a few questions, and if she cannot answer them in the time available to her, I hope that she will do so in writing. First, what plans does she have to raise the status of the profession, for example by enabling more midwives to prescribe from the nurse practitioners' extended formulary? Giving midwives greater responsibility and status would promote the profession and give encouragement to those working in midwife-led units, which are already very popular with women.

I refer the Minister to the reports produced by the Nursing and Midwifery Council and the RCM that point to the ageing profile of the work force, and the problems that that will create in a few years' time.

We also need to tackle the high attrition rates in midwifery training courses, which can be 20 per cent. or higher. At the last election, the Conservatives were pledged to enhance access to bursaries, which would have more closely reflected the cost of living. Will the Minister comment on the need for greater financial support to be given to trainee midwives? I also ask her to make a short statement on her policy in respect of the NHS community midwifery model proposed by the Independent Midwives Association and supported by other childbirth charities.

In conclusion, I simply say that maternity services are vital for our future and deserve our support, and I ask the Minister to clarify what action the Government will take to address urgently the shortage of midwives in the NHS.

10.50 am

The Minister of State, Department of Health (Caroline Flint): I congratulate the hon. Member for Macclesfield (Sir Nicholas Winterton) on securing the debate, and on his role as an honorary vice-president of the Royal College of Midwives. My namesake Caroline Flint was once president of the RCM, and during my political activities since I was a student we have sometimes been mixed up with each other. Being approached as an expert in this area is something that I have experienced on a couple of occasions, and I have had to correct people by pointing out that I am not that Caroline Flint. However, I have met her, and she has done a fantastic job in representing midwives, as well as in her professional work.

I should also say that I am covering this Adjournment debate for the Under-Secretary of State for Health, my hon. Friend the Member for Bury, South (Mr. Lewis), who will take on his new ministerial responsibilities for maternity services and children's services from the former Health Minister who is now the Minister for Policing, Security and Community Safety. However, obviously I am interested in this area, and I am happy to listen to the discussion.

I am pleased to be able to say that, although there is room for improvement—that is why the national service framework was initiated—80 per cent. of women in a survey last summer said that they were happy with maternity services. We have invested £1.4 billion per year in maternity services, and in 2001 we made a capital investment of £100 million to modernise facilities and improve the environment in which maternity care is delivered. I understand that East Cheshire NHS trust's

share of that investment was approximately £1.3 million, which was used to build a state-of-the-art antenatal centre.

We are committed to trying to improve choice for women—and for fathers and families—and to meet the needs of future generations. Several hon. Members have raised the fact that more women are having babies later in their lives, but there is also the fact that younger women are having babies. I have a particular concern about that, because as public health Minister I am responsible for health inequalities, and about 60 per cent. of infant mortalities are linked to young women—I would describe some of them as young girls—who have babies perhaps too early in their lives.

However, there are also issues to do with other women who, because of technology and other changes, are able to have babies when they might not have been able to have had them in the past; in vitro fertilisation treatment is one example. Also, because of new technologies and better services some women with different types of disabilities are now able to give birth to their own children, which 10 or 20 years ago might not have been possible. We are dealing with a changing landscape. Ten or 20 years ago, some services in relation to children required longer stays in hospital. My youngest child was 18 yesterday; 18 years ago new mothers might have been expected to stay in hospital for three or four days. These days, mothers can be out of hospital within hours of having had their child, if everything has gone well. The diseases and conditions that children faced 30 years or more ago are also, thank goodness, no longer as prevalent. We have to address this changing landscape.

The number of midwives has increased over the past few years. The number of training students is up 44 per cent. since 1997, and there is good news in other areas such as obstetrics and gynaecology. However, the Department is aware that there are concerns in this area, and I will take back to it some of the points made about shortages and other worries. That is one reason for our considering what better support we can give midwives. Through the 57 trusts, we have piloted midwife support workers as possible members of the team, to carry out some of the activities for which a qualified midwife is not needed but which are important aspects of the experience for women, thus freeing midwives for the aspects of supporting women in childbirth for which only they are qualified.

I take on board the concerns raised by the hon. Gentleman about changes concerning payment by results; such concerns are one reason why we are proceeding with it only for some of the key acute services and why we are still considering, and discussing with many organisations, how payment by results would link to maternity services. I am pleased to tell him that the working group on developing models of payment by results is attending to issues of social complexity, and I assume that some of the issues that he raised will be taken into account.

We have established the maternity standard implementation advisory group, which represents stakeholders that include the royal colleges, service providers and the voluntary sector. The hon. Member for Romsey (Sandra Gidley) mentioned a role for the voluntary sector in antenatal classes. I am somewhat surprised to hear about the cutting of antenatal classes and will be happy to pursue that and write to her further, because they are important in the process of ensuring that all women have as healthy a delivery as is practicable. Importantly, as she said, the opportunity to explore issues such as smoking and weight and how to look after the baby once it is born has a huge public health impact. Those services are very important to some women. That is a reason for my being keen that health, and questions of how such services are provided, should be a part of the development of children's centres.

Martin Horwood: Will the Minister give way?

Caroline Flint: I am afraid that I cannot take any interventions because I have hardly any time.

We have also been working on developing a minimum maternity data set, which will provide more accurate and reliable information on which to plan services. That is why it is important to hear from colleagues during Adjournment debates. Sometimes our overview does not pick up on particular local circumstances. As I have said, we are working to improve our overview of what is happening on the ground, as opposed to what we may sometimes think is happening.

I am pleased to say, because it is something that falls within my responsibilities, that in January we published a revised handbook for health care professionals on responding to domestic abuse.

Martin Horwood: Will the Minister give way?

Caroline Flint: I am not going to take any interventions; I am sorry.

The handbook deals, I think, with a helpful process in which midwives and other health professionals can find out if a woman, and possibly her unborn child, are being abused during the pregnancy. Rates of domestic violence during pregnancy are too high. Not long ago in Lambeth I met people from a domestic violence support group who were already receiving referrals of women who had had conversations with their midwives about such matters in a sympathetic way.

As I said before, and keeping in mind the points raised by the hon. Member for Macclesfield, we are looking at how to develop services, and wide-ranging consultation is going on. Services in Macclesfield are part of the relevant options.

Sir Nicholas Winterton: Will the Minister give way on that, briefly?

Caroline Flint: Yes, briefly, as it the hon. Gentleman's debate.

Sir Nicholas Winterton: Will the Minister give an assurance that the consultation is meaningful? The pram push organised by the Macclesfield branch of the Royal College of Midwives attracted more than 2,000 mums and other people pushing prams, which was clearly a sign of huge interest. Is the consultation serious, and will it be heeded?

Caroline Flint: All public consultations are serious and should be meaningful. As the hon. Gentleman knows, they provide opportunities not just for people in the health service but for the community and local government to offer a view. If oversight and scrutiny committees are concerned about an issue, there is an opportunity for referral back to the Secretary of State.

The process is about considering how best to provide services, in what environment—with regard to safety—and, importantly, what more community-based services should be available throughout the country to support people who are expecting children, and to provide services for those children. I assure the hon. Gentleman that the exercise is not just a question of saving money here or there: it is about trying to look, for the whole of his area, for the best way forward in providing such services.

One final point—

Mr. Martin Caton (in the Chair): Order. We now have to move on to the next debate.

Cycling

11 am

Mark Lazarowicz (Edinburgh, North and Leith) (Lab/Co-op): I am delighted to have secured this debate. Debates on cycling policy are certainly not regular occurrences in the House, although I hope that will change, and the main purpose of my introducing the debate is to ask why cycle use has not in general increased in this country, despite the steps that have been taken to encourage it, and to make some suggestions of what we need to do to change that position and to bring UK cycling levels up to those enjoyed in some other European countries, for example.

Before I discuss the general policy, I want to spend a couple of minutes on an issue that is causing great concern to cyclists and cycling organisations, which is the proposal for changes to the highway code. Consultation on the proposals closes tomorrow, so the debate is timely. The Minister is, I am sure, aware of those concerns, as I imagine many other hon. Members will be, as about 11,000 e-mails and letters on the issue have been sent out by cyclists.

I will not set out the concerns at any great length, but will describe them briefly for the benefit of those watching or listening to the debate, or who read it in the future. It is proposed to change the wording of the recommendations on cycle facilities under the highway code. The Cyclists Touring Club, or CTC, which has provided a briefing note to many Members, for which I am grateful, believes that the new wording means that

"the use of cycle facilities will no longer be discretionary for any cyclist who wants to protect him/herself from the threat of adverse legal action."

It is suggested:

"If a cyclist was injured and there was a cycle facility nearby...the driver's insurer would have all the pretext they needed to argue that any compensation due to the cyclist should be reduced on the basis of 'contributory negligence'."

That threat is not just an academic nicety. Existing highway code rules have been used against cyclists in such a way, and cyclists have lost thousands of pounds as a result of not wanting to challenge such claims of contributory negligence when they are made against them in legal action following an accident.

David Taylor (North-West Leicestershire) (Lab/Co-op): I know that my hon. Friend is a frequent cyclist, as am I, although I do not think that we have to declare interests in such debates. Does he encounter, particularly in urban areas—perhaps when he cycles in his constituency—badly designed or poorly maintained cycle routes or paths? It can often be safer for cyclists to use the main road. To have any damages to which they are entitled reduced because of that choice is a perverse interpretation, is it not?

Mark Lazarowicz: That is a good point. I do not want to start sounding like the Jeremy Clarkson of the cycling fraternity, but we could all think of examples where a badly designed cycle path, one that is badly maintained or one that is blocked by traffic is more dangerous to use than not. All cyclists are aware of the position described by my hon. Friend. It is important not effectively to encourage the idea that cyclists

should be corralled into a small, often badly-maintained section at the edge of the road, and that they should not be entitled to use the rest of the road, like other road users, if they consider it appropriate to do so.

Mr. David Drew (Stroud) (Lab/Co-op): As we are talking about the highway code, one cannot, as a keen cyclist, avoid the issue of cycle helmets. I happen to disagree with the CTC and think that people should wear helmets—I would never cycle without a cycling helmet, and I cycle all the time—but I worry about how, having been put into the highway code, that subject has become a cause célèbre. People are almost going out of their way to advise others not to wear a helmet. Surely, the Department needs to pull people in and get some resolution on the issue. I find it difficult to encourage my children to wear a helmet, because it is not the done thing. Does my hon. Friend agree that the issue needs to be resolved one way or another?

Mark Lazarowicz: My hon. Friend raises a good point. There have been lengthy debates on the wearing of cycle helmets, although I do not want to go into them now. Like him, I cycle regularly. I not only try to use cycle facilities and cycle paths, but wear a helmet and encourage my children to do so.

It is important that our approach should not only be rational, but encourage and facilitate cycling, the appropriate use of facilities and the wearing of appropriate protection in the right circumstances. We should not end up—to coin a phrase—driving people away from cycling because of ultimately self-defeating restrictions. The general thrust of what my hon. Friend says has a lot of merit.

I call on the Minister to ensure that, after the consultation period, any wording in the new highway code that could give rise to unwarranted contributory negligence claims against cyclists is removed. Moreover, he should take the opportunity to include clearer advice to drivers on how to interact safely with cyclists—for example, on how much space to leave when overtaking them, and on the importance of leaving cycle lanes unobstructed and not blocking up facilities such as advanced stop lines, which have been provided in many urban locations but are frequently ignored by a number of motorists.

Emily Thornberry (Islington, South and Finsbury) (Lab): Would it not be to the advantage of us all if advanced stop lines were made compulsory rather than simply advisory, so that if a motorist stopped within one, they would be committing an offence? At the moment, they would not be.

Mark Lazarowicz: That is a very good suggestion, and I hope that the Minister will consider it. There is also, perhaps, a role for those who employ drivers, including large public sector bodies. They could do a lot to train their drivers to recognise the importance of observing not only road traffic regulations in general, but cycle stop lines in particular. As my hon. Friend rightly points out, those are frequently ignored.

I turn to the wider issue of the steps that we need to take to achieve a real and significant increase in cycling in the UK. As the excellent background note from the CTC points out, cycle use has not increased in spite of ambitious targets. Although 68 per cent. of all trips and 58 per cent. of all car trips cover less than 5 miles, cycling accounts for less than 2 per cent. of trips made in Britain. That compares with a modal share of between 10 and 20 per cent. in many other European countries, and of up to 50 per cent. in some cities in the Netherlands.

I am aware that the figure for Britain may be a little misleading, as it does not take into account some of the increase in cycling on off-road routes. That is not included in the overall statistics. In some towns and cities, there has been notable success in increasing cycling's share of overall transport use. However, that must mean that it has gone down in other cities, towns and communities. The overall picture is still pretty clear.

David Taylor: I am grateful to my hon. Friend for yet again being so generous in giving way. He referred to off-road cycling. He may refer to the organisation later in his speech, but will he pay tribute to Sustrans for all the work it has done to encourage and develop the national cycling network? I and others have used large sections of it—the coast to coast route, the Pennine way and so on. My observation, although anecdotal, is that usage of that network, particularly in my constituency, is rising steadily. That has to be good.

Mark Lazarowicz: Indeed it is, and I pay tribute to what Sustrans has done. Part of one of its routes runs through my constituency, near my home, and I regularly use it. It is also well used by other cyclists. Unfortunately, however, the overall picture is that we are nowhere near reaching the cycling levels of our European neighbours.

Martin Horwood (Cheltenham) (LD): Is not one of the problems—and perhaps one of the reasons for that trend—the fact that not everyone has the joined-up thinking of organisations such as Sustrans? At the same time that Sustrans is planning its safe routes to schools and safe routes to work campaigns, there are proposals for out-of-town railway stations, for example, which would encourage everybody to travel to the station by car, unlike in Cheltenham Spa, where I have regularly cycled to the railway station. Such counter-trends might be responsible for the figures to which the hon. Gentleman referred.

Mark Lazarowicz: I do not feel able to comment on the position in Cheltenham, as I am sure the hon. Gentleman will understand, but the general point about ensuring joined-up thinking on the issue at all levels of Government is essential. Those local authorities that exhibit joined-up thinking are the ones that have achieved increases in cycle use, while others have not.

How do we increase cycle use in the UK? I agree with those who say that above all we must tackle the perception—in some cases, the reality—that cycling can be dangerous. The danger is often exaggerated but nevertheless is, I am sure, the most significant factor in deterring, in particular, new cyclists, younger cyclists and children from cycling, and parents from encouraging

[Mark Lazarowicz]

their children to cycle. Part of the solution to tackling that perception must be a much more extensive network of cycle paths, routes and facilities in urban and rural areas.

A lot has been done, but we all know from personal experience of existing cycle networks with major gaps in them that, having travelled along a route that one wants to take, one has to join the normal street network at a particularly busy and apparently dangerous point. Experienced cyclists can perhaps cope, but those who are not experienced are deterred by those gaps in the network. They are also deterred by the localised gaps to which my hon. Friend the Member for North-West Leicestershire (David Taylor) referred, which require cyclists to dismount or stop every few yards. To be blunt, that can make the cycle path quite useless and can occasionally increase the danger to cyclists as well.

We need to change that, and we need a significant extension of cycle facilities, crossing paths and cycle lanes. Depending on what is appropriate to a location, that is the approach we need to encourage a change in perception and to make cycling much more widely taken up in this country. If we do not provide cycle facilities that are of use to cyclists, they might not use them and motorists might get uptight because they think money is being wasted on those facilities. Unnecessary hostility could arise between cyclists and motorists—and sometimes pedestrians—because of facilities not being properly planned and thought through.

We need a comprehensive process that ensures the right approach for each road and location, and there are opportunities to achieve that. The Department for Transport is finalising guidance notes on pedestrian and cycle planning and shared-use facilities, and a promising first draft has been produced. However, the issue is not just about routes, lanes and cycle facilities. Cyclists, like pedestrians and the wider population, also benefit from traffic reduction measures, speed reduction measures, 20 mph zones and home zones. By reducing speed, those measures make the roads safer for cyclists and pedestrians—and indeed motorists—and could also help to improve the vibrancy of local streets and shopping centres, strengthening community life in our towns and cities.

Mr. Drew: I thank my hon. Friend for being so kind in giving way again. One thing that would instantly make cyclists feel safer is getting motorists to stop using mobile phones. When I cycle, I feel that the people who pose the most danger to me are those who continue to use mobile phones. I know that that is being dealt with in the Road Safety Bill and that additional penalties are being considered, but until we get people to stop using mobile phones, they will often be oblivious to cyclists and cyclists' lives will be in danger.

Mark Lazarowicz: My hon. Friend makes a good point not just for cyclists, but for general road users, including motorists. He and I are in danger from that practice.

David Taylor: I am grateful to my hon. Friend for giving way again. Is he surprised to learn that in every survey of categories of antisocial behaviour, greatest concern is registered not over litter, dog fouling, aggressive teenagers, drug dealing or neighbour noise, but over speeding in urban and rural settings? That problem needs to be tackled and the Government could generate some much needed popularity by addressing it systematically and effectively.

Mark Lazarowicz: As always, my hon. Friend makes a good point, which I am sure the Minister will take up.

How can we achieve a comprehensive approach throughout the UK? It would be appropriate to require every local authority to carry out an audit of an existing network to see how they could create a comprehensive cycle network fit for cyclists in the area. Some authorities have done this and some have a good record, but others do not. That is why we need to do something to improve those authorities.

There is great variation between different UK towns and cities in the facilities provided for cycling, and as a result great variation between cycling's shares of overall transport usage. In my city of Edinburgh, the percentage of journeys to work by bike has doubled and continues to increase. It is still only a small percentage, but that is a move in the right direction. It is partly due to the fact that, for 20 years or more, there has been a consistent policy of promoting cycling and facilities have been provided to encourage it, accompanied by the very effective Lothian cycle campaign, Spokes, of which I am proud to be a member.

That campaign ensured that the council was put under the microscope when cycle facilities were not as good as they should have been. There is always a need to do more and a need for more spending locally and nationally. Edinburgh and other cities—Cambridge is a good example—have shown where a difference can be made, and there are a number of such examples in London as well.

Local leadership is important as it can ensure that in all developments—for example, those in transport, roads and housing—cycle facilities are built in from the start when it is cheaper to do so, rather than added later. Too often, cycling is not incorporated when developments start, when it could be quite easily, and planning authorities must be encouraged by appropriate guidance from central Government to ensure that that happens.

The process must occur at a more local level as well. We need many more examples of people "thinking bike" in relation to new developments, buildings or whatever. Bluntly, we need only look at Parliament for examples of how that has not happened. During the past year, some, doubtless necessary, security improvements have been made around the perimeter of Parliament. Those could have been used as an opportunity to improve cycle access into and out of the Houses of Parliament and to improve conditions for cyclists travelling past, but we have created a situation that is even more dangerous for cyclists. We could start by putting our own House in order.

I have spoken for longer than I intended, but I have taken quite a few interventions. We have to do something about the biggest single factor that influences the trend in cycle use in the UK, which is the provision of

resources. I acknowledge the substantial capital funding that has been put into cycling by the Government. The funding programme for the development of a comprehensive strategy in six cities in England is particularly welcome, but I regret that my constituents will not be able to share that success: in Scotland, there has been a cut of more than a third in cycling spending from £12 million to £8 million a year.

In the same period, transport spending has increased from £800 million to £1,200 million a year. For the most part, that increase lies with new motorways and similar roads, which are being promoted enthusiastically by the Lib Dem Minister for Transport and Telecommunications in the Scottish Parliament. I hope that our Lib Dem colleagues will say something to encourage a change of approach in Scotland.

Whatever is happening in different parts of the UK, we must try ensure that, instead of pilots, studies and local projects, there is a comprehensive approach to cycling policy at all levels of central Government and local government so that there is an increase in cycling and in the resources needed to encourage and support it locally. We need capital funding, of course—there have been increases there—as well as a steady and secure revenue funding stream. That could be particularly important in providing more training for cyclists.

Training is important not only in schools, but for people at work, and it could be organised through and encouraged by employers. Training could be given in universities, colleges and other organisations with a large number of people who could be encouraged to cycle. More training would also, I hope, go some way toward discouraging those cyclists who break the rules of the road, ignore traffic lights, and endanger pedestrians and other cyclists who comply with the law. I condemn such behaviour. As one who cycles and also drives a car, I know that such irresponsible behaviour gives all cyclists a bad name. We should try to discourage it.

Cycling has countless benefits and should be encouraged. It is one of the most environmentally friendly forms of transport and it could contribute to reducing greenhouse gas emissions. Motor vehicles are one of the most important contributors to those emissions, and are likely to be for many years to come. A shift to cycling in our towns and cities would also reduce congestion. Cycling is a healthy activity and it could help us to tackle the problem of obesity, particularly in children, about which we are all concerned.

I congratulate the Government on what they have done so far and urge them to take account of cyclists' concerns about the changes in the highway code. I also urge them to build on what they have done and to adopt a joined-up approach involving civil servants, central Government and local government to achieve a shift in resources and a change in attitudes. They should work together to help to make cycling as popular as it is in many of our European neighbours.

11.22 am

Charlotte Atkins (Staffordshire, Moorlands) (Lab): I congratulate my hon. Friend the Member for Edinburgh, North and Leith (Mark Lazarowicz) on securing this timely debate. As he said, it is timely because tomorrow is the deadline for comments on the changes to the highway code.

I also congratulate the Cyclists Touring Club on raising the profile of cyclists. Far from being annoyed, as its briefing note suggests, by the e-mails and letters that I have received from CTC supporters, I am delighted to receive them. For too long, cyclists have moaned about facilities, but have not punched their weight in terms of political pressure by lobbying MPs, Ministers and their local authorities. The CTC says that more than 11,000 cyclists have e-mailed their MPs in response to its campaign about the highway code. That is absolutely brilliant, but I have a complaint: I do not think that I got my fair share.

Cyclists should now mobilise locally to put pressure on local authorities to produce local transport plans that provide for a cycle-friendly infrastructure. With cycling at an all-time low, it is unacceptable for local authorities to look at their local transport plans simply in terms of ensuring that there is no reduction in cycle use or achieving satisfactory minimum targets. The current state of affairs will not change unless there is pressure from local communities and the Department for Transport to make cycling a higher priority.

With political activism at such a low ebb, well-organised local cycling groups could achieve a great deal on issues such as increased congestion and tackling the obesity epidemic. In that context, I want to mention Leek Cyclists Club, which is running some excellent events in August to celebrate its 130 years of existence—it was established in 1876. I hope to be supporting those events. I like the fact that the club is putting on a range of activities, including sportive rides, time trials and family rides. Continental cyclists will be involved as well. The proceeds will go to the local air ambulance service and to the first responder service. I hope that the club will not confine its activities to such events, but enthuse others and get much more involved with local schools to promote cycling, and with the local authority to ensure that more is done locally.

I agree that under-resourcing is an issue. I must accept some responsibility for securing an allocation of only £5 million a year to Cycling England when I was in the relevant Department. The hoped-for £70 million was never on the cards; it was not going to happen. However, the creation of Cycling England has been a huge step forward.

It is also important that we now have the new, accredited, national standard for cycling training, which is extremely welcome, as is the three-tier level. It will equip not just children but adults with training for on-road cycling and dealing with real traffic conditions, rather than involve just going round bollards and so on. Such things are great fun, but they do not always equip people for cycling on the road.

It is hugely important to improve cycling skills and safety, as well as to give people much-needed confidence, because it can make a huge difference on the road. When I was in the Department, I was amazed to discover that the cycling proficiency scheme that I knew as a child no longer existed; it stopped 10 years ago. It is no wonder that fewer and fewer children cycle to school. Parents have to be convinced that their children will be safe cycling to school. Training is a

[Charlotte Atkins]

vital part of that equation, although it will not necessarily overcome the overwhelming perception that cycling is dangerous.

The "Bike It" scheme, which is particularly geared towards schools, will help to create a greater perception of safety, because it is working on personalised safety routes from home to school and on ensuring proper secure storage for bikes at school. It is important that when people embark on cycling they try to work out a safe route where they can deal with the hazards along the way much more securely.

I met a group of enthusiastic child cyclists in one school who happily cycled in rain, snow or in any other conditions. Some were young and others were slightly older, but they all found the process incredibly empowering. They told me that they did not have to wait for their mum or dad to get the car out of the garage, because they could cycle to school at any time, and that gave them huge independence, as well as increased physical fitness, which is a welcome side effect. That independence is important, because nowadays children are often shepherded to school and to shops, dance classes and so on. The fact that children could go out on their own in safety—along a safety route—meant that they felt independent, and they enjoyed that feeling of freedom.

I am sure that the proposed changes to the highway code are intended to improve the safety of cyclists. However, many cycle lanes are poorly designed or badly maintained. John Grimshaw of Sustrans demonstrated that to me when he took me to Bristol along such routes. Given that cyclists are just about the most vulnerable road users, it is important that they can make their own choices about whether to ride along a cycle route or along the road without fear of adverse legal consequences.

Of course, a minority of cyclists behave badly and illegally, flouting traffic laws, and I find them as annoying as anyone else does, but let us be realistic. Many motorists also flout traffic laws, not least by using mobile phones. Unbelievably, some people also use mobile phones when cycling. I cannot understand why they do that; it is appalling. However, the highway code should not be drafted as though all cyclists are irresponsible. Most are not. They want to cycle safely and survive in what are often difficult traffic conditions. No one wants the risks to cyclists to increase, or cyclists to be penalised for deciding not to use a cycle lane. I think we all know examples of cycle lanes that go just a few yards or that come to an abrupt end at a junction or, worse still, at a roundabout.

Mark Lazarowicz: Does my hon. Friend agree that a short stretch of cycle lane can be extremely dangerous in that, at the end of the lane, the act of joining the main route puts the cyclist at much greater risk than if they had not entered the cycle lane in the first place?

Charlotte Atkins: That is absolutely right. The point at which a cyclist joins the rest of the traffic is a clear area of real danger, and the evidence shows that most accidents occur at junctions. Often, that is just because motorists do not see cyclists. It is vital that we change the culture in this country so that it is much more akin to that in France, where cyclists are noticed. In London, a critical mass of cyclists has been created, so motorists are more aware of cyclists there, but we have much more to do in other towns where cycling is not so prevalent.

I want to make a plea for far more active promotion of the scheme that enables people to obtain tax-free loans from their employers to buy bikes. A similar scheme involving computers has been very successful in the past, and such schemes make absolute sense.

An excellent employer in my area, Britannia building society, has often been criticised for the number of cars that spill out of its car park on to the road. The car park is overflowing and the building society is having to build a new car park, but if it could only encourage some of its employees to cycle to work, that would free up space in the car park. The building society is very well placed, just outside Leek. If the canal towpaths could be opened up for cyclists, its staff could enjoy a leisurely cycle ride to work in one of the most beautiful parts of England—a perfect start to the working day.

Sustrans has done tremendous work in my constituency by opening up cycle ways, one of which is the Biddulph Valley way. That cycle route is ideal not only for employees, but for children going to school. Sustrans seems to have an amazing facility to take public money, increase it twofold or threefold and use it incredibly effectively throughout the nation.

In conclusion, I should like to ask the Minister a few questions. Will he review all local transport plans in respect of their proposals to boost cycling? It is vital that we consider what local authorities are doing countrywide, not just in the towns that Cycling England is promoting as its project towns. Will he examine again the proposed changes to the highway code and take on board the concerns of both the CTC and cyclists? Will he promote much more actively the tax-free loans for bike purchase and work with employers' organisations to increase cycling among their staff? Will he do much more to expand cycle training for adults as well as children through "Bike It" and other local initiatives?

11.34 am

Mr. David Kidney (Stafford) (Lab): I, too, congratulate my hon. Friend the Member for Edinburgh, North and Leith (Mark Lazarowicz) both on obtaining the debate at a good time and on obtaining it at all, because it is important in its own right that we talk about improving cycling.

My bicycle for many years has been a sturdy black mountain bike. I have done my best to cut out short journeys by car, and walk and cycle to replace them. This is the time of the year when I love to get the bike out on a warm summer evening or a sunny weekend day and cycle into the beautiful countryside around the Stafford constituency. The pace of life on a bicycle is wonderful, and one enjoys sights and sounds along countryside roads and cycle ways that cannot be caught when driving. It is a beautiful experience, and I urge everybody to do the same.

David Taylor: Will my hon. Friend give way?

Mr. Kidney: I am happy to give way if my hon. Friend wants more details about the routes around the Stafford constituency.

David Taylor: Will my hon. Friend confirm that when he undertakes short journeys in his constituency, he does not have a driver who carries his shoes and papers to his destination?

Mr. Kidney: I can give that confirmation. Looking along the rows of seats, the score in the category of Daves who support cycling is Labour 3, Tories 1.

There is good support for cycling in Stafford, thanks in large part to the LA21 team at Stafford borough council, particularly the outstanding Karen Davies who leads it so well. We enjoy family cycling days that are organised by her team. Under the Back 2 Bikes recycling scheme, people give up their damaged or old cycles, which are repaired and made available to new users. They are rented out, hired out or even loaned to people who cannot afford to buy a bike. We do what we can in my constituency to support cycling.

My reasons for cycling are mainly to keep my weight down—we attend far too many dinners in this place—and to keep my carbon dioxide emissions from transport to a minimum. If people cycle often, they enjoy health benefits and multiply the benefits to the health of our nation and our environment. There are, of course, additional social, economic and environmental benefits. For example, if people were to cycle rather than drive their vehicles in city and town centres, we would have cleaner air. That would mean less incidence of asthma and more pleasant surroundings for people who want to shop, window shop or simply stroll. It would make areas more attractive to people who want to shop and visit as tourists. Cycling provides all those wider benefits.

Cycling can help with rising obesity by increasing regular physical exercise, and it addresses the growing concern about climate change by contributing to reduced emissions of greenhouse gases. It can boost the retail sector, promote tourism and open up the countryside to more visitors. It can reduce the pressure on an over-congested road network, and, most important, it can be fun.

It is necessary to stress the downside. My hon. Friend the Member for Edinburgh, North and Leith spoke about the perception of danger, but in fact there is danger on roads from congestion, big vehicles and drivers who are less than attentive to their duties as drivers on busy roads. However, it is clear that the positives far outweigh the negatives, and the debate rightly aims at pushing the Government to do more to promote cycling.

Like my hon. Friend, I believe that we ought to direct this debate to local authorities as well. They now have good levels of funding, thanks to the Government's generosity. They have local transport plans for strategic planning in their areas of roads, cycling and transport generally, and we want them to give the same priority to cycling as we are urging on my hon. Friend the Minister.

My hon. Friend gave some examples of local authorities that have been successful in promoting cycling in their area. There has been a marked increase in recreational cycling, and cycling remains an important transport mode for many people, but, according to the Government's walking and cycling action plan for 2004,

"across England as a whole, we have not succeeded in raising cycling levels significantly above the 1996 baseline."

There is one bright, sparkling spot of success that contradicts that conclusion: the national cycle network, which was mentioned by my hon. Friend the Member for North-West Leicestershire (David Taylor). The figures that I have are for 2004, when there were more than 201 million trips on the national cycle network, an increase of some 11 per cent. in just one year. The Sustrans report for that year states:

"Traffic-free urban routes are crucial to the increased usage of the Network. Whilst the Network grew by 9.3 per cent. in urban areas between 2003 and 2004, cycling...trips on these routes grew by 16.0 per cent.".

No doubt that is why the Department for Transport describes the national cycling network as

"the strongest success story in walking and cycling"

in that very walking and cycling action plan of 2004. That is one good example of action to improve safety and security, and to reassure cyclists that their activity is safe as well as healthy. We must consider other ways of giving the same reassurance and support to cycling. Part of that strategy will mean more dedicated cycle lanes.

My hon. Friends the Members for Edinburgh, North and Leith and for Staffordshire, Moorlands (Charlotte Atkins) touched on the revisions to the highway code. In any collision between a car and a cyclist, it is inevitable that the cyclist will come off worse than the driver of the car. The onus is much more on the driver of the vehicle to take care, and cyclists' worry about revising the highway code is based on unscrupulous drivers and insurance companies using the highway code to try to make spurious counter-claims against cyclists who get hurt in collisions. They are right to possess that fear. The law on driver insurance needs to be changed so that non-motorised road users can claim injury damages from drivers who hit them, unless it can be shown that they were reckless in causing the collision that led to their injury.

When I was a solicitor, which is an increasingly long time ago, I experienced making claims in countries other than Britain for people who were injured in road collisions. Countries such as France already have rules that put the onus on drivers and their insurance companies to compensate other people who are injured by the actions of vehicles. Their pedestrians and cyclists have stronger protection by law, and I urge that approach on our Government.

Another important consideration for the protection of cyclists is the education of motorists. We heard about the bad habit of driving while using a mobile phone, and about drivers who do not see cyclists even though they are in front of their eyes. In my constituency, I have seen drivers driving too close to cyclists as they try to pass them, and opening their car doors as cyclists go past, because they forgot their duty to look over their shoulder. We must draw motorists' attention to their responsibilities.

Recently, I saw some Government-sponsored advertisements on the television that were successful in drawing attention to the presence of motorcyclists on

[Mr. Kidney]

our roads. We need much more of the same for cyclists as part of the Government's publicity campaign. I should also like more use of 20 mph zones, where all traffic slows down. They give cyclists a fairer chance of a safe journey.

The Commission for Integrated Transport looked throughout Europe at transport best practice in 2001, and as part of its report it found that area-wide 20 mph limits are

"the one critical success factor underpinning best practice in promoting walking, cycling and public transport as alternatives to the private car".

Living Streets, a charity that promotes safer streets, is part of the Safer Streets Coalition, which comprises organisations including CTC. It wants safer roads for all road users. When I met Living Streets, it argued that there are three big reasons for making 20 mph the default speed in most streets. It said:

"It is the one thing that will do most to cut casualties, make streets vibrant and people centred, boost sustainable transport."

I agree with those arguments, adopt them myself and urge them on the Minister.

I also received the great sheaf of letters that my hon. Friends mentioned, objecting to the highway code changes. I have had letters about another campaign—CTC-inspired, I think—to integrate cycle and rail transport. It is a policy, as one of my constituents called it, of doorstep to destination. It was urged on me that the Government should have a national policy framework that puts cycling and rail use together, covering things such as station access and parking, and storing cycles safely at stations. In the nine years that I have been going to platform 1 of Stafford station to catch my train to Parliament, I have seen the growth of a safe parking area for cycles on the platform. As it has grown, so has its use, and there is a large number of bicycles there every Monday morning when I am waiting for the train to Euston.

The letters that I have received also urge that the national policy framework should cover on-board cycle carriage facilities, information about cycle use and carriage, the possibility of cyclists reserving places on trains for their cycles, and the wider use of consultation and monitoring. Again, I ask the Minister to consider those options.

We already have policies on safe routes to schools, and those should clearly include cycling. It is particularly important that we reassure parents that it is safe for their children to cycle to school. That is why 20 mph limits are important, particularly around schools, and why safe parking and storage for children's cycles is vital in schools. In my constituency, I speak to students in schools and listen to representatives of schools councils, and there is tremendous interest in safe parking and storage facilities for cycles. However, there is not always enough money for every school that wants such facilities to have them, and I hope that we can put that right. It is also important, as my hon. Friend the Member for Staffordshire, Moorlands said, that pupils have proper, structured instruction on safe cycling.

My hon. Friend also mentioned employers, and I have seen examples of good practice in my constituency in terms of green travel plans. A small number of employers have taken the issue on board enthusiastically and developed plans to reduce demand among staff for coming to work in their own cars. Staffordshire county council gives good support and advice on that and has a small amount of money to assist employers in making changes, such as giving priority to parking for cycles, providing showers for people who cycle to work and so on. However, a bit more money to get such schemes up and running would be useful.

Mark Lazarowicz: Would my hon. Friend care to speculate on ways in which we in the House of Commons could improve the record of employers and, indeed, Members on cycling to work? How could we assist and encourage them to do so?

Mr. Kidney: I entirely adopt my hon. Friend's comments about making it easier to get cycles into this place and making the streets around the building more accessible, and I would certainly like more Members than Ministers to have access to showers here if they cycle to work. In fairness to our colleagues, however, I should say that I see a lot of them cycling to Parliament each day as I walk here from my flat in London, and I congratulate all those who do so.

My hon. Friend the Member for Stroud (Mr. Drew) mentioned wearing cycle helmets, which is the final thing that I want to raise. I always wear my cycle helmet when I am cycling, but a resident who lives just around the corner from me, in Newport road, went out on a recreational cycling run with some friends without wearing one. Sadly, he fell over the handlebars, landed on his head and received a dreadful injury, as everybody can imagine. I therefore urge all cycle users to wear a helmet and all parents to encourage their children always to wear a cycle helmet. When my hon. Friend the Member for Carlisle (Mr. Martlew) introduced a private Member's Bill to make it the law for everybody to wear a helmet, it was disappointing that there was a split in the cycling lobby over whether that was a good or bad thing. Like my hon. Friend the Member for Stroud, I urge the Minister to bring the cycling organisations together and to try to reach a consensus on a law to make helmet wearing the norm for all cycle users.

Those are the points that I urge on my hon. Friend Minister. If he wants to enjoy the pleasures of cycling around my constituency, he would be welcome any time.

11.49 am

Emily Thornberry (Islington, South and Finsbury) (Lab): I begin by congratulating my hon. Friend the Member for Edinburgh, North and Leith (Mark Lazarowicz) on giving us the time and space to debate this important issue. I speak as a cyclist and chair of the all-party cycling group.

I shall speak on behalf of an oppressed minority who spend much of their time in the gutter, who always seems to be in the wrong, and who are told that they are a danger to themselves, and possibly to pedestrians, and that they are definitely an annoyance to taxis and

should get out of the bus lanes. However, we are clean, green and healthy, and cycling is the future of transport. The number of cyclists has doubled in London since 2000. Indeed, we have reached a critical mass in the capital, and motorists know that we are there.

The more cycling there is on the roads, the safer they become, because the real danger is the metal boxes—the cars. We must encourage cycling and change attitudes to it. Cycling presses so many policy buttons. It helps with the environment, helps to make our lives easier, helps to ensure that our roads are no longer full and helps with the obesity epidemic. Cycling is the answer to so many of our problems, and I urge the Government to give greater priority to this important policy issue.

Mr. Drew: I am pleased that my hon. Friend is now chair of the all-party cycling group. Cyclists have always been ahead of their time and the Clarion cycling clubs—people forget that they were the early socialists—formed the wedge that allowed us to have freedom of access. Going back 100 years, which would help socialism in this country, would give predetermination to the vital role of the bike in our society. Does she agree that that is a jolly good thing?

Emily Thornberry: It is a jolly good thing, as well as a timely reminder of our history and the close links between the socialist movement and cyclists. We hope to continue to push that forward.

I was talking about London, and particularly how things have changed there and how in so many respects it shows the way. The speed of transport in central London is 9 mph, which is the same as it was at the turn of the last century when transport consisted of horses and carts. The statistics from Transport for London show that the time it takes to travel 4 miles is 22 minutes on a bicycle, 30 minutes on the tube, 40 minutes in a car and 62 minutes on a bus. It is much faster to make a 4-mile journey in London by bicycle, and cycling in London has already doubled.

Another problem is that we are victims of some of the wackier suggestions and criticisms that are levelled against us. Unfortunately, some of those come from another place. A recent suggestion was to ask the Government whether they would be willing to consider carefully whether

"a new requirement that cyclists display on their clothing a clearly readable personal registration number and carry a registration card containing relevant information would confer benefits that outweighed the bureaucracy and costs that such a system would entail?"—[*Official Report, House of Lords*, 27 April 2006; Vol. 681, c. 256.]

May I urge the Government to ignore that advice? It is crazy to suggest that cyclists should carry numbers on their clothing so that they could be identified, and it would be equally insulting and crazy to expect pedestrians to do that. Cyclists are a special class and we need support. We do not need that eccentric criticism.

There was also a suggestion in another place that 1,000 pedestrians in London were injured by cyclists last year. May I put an accurate defence of cyclists on the record? Last year, more pedestrians were hit and injured by mopeds than by bicycles. In 2004, one pedestrian was killed in a collision with a cyclist, but that is the only recent known death. Motor cyclists, of whom there are a similar number on the road as cyclists, killed 20 people and seriously injured another 200 last year. The number of direct pedestrian deaths caused by cars in the same year was 388, with another 5,000 people seriously injured and 20,000 moderately injured. On top of that, there were another 2,000 deaths on the road, all caused by motorised transport. It is a simple fact that the more cycling there is on the roads, the safer our roads become.

May I take this opportunity to put in my ha'penny-worth on the highway code campaign? More than 11,000 cyclists contacted their MP about the matter. Several thousand sent in responses to the highway code consultation last weekend and succeeded in jamming the Driving Standards Authority's e-mail server, so several hundred cyclists have been unable to submit their views. However, I presume that I know what they are saying. They are asking the Government, "Please do not make it our responsibility if we are injured or hurt by cars on the roads," because without the cars there would not be those injuries.

In fact, if there were to be a policy initiative to help and protect cyclists, I would still strongly recommend that the Government continue to put money into cycle training, which is important, and not only for children. I had cycling training a few months ago—I have been cycling on the roads in London for nearly 30 years—and I was amazed at how helpful it was. I was told that it would simply be assertive cycling training, and those who know me were surprised that I needed that, but assertive cycling made me think about cycling in a different way.

For example, I was taught not to cycle in the gutter; we are entitled to cycle on the road like anyone else. I was told not to cycle right by parked cars, but to move away from them, so that when a parked car's door opens, the cyclist does not get hit. When cyclists stop at traffic lights, they should stop in the middle of the road. They should make eye contact with drivers behind them, because once eye contact is made, drivers begin to think of the cyclist as a person, rather than an annoying blob. That is what is taught through cycle training, and anyone and everyone can benefit from it. It is a way for us to convince people that cycling can be safe, clean, green, healthy and good for us all.

Finally, I would like to plug a couple of events. This afternoon in Room 8, at 4 o'clock, John Grimshaw is talking about his vision for enabling access to cycle paths by bike and for leaving permanent routes available after the Olympic games to cyclists who want to cycle round east London. Everyone is welcome at that meeting. I must also plug bike week, Bike2Work and the parliamentary bike ride on 21 June, which starts at 9 o'clock outside St. Pancras station. We chose St. Pancras to highlight the importance of integrating transport, including rail and bike transport, and to highlight the unfortunate lack of facilities for bicycles at Europe's largest rail hub. Everyone is welcome.

We cycle to Parliament, but, unfortunately, visitors to Parliament will have difficulties parking their bicycles, although the all-party cycling group is working on that, too. It has had meetings with Westminster city council and the parliamentary authorities, and we keep our fingers crossed that we can make some progress.

[Emily Thornberry]

Once again, I thank my hon. Friend the Member for Edinburgh, North and Leith for giving us the space to debate this issue, and I look forward to the Minister's response. I hope that cycling continues to go up the agenda.

11.58 am

Mr. John Leech (Manchester, Withington) (LD): I add my congratulations to the hon. Member for Edinburgh, North and Leith (Mark Lazarowicz) on securing what has turned out to be a very interesting debate on cycling. I confess that I had hoped that my first transport debate would be on something very specific, so I was alarmed when I saw the title "Cycling", and I thank him for giving me some idea of the issues he wanted to raise.

I would like to comment on a few issues. The hon. Gentleman and the hon. Member for Stafford Mr. Kidney) raised concerns about proposed changes to the highway code. I add my support to the campaign to avoid those changes, which could discourage people from cycling. The hon. Members for Stafford and for Stroud (Mr. Drew) raised important points about the compulsory wearing of cycle helmets. In the short term, making helmets compulsory would probably reduce the number of people cycling, although a debate is needed on whether such a move would improve the safety of cyclists in the long term. That is an important question.

The hon. Member for Edinburgh, North and Leith made a good suggestion about forcing local authorities to audit their cycle facilities, but if there are no additional resources, we might find that although local authorities recognise that cycling facilities seriously need to be installed, they might not be able to install them.

On the point about resources, the hon. Gentleman raised concerns over funding cuts for cycling in Scotland and made special mention of the Liberal Democrat Minister for Transport and Telecommunications. However, I should point out that, thanks to the Liberal Democrat manifesto commitment of 2003, the new ScotRail franchise has been negotiated so that bikes can be carried on trains, which will encourage the use of bikes.

Similarly, under that Liberal Democrat Minister, spending on public transport as a proportion of overall transport spending will rise by 70 per cent. between 2003 and 2007, compared with an increase of less than 50 per cent. under Labour's stewardship. Perhaps the hon. Member for Edinburgh, North and Leith ought to speak to his colleagues in Scotland as well as preaching to the Liberal Democrats about their commitment to cycling.

No one will dispute that we should encourage more people to cycle. The benefits are clear: cycling keeps people fit and healthy—it is nice to see so many fit and healthy Members here today, who are all committed to cycling—cuts congestion, reduces pollution and makes our streets safer because there are fewer cars out there. Unfortunately, cycling has been in decline since Labour came to power. During the first two terms of the Labour Government, bicycle trips fell by 22 per cent. Equally worryingly, the length of the trips that people make has gone down. According to figures produced by the CTC, which were mentioned by the hon. Gentleman, only 2 per cent. of road trips in Britain are made by bicycle. We all agree that that must change.

To be fair to the Government—no one has mentioned this—one of the main reasons for cycling rates not being as good as they are elsewhere is our pretty poor weather. According to the hon. Member for Stafford (Mr. Kidney), the sun is always shining in Stafford.

Mr. Kidney: Since 1997.

Mr. Leech: I should invite the hon. Gentleman to come to Manchester with his umbrella, because it is usually raining.

Mark Lazarowicz: I am not going to dispute the hon. Gentleman's description of the British weather, but it is important to do away with the myth that one must have a perfect climate to encourage cycling. The Netherlands does not have a climate drastically different from that in much of the UK for much of the year, but it has a much higher cycling level. Before anyone says that that is because the Netherlands is flat, plenty of places in urban areas in the UK are pretty flat too. Let us not get caught up with the idea that bad weather is the reason for people not cycling more in the UK.

Mr. Leech: I accept the point made by the hon. Gentleman, but he will accept that more people are encouraged to cycle during better weather than during poor weather. I vividly remember when I was only a cyclist and not a car driver, always dreading the thought of waking up—

Emily Thornberry: There is no such thing as being "only a cyclist". One does not graduate from being a cyclist to being a motorist.

Mr. Leech: I take the hon. Lady's point, but she did not let me finish mine. I was going to say that when I was only a cyclist, as opposed to a cyclist and a motorist, I used to dread waking up and hearing rain on the window before I prepared for my 6-mile cycle ride to work. It certainly discouraged me from getting up in the morning when I thought the weather was going to be poor. I am sure that poor weather is the only reason that the right hon. Member for Witney (Mr. Cameron) has a car following him to work with his suit and shoes, because he does not want to spend the rest of the day in a soggy suit and shoes. Instead of having a car following him, perhaps he ought to get a wardrobe—

Mr. Mike Hancock (in the Chair): Order. You are drifting, Mr. Leech.

Mr. Leech: I apologise, Mr. Hancock.

I accept that this is not just a question of the weather, which is why the Liberal Democrats have a five-point plan for cycling. First, we need to create an environment that accommodates and supports cycling.

Most roads are less than inviting for cyclists. Even where cycle lanes have been introduced, they are often too short, or only advisory. I am sure that other hon. Members will have been as frustrated as me at seeing cars constantly parked in the green cycle area, forcing bikes on to the main part of the road. More and better consultation on cycle lanes is needed to ensure that they are put in the right place and that they suit cyclists' needs. I am sure that there are cycle lanes in the constituencies of other hon. Members, as there are in my constituency, that are rarely used because they are in the wrong place and inconvenient.

We need to ensure that there are adequate facilities for the safe storage of bikes. I recently received a complaint from a constituent who told me that there was not a single cycle rack within a half-mile radius of his office, and that the council had told him that there was nowhere suitable in the area for a bike rack. Remarkably, there appear to be plenty of metered car parking spaces, but there is nothing suitable for a bike rack.

We need to be smarter when using the planning process to encourage cycling to work. It is all very well forcing developers to put bike sheds in their new developments, but how many members of staff will use them unless there are adequate changing facilities in those developments? Surely we should ensure that such facilities are included, as part of encouraging the use of bikes.

Perhaps Members of Parliament need to do a little more. Rather than give 20p a mile for cycling and 40p a mile for cars, perhaps we should turn that round and give 40p a mile for cycling and 20p a mile for cars.

Emily Thornberry: Does the hon. Gentleman seriously think that if Members of Parliament were to be given another 20p a mile, more of them would cycle to Parliament?

Mr. Leech: Perhaps not, but that might discourage car use. If hon. Members got less mileage for using their cars, they might be discouraged from doing so, and perhaps they would be encouraged to use a bike. Who knows?

We also need to improve integration of public transport with cycling provision. I have already mentioned ScotRail being forced to allow passengers to carry bikes. I know someone who has been forced to buy a car because he cannot take his bike on the train. Without being able to cycle to the train station and at the other end cycle from the station to work, he cannot take that route.

Charlotte Atkins: Why did not the hon. Gentleman's friend buy a second bike?

Mr. Leech: I cannot answer that except to say that perhaps he did not want to leave a bike overnight somewhere. Given the crime rate in parts of the country, I could understand that.

We must encourage young people to cycle regularly. Most people cycle when they are kids, and one of the most disappointing statistics is that they do not continue to do so. In my opinion, the main reason for that is the fact that among younger people cycling is seen more as a recreation than a form of transport. We should be more successful at persuading people to continue cycling if we get more children into the habit of cycling to get from A to B, as well as for recreation.

The best way to achieve that is to persuade more young people to cycle to school. When I became a school governor, I was appalled to find that there was not a single cycle rack at the school. Was it any wonder that people did not cycle to school when they had nowhere safe to leave their bike? Fortunately, the situation has improved, but all too often schools do not make the necessary provision for bicycles.

Mr. Mark Lancaster (North-East Milton Keynes) (Con): I apologise for being late, Mr. Hancock. I was caught up in Committee elsewhere. The hon. Gentleman is making an important point, but may I commend to him the system operated in Milton Keynes? We have a red way system, which is an entirely separate grid road system designed especially for walkers and cyclists. That has been an enormous help to people who want to cycle to school. Does he believe that that system should be used more widely when we build new communities?

Mr. Mike Hancock (in the Chair): Order. I remind Mr. Leech of the time.

Mr. Leech: Thank you, Mr. Hancock. Yes, I agree that that should be encouraged, especially in new developments. Developers should be forced to provide such alternative routes for cyclists and walkers. As well as people enjoying cycling, we have to emphasise the health benefits of cycling for adults and for children. That might sound straightforward, but the message is clearly not getting through to people.

Finally, we need to make roads safer to give people the confidence to get on their bikes. According to the CTC, the biggest discouragement to cycling is the perception that it is dangerous. Sometimes that is a perception; sometimes roads clearly are dangerous. In some cases, the answer is having cycle lanes where they will make a real difference, but getting cars off the road and getting people on to public transport are equally important, as is tackling speeding traffic. The Government have failed to tackle the congestion in our towns and cities effectively. No wonder people have given up cycling, when our roads are full of fast-moving vehicles.

Cycling is a healthy, environmentally friendly and inexpensive mode of transport. More needs to be done to provide better facilities and support for existing cyclists, and to provide the conditions to encourage many others to get back on their bikes.

12.11 pm

Mr. Owen Paterson (North Shropshire) (Con): I congratulate the hon. Member for Edinburgh, North and Leith (Mark Lazarowicz) on securing this timely debate, given that the review ends tomorrow. I, too, was a keen bicyclist when I was younger. There was one sport that no one has mentioned, which is bicycle polo. All that is required is an old bike, equipment such as an old hockey stick or cricket bat and any old ball, and it is a good use of grounds—football or rugby grounds, or whatever—that are too hard to play those games on.

[Mr. Owen Paterson]

A minimum of only two players is needed on either side. It is a vigorous game that leads to exciting accidents, and I commend it to those who know nothing about it.

Bicycling is the Cinderella of transport activity. We have 3.6 million people who bike on a weekly basis. Well over 1 million commute daily, and 40 per cent. of people use their bikes for leisure. The British Cycling Federation has 14,000 members, the Cyclists' Touring Club has 50,000, and Sustrans has 37,000. A lot of people will be interested in our debate.

Activity seems to be extraordinarily patchy across the country: 28.2 per cent. of people in Cambridge commute, while 0.2 per cent. commute in the Rhondda. The hon. Member for Staffordshire, Moorlands (Charlotte Atkins) made an interesting point about danger. There is a perception of danger, which is partially backed up by the facts: casualties per 100 million km travelled in the UK are eight, while in the Netherlands they are 0.8. Against that, 2.3 per cent. of journeys are made by bicycle in the UK and a massive 27 per cent. in the Netherlands. She made a valid point not only about the perception of danger but about the real danger associated with cycling.

Cycling is a major business. It employs 20,000 people in the UK and there are 4,000 bicycle shops. The hon. Member for Stafford (Mr. Kidney) mentioned the health benefits, which appear to me to be massive. The British Heart Foundation says that cycling at least 20 miles a week reduces the risk of heart disease to less than half that for non-cyclists who take no other exercise.

Emily Thornberry: Is it not possible to mount an argument that a regular cyclist is Britain is more likely to live longer, and that far from being dangerous cycling is life-enhancing?

Mr. Paterson: I am most grateful to the hon. Lady, because she takes the words out of my mouth. The National Forum for Coronary Heart Disease Prevention says that regular cyclists enjoy a fitness level equal to that of a person 10 years younger. If one third of all short car journeys were made by bike, national heart disease would fall by between 5 and 10 per cent.

The hon. Member for Stroud (Mr. Drew) mentioned space and commuting. Cyclists require far less space to get about than car-borne travellers. For example, a 4 m wide cycle path can carry five times the number of people catered for in cars on a road that is twice as wide, according to Friends of the Earth.

The Conservatives have a strong record of supporting cycling. My right hon. Friend the Member for Witney (Mr. Cameron) and my hon. Friend the Member for Henley (Mr. Johnson) have given spectacular publicity to the activity. The former said:

> "We must give people, particularly those living in our towns and cities, serious travel options that don't involve the car. Around a quarter of all car trips are under 2 miles in length. If we're serious about tackling climate change—and incidentally about improving public health too—we need to help make it possible for people to walk or cycle on these shorter journeys."

He was going right back to our strategy of 10 years ago.

In 1996, the Conservative Government produced a national cycling strategy that set the ambitious target of doubling the number of cycle trips by 2002 and quadrupling it by 2012. The strategy listed a series of actions to be taken by the Government and by local authorities to enhance the activity of cycling. Sadly, I do not have the time to mention them, but they were effectively endorsed by the new Labour Government in the 1998 transport White Paper. However, everything fizzled into the sand.

We did not achieve the results that were promised. Targets became aspirations. The most damning document was the Government's review, published in March 2005. In many ways it is a symbol of what happened to the huge ambitions that the Government had when they came in, which were scaled back and changed when they hit reality. They set off with a national cycling strategy, and we were to have a national cycling forum, but that was reduced in number, as were the targets. Indeed, we did not meet the targets; according to the Government's review, the number of cyclists in England fell by a fifth in the past decade.

Considering how much depended on local government input, it is extraordinary that none of the best value indicators took account of cycling, as one of the main delivery agents was bound to be local government. Nor was it in the Audit Commission's comprehensive performance assessment, because cycling did not have a category of its own; it was lumped in with transport.

There appears to be a conflict on funding. Although cycling is covered by a number of Departments, they seem to be muddling around with the funding. There is Department for Transport funding; there is Department for Education and Skills funding; and there is the travelling to schools initiative. The Office of the Deputy Prime Minister is involved. Indeed, Hull's local initiative on cycling is one of the success stories, although it does not appear to have changed the outward profile of the Deputy Prime Minister. The Department for Environment, Food and Rural Affairs is involved through the Countryside Agency, with its quiet lanes and rural transport partnership initiatives; the Forestry Commission is involved; and so is the Environment Agency. The Department of Health mentions cycling in its action plan on diet, physical activity and obesity; and then there is Sport England.

What measures have been taken since the review to co-ordinate better that kaleidoscopic group of Departments? They all have the best intentions, but they do not seem to be well co-ordinated.

There are some interesting examples. I mentioned Hull, and my hon. Friend the Member for North-East Milton Keynes (Mr. Lancaster) mentioned Milton Keynes, but perhaps the most interesting is Bristol, where a 14 km bus priority lane increased cycling more than any initiative targeted on cycling itself. What is the Government's current policy? Three options were mentioned at the end of the review—working exclusively through non-governmental organisations, reforming and refocusing the national cycling strategy board, or working more closely with local authorities. I would be interested to know the current state of play, because in a somewhat Irish manner the conclusion appeared to be in the introduction to the review, which

said that the intention was to create a clear steering board of funding Departments to co-ordinate the Government's cycling strategy and to direct the work of Cycling England. I will be grateful if the Minister can tell us how that was brought together.

I want to touch on the vexed question of cycle helmets. Like many hon. Members, I have received numerous letters from constituents. For instance, Mr. Adrian Hanson-Abbott of Wollerton said that he is worried about having compulsory cycle helmets. He thinks that they are poorly designed and that some are positively dangerous. He also raised the conundrum of the insurers of a driver who had been negligent and injured a nine-year-old boy wriggling out of liability on the ground that the parents had not made the child wear a helmet. This is a vexed area that the hon. Member for Stafford was right to raise.

Cycle helmets are compulsory in Australia, New Zealand, Spain, Iceland, the Czech Republic, Canada and 20 states in the United States, and there is clear evidence that a good, properly designed helmet will reduce brain, head and facial injuries. My worry is enforcement. Several hon. Members have mentioned mobile phones. We have enough trouble enforcing existing traffic laws without putting a huge extra burden on police. There is also a valid problem of deterrence, and it would be unfortunate if compulsion deterred people from wearing helmets.

I would also like the Minister to comment on research on helmets that work. The CTC briefing, which was most helpful, said that helmets are currently designed for impact speeds of about 13 mph, whereas 93 per cent. of serious and fatal accidents for cyclists occur on roads in collisions with vehicles, and 22 per cent. with HGVs, where the speeds will obviously be far more than 13 mph. The work should be on better technology and cycle helmets that really work. I wonder whether there has been any discussion of that with the equestrian industry, which has done an enormous amount of work on riding helmets. Finally, has the Minister also examined the merits of reflective clothing?

12.20 pm

The Parliamentary Under-Secretary of State for Transport (Derek Twigg): I congratulate my hon. Friend the Member for Edinburgh, North and Leith (Mark Lazarowicz) on securing this interesting debate. I also congratulate my hon. Friends the Members for Stafford (Mr. Kidney), for Staffordshire, Moorlands (Charlotte Atkins) and for Islington, South and Finsbury (Emily Thornberry) on their contributions. My hon. Friend the Member for Staffordshire, Moorlands did a lot of work when she was a Minister in the Department and I should like to recognise that. I also recognise the tremendous work that the all-party cycling group does to promote cycling and address the issues that relate to it.

Many people have an interest in cycling, whether they cycle or not—although I suspect that we have all been cyclists at some stage. The Government want to encourage more people to cycle; the basic advantages of cycling are convenience, health, cost, environment and enjoyment, as hon. Members have mentioned. To put it simply, cycling contributes to a better quality of health. As some hon. Members pointed out, there has been a decline in cycling, and people continue to use their cars even for short journeys. Between 1999 and 2001, one quarter of all car trips covered less than two miles. In many cases, those journeys could have been made by cycle and we want to promote that.

The Government are committed to reversing the decline in the number of cycling trips. If we are to attract people out of their cars and on to two wheels, we have to make cycling safe, easy and as convenient as possible. That means seeing cycling as a solution to problems of accessibility, health, affordability and the environment. That is why Cycling England, our advisory body on cycling, reports not only to my Department but to others with an interest in cycling, such as the Department of Health, the Department for Communities and Local Government, the Department for Environment, Food and Rural Affairs and the Department for Education and Skills. That is also why I will host a meeting of Ministers next week to discuss how cycling can help to deliver a range of Government targets across Whitehall.

Encouraging cycling means having the right facilities at schools and places of work, and training youngsters to enjoy riding a bike. There are many good examples of improvements and good practice in cycling. For example, as one of my hon. Friends made clear, there has been a considerable increase in cycling to work in London thanks to investment and commitment from Transport for London and the development of the London cycle network. I cannot recall seeing as many cyclists on the roads in recent months as I saw this morning on the way in. Perhaps that has something to do with the good weather, but there are tremendous numbers of cyclists on the road.

The Mayor announced last year that the number of recorded cycle journeys on London's key roads had doubled in the previous five years, from 59,000 in 2000 to 119,000 in 2005. Even more impressively, London has experienced a reduction in casualties among cyclists, as other road users have become more aware of their presence. Transport for London reports that since 1990 there has been a 35 per cent. reduction in cycling casualties. That shows that, with the right support and infrastructure, casualties will not necessarily rise if cycling increases.

As has been mentioned, there are also good examples of increases in cycling in the rest of the country, such as in Hull and York, where the national trends have been bucked and a successful cycling programme has been implemented. We undertook a review of the national cycling strategy in 2004, which led to the appointment of Cycling England, the new advisory body made up of experts from the main cycling organisations. Cycling England has been given an annual budget of £5 million, which is in addition to nearly £55 million that has been provided for cycling through local transport plans and Transport for London. Outside London, there has been an increase from £29.5 million in 2001-02 to £36 million in 2005-06.

One of the key elements of Cycling England's work plan is six cycle demonstration towns. Cycling England is investing some £8.4 million in Aylesbury, Brighton, Darlington, Derby, Exeter and Lancaster over the next three years. I return to an earlier point about incorporating cycling into the design of new housing developments

[Derek Twigg]

and towns. One reason why we picked Aylesbury was the expansion in housing that will take place there soon and the opportunity to incorporate cycling into the design of the new housing development and expansion there.

Work has already begun to showcase best practice in design and planning in relation to the promotion of cycling. The aim is to test the hypothesis that if we spend levels per head of the population equal to the levels spent in European cities where there has been a significant increase in cycling, we can achieve similar increases here. I assure hon. Members that I take a personal interest in those developments, and I will visit each of the cycling demonstration towns. We have already had a meeting in London to discuss their progress, which will be regularly monitored.

Journeys to school were mentioned. Only 2 per cent. of children cycle to school. Increasing that figure is important not only to increase cycling but to reduce obesity levels and generally invest in healthier future generations. Some £2 million was invested in 2005-06 to extend the links to schools programme, which several hon. Members mentioned, on top of £10 million of Government investment in the previous year. That money has drawn in additional funds, so that £31 million has been spent on the project. So far, more than 300 schools have been linked to the national cycle network by more than 230 km of new routes, of which about 70 per cent. are traffic-free.

Cycling England has a number of other initiatives under way, and is developing and promoting a new national cycle training standard to replace the old cycle proficiency test—I took that test in a previous life, as other hon. Members might have done—so as better to equip children with the skills they need to ride safely on today's roads. Cycling England is also working with health authorities, improving the skills of local authority practitioners through a free advisory service backed up by training programmes and improving the marketing of cycling schemes.

Tomorrow I shall attend Cycling England's first annual forum. I am looking forward to discussing its achievements to date and meeting many of the partners who are helping to deliver new initiatives on cycling.

Mr. Leech *rose—*

Derek Twigg: I will not give way, if the hon. Gentleman does not mind, as we are short of time and I want to get some comments on the record.

Although local authorities are the key to unlocking increases in cycling, we have also enlisted the help of a wide range of cycling organisations and NGOs to work with us. The CTC is helping to deliver improved cycle training by leading a project to provide grants and bursaries to help build the capacity to roll out the new national cycle training standards. Sustrans is delivering the very successful links to school programme, British Cycling is helping us and the cycle industry is contributing to the "Bike It" project, which my hon. Friend the Member for Staffordshire, Moorlands mentioned. I congratulate Cycling England on bringing together so many experts, and I am very much enthused and impressed by the way in which all the organisations are working together and by the amount of work and commitment that they are putting in.

I reiterate that local authorities are the main key to unlocking increases in cycling. Many are already doing a fine job and have been boosted by increased funding. We now need the rest to follow. Cycling England is in a good position to help authorities to spend their money effectively and efficiently, as it is about to launch a free expert advisory service. I encourage authorities to seek such help if they need it. Cycling England is also well placed to promote co-operation between several Departments, of which I hope to see more.

Alongside authorities, we need more employers to adopt cycle-friendly policies and introduce cycle-friendly facilities for their workers. Pioneering work has been done on that issue by GlaxoSmithKline, the BBC and the London cycling campaign to promote cycling to work. In Glaxo's case, the impact has been impressive, with the number of registered cyclists rising from 50 to more than 300. The BBC has also achieved high levels of people cycling to work. The Department has played its part in that, having negotiated with the Office of Fair Trading to implement a cycle-to-work tax benefit scheme that allows employers who purchase cycles for employees who commute to work to save the VAT on the cost of the bicycles and to make other tax savings. Cycling England aims to promote the scheme more widely in 2006, and the cycle scheme providers estimate that 100,000 cyclists might participate and benefit from it this year.

Research shows that many cyclists are prevented from cycling to work or hampered by the fact that their employers are less than cycle-friendly. We have to show more companies that a healthier, fitter work force is more productive and profitable. Many cycle commuters use their bikes for only part of their journey to work, combining cycling with public transport—mostly rail. Such journeys are important because they allow bikes to be used as part of a longer journey. As Minister with responsibility for both bike and rail, I am keen to encourage such journeys wherever possible. We will continue to encourage all train operating companies to provide facilities at stations to help facilitate more bike-and-rail journeys. We also recognise that there are pressures—

Mr. Mike Hancock (in the Chair): Order. I am sorry to interrupt the Minister, but the rules are the rules. I thank all hon. Members who took part in the debate.

Milton Keynes

12.30 pm

Mr. Mark Lancaster (North-East Milton Keynes) (Con): I welcome the Minister to her new appointment. I congratulate her and promise not to be too harsh on her today. If I am remembered for one thing during my time as Member of Parliament for North-East Milton Keynes, I hope it is my campaign for i before e —infrastructure before expansion. That is the key to the future expansion of Milton Keynes.

The phrase "i before e" tells people two things. The first is obvious: that the infrastructure must be in place before the city expands. It also says that I am not opposed to the expansion per se of Milton Keynes. It is vital that our young people have somewhere to live and that they have houses that they can afford. As an aside, while I am on affordable housing, the £60,000 house, which has been much publicised by the Minister, is misleading. People think that they can buy a house for that sum; they do not realise that it represents the building cost and not the purchase cost. In Milton Keynes, a £60,000 house is more likely to cost £130,000.

While I assume that the Minister will not disagree with my i before e campaign, I sense that we differ. She wants Milton Keynes to expand on her terms, with or without the consent of local people, while I am determined that local residents should have the final say on how, and at what rate, it should grow. With that in mind, she may be interested to know that last week I presented a petition to the House signed by more than 4,000 residents. It is relevant, and it declared

"that for any community to be 'sustainable' the plans for its expansion must be supported by existing residents and that Milton Keynes Partnerships' 'Public Consultation' process was not long enough to fully involve the Citizens of Milton Keynes in the decision making process regarding the 2031 Milton Keynes expansion plans. The Petitioners therefore request that the House of Commons urge the Government to set up a local referendum to decide:

If the expansion planning and delivery should be returned to those who are democratically elected to represent and service the people of Milton Keynes and the surrounding area."

The petition sums up my view exactly. Without genuine local support, the Government's sustainable communities plan is destined to fail in Milton Keynes. I am not calling for a referendum on every decision, but the local authority, which is democratically elected by local people, should be allowed a genuine say on how the city will grow. According to a recent survey, that is a view shared by 88 per cent. of local residents.

. In simple terms, I believe in a bottom-up approach, but the Government prefer the top-down approach. If the Minister does not want to take my word for it, she need only consider last week's local elections in Milton Keynes. Just over a year ago, my constituency was represented by a Labour Member of Parliament, yet last week Labour polled less than 15 per cent. of the vote there. I am convinced that one of the reasons for the Conservative revival in my constituency is that we are the only major party promoting the active involvement of local people in deciding how the city will expand.

The Government's approach is rather different. I sense that the Minister and her colleagues are rather nervous about what might happen if, God forbid, local residents have some form of control over their future. The Government prefer the autocratic approach via unelected and unaccountable quangos. In Milton Keynes, we are talking about English Partnerships and its local delivery vehicle, Milton Keynes Partnership.

The Government occasionally, via the Milton Keynes Partnership, like to give the impression of local involvement. After all, there are three elected members of the local authority on its board, complete with a generous salary, but they have no authority. While I accept that such a situation is becoming the norm for the Office of the Deputy Prime Minister, it is not the way forward.

The Milton Keynes Partnership recently consulted the local population about its six options for growth for the city. Even though, according to the survey that I mentioned, 78 per cent. of people in the city had no idea that the consultation had taken place—either because it was so poorly advertised or so short—the residents who did respond flatly rejected all six options. Presumably, it is a case of going back to the drawing board. Of course, the advantage of being an unelected, unaccountable quango is that one can press on regardless of local views.

Milton Keynes cannot just do its own thing, and there must be co-ordination with other regional organisations. To be fair, I should say to the Minister that Jane Hamilton and her staff at English Partnerships are very professional, but often their hands are tied as they cannot serve two masters and, however sympathetic they are to the needs of Milton Keynes, they know that their principal loyalty is to central Government, not the city. Let me give the Minister just one example of what I mean. Between 2004 and 2008, via English Partnerships the Government will rob Milton Keynes of £494 million by selling off the city's land bank, and put back just £201 million. Therefore, there will be a net outflow of nearly £300 million, stolen from the city by Government via an unelected, unaccountable quango.

Assuming that the Minister supports my i before e campaign, I am sure she will share my concern at the detrimental effect that this drive to squeeze every penny out of the city is having on the local community. For example, numerous green reserved sites across the city are now being considered for sale for residential development. Walton high school in my constituency—an excellent school that both the Prime Minister and the Chancellor visited in the run-up to the general election, presumably to bask in its reflected glory—recently wanted to expand its sixth form on to a reserved site next to the school owned by English Partnerships. The site was originally valued at £12,000, but the school found that English Partnerships had revalued the site at its residential value of £234,000, thus making it unobtainable by the school. I am pleased that, having raised the matter in the House, that decision has been reversed. However, it is a classic example of e before i —of expansion before infrastructure—rather than of i before e, which is what I am calling for.

I shall address the financing of the expansion shortly. I acknowledge that some infrastructure improvements have been promised—for example, the upgrading of central Milton Keynes railway station and the improvements to junction 14 of the M1, both of which are due for completion in the next few years.

John Bercow (Buckingham) (Con): I am grateful to my hon. Friend for giving way, and I echo his call for infrastructure before expansion in Milton Keynes, as I issue a similar call in respect of neighbouring Aylesbury vale.

Does my hon. Friend agree that it is particularly perverse and objectionable that a quango in the form of Milton Keynes Partnership should propose a whole series of options upon which it fails to consult and among which there is not numbered an option which would allow for expansion east of the M1? Does my hon. Friend agree that that is a lacuna, which ought to be put right?

Mr. Lancaster: My hon. Friend makes a powerful point, which I agree with. All options should be considered. Indeed, when the six options were published, it was notable that there was a caveat to the effect that it might well be decided not to proceed with any of the six options, and that an entirely different option could be chosen. Such is the way that quangos seem to operate in the city.

Let me return to the infrastructure improvements. I mentioned those to junction 14 of the M1 and central Milton Keynes station. Although they are welcome, they are a mere drop in the ocean in relation to what the city requires. I sense that they may be mere titbits thrown to the city to keep it quiet. It will come as no surprise to you, Mr. Hancock, that normally such announcements are made just before a general or local election.

One of the biggest problems that the city faces, however, is uncertainty. Although the current expansion plans run to 2031, the Government refuse to commit to infrastructure projects beyond the short term, making it very hard for the city to plan with any certainty. It was announced just before the local elections that the Government now support the east-west rail link through the city, but when pushed after the local elections Baroness Andrews admitted that that would take place only if private funding could be found. The Government need to take a longer-term view on growth and sustainability, and to support the local communities in planning their future by providing long-term certainty in infrastructure funding. Such an approach will strengthen community commitment to the growth project and help make the Government's sustainable communities project genuinely sustainable.

Mr. Hancock, time is marching on and I would like briefly to look at the financing of the expansion of Milton Keynes. Under current arrangements, section 106 of the Town and Country Planning Act 1990 allows a local planning authority to enter into a legally binding agreement or planning obligation with a land developer over a related issue. The Milton Keynes tariff is using that legislation to develop an agreement with landowners and developers in the expansion areas and contribute a flat rate per dwelling of £18,500, or £33.4 million per employment space. The total will fund the strategic and local infrastructure that arises from the developments. So far, so good.

Unfortunately, that system raises key concerns for the local authority. First, the total budget will not fund the total cost of all pieces of infrastructure. There is a 25 per cent. gap in the funds required, and it increases each time Government standards increase, because increased standards for schools, for example, are invariably more expensive. Secondly, to fulfil the tariff agreement, all Departments must be prepared to guarantee that the requisite additional funds will be forthcoming. If the council is unable to secure the additional funds that it requires, the delivery of the tariff and associated items of infrastructure will be at risk. Thirdly, Departments must be able to guarantee that the overall revenue costs will be available to public authorities to support service delivery once the infrastructure is operational. Fourthly, there are genuine concerns that the tariff is designed to operate in greenfield areas and that it is far from straightforward to operate a similar vehicle in relation to infill and brownfield developments. Those are some of the problems associated with the current system.

As the Minister is aware, the planning gain supplement is the Government's proposal for capturing the land value uplift through the centralised collection of a proportion of that uplift. Once again, however, there are key concerns for the local authority. First, there is the issue of the net loss of revenues to the local area. Naturally, I believe that the uplift created in Milton Keynes should be retained there, not distributed across the region and the country. I have explained how the Government are robbing Milton Keynes, and the planning gain supplement is set to see that continue. Secondly, the planning gain supplement proposal will mean a loss of local autonomy over the revenue received from planning contributions, because the central and regional collection of funds will dislocate the decision-making process. The funds should be determined and distributed locally, using local criteria. Thirdly, the local authority and I believe that the planning gain supplement will not improve the transparency of the planning system, but will weaken community engagement in the growth agenda because funding decisions will be taken remotely, not in the locality.

All those factors simply add to the feeling that decisions will be made more remotely from Milton Keynes. If I am right that the Government's sustainable communities project must enjoy the support of local people to be successful, none of the factors that I have highlighted will be a step in the right direction, because they all appear to move decision making from Milton Keynes to central Government.

I have highlighted the fact that there is a massive outflow of cash from Milton Keynes via English Partnerships, and it appears that the planning gain supplement will add to that. The local authority believes that capital receipts should be used to supplement the tariff and fill the gap between the total project costs of infrastructure and the tariff available. If the Minister can answer only one question today—I have given notice that I would like it answered—I hope that it is this. Exactly what percentage of the planning gain supplement will be returned to Milton Keynes so that it can spend that money? Without that figure, there is no way that the local authority can plan for the long term.

I could touch on many other financial issues, not least the lack of fairness in revenue funding for Milton Keynes, the lack of recognition given to the population expansion in the city and the fact that funds are given with one hand and taken away with the other through the floors policy. However, if the Minister takes only one thought away from this debate, I hope that it will be

that if the Government continue to alienate local people from the decision-making process in the sustainable communities plan, last week's poll in Milton Keynes will probably be the high point of Labour popularity there.

Mr. Mike Hancock (in the Chair): I welcome the Minister to her new role.

12.44 pm

The Parliamentary Under-Secretary of State for Communities and Local Government (Angela E. Smith): I congratulate the hon. Member for North-East Milton Keynes (Mr. Lancaster) on securing the debate. I also thank him for giving me my first opportunity to speak in the House on behalf of what is a new Department. Although he referred a couple of times to the Office of the Deputy Prime Minister, he will recognise that this is a very new Department, and it is exciting to be part of it. It will do things very differently and consider how to bring communities and local government together.

The issue of private housing is a crucial one for this generation and future ones. The hon. Gentleman has highlighted one of the most pressing issues faced by us all, and we have an obligation to ensure that everyone has a decent place in which to live. I am grateful that he has given me the opportunity to clarify some of the issues relating to the expansion and administration of Milton Keynes. If he wishes to be reassured about some of his concerns, I hope that I can reassure him. I should say at the outset that I am constrained in what I can say at this stage about the future scale and direction of the expansion. The matter will be considered in the emerging south-east regional spatial strategy, which is known as the south-east plan, and it is something that we will consider in due course.

To set the debate in context, the south-east is the most successful English regional economy and it competes on a world stage, but that success brings with it demands and pressures on housing. In order for the south-east, including Milton Keynes, to remain competitive and to develop in a sustainable way, we have to address the need for housing. From the hon. Gentleman's comments, I know that he would not want to deny the right to decent housing to any constituent or potential constituent.

The Government are not putting the south-east under development pressure. The pressures exist now, and the important question that we must address is how they are best managed. There is no doubt that we have not been building enough homes generally. The hon. Gentleman will know that the country has seen a massive increase in the number of households, and the latest forecasts predict that that trend will continue. Two thirds of new households created are in the south-east, but we have also seen the lowest levels of house building in the post-war period. In the south-east, actual build rates have been lower than planned, and that is especially true in Milton Keynes, which has since 2001 provided more than 1,300 new homes fewer than it should have. Although it is in some ways the largest provider of new homes in the south-east, it is also the largest under-provider. We have to consider that problem and address the demand.

When we consider the impact of that demand, we see that house prices have risen by about 160 per cent. Recent research shows that, if we do not build more homes, two thirds of couples in their 30s will not be able to afford a home of their own in 20 years' time. That is why it is so important that we invest in new homes and communities. I am concerned that those who suffer most are often those on lower incomes. It is often our key workers who fail to get a foot on the housing ladder. However, many people campaign, sometimes understandably, in opposition to new homes proposed in their area. The other consequences of not building new homes in relation to the impact on the local economy and business, however, are often ignored and not given the same credence and credibility as the issues raised by those who campaign against new homes.

We are seeking to create new and sustainable communities. That is why proposals for Milton Keynes have been subject to extensive independent testing and evaluation. In 2003, we published the sustainable communities plan, which identified Milton Keynes as part of the Milton Keynes and south midlands growth area. The sub-regional strategy was published in March 2005, following almost two years of public consultation and a public examination by an independent panel.

The approved sub-regional strategy anticipates that Milton Keynes will accommodate about 45,000 new homes by 2021, with further scope for about 23,000 by 2031. Under the approved strategy, the majority of development will be accommodated within the existing central urban area of Milton Keynes, while other development will be provided through sustainable urban extensions. The growth proposals for Milton Keynes have been shown to be realistic and achievable.

This is not just a social issue. There is a fundamental right to a decent home, as I said, but there is also an economic imperative behind the demand for new homes. The hon. Gentleman spoke about businesses being the lifeblood of any community. Businesses nationally and in Milton Keynes tell us that the economy is being held back by the lack of new homes. I am sure that he is aware that Milton Keynes already has 16,000 more commuters coming into the area daily than are leaving it.

Mr. Lancaster: Will the Minister give way?

Angela E. Smith: I shall just finish the point that I want to make, then take a very brief intervention. I want to address the points that the hon. Gentleman made in his speech.

Many of the commuters whom I mentioned want to live in Milton Keynes and contribute to the economy not only by working there, but by spending money there, living there and being part of the community.

Mr. Lancaster: I am grateful to the Minister for giving way, but she has been speaking for five minutes and has not even begun to address the issues that I raised. I said at the start of my speech that I accept that Milton Keynes will expand—that is a given—but the rate at which it expands is a different matter. Please will

[Mr. Lancaster]

the Minister get on to my points, rather than just repeat the arguments that the Government have already made?

Angela E. Smith: I understand the hon. Gentleman's impatience, and as I develop my comments, I shall address his questions, but it is also important to set the matter in context in terms of where the demand for new homes is coming from and how that demand should be managed. It is a shame that he has taken up more time with his intervention, but I give him an assurance that I will address all his points.

It is worth making the point that Milton Keynes's economy and learning partnership, which includes all leading economic and learning partners, has been supportive of the growth agenda. Continued economic success relies on new homes.

The hon. Gentleman referred to his petition, which I read and noted. It complains about the lack of public consultation and suggests that consultation was not long enough to involve the citizens of Milton Keynes fully in the planned expansion. That reflects a misunderstanding of the process. There was a consultation period, and my information is that he is incorrect to suggest that there was no support whatever for the plan. My understanding is that there were those who opposed it and those who supported it. But that is not the plan that goes forward; that is part of the evidence—the examination—that will be given, along with that of other organisations.

Other organisations have not consulted on the evidence that they are putting forward. For example, the local council is also putting forward information for examination, but that has not been subject to public consultation. There was no statutory right or duty to undertake public consultation; it was an additional consultation, although it was helpful that it was undertaken. It was not the case that no one supported the plan; my understanding is that there was both support for it and opposition to it.

The hon. Gentleman may be aware that the South East England regional assembly recently submitted to the Government its draft south-east plan, covering the 20 years to 2026, and that that is also now out for public consultation. I encourage everyone who wants to move Milton Keynes forward and wants it to be successful, regardless of their point of view, to use the available opportunities to add to the debate in the current south-east plan consultation. When the council starts preparing its new planning policy for the area—it is important to recognise that the council prepares planning policy—it will be its responsibility to translate the strategic guidance in the south-east plan into specific proposals at the local level, so there will be strong involvement for the local council.

The hon. Gentleman was critical of the Milton Keynes Partnership in that regard, but the partnership involves the council, and it has representatives from the local authority and the council. My understanding is that after the local elections there will be representatives from all three political parties. That is a democratic route by which local people can make their views known.

I am sorry that the hon. Gentleman is so dismissive of the role of local councillors in the Milton Keynes Partnership. My understanding—I have been in post for only two days—is that the committee strives to be open and to involve the local community in its activities. Since its launch, the committee has played a key role in expansion and prosperity for Milton Keynes, and it will continue to do so. Key figures from local life, who understand the major issues facing the area, are involved. Of course, we are talking about a delivery vehicle; it is in the legislation that we should review all local delivery vehicles over a five-year period.

The hon. Gentleman also said, using rather emotive language, that English Partnerships was robbing Milton Keynes of money. It is correct that, in the time frame that he mentioned, receipts from EP land sales exceeded the none the less substantial expenditure in Milton Keynes. It is worth noting that English Partnerships operates on a national canvas, so the money that comes in goes to English Partnerships generally; it does not necessarily belong to Milton Keynes. Nevertheless, the hon. Gentleman chose a particular time frame. The land being sold now was acquired for Milton Keynes by the Commission for the New Towns, which was the previous body. It is not that Milton Keynes is being robbed; it is just a natural progression. If he uses a different time frame and goes back to when the land was acquired, he might find completely different figures.

The hon. Gentleman also referred to funding. I am glad to have the opportunity to address that issue, because communities are more than just housing; they must be sustainable. Mistakes were often made when new towns were built. Some people who grew up in new towns feel very strongly that mistakes were made and that the necessary infrastructure was not always provided. However, in government, we have consistently said that our approach is to ensure that we have the necessary infrastructure investment in place to support housing growth. We use a mixture of funding from mainstream programmes, investment by the private sector and top-up funding from the growth areas programme.

The hon. Gentleman acknowledged that money was being made available. I am sorry that he was rather dismissive of some of the investment available, but I shall give him some examples: almost £37 million from the growth areas fund, including £7 million for Milton Keynes hospital to consolidate its present site; £32 million from the community infrastructure fund, including £24 million for Milton Keynes and Wolverton stations; and £8 million for upgrading junction 14 of the M1. There is ongoing investment from a range of mainstream programmes, including an extra £20 million revenue and £20 million capital for health programmes in Milton Keynes. In addition, the Milton Keynes "Prospectus", known locally as the tariff, will attract private sector funding estimated at £315 million, alongside the Government's funding for infrastructure.

Mr. Lancaster *rose—*

Angela E. Smith: I shall give way to the hon. Gentleman if he wishes, but it may mean that I cannot answer the other points that he raised.

Mr. Lancaster: The Minister mentioned health care in Milton Keynes. Since things are going so well, will she tell me why it was announced only today that the Fraser Day hospital in Milton Keynes will close?

Angela E. Smith: I cannot give the hon. Gentleman an answer on that issue. If he had given me notice, I would have asked my colleagues in the Department of Health. The fact is that there is significant additional investment, and if he has concerns about those issues, I hope that when investment is proposed in the House of Commons, he will always vote for it. Too often, Opposition Members request money but are reluctant to vote to deliver it in the House of Commons.

In the time remaining, I shall try to address the hon. Gentleman's additional comments. On the tariff, he spoke about a gap of 25 per cent., but private sector investment of about £300 million will be brought in. Assessing the cost of infrastructure is complex and involves several uncertainties. To address them and to ensure that we have the appropriate infrastructure, we are undertaking the 2007 comprehensive spending review. There will be a cross-cutting review to determine the social, transport and environmental infrastructure implications of housing growth in different locations. The 2007 review is an opportunity to consider those issues.

The hon. Gentleman also said that the tariff is designed to operate in greenfield areas, and that it is not so straightforward in brownfield areas. Milton Keynes Partnership designed the tariff for use mainly on greenfield land, but it is for Milton Keynes council to discuss the operation of the tariff with the partnership, learn lessons and determine how it might be delivered for other sites.

The hon. Gentleman also raised several concerns about planning gain supplement. I appreciate that he gave me notice of the question about what percentage will go to the council, and I am sorry to disappoint him, but I am not able to give him the exact figure. As I am sure he is aware, the consultation concluded on 27 February. Responses are being considered, and I assure him that when the announcement is made, he will be kept informed.

Milton Keynes is a success story. It has grown into one of the country's most exciting and prosperous areas in just a few years. It now has an opportunity to create a new chapter in its history. The Government are supporting Milton Keynes with funding, investment—we take on board the comments about ensuring that the infrastructure in place—and delivery arrangements to enable it to embrace that future with confidence.

Mr. Lancaster: On a point of order, Mr. Hancock. Since the Minister is failing to answer many of my questions, will she endeavour to write to me after this debate?

Angela E. Smith: As far I am concerned, I have done my best to answer the hon. Gentleman's questions. I may not have given him the answers that he was looking for, but I have answered the questions. I shall go through his speech, and if I have failed to answer any of his questions, I shall of course take them up in writing with him.

Composting

12.59 pm

Paddy Tipping (Sherwood) (Lab): I am delighted to have the opportunity to introduce this short debate on composting as part of our waste strategy. It is timely, as this is composting awareness week, which is organised in the UK by the Composting Association, as it has been since 2001. That international event involves Canada, the United States, Australia and the European Compost Network. Its aims are, first, to encourage the public to think about composting and learn more about the subject and ongoing efforts to recycle more, and to try to persuade them to compost, as I do. Secondly, there is a need for the industry to encourage site operators to build links with the community and explain the benefit of composting to educate people about its value and to answer any questions.

This year's event operates with the theme, "Add power to your flowers...Compost!" The Composting Association is running a series of events across the country, and distributing leaflets. Last year, it ran some 300 events. It is important to raise the profile of composting, which is part of a natural cycle that has much to contribute to our waste strategy.

Composting is already an important part of that strategy. It is driven in part by the European Union landfill directive, which recognises that emissions of methane from landfill sites are an important contributor to climate change. Methane is 20 times more dangerous than carbon dioxide, and the more we can reduce emissions, the more we can combat climate change, which is a key priority for the Government.

I want to congratulate local authorities, which are often scapegoats in the House of Commons. They have worked extremely hard on recycling and have reduced the amount of biodegradable municipal waste sent to landfill. They have big targets, but I am confident that they can achieve them. As an example, I commend my county council, Nottinghamshire. Last year, it composted some 40,000 tonnes of green waste, which represents 25 per cent. of the domestic waste stream.

The authority hopes to sign a big new private finance initiative contract later this month. It works closely with the Government and acknowledges the advice and support it has received from Department for Environment, Food and Rural Affairs officials. It has written to the Minister to ask him to join the celebration of that new contract, which will be an important step change for Nottinghamshire.

Composting has been increasing: in the early 1990s, there were only a handful of sites producing just 150,000 tonnes of compost, but there are now more than 200 producing more than 2 million tonnes per annum. There is also a big and real issue over the composting of domestic waste. To compost domestic waste effectively and safely, we must introduce in-vessel composting. There are about 20 such units, but the Environment Agency suggests that we might need 200.

As I said at the outset, this is a timely debate. Yesterday, the Waste and Resources Action Programme released its third business plan, which includes organics and composting as key focuses. Interestingly, WRAP recognises the retail sector as an area where important gains in recycling could be made. Far too much food is

[Paddy Tipping]

wasted. The amount could be reduced at source, but it could also be dealt with through recycling.

Chris Mole (Ipswich) (Lab): Will my hon. Friend encourage the Minister to review the desktop study that led to the widespread exclusion of kitchen waste from compostable streams and which has led to significant confusion for households? It seems to me that the assumptions about the level of pathogens that might be reintroduced through agriculture were overstated.

Paddy Tipping: I tend to agree with my hon. Friend. Clearly, there is a balance to be struck between safety and increasing composting.

We were all scarred by the outbreak of foot and mouth disease, and following that strict animal waste regulations were introduced. My hon. Friend will recall the discussion in the House of Lords when it was suggested that because compost would have to be subject to extreme temperatures to kill pathogens it would be of no value. Like him, I am not confident that we have got the balance right. I want to press the Minister and his officials on that point. I know that discussions are taking place this afternoon, so this is a timely debate.

It is important that compost is certified as being of an appropriate standard. The Composting Association has worked with WRAP to bring forward the BS1 PAS 100 standard. The importance of certification and the safe use of compost on the appropriate site are important to us all.

The composting industry faces a number of challenges. The Environment Agency suggests that more than 200 new composting, anaerobic, digestive and biological treatment facilities producing 40,000 tonnes a year are needed to manage the UK's biodegradable waste stream, but the rate of growth does not suggest that that target will be met.

I want to raise with the Minister five issues that he and his officials are aware of. If we can overcome them, we can make progress towards ensuring that composting really is a big and effective part of the waste stream. The first is home composting. Good local authorities understand the importance of promoting home composting. It is far better environmentally to compost in the garden than to have green waste schemes, although such schemes are valuable. Local authorities with good practice are not able to discount home composting against their recycling targets. I know that that is a difficult issue, but if we want to promote good practice we must do further work on it. I am delighted with the work that WRAP has undertaken and about which it has had discussions with the Department. I hope that those discussions can be brought to an early conclusion.

The second issue is one with which the Minister has been directly and helpfully involved. Community composting is valuable in that it raises awareness and involves the whole community, although there have been difficulties with exemptions from waste licences. He intervened last year to allow discretion or a disregard to enable community composting schemes to go forward. That was valuable, and I know that work and discussions are still taking place in the Department. The cost of waste licensing will be crippling to many smaller community composting schemes and it is important to make progress and to reach decisions.

It is also important to introduce new in-vessel schemes as quickly as possible, but there are difficult issues involved. To set up a new composting plant, one needs planning permission, a waste management licence and, importantly, veterinary approval. As those approval processes are separate, it can take an awfully long time for a new plant to gain all three strands of permission. There must be a better way of doing things: it must be possible to run those three strands together so that it does not take so long to get approval for new sites. A failure to do that will be a failure to achieve our targets; we will not be able to divert biodegradable waste from landfill sites quickly enough.

There is also uncertainty about the financing of new plants. In-vessel composting plants are expensive and high-technology. We tend to think of composting in fairly rudimentary terms, but new techniques require carefully thought out plants. Most such new plants, including the one in Nottinghamshire, are financed by the PFI. Only large, perhaps international, waste companies can afford the time, energy and finance required to introduce new proposals. In the banking and finance sector, composting is still seen as a risky proposition. It is quite difficult for a small business to find the necessary finance to introduce smaller-scale schemes. Some certainty that composting will have an important role in waste strategy, and that the end product will be seen not as waste but as a valuable product, will be important to the introduction of new plants.

I return to the key point that I made earlier: we must persuade people that composting and composted material are valuable and safe. Composting can be used in many ways, and there is no reason why composted material could not play a large part in the remediation of sites. I would like to see a great deal of recycled and composted material used for the Olympic facilities. Composting used on agricultural land and in gardens might have to be of a higher quality, but we need to ensure that real and acceptable conclusions about the safety of compost are reached in discussions between the Department, the Environment Agency and representatives from the sector. Unless we can have a good regulatory framework on which there is agreement so that compost can be spread appropriately on golf courses and agricultural land, we will face difficulties.

I started by saying that the debate is timely because this is composting awareness week. By coincidence, it is also the last day of the consultation on the Government's new waste strategy. I say firmly to the Minister that the Government have achieved an awful lot in terms of recycling. Ambitious targets have been set and are beginning to be met, but we can do more. I want this debate to be a final representation to the consultation.

This matter is fairly straightforward. Composted material has been used widely by farmers for more than 4,000 years. Composting is a natural cycle and something we can all support intuitively, but perhaps we view it in over-complicated terms. Compost has been used for more than 4,000 years, so I want to ensure that the next waste strategy has composting at

the heart of our recycling strategy. That strategy should be about not only recycling and diversion from landfill, but combating climate change.

I am grateful for the opportunity to talk about the benefits of composting as somebody who spends some of his time in his garden composting. I speak not only from the head, but from my feet and hands on this subject.

1.15 pm

The Parliamentary Under-Secretary of State for Environment, Food and Rural Affairs (Mr. Ben Bradshaw): I congratulate my hon. Friend the Member for Sherwood (Paddy Tipping) on securing the debate. He rightly pointed out the timeliness of it, and had he not suggested in his closing remarks that we should consider the debate as the final contribution to the Government's consultation on the review of their waste strategy, I would have made the same suggestion. He got that in just in time. I have a great deal of sympathy with the five points that he went through and assure him that we will consider them carefully and respond to them as part of the review process.

Like my hon. Friend, I am an enthusiastic home composter. I am fortunate enough to have a garden, which helps. There are some challenges, as I am sure that he will realise, in some parts of the country where that is not always so easy, but compost makes a great contribution to the paucity of London clay when it comes to growing flowers. The debate is an appropriate title for national composting week.

As my hon. Friend also rightly pointed out, we will have to up our game significantly in the next few years if we are to meet the demanding landfill targets, although he was also correct to point out that local authorities and individuals—this is about partnership—have done extremely well in recent years in increasing the amount that we recycle and compost.

We have trebled recycling in this country since Labour came to power in 1997. My hon. Friend's local authority in Nottinghamshire has done extremely well. I had the figures to hand—I seem to have mislaid them—but I think that it was up by 30 percentage points for recycling and composting. In doing so, it has easily exceeded its targets, so many congratulations to those involved. Just before the debate, my hon. Friend handed me an invitation, hot off the press, from Nottinghamshire county council to celebrate the signing of its new contract. I would be delighted to do so if I am still in post, and my diary commitments allow.

As my hon. Friend rightly pointed out, one of the big challenges that we face in getting our response to the consultation on the waste review right is the financial framework. He talked about planning and funding, which are major obstacles to providing the infrastructure that we will need, as the Government realise. As I am sure he is aware, we changed the planning guidance about a year ago and are still considering how successful that has been in creating a better climate on the ground for the provision of major infrastructure. I hear from the industry that that has not made as much difference as they would have liked, but clearly we will want to revisit the subject of planning. I will take his point about the parallel processes that have to be gone through to get a biodigester up and running. That seems odd to me.

My hon. Friend also kindly reminded hon. Members that concerns were raised with me by the community composting organisations in the voluntary sector about the proposed level of new fees under the licensing system. I intervened and we are currently reviewing that, and I hope that we will have something to say about it later in the summer that will make it easier for them to enter the market. I am determined that there should be an enhanced role for the community and voluntary sector—we say that explicitly in the review of our waste strategy—not just because it is doing good work on the ground and we think that it has the potential to do more but because it has a special educative function. It involves local communities in an important practice.

The point that my hon. Friend made about education and following best practice is extremely important. My own local authority in Devon had a successful campaign over recent years to encourage people to home compost. As a result, composting rates have risen considerably. As has been said, performance across the country is patchy. Some local authorities, such as my hon. Friend's, are doing extremely well, whereas others have not done so well, and there are historic reasons for that.

One of the most important things that we need to achieve in our response to the review of our waste policy is getting the framework right. There is no doubt that there are some perverse incentives in how the current targets are set. The weight-based targets have, to a certain extent, boosted composting, because, like the rush for gas, in many local authorities there has been a rush for green waste collection. While green waste collection is a good thing to do, it has also, in some cases, been favoured by local authorities because it is an easy, quick and cheap way of getting their weight, recycling and composting figures up.

There are also challenges in respect of markets. My hon. Friend rightly pointed to the excellent work that WRAP has done in recent years, and will continue to do, to improve and grow markets. I am heartened by the general level of consensus that there has been during the review of waste policy about what needs to happen. It has involved a range of people, from the industry and political parties to green groups. If there are no markets for the stuff, things will not happen and will not be sustainable.

My hon. Friend raised an issue about the Olympics. If he thinks it a good idea, I shall write to the Minister responsible for the Olympics pointing out the importance of the sort of infrastructure that he described. His comments about the Olympics touched on another important point—the importance of procurement generally, not just in Government but across industry. He will be aware that we set up the sustainable procurement taskforce under Sir Neville Simms shortly after the previous election. It is about to report, and I think that it will have some important things to say about the importance of procurement policy in driving up the demand for recycled products. I know that that is not strictly to do with compost, but it is in the broader sense of the term; if we could drive up

[Mr. Ben Bradshaw]

the demand for recycled products, that would give a boost to recycling and composting.

I have described the framework. I abandoned my notes, because I felt that my hon. Friend's speech warranted that. I accept the points that both he and my hon. Friend the Member for Ipswich (Chris Mole) made about the highly precautionary nature of the animal by-products regulation. I am acutely aware of that matter. I remember a ridiculous case—I think it was in south Wales—a year or so ago in which local authorities said that they could not accept teabags as part of composting because of the animal by-products regulation. There is always a danger of overreacting.

As was kindly acknowledged, one can understand the adoption of a highly precautionary approach in the aftermath of foot and mouth. Such an approach is right. Not simply because of the composting issue but because I have a desire to be proportionate generally in Government and as a Minister, I am always asking my officials to push the case in Europe for the issue to be reviewed. As we understand more about the level of danger and so on, there might be an opportunity for scaling back, which would be helpful in terms of the current restrictions on composting.

I shall give the ball park figures for what has been invested through WRAP and the waste minimisation and recycling fund. We invested £294 million over the three years to 2005-06. WRAP has done much important work trying to develop markets for compost, which includes the development of a recognised standard for good quality, green waste compost. Another advantage of creating more markets for that sort of compost is that it will take the pressure off peat; it is a win-win situation if we can preserve the peat bogs and encourage the reuse of valuable material.

As my hon. Friend the Member for Sherwood said, we are considering waste as a resource. If he has read the consultation document on our waste policy, he will I am sure have digested the fact that we want to move away from waste being treated as waste; we want to manage it as a resource. As a result, our waste policy will fit more closely with our general policy on sustainable production and consumption.

Mr. Mike Hancock (in the Chair): Order. We move to the next debate.

NHS Services (East Sussex)

1.26 pm

Norman Baker (Lewes) (LD): It is good to see you in the Chair, Mr. Hancock, and I am grateful for the opportunity to start the debate three or four minutes early—and I thank the Under-Secretary of State for Environment, Food and Rural Affairs, the hon. Member for Exeter (Mr. Bradshaw), as well for his help in that.

Of course, this subject is very important to my constituents. The Minister—I am glad to see that she is still with us after the reshuffle—will know that when opinion polls are taken, people say that the quality of the health service is at the top of their list of priorities. To be fair, the Government have put money into the health service over the years, and they have also managed to cut waiting lists; I want to recognise the good before turning to what may be a problem.

This is a time of uncertainty. We are seeing reorganisation in the health service in East Sussex that may be necessary to some extent—for instance, there is tremendous pressure on accident and emergency departments—but I hope that the Minister recognises that it can create uncertainty and divert people's efforts away from delivering front-line services to considering bureaucratic structures. For example, she will know of moves to change the structure of the strategic health authority to make it a south-east authority, and of the proposal to merge primary care trusts in my patch. The mental health trust is coming together, and the ambulance service looks as if it will be larger than Sussex. All those trusts—only the acute trust will be left untouched—will be going through yet another cycle of reorganisation. I wonder how many more there will be. I have been an MP for only nine years, but the health service seems to have been in permanent revolution during that time. That is not sensible for the people involved in the health service or for my constituents or patients generally. We will also have payment by results, which will have interesting consequences.

Let me refer in parenthesis to the economic position of Lewes. The town is at the centre of my constituency; it is a relatively small town, but it benefits from a large degree of white-collar work, which allows it to continue to prosper. Much of that work is based on the health service. The town houses the headquarters of the local PCT and the ambulance trust, other health bodies have links with it and the county council is based there. It would be most unfortunate if, as a consequence of reorganisation, health service jobs were lost to the town. I hope that when the Minister is considering such reorganisations and possible changes to the location of headquarters, she will bear in mind the importance of maintaining a white-collar base in Lewes.

In particular, I want to talk about the impact of the job cuts in Sussex that are fast coming down the track. I said at the start of my speech that I recognise that the Government have put more money into the health service—they have—and the Chancellor has put in more money than ever before. It is therefore difficult to understand the reason for the headlines in my local papers. One headline in *The Argus* says "200 jobs cut to save the NHS £8 million", and another says, "NHS in jobs crisis". One in the *Mid Sussex Times* says "325 jobs to

go at hospitals". Across the acute trusts in particular, we are seeing large-scale redundancies. For instance, the 325 redundancies at the Brighton and Sussex University Hospitals trust comprise 7 per cent. of the work force. The 250 jobs that are to go in Eastbourne at the East Sussex Hospitals trust form 5 per cent. of the work force.

By any standard, those are huge cuts. More than that, they will be random cuts, because the trusts are sensibly working on the basis of trying to avoid redundancies and allowing for natural wastage. Of course, that means that the cuts will come in haphazard fashion according to when people happen to leave—they may, in fact, be in the wrong places. There is no guarantee of a straightforward, sensible and clinical—in both senses of the word—approach to what happens. Instead, the job cuts will fall rather randomly. That will have an effect on front-line services.

It is not difficult to gainsay the suggestion that with 7 per cent. of the work force going within a year, there will be no impact on front-line services. Clearly there will be an impact. Will the Minister explain how—I genuinely do not understand—when the health service has more money than ever, job cuts of such a magnitude are being made in our trusts? It is not a matter of one trust that has been badly managed. Trusts across Sussex, as referred to in my local paper, are affected.

The cuts are having other unwelcome consequences. I spoke last night to Dr. Andrews, the chairman of the East Sussex Hospitals trust local negotiating committee. He told me that things are moving to a stage at which even the most basic drugs are running out in hospitals, including antibiotics. Those are not expensive drugs, but basic drugs. He tells me that hospital doctors scout around for alternatives that can be used to treat patients, but which are often not the most desirable in clinical terms, and are often more expensive; they are just what happens to be there. The cash-flow problems of the hospital are now leading to wastage, with secondary clinical decisions sometimes being made which, although I am not saying that they are wrong, are not necessarily the doctors' first choice. More money is spent in an attempt to save money, which is counterproductive.

Experienced staff are being replaced with less experienced staff—we have of course seen that happen in schools—because they come cheaper, being further down the grading scale. However, by definition they do not have the knowledge and detailed experience that is necessary for our hospitals. The consequence is that we have less experienced staff.

All those developments are very worrying to people in my constituency. With respect to the Brighton and Sussex University Hospitals trust—the one with the biggest deficit and the biggest problem—I am happy to concede that a part of the process may have been limitations in previous management decision making. I am happy to accept that that has been a part of the process if the Minister wants to argue the point. However, now that a turnaround team has been sent in by the Department, the trust's historic debt, which is significant at £10 million, should be wiped off, provided that the trust can agree with the Department of Health and the turnaround team a process for going forward that will prevent further debt from mounting up.

That seems to me to be a compromise. If the trust is expected to deal with the historic debt as well as with the accumulating debt, the consequences for patients will be severe. Wiping out the old debt seems a way to bring some intellectual and financial rigour into the process while recognising that there will be a significant downside for patients if things are allowed to continue as they are.

That is not to say that money is not wasted in the health service. I particularly object to large pay-offs being made to individuals for reasons that are not entirely clear. I draw to the Minister's attention the case of the former chief executive of the East Sussex Hospitals trust, Annette Sergeant, who was given special leave on 21 June 2005. She left the trust on 16 October 2005, officially

"to pursue new career opportunities"

in the health service. I do not know the ins and outs of that decision, but if Annette Sergeant was doing a good job why was she elbowed out of the trust? If she was not doing a good job, why was she given a big pay-off and found another job in the NHS? Neither outcome seems to make sense. She was either up to the job or she was not. Will the Minister confirm that Annette Sergeant received a pay-off in excess of £250,000 to leave the trust before taking up another job in the health service? How can that decision be justified in relation to public expenditure?

I mentioned that there is no reconfiguration of the acute trusts in the sense of changes to boundaries, but the Minister will know about the document produced by the Surrey and Sussex strategic health authority, "Creating an NHS fit for the future". That document sets out some sensible analysis. By the way, Candy Morris is a very competent person to lead that organisation; I am impressed by her. However, the consequences of some decisions may well be very unwelcome for local communities. The decisions cannot simply be rushed through. In particular, there is a suggestion, as the Minister will be aware, that the hospitals in Sussex and Surrey, which by and large are all equal acute trusts with equal A and E facilities, will in effect become part of a two-tier system, with some hospitals having more A and E facilities than others.

There is particular concern in the eastern part of my constituency that Eastbourne district general hospital will be downgraded, may lose some of its A and E facilities and will probably lose its maternity unit. There is concern that because the East Sussex Hospitals trust runs both Eastbourne and Hastings, some procedures will be delivered in Eastbourne and some in Hastings. That is not satisfactory.

As local GPs have said, the key issue about core services is that they want key emergency cover, both medical and surgical, at both hospitals, not at one site. I do not believe that surgical emergencies should go to Hastings if they arise in Seaford or Polegate in my constituency. There is also a question about whether that saves any money. I am not sure that it does and it certainly creates problems of its own. The transport implications are significant. I understand that the ambulance trust has written to express concern about the idea that people from, say, Seaford, Polegate or Eastbourne will have to travel to the hospital in Hastings for a particular sort of care. The distance between Eastbourne and Hastings is significant and the

[Norman Baker]

road system will not impress the ambulance service trying to get there. It is a single-carriageway road with many bottlenecks along it. The idea that because a trust happens to cover a particular geographical area, its services can be spread out so that only one centre deals with a particular function, seems to me to be inherently flawed, but it appears central to the logic of the strategic health authority paper.

We have already had some indication that services will be reduced at Eastbourne. My colleague in Eastbourne, Stephen Lloyd, who stood as a candidate at the last general election, fought to prevent cuts in children's services when they were first mooted. The instinct of the trust throughout has been to deny that services are about to be cut or removed, only for that to be confirmed subsequently. It now seems likely that the maternity department at Eastbourne will be removed and that mothers will be expected to go to Hastings. Almost 4,000 children were born in the trust area last year, so assuming that it is a case of half each, 2,000 people will be expected to go from Eastbourne or, even worse, from Seaford or Polegate—even further away—to Hastings to give birth. That is unacceptable.

The hon. Member for Eastbourne (Mr. Waterson), who cannot be here today, is also concerned about the matter. Indeed, I think it is fair to say that the concern is shared by all East Sussex MPs, including—I do not want to misrepresent him—the hon. Member for Hastings and Rye (Michael Jabez Foster), who is one of the Minister's colleagues. I think that he, too, is concerned about some of the proposals. It would therefore be helpful if the Minister gave precise details of the timetable for any proposed changes, where they are in the system at the moment and what form of consultation will take place on them, with specific reference to the East Sussex Hospitals trust and how those issues dovetail with the strategic health authority document.

May I remind the Minister that there is an issue about patient transport, particularly from rural areas such as Seaford in my constituency, if people are to be expected to get to Hastings? In a written answer from one of her colleagues on 8 November 2004 to a question that I asked, the Government stated:

> "The principle which should apply is that each patient should be able to reach hospital in a reasonable time and in reasonable comfort, without detriment to their medical condition".

However, the answer also stated:

> "A clinical need for treatment does not imply a medical need for transport."—[*Official Report*, 8 November 2004; Vol. 426, c. 543W.]

I accept that as a statement of fact. However, I am concerned—I hope that the Minister will recognise this point—that as facilities move further and further away from patients in particular cases, the distance, time taken to travel, need for transport and cost all become greater. All those are downsides in terms of patient care that I am sure the Minister does not want.

There is concern that despite the Government's stated policy—and perhaps even intentions—the NHS is becoming more centralised. I have given examples of how trusts are reconfiguring services within their boundaries, and I have suggested that the reorganisations in place will create bigger units rather than smaller units, but the situation is even worse than that. In my patch, there are two primary care trusts—they will probably shortly become one—both of which have financial problems. The Eastbourne Downs PCT anticipates an overspend of £7 million this year. What is the consequence of that £7 million overspend? The consequence is that it is delaying references to the acute trust for work to be done in hospital. It is keeping within the Government's maximum times for operations, but delaying them for as long as possible within the Government's framework. That is not sensible for patients. The other consequence is pulling services out of communities, rather than diversifying them out to communities, which is what the Government say they want, and I share that view. Instead, services are being pulled in. The consequence in Seaford, for example, which is a town of almost 25,000 people, is that there are virtually no services in the town, all the intermediate care beds have long gone and people who want intermediate care are now referred to Firwood house, north of Eastbourne. That is a long way away, and quite impossible to get to by public transport. Put simply, the NHS service in Seaford is unacceptable.

As I said, there are 25,000 people in Seaford; it is the largest town in my constituency. All we have in terms of NHS delivery is a GP centre with few facilities and a so-called day hospital which seems to me to provide peculiarly few facilities. In September 2005, I wrote to East Sussex County Healthcare NHS trust, as it then was, about this matter and pointed out that in my view the hospital was underused. In response, the chief executive Lisa Rodrigues pointed out how it was used, which was as a base for a community mental health team, and said that there were a number of out-patient clinics—that number is reducing, by the way—and some use of the building by older people's mental health services. That is not a great deal for a town of 25,000 people, is it? I have long believed that building to be horrendously underused, and in need of reconfiguration. It could be the basis of a good community use that would take the pressure off the NHS and the acute trusts in Eastbourne—and indeed Brighton.

I wrote to Candy Morris of the strategic health authority about the matter, and she quite properly took it up with Lisa Rodrigues. I am afraid that Lisa Rodrigues said in her reply that she did not know what the building was, which does not exactly give confidence that the trust knows what it is doing with its buildings. I have asked Candy Morris to look further into the matter.

What Seaford needs is a new hospital. We need a hospital to deal with minor injuries, as Lewes has; Lewes Victoria hospital has a well-respected unit. We need a hospital in Seaford that can carry out minor operations. We need a focus for the community teams, such as chiropodists, to operate from. The Minister may say that that would involve a spending commitment and that the money would need to be found from somewhere. Of course that is the case, but my argument is that, with A and E admissions going up by 11 per cent. a year and services being withdrawn from communities, that would be a good investment, and it would take pressure off the health service. The Minister's own policy is to have more localised delivery of services, more community facilities and more walk-in centres. I agree with all those things. Seaford is a case in point, as there is a huge gap.

A hospital dealing with minor injuries and minor operations would be an important facility for the town and a good use of NHS public money. The PCT has done some work on the matter, but it has a £7 million overspend and is now up to its neck in reorganisation, so unfortunately that work has all gone on hold and nothing much is happening. We are not making as much progress as we should with that.

There is also a problem with boundary disputes between the county council and the acute trust in terms of bed blocking. I have raised that issue in previous debates, as have other Members, including the hon. Member for Eastbourne. There are still 74 people on average in hospitals held by the East Sussex Hospitals trust—that is 9 per cent. of beds or two wards—who no longer require acute care and who are there largely because the county council has not taken responsibility for them and found residential care home places for them. The Minister and her predecessors have looked at that issue, but nothing much seems to be happening. For that situation to continue would be a terrible waste of NHS money, so it would be useful if it were sorted out.

The other boundary dispute is between different PCTs. Newhaven Downs, which is the rehabilitation centre in my constituency, has been mothballed since last November. It is an upgraded facility that cannot be used, so people are expected to go much further away for intermediate care. The move is simply a cost-cutting measure. The Minister's boss, the Secretary of State for Health, said recently that community hospitals should not be closed for financial reasons. She is absolutely right, but that is, in effect, what has happened at Newhaven Downs. Will the Minister look into the position there and put pressure on the PCT to reopen that facility? Seaford people have lost facilities at the All Saints centre in Eastbourne. They have also lost Homefield cottages and are expected to go to Firwood house, having also lost Newhaven Downs. That is simply not good enough.

I have raised a number of issues to which I hope the Minister can respond. The picture is not all doom and gloom, but there are a number of serious problems that need to be addressed.

1.46 pm

The Parliamentary Under-Secretary of State for Health (Caroline Flint): I congratulate the hon. Member for Lewes (Norman Baker) on securing this debate and on the constructive way in which he began his contribution. I hope that that will allow us to have a balanced and useful discussion about the things that are working in our health service, as well as about some of the things that are perhaps not working as well as we might like them to.

As the Minister with responsibility for public health, I am interested in how we can better look at services that could be provided outside hospitals and in communities and, importantly, at how, through more public health spend, we can swing the pendulum and get ahead of illness rather than always treating sickness—only about 2 per cent. of the NHS spend goes on prevention currently. It is quite difficult to argue that corner, when so much of what happens in the health service is tied up in our hospitals and treating sickness. Please do not get me wrong—we all want to know that when we are ill we will receive the treatment that we need. That is vital and is one of the reasons why, when we came into government in 1997, the public were telling us that their top priority was dealing with waiting times. The second issue was the number of people dying too soon from cancer and heart conditions. Rightly or wrongly, that focused our attention and minds.

Now we are in a better place in terms of waiting times and treatment for those serious conditions. That allows us to consider how better we might deliver a health service that addresses prevention and, importantly, the long-term management of people with serious conditions. As we know only too well, despite the amount of money that might be spent on someone who has had a heart attack or has chronic heart disease, we do not get the best value for our money if there is no service to support them—usually much closer to where they live—to look at their lifestyle and what changes they can make, as well as through other activities.

I visited a YMCA in central London just the other day, where I met some people who had had heart treatment in the past few years who were doing exercise. They all had their own personal trainer. The trainers were young people learning to do physiotherapy or fitness activities in a sports environment—so, two birds for the price of one. The people at the YMCA told me that, at the end of about three years, they were beginning to see the value of that investment. Without it, some of those people might have gone back into hospital more times than was necessary. That is at the heart of the discussion, but as the hon. Gentleman rightly points out, it presents us with some difficult decisions and raises questions about how we are going to change the culture and the way in which, traditionally—and hierarchically—the NHS has provided for people's health. At the same time, within whatever structure we have, the hard work of NHS staff and social care staff, who work with people locally, whether in hospital or outside, will be key to any improvement.

I shall talk a little more about job cuts, but I hope that in future some of the staff who are currently hospital-based will be based partly in the hospital and partly in the community. Alternatively, they may move into the community, where, through technology and changes, we can make better use of community hospitals or develop GP health centres to incorporate facilities and services currently provided in hospitals, while recognising that we need the best hospitals and staff in the world to deal with more serious, complicated cases that require operations and treatment.

We are dealing with the improvement of health, but the hon. Gentleman raised the point, totally fairly, that financial deficits in a minority of trusts in England have been allowed to accumulate in one way or another, or that there has been a game of pass the parcel from one part of the health economy to another to mask the problem. That has been exposed for what it really is—a system allowing a situation to continue whereby no one was getting hold of debts or understanding why they were arising.

Do the debts relate to mergers or the way hospitals are run? The hon. Gentleman made a very good point about delayed transfers, for example. He referred to an

[Caroline Flint]

average of 74 people in this situation, and I have that figure as well. Every day a person is delayed in hospital, social services made a payment of £100, but it costs £300 for every day of delay. That raises issues of sustainability and the close relationship that has to be maintained with social care services.

We are trying to consider how to keep our older people, and our older, older people—it is quite hard to define "older"—out of hospital. We have had fantastic success with primary care trusts, which have considered what they call their falls policies to establish how they can prevent accidents, provide better help in the home and support people in different ways to keep them out of hospital, while ensuring any necessary time in hospital is kept to a minimum. That is one example of a factor that contributes to financial pressures if it is not dealt with. There are examples throughout the country of trusts that are balancing the books and are being innovative in running services by using IT and new technology and by using their staff better. They use highly qualified staff for the jobs they were trained for, while finding other roles for support staff who are also important, but do not necessarily require the same qualifications.

Norman Baker: I accept what the Minister says in part. I would point out that a large number of trusts in Sussex have financial problems. Is she convinced that the funding formula is correct, given that a huge number of "older, older" people—as she puts it—are prevalent in my area? Polegate, for example, has the eighth oldest population in the country.

Caroline Flint: I appreciate what the hon. Gentleman says, but the funding formula takes into account geographical issues and age of population. In many respects, the age of the population in his area, and that part of the south of England, is taken into account. That is reflected in the funding. We consider other health needs as well.

I am sure that the hon. Gentleman would not disagree that the average life expectancy of someone in Doncaster—without being too partisan in referring to my own area—is considerably less than that of someone in parts of Sussex. We have to address those health inequalities. He makes a very good point, which shows why we have to consider what other services we need in his area to meet people's needs. As we are all living longer, there will be more 75-year-olds in the future. How can we help them stay fit and healthy as long as possible? If I were in that position, my desired option would be to look after myself in my home.

I want to touch on the issues relating to jobs. The hon. Gentleman highlighted stories from his local newspapers in relation to this subject. It is true that the hospital and the trusts in question are considering cutting some posts. The Brighton and Sussex University Hospitals trust has said that it is looking to reduce the 5,000 jobs at the trust by 325. I understand that it thinks that it can make up a huge number of posts by introducing a vacancy freeze and through the reduction of agency and bank spend and the better use of technology.

The East Sussex Hospitals NHS trust, which also employs about 5,000 staff, is looking to restrict filling around 250 vacancies. I am told that in an average year, 500 posts fall vacant through natural staff movement and retirements, so we hope that the situation can be managed as fairly as possible and without compulsory redundancies.

This issue raises questions about how those hospitals are going to provide services, given that they may not fill posts or use agency staff as much as they have in the past. There are good examples of other trusts reducing their reliance on agency staff and better managing their permanent staff teams to achieve good results for patients. Seeing a different face every day because the trust overuses agency and temporary staff is not good for patients, particularly older patients, or for their sense of continuity of care. Of course, there is also an important safety issue there.

The changes to the structure of the SHA and PCTs are meant to help to create a stronger framework for the area and improve commissioning. We are looking at making savings by reducing the number of organisations, and putting the money back into front-line services so that funds can be better spent on the services that people most want. Alongside that, we must discuss what services people want in their local communities. That will be addressed in the consultation later this year—I understand that there will be discussions on contributions to the document for the end of May, to be published in the autumn—which should take into account many of the issues that the hon. Gentleman raised.

The hon. Gentleman talked about Seaford day hospital; I am sorry that the person whom he mentioned did not recognise the name of the hospital. It provides mental health services and older people's mental health services, providing three—sometimes four—clinics a week. It also provides working age adult services, providing five—sometimes six—clinics a week. I understand that the hospital is also used as a base by staff who come into the town to treat Seaford residents. That demonstrates another way in which services can be provided without a permanent base. Those staff use the hospital to support people, but most of the treatment takes place in people's homes, which is a good idea. It is also used by the Eastbourne Downs PCT physiotherapy service, which runs clinics every weekday.

So, I understand that the building is used by three services, involving two NHS organisations, to deal with a wide range of mental and physical health needs. That is a good idea and is to be welcomed. I understand, from the Sussex Partnership NHS trust that it will continue to use the building in that way and that there are no plans to reduce capacity there. The trust believes that the building is well utilised. I will ensure that the hon. Gentleman's view that it could be used more is fed back; he should contribute to discussions about planning local services.

The work being led by the SHA in partnership with the four local health communities, including the one for east Sussex, is about trying to ensure that local people and stakeholders have the opportunity to get involved in developing the plan. As I said, that will be supported by a discussion document to be published by the SHA towards the end of May. I understand that it is also

working on settings for care options, and will consider access and travel issues as well as clinical and economic viability. The SHA expects to begin the full public consultation on the developed options in the autumn. I hope that that gives some clarification regarding the timetable.

The hon. Gentleman made some important and constructive points. Part of the debate that we must have is about raising people's expectations of their health service in the future, as well as what they are used to. Sometimes people defend what they are used to partly out of affection for a service that they have used and partly because it is the only thing that they see in town and they are fearful of what will happen if it goes. I hope that the hon. Gentleman will be a constructive and critical friend to his local health services, and a leader in developing discussions about the sort of health services that we could have.

It being Two o'clock, the motion for the Adjournment of the sitting lapsed, without Question put.

Westminster Hall

Wednesday 10 May 2006

[MRS. JANET DEAN *in the Chair*]

Social Housing

Motion made, and Question proposed, That the sitting be now adjourned.—[*Steve McCabe.*]

9.30 am

Ms Karen Buck (Regent's Park and Kensington, North) (Lab): May I say how much I welcome the opportunity to debate social housing? The subject is highly topical, although not for reasons that we would support, but we none the less need to take advantage of that topicality.

I welcome the fact that the Minister is still in place, as she has been extremely supportive and courteous in working with me on the problems of overcrowding, which I shall refer to later. She has visited my constituency and met a number of families who live in wholly unacceptable conditions, which is the thrust of the debate.

Social housing gets a bad press that is not shared by any other public service—so negative is its image that "Little Britain" and Catherine Tate have created an industry out of it. Although it has been mocked and ignored, and more recently treated as if it were in some way a cause of poverty and social exclusion rather than a central line of defence against them, nothing less than a catastrophe has been allowed to unfold.

It is necessary briefly to say that none of those factors can be used in defence of the housing disasters of the past—the great but badly designed monolithic estates, the paternalistic and sometimes poor-quality housing management, and the concentration of families with complex needs in single-tenure neighbourhoods. Serious mistakes have been made over the years, and they have given cover to those who were allowed to dismantle so much that was good over the past quarter century.

Mr. Andrew Dismore (Hendon) (Lab): I am listening to my hon. Friend closely and must say that there is always the risk of throwing the baby out with the bath water. We have three big regeneration schemes in my constituency—West Hendon; Spur Road, Edgware; and Grahame Park, Colindale. The net consequence of significantly increasing density, which will have a great impact on local services and communities, is a net loss of affordable homes. The London borough of Barnet, which is responsible for those schemes, is missing a trick. We have to do something about the chronic shortage of housing and the overcrowding in our area, but those schemes do nothing to ease the problems.

Ms Buck: I totally endorse what my hon. Friend says. I fear that Barnet is doing no favours to its own people, and it is also failing to make a wider contribution.

I am saying to the Government that the opportunity afforded by the Chancellor's stated interest in the case for social housing to be included in next year's spending review is almost a last chance to put right the failures of the past. It was comforting to hear the new Secretary of State in this Department emphasise the importance of social housing. I hope that people's ears are open to the case that needs to be made.

Many good things have been done by the Government on housing since 1997, of which the decent homes initiative is the most important. Thousands of my constituents have benefited from the major improvements and renovations that have taken place under that programme, which are much to be welcomed. However, the overall failure to address the problem of housing supply, most especially but not entirely in London and the south-east, has not only caused untold misery for those families rendered homeless or trapped in chronically overcrowded accommodation, but been a false economy to the public purse. It has shifted much of the cost, such as for temporary accommodation, on to housing benefit; contributed to the destabilising of communities; and, sadly—this is why the debate is so relevant—stoked the racism that is a consequence of the competition for scarce resources in an ethically mixed and fast-changing city.

As the director of Shelter rightly said yesterday, the shortage of affordable homes has led to a "blame culture" in which people turn on each other in their frustration and despair. Although the consequences might have been seen most graphically in Barking and Dagenham, we should be under no illusion that such sentiments are confined to one area.

David Taylor (North-West Leicestershire) (Lab/Co-op): Of those Labour Members present today, several represent metropolitan constituencies and one is a distinguished former council leader; I am a provincial among them. The pressures in London are obviously particularly great. Does my hon. Friend agree that the Government, despite their pretty sound record generally, must avoid what the National Housing Federation has called a "pile 'em high, sell 'em cheap" policy in responding to those problems? They must balance quantity and quality in responding to people's needs and aspirations as regards the environment and new housing.

Ms Buck: Again, I agree with my hon. Friend, and I shall set those points out from my own perspective.

Ironically, the choice-based lettings system, which is increasingly used to supply housing, and which I wholly support in principle, is making the intensity of the competition that I have described toxically transparent. For example, a rare three-bed property in my constituency was advertised through the choice-based lettings system two weeks ago and it attracted 244 bidders from the already heavily filtered top-priority category A list alone. Given that only six three-bedroom properties have been advertised in the current financial year, most desperate people, even on that list, face an almost endless round of unsuccessful bidding, which is an injection of pure poison into already deprived neighbourhoods.

On the shortfall in supply, targets for tackling rough sleeping and for cutting the number of households in temporary accommodation, both of which are entirely

[Ms Buck]

admirable by their own lights, simply squeeze the balloon that is housing need—reducing need in one place, only to see it to pop up elsewhere in the system.

Before I summarise the priorities for action, let me sketch out some challenges. I shall make specific reference to London. The number of social housing lettings has been falling for a decade, and the number of vacancies has fallen because fewer people can afford to buy. In London, the ratio of lower-quartile house prices to lower-quartile earnings has more than doubled, compared with a 50 per cent. increase in the country as a whole. The right to buy is having a continuing impact, reducing the pool of lettings by about 12,500 a year, while the number of completions is substantially down across the country, although I recognise that it is up in London by about 2,000.

Lembit Öpik (Montgomeryshire) (LD): I congratulate the hon. Lady on securing the debate. Is she aware that the problems for inner-city areas that she is describing also affect rural areas such as Montgomeryshire? For example, house prices in my constituency have increased by 157 per cent. in just six years, while the average household earns just £23,000 a year. Does she agree that the problems and the solutions, which I hope she will outline, are very much the same for rural areas? Such areas need to close the gap between the housing that families require and the housing they can afford.

Ms Buck: I certainly take the point that rural areas face a serious challenge on housing need. Although London is at the sharp end of the problem, the pressure is distributed across the country, which is illustrated by the fact that, since 1997, the number of people seeking social housing has increased by about half across the country, but by 77 per cent. in London.

The 2004 spending review was projected to deliver an extra 10,000 new social homes annually by next year, but that was substantially below what the Kate Barker report recommended, and it is less than half of what we need. Despite the Mayor of London's welcome commitment to meet housing need, there will be a continuing shortfall in the years to come. The Greater London authority housing requirement study estimated that 10,700 larger affordable homes—those are at the heart of the problem in my area—were needed every year, but the supply is unbelievably low, at 500.

Mr. Andrew Love (Edmonton) (Lab/Co-op): I agree with my hon. Friend about the commitment to reach the target of 10,000 new homes a year, but in London, as she has outlined, we will not reach anything like our target at current rates, given the need for larger accommodation and the level of construction inflation.

Ms Buck: Sadly, I agree with my hon. Friend, which is why I welcome this chance to make the case in relation to the next spending review. The need is urgent, and provision is lagging well behind need.

The Housing Corporation recently made a welcome contribution to recognising the need for family accommodation by upping its share of the social housing allocation for family homes from 27 to 34 per cent., but that is still way below what is needed to meet new demand in the system and to make inroads into the backlog.

Ms Sally Keeble (Northampton, North) (Lab): Does my hon. Friend agree that it is particularly important to consider what the Housing Corporation says, because it provides social housing? For many families, affordable housing is no longer affordable, and there is a real need not only for affordable housing, but for social housing for many of those families.

Ms Buck: I agree. Social housing is at the heart of my case, although affordable housing to buy is also priced out of the reach of families who in other circumstances might be able to afford to go into the private market.

As a consequence of the devastating shortfall in supply, particularly of family-sized accommodation, severe overcrowding rose by almost half in London between the 1991 and 2001 censuses. More than half of all severely overcrowded households in the country are in London, and the social sector has for the first time overtaken private rented as the most severely affected. The fact that 500,000 London children live in severely overcrowded homes makes me ashamed.

Ms Keeble: I am grateful to my hon. Friend for being generous in giving way. Does she agree that there is a real problem in that figures from the former Office of the Deputy Prime Minister clearly show that overcrowding is greatest in areas where there are large numbers of black and minority ethnic communities, especially Asian communities? That is particularly the case in Newham.

Ms Buck: That is right. In fact, my next point is that, despite the pernicious lies of the British National party and the perhaps more understandable willingness of desperate, badly housed families to believe its propaganda, it is black, ethnic minority and Muslim families who are over-represented in the severe overcrowding and homelessness figures, and indeed across the board in terms of housing need, so in a way we have the worst of all possible worlds.

I have made the point about overall supply and, in particular, the supply of family-sized accommodation, but it is also important to say that the supply must be balanced out across London as a whole. That is my area of concern; others will make the case for the country as a whole. The geographical distribution, even of the increased provision in London, does not meet all needs. In fact, there is a danger that it is about to make the situation worse. Despite the fact that Westminster city council—Westminster is one of my two boroughs—has to deal with what is, unbelievably, the third highest overcrowding level in the local authority rented sector, we are unable to obtain adequate direct investment or to access properties through sub-regional allocations.

I am told that housing opportunities in cheaper partner boroughs to my expensive inner-London ones will help to soak up the slack, yet even though I have

just put forward two desperately needy families who want to move to Barnet, where they have family ties—Barnet is a borough in the sub-regional partnership—I am told by Westminster that no three-bedroom properties will be available in the sub-regional partner boroughs of Barnet and Enfield this year. Overall, Westminster and its sub-regional partners can expect only 90 properties to be made available to meet the needs of more than 3,000 people on the waiting list alone.

Mr. Dismore: I am grateful to my hon. Friend for mentioning Barnet, which is my borough. The problem is that Peter is trying to rob Paul. In my constituency, there is a desperate shortage of the housing that we are discussing, so frankly I am not surprised that Westminster received the response that it did, because there is no housing for our own people. Such properties simply do not exist in Barnet.

One of my main concerns is that, although there is housing investment in parts of London, other parts of London—where there is a chronic housing shortage, where people want to live, where jobs are available, where there are transport links and where, as a consequence, land prices are slightly higher—are being starved of investment. That is a completely false economic argument. We must invest where the jobs and transport links are and where people want to live, not where those things do not exist.

Ms Buck: That is right. I can understand the logic of saying that we will not invest substantially in building social housing in the middle of Knightsbridge—that would be wholly sub-optimal in development terms—but it is critical that we provide social and affordable housing opportunities across London and that they are not concentrated purely in poorer areas. That is because, among other things, we are trying to get away from lower-income households being concentrated in lower-income neighbourhoods. Let me give two illustrations from my area, and I shall conclude by running through some of my priorities for action.

Mrs. M sent me a letter:

"We are a family of five. We have been living in two single bedrooms since 1993. The boy is fifteen, the girl is nine and the little one 3, living, playing, studying and doing homework in the same room of 2.5 metres by 3 metres. The boy has learning difficulties, the mum has rheumatoid arthritis and diabetes... you cannot imagine how difficult it is to live with 3 kids in the same room."

The father and husband of a second family wrote:

"As you will recall, our family of six—myself, my wife, two daughters and two sons—have been living in a flat with two single bedrooms since 2001. Both my wife's health and my own have deteriorated as a result of living here and my children, the oldest of whom is 14, should no longer be sharing a bedroom. Unfortunately, our landlord is indifferent to our situation... in their waiting lists we are placed in Category B along with 66 other people, and, as such, we can expect to wait for 12 years"—

that is, 12 years during which six people share two small bedrooms.

Remember, that family are not even in category A. The transfer list for that social landlord in my borough says that the longest category A priority wait for a two-bedroomed flat is nine years; the longest category B wait is 16 years. Those are not my worst cases, which involve families of five in a single bedroom. However, at least those cases are defined as statutory overcrowding.

I come to my final example. Mrs. A and her husband are sharing a small two-bed with their three teenage children. Mrs. A's landlord, the Peabody Trust, told me last summer:

"She has been on the Trust's transfer list since March 1997... she is waiting for a 3 bed property and her case receives priority because of her medical circumstances and overcrowding. Unfortunately, last year, the Trust only let one 3 bed property in"

the whole borough. The Peabody Trust continued:

"Mrs. A refers to an empty 3 bed on the Dalgarno estate which needs work doing to it... The Trust has to make some difficult decisions when dealing with such properties and in this case, the property will be sold".

Of course, the Peabody Trust is hugely engaged in selling property. Sales are also made by Genesis and a number of other registered social landlords in my constituency.

What is the solution? I do not often echo Ronald Reagan, but I shall in this instance: the solution is not easy, but it is simple. The issue is supply, supply, supply. We have to increase the supply of socially rented homes, especially those suitable for families, although genuinely affordable shared ownership options and greater availability of smaller units can also relieve pressures on families by offering opportunities to adult children. In the 2007 comprehensive spending review, we need to commit to meeting the Barker target as a minimum.

The 2007 comprehensive spending review might give us more money to build, but we can also buy on the open market. That is my preferred emergency response to the crisis. We can support investment in conversions and extensions, such as loft conversions, of existing properties. One reason why that is hard to do is that many London boroughs, including my own, have taken a relative reduction in housing revenue accounts. On current trends, Westminster's housing revenue account will go into deficit in 2010. We need more assistance to enable such programmes to be carried out by the local authorities, the arm's length management organisations and us.

We have to stop the sale of housing association properties, especially the desirable street properties, on the open market. We have to ensure that we do not promote home ownership at the expense of those in desperate need of affordable rented accommodation. Too much extra investment in recent years has gone on promoting ownership rather than on tackling need.

We must not only make the concept of mixed communities a reality, but ensure that, as we rightly mix tenure in what are currently concentrations of social housing, we simultaneously mix social housing into areas that are overwhelmingly owner-occupied. To echo the points made by a number of my hon. Friends, we need social housing growth everywhere.

We must invest more in tools that will help us to identify under-occupation, promote the cash incentive scheme and make mutual exchange work effectively. That will help us to make better use of existing housing stock. We have been extremely complacent about the effectiveness of such programmes. They can help, but are not sufficient and will not solve the problem on

[Ms Buck]

their own. They need proper incentives to match those offered by the right to buy and they need to case manage individuals through the system to encourage them to downsize and exchange.

An estimated 160,000 households living in the social sector could buy in the intermediate market if that sector were providing family-sized accommodation. Intermediate housing tends to concentrate on one and two bedrooms, which is not what families need. The sector could provide this, and it should.

I plead with my hon. Friend the Minister that we must not load the burden on to rents, as London already has the highest rates of child poverty in the country and research clearly shows that higher rents are a factor in work disincentives and poverty. Rising rents in London have already contributed almost £90 million back to the Treasury, which is grossly unfair given the pressures London tenants are under.

We should expand the pilot for turning temporary accommodation into permanent, which would be good value for money and hugely important for unsettled families. The £20 million scheme that is in place is a drop in the ocean. Also, let us find alternatives to the property market as a means to develop assets for those who cannot realistically afford to buy.

Finally, I wish to say something on council leaseholders. Hundreds of relatively low-income council leaseholders in my area, such as on the Warwick, Amberley, Church Street and Lisson Green estates, face major works bills, which can be as high as £68,000 and which in some cases are substantially more than the purchase price of their property.

Home ownership has turned out to have an enormous sting in the tail for many such families, and while right-to-buy discounts and rising property prices have to be seen as part of the context, the reality is that the bills are arriving now and many lessees are devastated by them. There is a further shift towards sub-letting, as families decide that the £425 a week that they could make in housing benefit for renting their properties to homeless families might help to get them off the financial hook, but that does not make sense for the public purse or the wider community.

It is essential that the Government find ways to support initiatives to help the lower-income households now getting caught in this trap and that they recognise that there are costs involved, such as in the form of funding cost caps, interest-free loans, deferred payments, tax breaks on savings schemes for major works, or in some cases funds for buy back.

I apologise for my speech taking so long, although I hope that Members recognise that I have taken a number of interventions. I conclude by saying that social housing is the public service that has been left out in the cold for a quarter of a century, and in my view we are reaping the whirlwind. Please let us take this opportunity to start making radical reparations.

Several hon. Members *rose—*

Mrs. Janet Dean (in the Chair): Order. May I remind Members that we have until 10.30 for general debate, before I call the Front-Bench spokespeople? There should be ample time for all who wish to speak to do so, if Members moderate the length of their speeches.

9.52 am

Tony Baldry (Banbury) (Con): The hon. Member for Regent's Park and Kensington, North (Ms Buck) has made a powerful case for her constituency and for inner London. Also, it is good to see the Minister in her place, although I am a little concerned about her health and I hope she will last out the debate. As one who is still traumatised by Tottenham Hotspur being poisoned at the weekend, I am a bit concerned about everyone.

The hon. Member for Regent's Park and Kensington, North rightly talked about inner London, as that is where her constituency is, but may I take the House on to a shire district? In my district, we estimate that we need 700 new social homes each year just to keep up. The biennial Government grant—the grant under the 2004 comprehensive spending review—has meant that we in Cherwell can build only 288 new homes, which is a long way short of what is needed.

We know from parliamentary questions and answers that delivery of affordable housing after 2007-08 will depend entirely on the 2007 comprehensive spending review and the future bidding round held by the Housing Corporation.

David Taylor: Will the hon. Gentleman give way?

Tony Baldry: I want to be brief and many of the hon. Gentleman's colleagues wish to speak. I do not want to get castigated for taking up time, and the points I want to make are of reasonably narrow compass.

Let us look at what happened in respect of the 2004 comprehensive spending review. A press release issued by the former Office of the Deputy Prime Minister in July 2004 stated that this was one of the most generous spending deliveries ever, providing an extra 10,000 homes a year for social rent and, on top of that, delivering more than 40,000 homes for essential public sector workers and low-cost home ownership in areas of higher housing demand over a four-year period. The fact of the matter is that although that was a £1.5 billion award, it did barely anything for shire districts such as mine.

Ministers have recognised that there is an aspiration for home ownership. In a constituency such as mine, where we fortunately have zero unemployment, pretty much everyone who comes to see me at my constituency surgery and looking for housing is on a low income. They are in work and have almost always lived in the area all their life: having gone to school in Banbury and grown up there, they now work there. They want to get into housing and would aspire to own their own home if they could.

The Government have put forward shared equity schemes, which are really exciting. My only concern is that under the proposals made by the Deputy Prime Minister and the Chancellor in their pamphlet "Extending Home Ownership", the aspirant owner has to take on a mortgage of 75 per cent. of the value of the property. Hometrack has worked out that in Oxfordshire as in London, only about 2 per cent. of those on low incomes could afford a shared equity

property on that basis. Practically none of the people on low incomes will be able to take up shared equity.

In my patch, notwithstanding that we are likely to have it trumpeted that the settlement will be generous and so on, if it is anything like the 2004 settlement, practically nothing will happen. We will then be told that there is to be shared equity, but that will also be a false dawn because no one will be able to access it.

I do not understand the economics of housing. Huge numbers of people in my patch are going into the private rented sector, so the state is paying private landlords considerable sums through rent and housing benefit. Housing benefit is still money from the taxpayer and I do not understand why more of the benefit cannot help to ensure that families can access home ownership. The proportion that a family on low income have to put up would be reduced and far more of those hard-working families in my constituency—often with husband and wife both working on low incomes—could access housing of their own rather than being trapped, as many of them are, in permanent shorthold assured tenancies.

Many of my constituents are confronted by a dilemma: they either go to the district council and are told that they can be put in temporary accommodation for an indefinite period, and eventually one of the few new, affordable social homes might become available, or are told to go to the private sector. As soon as they go to the private sector, they are told that they are by definition adequately housed and they fall off the list.

I make my plea to the Minister: over the next year or so, may we perhaps have a gathering of the Council of Mortgage Lenders, Ministers, the Housing Corporation and others to see how we can make shared equity schemes more accessible to a larger number of people? The Treasury should not simply, under a different pot, spend more and more on housing benefit and lock people into private rented tenancy in permanent shorthold assured tenancies that they really do not want.

In a constituency such as mine, if we could make the finances of shared equity work better, we could lever in a lot more money from individuals, families and mortgage lenders. There seems to be a disconnect that I do not entirely understand, but something tells me that we could do a lot better.

9.59 am

Jeremy Corbyn (Islington, North) (Lab): I shall be as brief as possible because it is important that all colleagues are able to get into the debate. It cannot have escaped your notice, Mrs. Dean, that the majority of Labour Members participating in this debate represent London constituencies; that is because of the nature of the housing crisis in London which my Friend the Member for Regent's Park and Kensington, North (Ms Buck) outlined very well indeed.

I represent an inner-London constituency where property prices are going through the roof all the time. Anyone wishing to buy a property in my constituency, such as a two-bedroomed flat above a shop on a main road, would need about £200,000. I saw an ex-council, three-bedroomed flat on an estate advertised yesterday for £350,000. So-called "shared ownership" properties are so expensive that the possibility of anyone on less than a head teacher's income getting one is remote. In reality, there is a massive housing crisis. Little is being built and some council property is still being sold, fortunately at a slightly lower rate than in the past.

As my Friend said in relation to the choice-based letting scheme, people on the housing waiting list go into a bidding frenzy every Thursday when the local paper comes out. Most of them are sadly disappointed. People come to my advice bureau in tears saying that in two years they have managed to visit one property with 20 other families and did not even manage to get an offer at the end of that process. Such cruelty goes on week in, week out.

To some extent, I welcome the choice-based letting system. However, we should be careful because those who are not computer literate, whose first language is not English and who do not feel confident or comfortable using telephones often simply do not bid. Such people just wait, but they will wait for ever because they have no opportunity at all. While I am not against choice-based letting, we should be cautious because those whose first language is not English are, in my experience, in danger of losing out as a result of it.

The Member for Banbury (Tony Baldry) mentioned some of the problems in his area, and I have much sympathy with those, particularly the point he raised about the perverse levels of cost and the way in which investment can deal with the situation. I suspect that my local authority, Islington council, like most other London bodies, houses few people off the waiting list into any new development or vacant property. People tend to be directed into the private sector or into leased properties where the council or housing association take on the lease. Such leases are phenomenally expensive.

Ex-council properties that have been sold under the right to buy are then bought up by property companies or housing associations, or they are leased. The rent for such properties is often up to £300 a week. People in desperate housing need are put into them and the rent is paid by housing benefit; usually 100 per cent. of it is paid in that way, although that is not true in all cases. The family involved then often live in a poor quality property that is badly managed, very unsuitable and, in some cases, downright dangerous in my view. A huge rent is paid by the public sector.

If any member of such a family then manages to get a job—clearly we want people to get jobs and careers—they cannot afford to take it, because they are suddenly saddled with a bill of £15,000 a year in rent alone, and they have lost income support and other benefits. We are building a mad benefit trap that costs the public a huge sum to prevent somebody from working and keep them in a grossly substandard and inadequate form of accommodation. A lot of that money could be spent far more effectively on building new homes for rent for the people in desperate housing need throughout London.

I shall just quickly make two or three points because I recognise that many other Members wish to speak. First, on planning issues, the Mayor of London has rightly said that he wants 50 per cent. of all major developments given over to what he terms "affordable housing". I understand that aspiration, and I support it with one or two reservations. I do so because I want far

[Jeremy Corbyn]

more homes for rent to be available, but I do not like the use of the word "affordable" because the definition of it is loose. It means whatever anyone wants it to mean. Developers seem to think that something is very affordable when I do not think that that is the case. I would much rather say that we desperately need "places for rent at a fixed level in the public sector".

My local authority, Islington council, was controlled by the Liberal Democrats until last Thursday. Sadly from their point of view it now has no overall control, which represents an enormous step forward for Labour. One issue in the election was the Liberal Democrats' persistence on the policy that they would demand a proportion of social housing only on development sites of more than 14 units. In my borough there are few large development sites; most are very small. The Labour proposal was to go right down to the bottom and insist that all development sites have a proportion of social housing, which is eminently sensible. I hope that that is the new council's policy.

With major developments, developers do not think about the housing needs of people who are desperate to be rehoused; they think of their profits. Arsenal stadium sadly closed last week and the football team is moving to the new stadium. The old stadium site is being redeveloped as Highbury square. The developers, with the agreement of the Liberal Democrat council, are going to put 711 one-bedroomed private flats on that site. That is crazy. There is a desperate need for family housing to keep communities together. What happens is that single people and couples move to one-bedroomed flats and then cannot move to anywhere else in that community, so we end up with a community of either childless couples or old people. Those with children are forced to move out of inner London. I am sure that that occurs in other inner-London constituencies.

My last point is about the need to invest in development. The Library produced an interesting briefing for today's debate, which makes grim reading. The number of new council properties being developed throughout the country this year is somewhere around the zero mark, and the number of housing association properties being developed in the whole of London, which is at a record high for the past 10 years, is just 6,000. We need major investment in housing for rent either by housing associations or local authorities. We should give local authorities the freedom to invest in building properties for rent if that is what they want to do, not skew Government financing of housing investment so that it is impossible for local authorities to build for affordable rent.

If we do not tackle this crisis in London—and it is a crisis—what will be the long-term effect? More homeless people, more people living in grossly overcrowded accommodation, and more children growing up in grossly overcrowded flats. Is it surprising that young people and teenagers who are forced to share bedrooms with their siblings—often siblings of different sexes—do not like to spend time at home because there is simply no space? Is it surprising that families break up? Is it surprising that those young people hang around in the streets because they do not want to be at home in the evening, and encounter all kinds of problems as a result? If we do not deal with the housing crisis in London urgently and invest in the needs of the people, we will be exporting the poor out of London, and creating social divisions and misery for those people who manage to find somewhere—often somewhere expensive and inadequate—to live.

I hope that the Minister fully understands the crisis facing us in London, and the pain that we see across our desks at advice bureaux every week when people ask, "Is it so unreasonable to want a decent flat with a bedroom for each of my children so that they can grow up like all the other children do?" It is heartbreaking to hear what people go through. I hope that the Government will skew investment into new building rather than frittering it away on the profits of private landlords and property companies, which is what we are doing through the perversity of the housing benefit system.

10.9 am

Mr. Andrew Slaughter (Ealing, Acton and Shepherd's Bush) (Lab): I congratulate my hon. Friend the Member for Regent's Park and Kensington, North (Ms Buck) on securing the debate. She is an acknowledged expert in this field, and her constituency neighbours mine. I do not intend to repeat much of what she said, but I welcome the return of her forensic skills to this issue. The loss to aviation policy is great, but the gain to social housing in London is greater still.

I also compliment my hon. Friend on the timing of the debate, which comes after a series of contentious local elections, for which many of us have spent the past six months knocking on doors in our constituencies. Actually, some of us have spent 18 months continuously doing that—to the extent that many of my constituents are probably seeking an injunction to stop my doing it again in the near future. Along with the cases that we hear of in weekly constituency surgeries, that brought home the real human tragedy caused by housing problems in inner London, particularly as we saw at first hand the conditions in which people live in London in the 21st century.

My hon. Friend gave several examples of the problem. I shall not give details of cases but simply say that they range from the extreme—the consequences of a mother with four children living in a one-bedroomed flat are traumatic and almost unimaginable—to the more common situation, which is perhaps worse because of its chronic nature, in which a whole generation has grown up in overcrowded housing.

It is normal in social housing in my constituency for parents to bring up two or three children in a two-bedroomed flat. The issue that they raise with me is the availability of housing now that their children are leaving college and want homes of their own. In other words, an entire generation has become accustomed to using living rooms as bedrooms, to children of different sexes sharing a bedroom, to daily life, whether it involves doing school work or enjoying recreation, in a space that is so confined that it does not allow for normal living.

It could be said that that situation was common for our parents' generation, and that in fact the population

density of inner London has decreased—although it is increasing again. However, there was always some hope in the past, as the market was far more flexible. Today, little hope can be offered to most of my constituents who live in crowded conditions.

The situation is highlighted against a background in which so many things are improving in housing. I cannot remember an election when I have had fewer complaints about housing repairs and conditions, or local authorities and their performance. All those things have improved markedly, and in large measure that is due not only to the local authorities but to the Government, particularly for their decent homes programme, which has transformed entire estates and individual properties and brought them up to a good modern standard after many years of neglect. Even though the programme is not complete, people can now be given a date on which they will have new kitchens and new bathrooms, or their homes will be made weather-tight and more efficient and cheaper to run.

It is also true that several factors that in the past contributed to a lack of social housing have been addressed. One rarely hears about voids; that is, the amount of time it takes to re-let properties. There are initiatives on empty homes, and better allocation policies. Local authorities and housing associations, although they are a mixed bag, have taken action, in so far as they can.

It is right to say that steps have been taken by the Government to introduce more innovative proposals, but not only the Government have been involved. The Mayor of London's policy that 50 per cent. of new units must be affordable is greatly to be welcomed. Indeed, the only thing that I would say against it is that the figure is too low. The move away from building one and two-bedroomed homes to building three-bedroomed and larger homes is also welcome, but as my hon. Friend said, it has not gone far enough.

Proposals such as the relaxation of planning powers to allow extensions to be built on existing properties are often floated. They should be investigated further, as the solution to a problem is often as simple as providing an additional bedroom. I think of a family with an autistic child who lived in a good-quality pre-war council house with a garden. They loved the house and the area, and used the garden for the child's benefit, but they desperately needed an additional bedroom. The solution was staring us in the face, but planning powers at that time simply did not allow an extension.

There are ways of approaching this issue laterally or obliquely, but in the end, as my hon. Friend says, we have to deal with it by supply. That is the only real solution. We know that 54 per cent. of overcrowded families and 60 per cent. of families in temporary accommodation are in London. I have raised that issue publicly and privately with the Minister and her colleagues, and when I ask questions about affordable social housing, I tend to get answers about affordable owner-occupation housing. That is an important issue for young couples who are forced to move out of London and for people who need some form of intermediate housing, but at the end of the day the human misery I see every day and every week in my constituency relates to the lack of supply of affordable rented housing, as my hon. Friend the Member for Islington, North (Jeremy Corbyn) said. *[Interruption.]* I am being prompted to sit down, and I shall do so shortly.

I shall conclude with something slightly more hopeful—and something less hopeful; let us not be too optimistic. One local authority that I know intimately because I was a councillor there for 20 years—until last week—is Hammersmith and Fulham. It has an extremely good record on this issue. It is a very small and congested inner London borough, but between 1998 and 2006, 2,000 units of affordable housing were constructed, which is 70 per cent. of all housing constructed in the borough, with another 1,000 units in the pipeline.

In that borough, 99.3 per cent. of capacity was addressed, compared with 2.8 per cent. in Hillingdon, 3.5 per cent. in Bromley and 3.8 per cent. in Redbridge. Many councils either do not have the skills or the will to do that. They need to have their arms twisted to do it far more, but in the end there are some councils—I am afraid this often does come down to party politics—that are not prepared to do it.

On behalf of my constituents who live in overcrowded conditions, I greatly regret that the control of Hammersmith and Fulham changed hands last Thursday. I looked back at the debate that my hon. Friend the Member for Hackney, South and Shoreditch (Meg Hillier) secured in this Room on 28 March on the subject of overcrowding, and a very intelligent speech was made by the hon. Member for Surrey Heath (Michael Gove), who was very supportive of many initiatives. He based that speech on a visit he had made to a housing development in Hammersmith and Fulham the day before, and said that it was welcomed by residents in the area and all political parties. Every single affordable housing development in the borough of Hammersmith and Fulham was opposed by the Conservative party during the past 20 years. That does not bode well for what will happen there now. The reasons change, but every single development was opposed.

Planning powers and Government intervention are required, but we are talking about not only individual human misery but social engineering. We are talking about the poor and those who live in social housing effectively being told that they are not welcome in the inner city or in areas that are otherwise prosperous. The gulf between the private sector—owner-occupation, and even private rented accommodation—and social housing is so great, it is impossible, even for those on two or three times the average income, to bridge.

The driving need is for an increase in social rented housing and a form of intermediate social housing. Unless that need is addressed, particularly in London, we are not only condemning another generation to live in appalling and inhuman conditions but changing the nature of London as we know it: a multi-racial, multi-class and vibrantly mixed community. That is my fear, and that is why housing will be such an important issue during the next 10 years. It is a big issue. The solution, as my hon. Friend the Member for Regent's Park and Kensington, North said, may be simple, but it is difficult to achieve. I hope that the Government will now give it the attention it deserves.

10.19 am

Clive Efford (Eltham) (Lab): I congratulate my hon. Friend the Member for Regent's Park and Kensington, North (Ms Buck) on securing a debate on this important issue. I, along with other hon. Members, particularly from London, have raised this issue on a number of occasions, with questions to the Prime Minister and in Westminster Hall debates. We have tried to highlight the issue by consistently stating that it has been overlooked on the political agenda and in debates about what should be the Government's priorities.

A number of people have made the point that the Government must be clear about what they mean by affordable housing. In the past, it has been interpreted as a need for schemes to assist people to purchase houses. However, for many people in London, even with the discounts available through various Government schemes, those homes are just not affordable. Often, they require a deposit that is out of the affordability range of most people in desperate housing need.

I am relieved that people such as the Chancellor want to see a case made for affordable housing. I am delighted that we are starting to get some response to the debate, but I appeal to the Government to take it on board from us that the clear but unstated hatred of and lack of trust in local authorities to deliver in this vital area must stop. They are the vehicle for change, and they can deliver the social housing that will change communities and provide the opportunities that families are currently being denied. We must remove the roadblocks in the way of local authorities' delivery of that change.

My hon. Friend is right when she says that supply is the issue. I gave figures for my local authority whereby housing applications for 2004-05 were running at similar levels to those of 1999. The acceptance rate was more or less the same, but the figures for those waiting for housing were up by almost 60 per cent. Demand is not growing and outstripping supply—it is the supply that is wrong.

The figures in my area also mask the underlying problem of those who are trapped in their family homes. Every week, my surgery is full of examples of three generations of a family who live in a house that the Labour party built. The grandchildren and the parents of those grandchildren are trapped in that home, and they are unable to move into housing in the same way as their parents were before them. The grandparents are looking to the Labour party and saying, "We want you to build houses for our children, so that they can have the opportunities that we had to bring up our families."

We have seen right to buy decimate the supply of social housing, but the sad fact is that at the other end, we have not seen any investment in the stock—to the point at which local authorities are building almost no properties at all.

There is also a problem with the way in which we construct the finance for building new social housing schemes, and I believe that we can release much of the equity in new-build for reinvestment in the public sector. Too often, when my local authority sells a parcel of its land to the private sector and then negotiates under section 106 a proportion of the development of that land for social housing, the developer walks away with a huge profit from the sale of the rest of the site. I have spoken to housing associations that say, "We can manage those schemes from beginning to end; we can sell the properties, bring the profits back into the public sector and reinvest them in further schemes in the local area."

We are frittering away our resources through the way in which we set up the finances for the development of social housing. We must tell local authorities that we want them to be more innovative, with self-financing schemes in some respects. We could consider placing a proportion of the rents under a prudential scheme, so that they finance some of the interest that must be paid. We must consider those schemes urgently.

Regeneration of the Kidbrooke area in my constituency will result in 4,400 homes where there are currently just under 2,000, and about 2,000 of them will be affordable. Some will be part buy, part rent and others will be for rent through the social sector. However, it is still not too late to have a greater proportion of social housing in that development. Most of the land is in public ownership, and the financing package could be reviewed to provide more social housing for local people who desperately need it.

People in the eastern corridor of London see beautiful houses being built in the Thames gateway and are fed up that they and their children do not have access to those houses because they are priced out. They are frustrated, and demonstrated that frustration clearly in the recent local elections. That fuels the lies of extremists such as the British National party who want to exploit the situation and people's feeling of desperation. They have done that successfully because we left the opportunity open to them and failed to address the problem of housing demand and the people who desperately need housing.

We must expand the housing stock and provide the opportunity for money to be invested in houses to accommodate larger families. In return, families may have to sign away their right to buy for a period or even in perpetuity so that investment in housing can be made with the confidence that it will not disappear from the public sector. We must look at such schemes.

Overcrowding is fuelling antisocial behaviour and is a block to improving standards in education. Young children who are at school will not sit and watch "EastEnders" with their parents if they live in an overcrowded house and sleep in a bedroom with their younger sister or brother. They will go out on the streets with their friends. They have nowhere to do their homework. We must cut the vicious circle. Only a Labour Government will deal with the problem and people need to receive that message loud and clear. The Government's duty is to tell people that housing is a priority and that Labour will deliver for them once and for all.

Several hon. Members *rose—*

Mrs Janet Dean (in the Chair): Order. I remind hon. Members that they have only until half-past 10.

10.27 am

Meg Hillier (Hackney, South and Shoreditch) (Lab/Co-op): Time is short so I shall be brief. I refer hon. Members to my Adjournment debate on 28 March for comments about Hackney, where overcrowding contributes to a population churn of more than 40 per cent. in some areas, which has a disastrous effect on public services.

I want to focus on some key points that I would like the Minister to address. Why is there no explicit measure of efficiency for the Housing Corporation based on the cost of people living in a home rather than the cost per house? That defies common sense and has an impact on all the issues that hon. Members have raised. Will she give a commitment that bid support in future will reflect the number of people living in a home rather than the cost per property?

There is also a lack of targeting for large-bedroomed houses in the current London housing strategy and I should be grateful if the Minister commented on that also. Will she look at Housing Corporation funding rules, because we have the crazy situation locally where for every pound that a local authority provides to a housing association the Housing Corporation removes a pound? That defies common sense and needs to be tackled.

I must mention the test case in my constituency concerning the Haggerston West and Kingsland estate. We are hoping to receive good news about providing more three and four-bedroomed properties after a long campaign of more than 10 years by residents, myself and local councillors, particularly Councillor Jamie Carswell, who have fought to ensure that residents receive the housing they need rather than the one and two-bedroomed properties that Treasury rules seem to impose on them.

10.29 am

Ms Sally Keeble (Northampton, North) (Lab): Although my contribution will last only a minute so that the Minister can speak, everything that has been said applies to the rest of England. I stress that a massive housing shortage is building up in other parts of England. We must not assume that problems of low pay, special needs, inflation in the private sector and the inadequacies of that sector do not also apply to the rest of England; they do.

I have three pleas for the Minister. One is that she should deal properly with overcrowding, and bring forward consultation on standards, because we cannot let the shortage of housing continue to force people to live in such unacceptable conditions of overcrowding; also, perhaps she could ensure that proper consultation takes place about special needs and the impact of that issue on housing standards.

My second plea is that the Minister should again examine the preventing homelessness agenda. I believe that it is leading to a real problem of hidden homelessness. People are being diverted into private sector renting, and although they should be diverted after their needs have been assessed, they are being diverted as soon as they apply, so that they never appear on the figures. I am very concerned about that. I am also concerned about standards of training among some of the staff who do the work.

My third plea is that the Minister should attend to what is happening in growth areas such as mine. Lots of new housing is being built in Northampton, but it is all private sector housing and developers are subject to a requirement to provide percentages of affordable, not social, housing. As part of the growth agenda we need to ensure that there are, built in, adequate supplies of social housing to rent, not just shared equity properties, about which something has already been said. It should be understood that there is an economic factor. We need a good housing mix in the new communities that are being built.

I hope that the brevity of my remarks will not be taken to reflect my view of the severity of the problems.

10.31 am

Mr. Dan Rogerson (North Cornwall) (LD): I shall try to keep my remarks short to allow the Minister as much time as possible to respond; I am aware that Labour Members may want to raise additional points during her response.

I congratulate the hon. Member for Regent's Park and Kensington, North (Ms Buck) on securing the debate. I know that she has long had an interest in the issues, and has been raising them for some time. I also congratulate the Minister on keeping her post during the recent turbulent period for the Government. I am delighted that she is still speaking on these issues.

Decent housing should be a right, particularly for children but also for all citizens of the country. Poor housing leads to poor health and decreased opportunities in education and employment. In the past century the supply of social housing meant that people who were unable to enter the private renting or home ownership sectors had a realistic chance of being housed. In a time of prosperity such as we are now enjoying, why are so many more people in the UK suffering from inadequate housing, or, indeed, homelessness?

The fact is that successive Governments have sold off the vital resource of social housing for rent, without replacing it. Capital has been moved from housing as capital receipts have disappeared into the Treasury; of £5.5 billion realised from sales of council housing only £3.3 billion was granted through the Housing Corporation in the 2004-06 grant round.

The effects in human terms of housing shortages can be seen every day, and hon. Members have referred to individual cases from their constituencies. In rural areas such as my constituency of North Cornwall there is little prospect for most families of staying in their home village or small town. We heard from my hon. Friend the Member for Montgomeryshire (Lembit Öpik), who is no longer in his place, and from the hon. Member for Banbury (Tony Baldry), about instances in their areas. Despite excellent work by housing associations, local authorities and charities to raise the issues and to squeeze the maximum amount of affordable housing and social rented housing from new developments, the shortage of properties to rent is still keenly felt.

In addition to the effect on individual families and households of such circumstances, communities become unsustainable. Vital services suffer, with falls in school rolls and closures of post offices and shops.

[Mr. Dan Rogerson]

Voluntary bodies such as the Royal National Lifeboat Institution, the coastguard and retained fire services find it hard to recruit in the areas that they serve, as the age profile changes, with a bias in favour of the capital-rich who can afford to live there.

That frustration is alienating people from the political process. Electors are losing faith in the Government's ability to deliver solutions. We have already heard how that alienation has had another dangerous effect in urban areas. In the recent local elections, we saw a small but significant rise in support for far-right organisations and representatives. In some areas, people who have traditionally lived in strong communities have found themselves unable to do so as the housing shortage pushes them away. Such people are looking for someone who will listen or at least be seen to be listening. They hear a message from an organisation that says that it will work outside the political establishment, which has patently failed to deliver. That offers a scapegoat in other communities that suffer from inadequate housing, as we have heard. My father's roots are in the east end of London and my grandfather worked in the docks for the whole of his working life, so I am familiar with the strong communities that exist in the east of London.

The lack of replacement housing has also been felt in the type of social housing that remains. The right to buy has taken away the larger homes, as well as homes in areas with better transport links and areas that were desirable for all sorts of reasons. The choice-based letting system has reduced the choice for tenants. It has also reduced the flexibility for local authorities to allow for transfers in the system, and for moves up and down the ladder of dwelling size.

The 2007 spending review must begin to address that problem in a more meaningful way. At the end of last year, the number of families waiting for a council house stood at more than 1.5 million, which is a 50 per cent. increase since Labour came to power in 1997. Figures provided by Shelter, in its excellent and shocking report "Building Hope", show that 116,000 homeless children are trapped in temporary accommodation. The Government have set themselves the target of halving that figure by 2010, but the number of new social rented homes that will be delivered on current trends will not allow that to be achieved. Further research undertaken at the behest of Shelter by the Centre for Housing and Planning Research at Cambridge university says that we will need an extra 30,000 new social rented homes each year between 2008 and 2011 to meet that urgent need.

The lack of accommodation is forcing people to move into inadequate housing in the private sector that is often entirely inappropriate to need. Rents there are higher and housing benefit cannot cover the cost. That puts pressure on the Treasury, and the hon. Member for Banbury asked whether that was a sensible use of Treasury money.

Ms Keeble: Will the hon. Gentleman also reflect on the fact that private sector tenancies do not provide security? For a single parent with two children to be homeless after six months in one of those short tenancies is a real problem.

Mr. Rogerson: Absolutely. The hon. Lady makes a good point. There was a case in my constituency recently in which a young family who had just celebrated the birth of their first child were served with a notice to quit their shorthold tenancy. That was an incredibly stressful time for them. Despite the council's best efforts to look after that family, they simply joined a list of so many people waiting for housing.

The lack of accommodation pushes people into poverty and can also keep them reliant on relatives for temporary accommodation. We have heard from Labour Members about such situations. Such accommodation is called temporary but is, in effect, semi-permanent. Overcrowding is worsened, and that is not helped by antiquated definitions that do not take account of the real needs of children and parents for privacy and space to work and play. I pay tribute to the hon. Member for Hackney, South and Shoreditch (Meg Hillier) for her Adjournment debate earlier in the year, about which we have already heard some comments.

Future developments to increase the overall supply of housing may allow the capital-rich individuals and families to benefit further by taking advantage of new market housing or even moving into buy to let. Significant housing investment could have a dramatic effect on the lives of people and their communities. The letter from the Prime Minister to the new Secretary of State for Communities and Local Government on her appointment says:

> "Thirdly, you will need to deliver the Government's policy in response to the Barker review of housing supply. Helping hard working families and first time buyers get their foot on the housing ladder should be a key priority."

Obviously, it is good to hear the Government setting that out. Even if one is being generous to the Prime Minister and his comments—not many have been in recent days—that letter did not appear to say much about social rented housing; it discussed families getting a foot on the housing ladder. I would like the Minister to say more about the emphasis that will be placed on new housing.

The hon. Member for Regent's Park and Kensington, North, in her excellent opening speech, discussed creating a genuine mix of tenure to ensure the availability of social housing in all areas, urban and rural. She made some excellent points. Again, my party and I would agree that new investment must not be financed by rent hikes. The affordability of such properties is the key to their value in meeting the need. Several hon. Members have pointed out the difference between affordable housing and social rented housing, and I was glad to hear them do so because it is a key point.

In the 2007 comprehensive spending review, the Government have an opportunity to turn around years of underinvestment in affordable housing. The Treasury's website states that the review involves

> "a more strategic approach to asset management and investment decisions, ensuring the UK is equipped with the infrastructure needed to support both public service delivery and the productivity and flexibility of the wider economy."

What could be a more important investment decision underpinning education, health, regeneration and the needs of the economy than setting forth an ambitious

plan for new housing appropriate to the needs of the people? The Chancellor has spoken a great deal about renewal; this is his opportunity to act.

10.41 am

Mr. Robert Syms (Poole) (Con): I congratulate the hon. Member for Regent's Park and Kensington, North (Ms Buck) on raising this topic. Every time I come to debates on housing, Members crowd in, trying to make a contribution. It strikes me that the subject ought to be debated on the Floor of the House, perhaps in a full-day debate. I know that the Whip is not in his place, but I hope that the Minister takes the message back that housing is a live issue. When Members of Parliament discuss housing, one can see that to them the subject is not just statistics; they talk about families sitting in front of Members in their surgeries. Nothing is more frustrating for us than to hear about the continuing need of families who want housing. We know that we will write letters, phone people up and follow up cases, but there is probably little hope of such people accessing the housing that they need. One of the worrying effects of the frustration that people feel was seen in the local elections—people voting for the British National party and so on.

One of the least expected consequences of the 1997 election was that the building of social housing declined substantially. As a Conservative Member, I did not expect that to happen. Although the number of social housing completions is now picking up, the scale of the problem makes that a drop in the ocean. We know that there is a major problem. Owner-occupation, higher house prices and the world of equity withdrawal is one side of a coin that leaves many people who cannot afford to get into that world with difficulties in accessing housing. The homelessness figures and the fact that more than 100,000 families are in temporary accommodation show that there is a real problem. The number of first-time buyers has collapsed from a normal yearly average of about 500,000 to about 320,000 last year, and those who cannot afford to become owner-occupiers become those on the list for social housing.

I am pleased that my hon. Friend the Member for Banbury (Tony Baldry) joined the debate to provide the shire counties angle. There is no Member of this House who does not have housing problems in their constituency. One or two Members mentioned the economics of housing, but I am not sure that there are any; it simply seems to be a complicated and complex area. My hon. Friend's suggestion that we examine the whole issue in relation to the way in which housing benefit works is eminently sensible.

Council housing has been little mentioned in today's debate. I remember a debate in Westminster Hall on council housing and the fourth way. Sometimes the former Office of the Deputy Prime Minister was a little more concerned about stock transfer than about dealing with council housing. One of the interesting things that I drew from the Library brief is that the demand for council housing has picked up substantially, by more than 50 per cent. In the south-east of England the relevant figure is 77 per cent. and in London it is 71 per cent. Despite that, there are 700,000 voids. Although a perfect system is not possible, if 1.5 million people are waiting for housing and there are 700,000 empty properties, it should be a great priority of public policy to fill the voids where possible.

Clive Efford: Will the hon. Gentleman also support a move to allow local authorities to purchase private sector properties that are left vacant for a long time? In my constituency, a number of properties have been left vacant for too long and have become derelict, but the local authority could bring them back into use.

Mr. Syms: The hon. Gentleman has put his finger on the problem that many empty homes are not accessed by the local community. I am in the fortunate position of being a spokesman for a party with no policies—apart from on the environment—but we are undertaking a detailed policy review. We are also a very broad-based party, so if the hon. Gentleman has interesting ideas on housing that he wants to feed into that review, they will no doubt be taken into account. Given the pressures that we face, particularly in London, it is difficult for communities to be unable to access the many empty homes that they see. There are many initiatives to deal with the problem, including ones to bring flats over shops and elsewhere back into use.

A lot more can be done on many of the estates that have been criticised. There could be more mixed tenure on some of them, and Castle Vale in Birmingham is an example of what can be done. If we manage estates and put a bit of tender care and investment into them, we can make them more attractive places for people to live. Design was also mentioned, and we cannot talk about housing without focusing on design and what can be done to improve some of the existing housing stock.

There is a major problem, which needs substantially more debate. There are no easy answers, however, and public policy must include a range of measures to deal with the issue. None the less, all hon. Members are very much aware of the pressures faced by many families in our constituencies.

10.46 am

The Minister for Housing and Planning (Yvette Cooper): I congratulate my hon. Friend the Member for Regent's Park and Kensington, North (Ms Buck) on securing the debate and on her tireless work on housing issues over many years. I certainly welcome the expertise and help that she has given me over the past year or so while I have been working on housing issues. I know that she will continue to campaign on them in the House and in her constituency.

As hon. Members will know, the Chancellor said that social housing will be a priority in the coming spending review, so the debate is timely. They will also know that we have made it clear that we need to build more homes for the next generation. That means more social housing, more shared equity housing and more private housing. Although I shall talk mainly about social housing and the issues that hon. Members have raised, I should make it clear at the beginning that the need for more social housing to be built should not be

[Yvette Cooper]

met at the expense of the need for more shared equity housing and more private housing to be built. We need all three.

We must be clear that the long-term, underlying problem—whether we are talking about social housing in London, affordability in Northamptonshire, or the issues that have been raised in respect of Banbury and other parts of the country—is the gap between housing demand and housing supply. In the past 30 years, we have seen a 30 per cent. increase in the number of households and a 50 per cent. drop in the level of new house building. That is unsustainable. Current projections show that about 200,000 new households will be formed each year as a result of an ageing, growing population and, primarily, as a result of more people living alone, but we build about 150,000 to 160,000 new homes every year. That gap is simply unsustainable, and if it persists, the proportion of 30-year-old couples who can afford their own home will decline from more than 50 per cent. today to nearer 30 per cent. in 20 years. If we think that there are pressures on social housing now, imagine what they will be like in 20 years if we do not build the additional homes that we need.

Many people who are waiting for social housing would prefer to be able to buy their own home or a share of their own home, but they will not be able to afford to do so if long-term house prices keep rising beyond their reach. The wider issue, therefore, is that we need to build new homes for the next generation. That has been controversial in many parts of the country and with other political parties, but we must recognise the country's long-term needs and the huge and serious consequences in terms of the demand for social housing if we do not address them. There will be problems with overcrowding, affordability and constraints on people's aspirations for the next generation and the future if we do not address that long-term need.

Clearly, we need to proceed in a sensible way. We must ensure that we fund the necessary infrastructure and increase environmental standards as we do so, but I say to local authorities across the country, including the London boroughs, that they need to recognise their critical role in the planning and housing systems and in supporting the new homes that we need for the future. That is why the Mayor wants to increase the number of new homes in London, and why the Thames Gateway development and other growth areas are so important.

Jeremy Corbyn: Is the Minister's Department prepared to intervene in major developments in London or elsewhere if there is insufficient housing for affordable rent included in the scheme, and to insist that there should be such housing? Is she prepared to ensure that major applications are called in for that purpose?

Yvette Cooper: We have a call-in process, and on occasion we call in developments on that basis if there are concerns about the level of affordability not meeting the requirements of the local plan and national planning guidance. Although we have those powers, however, we think that responsibility for that lies primarily with local authorities. It is important to recognise that there is considerable flexibility within the planning system that many local authorities do not use. They should use their planning powers to support and promote development and good design, and to ensure that there is a proper mix of affordable housing, including social housing.

I shall talk about social housing in particular, because that has been the main focus of the debate. As part of our preparation for the spending review we are conducting extensive analysis of the future need for social housing and considering not only overall supply and the level of need, but aspects such as mixed communities, the location of social housing, work incentives and the problems of high levels of worklessness in large social housing estates. Some work has been on that done by Kate Barker, and some by Cambridge academics and Shelter. We are also looking at the backlog of need for social housing and people in temporary accommodation and the need to ensure that they can have settled and secure accommodation.

Hon. Members will be aware that we have increased investment and the number of new social homes by 50 per cent. over a three-year period, and we have said that we need to go further. We must recognise that there have been major calls on housing capital investment, as my hon. Friend the Member for Ealing, Acton and Shepherd's Bush (Mr. Slaughter) said. In 1997 we inherited a £19 million backlog of repairs and maintenance and there was a need for a massive programme of investment in our social and council housing across the country. Had we not introduced the decent homes programme, we would be here today debating hon. Members' constituency cases of people living in homes without central heating and with no prospect of getting it, or in homes in a shocking state of repair with the windows falling down and leaks in the roof, and no prospect of getting them repaired. We are not having those debates because we have invested so much in decent housing.

Mr. Love: I thank my hon. Friend the Minister for giving way and for her comments so far. We talk about building 10,000 homes this year, but everyone knows that that will not be achieved; Barker suggested building 17,000 homes a year, and the Cambridge study suggested an additional 10,000. Can the Minister reassure Labour Members that the Department recognises that there is a substantial gap there? Until that issue is addressed, problem cases will continue to come to our surgeries, and, perhaps more important, housing will become a much larger political issue, and we may well face the consequences of that in the next general election.

Yvette Cooper: My hon. Friend makes an extremely important point. We have said that we need to increase social housing. We are already increasing the level of new build of social housing, but we have made it clear that we need to go further and that that will be a priority for the spending review. We have taken Kate Barker's recommendations extremely seriously, but we are doing further work on the issue to assess what levels of investment will be needed in future. That is why I said the debate is timely: it can feed into the work not only in the Department but across the Government.

Ms Keeble: On the point about central heating, there need to be clear specifications as to what is acceptable heating. I deal with many cases in which if people have storage heaters or if a previous tenant, perhaps an old person, said that they did not want central heating, the house is ring-fenced and does not get the improvements that it needs. There are still questions about what qualifies for some of the specifications, and the problems remain.

Yvette Cooper: We have set straightforward, decent homes standards, but I am happy to talk further to my hon. Friend about the detail.

We must recognise that construction costs and, in particular, land costs have increased. Part of the reason why land costs have increased is that there is a rising housing market at a time when we are simply not making available enough land and building enough homes. The land costs feed into social housing costs, creating pressure on the social housing budget. That is why all these issues must be seen as part of a wider issue about making available land for new homes and tackling the pressures in the housing market.

We recognise that we are left with significant challenges. We need to increase supply and consider social housing as well as shared equity and private housing. That requires investment, which creates serious challenges for Opposition parties, given their position on the third fiscal rule. Investment in infrastructure is also required, which is why the consultation on matters such as the planning gain supplement is such an important underpinning. Again, that is a challenge for Opposition parties.

I disagree with my hon. Friend the Member for Eltham (Clive Efford) that we are hostile to the role of local councils. I have said before that I believe they play an important role in the planning system. I also believe that their role in housing is hugely important. I am not talking simply about the work that they can do through section 106 agreements and partnerships with registered social landlords. Clearly, there are wide differences between the levels of social housing that some local councils are able to achieve through section 106 agreements and those that others can achieve. However, let me say to my hon. Friend the Member for Islington, North (Jeremy Corbyn) that most of central Government's funding for new homes goes through housing associations, because they can lever in additional independent investment so that we get up to 40 per cent. more homes for the same money. That is worth doing at a time when we need to increase supply.

We could use local authorities far more to create more supply and we are considering a series of ways to do that, such as local authorities using their own land to support new homes—both social housing and shared equity housing, interestingly. We are working with some of the local authorities in London that were previously under Labour control. We hope that, although they have changed hands, they will continue to be interested in this issue, but we do not yet know whether they will be.

We are also examining the use of housing benefit. Hon. Members asked about housing benefit and the fact that, particularly where people are in temporary accommodation in high-cost areas, a lot of money is paid through housing benefit. What more can we do to bring those costs down and use the savings to invest in increasing social housing? We are providing support for an interesting pilot programme in Newham, which involves, in effect, buying back properties to increase social housing over time to help people out of temporary accommodation.

Several hon. Members referred to overcrowding, which we take very seriously. With my hon. Friend the Member for Regent's Park and Kensington, North, I have visited families in very serious circumstances. We must do the consultation on the overcrowding standards, but that will not solve the problem. We must consider a much wider overcrowding strategy. Overcrowding is particularly a London issue, as we can see when we compare the figures for London with those for areas outside London. Overcrowding makes a big difference in London, which is why we are working with the Greater London authority to try to integrate approaches to overcrowding into homelessness intervention strategy.

Mrs. Janet Dean (in the Chair): Order. We must now move on to the next debate.

Migrant Domestic Workers

11 am

Chris McCafferty (Calder Valley) (Lab): May I say at the outset what a great pleasure it is to be speaking in this Adjournment debate with you in the Chair, Mrs. Dean?

Mrs. Janet Dean (in the Chair): Order. Will Members who are leaving do so quietly, please?

Chris McCafferty: I requested this debate because I am concerned that the Government's new proposals, part of the "controlling our borders: making migration work for Britain" programme, will have a devastating effect on migrant domestic workers, who make up one of the most vulnerable groups of workers in the UK.

Unfortunately, I believe that the proposals will establish legal channels allowing migrant domestic workers to be brought into the UK for the purpose of exploitation. By removing even the most basic employment rights and leaving them powerless before abusive employers, they will effectively legalise trafficking, which I am certain the Government do not intend.

In fact, the proposals are a complete reversal of the Government's previous policy, which was specifically intended to protect vulnerable workers. Migrant domestic workers are an exceptional category under immigration law. Since 1998, an employer has been able to apply for a migrant domestic worker to obtain a special visa. The rules of the visa allow the worker to change employer—a right that many other visa categories do not have. In order to qualify for the visa, migrant domestic workers must have been working with their employer for a minimum of one year outside the UK. When the employer applies for a tourist or a settlement visa, they can also apply for a migrant domestic worker visa for their employee. At present, 80 per cent. of migrant domestic workers accompany tourists, and 20 per cent. accompany those with settlement visas. The law was introduced to encourage wealthy foreign nationals to come to the UK and help boost the UK economy.

About 10,000 migrant domestic worker visas were issued in 2003-04. If, as proposed, the visa were curtailed and became a six-month, non-renewable, non-transferable visa, the impact would be devastating. Migrant domestic workers who enter the UK accompanying their employer can leave that employer if they are abused or exploited. That gives them vital protection against violence, mistreatment and exploitation. They receive basic protection under UK employment law, and they are entitled to the national minimum wage, statutory holiday pay and a notice period. As a worker, their visa is renewed annually, and renewal is dependent on the migrant domestic worker being in full-time employment as a domestic worker in a private household. There is also a right to apply for settlement and for family reunification.

Those rights were won after 10 long years of organising and campaigning by migrant domestic workers themselves, with the support of the labour movement, trade unions and the British public. When the Labour Government came to power, they did not forget the commitment that they made in opposition, bringing migrant domestic workers out of the shadows of illegality and into the light.

Unfortunately, although the regulations provide some protection, they do not mean that employers stop abusing their domestic workers. Kalayaan, an organisation that helps migrant domestic workers and campaigns on their behalf, has documented the abuse that occurs within the relationship between migrant domestic workers and their employers. Among 114 workers registered at Kalayaan, during the two sample months of August 2004 and August 2005, 75 per cent. reported psychological abuse; 34 per cent. reported physical abuse; over 57 per cent. did not have their own room and reported sleeping in public spaces, such as the living room, kitchen or hallway or shared rooms with children, ensuring that they were always "on call"; and 40 per cent. reported having to sleep on the floor. Kalayaan registers approximately 400 migrant domestic workers per year who have left their employers because of abuse. That is obviously just the tip of the iceberg. Many are unaware of the organisation, or their rights, and are too scared to seek help.

Under the current system, those workers have been able to escape abuse by leaving their original employer, provided they find employment of a similar nature and are able to maintain their immigration status as a domestic worker. The Home Office paper on the points-based migration system, as it was presented to Parliament in March, does not include migrant domestic workers. However, the draft proposals presented to Kalayaan by the immigration and nationality directorate show that it will restrict domestic workers accompanying their employer to a maximum of six months, with no right to change employer and no route to settlement.

The proposals raise the most serious concerns. First, they will effectively legalise trafficking. If these proposals come into force, migrant domestic workers will be outside the managed migration system. Instead, they will come to the UK as business visitors, tied to their employer for a maximum of six months. They will have no option to change employer during this time, or to renew their visa, which will make it virtually impossible to challenge any maltreatment or abuse. Indeed, it may encourage it. That is in direct contravention of the Home Office's stated policy to protect victims of trafficking, and to stop trafficking "at source".

Secondly, the proposals will lead to an increase in abuse and illegality. Taking away the provision to renew their visa or to change employers, as well as making the employer responsible—which it would—for ensuring that migrant domestic workers leave the UK at the end of their stay, will dramatically increase the power that the employer has over the worker. That will inevitably lead to increased levels of abuse and more migrant domestic workers will be forced underground where they will be further exploited by employers taking advantage of their irregular status.

Finally, the proposals will remove full access to employment law. Despite the immigration and nationality directorate stating that migrant domestic workers will be recognised as workers under the new scheme, it cannot be possible in practice to access UK

employment law within the six months allowed, without the right to find alternative employment. As soon as migrant domestic workers leave an employer, they will be homeless and destitute with no right to support themselves in work. As I understand it, there is a belief in the Home Office that employers settling in the UK will probably keep their migrant domestic worker for six months until they find a new one in the UK. They will then send the migrant domestic worker back home. Whether they are sent back to the employer's country or their own is not yet clear.

Many employers hold their workers' passports illegally. Last year, I introduced a Bill that would have made the retention of another person's passport illegal. It is not yet illegal here, and employers often hold their workers' passports. There is a danger that migrant domestic workers will not be sent home but will be held here, completely illegally, for much longer.

Six months is not an effective time to mount a challenge under employment law if an employer is abusing staff. I am aware that the Home Office is seeking to identify abusive employers at the port of entry, which is excellent. However, migrant domestic workers have revealed in confidence to workers at Kalayaan that they are trained to answer such questions at United Kingdom embassies.

Changes to the migrant domestic worker visa mean that employees would be completely tied to the employer. Many employers already believe that they have ownership of their staff, and withhold their passports or keep them locked away in their houses. Many migrant domestic workers are terrified when they seek help from Kalayaan or other organisations.

Employers often tell such workers that they will be illegal if they leave their employer, that they will be deported, and that immigration will seek them out. Unfortunately, if the migrant domestic worker visa is not continued, that may well become true, and trafficking in such workers will effectively have been legitimised, leaving employers in complete control.

In my experience, migrant domestic workers are among the most conservative groups of people one could ever meet. They want to do things correctly, to pay their taxes and to live within the rules. They are not scroungers. This ill-conceived policy will have a devastating impact if it is enacted as it stands.

I fully accept that managed migration is in the interests of the UK and I support the Government's policy of delivering a system that they describe as firm but fair, simpler, more transparent and more rigorous—a system that will benefit our economy and protect our borders. However, over the generations migrant workers have enriched the UK both economically and culturally. We need to ensure that the UK economy can safely continue to benefit from the input of migrant workers, and that they can live here safely.

The fact is that the abuse or exploitation of migrant workers, who have every right to live and work here, continues apace at the hands of unscrupulous employers. A major challenge for the Government is to ensure that those vulnerable workers receive the full protection of our employment law. I therefore request that the Government review their own evidence—evidence that resulted in changes to the existing immigration law in 1998—in order to afford protection to migrant domestic workers. As a minimum, the existing provisions that protect the human rights of that marginalised and vulnerable category of workers must be maintained.

11.14 am

The Parliamentary Under-Secretary of State for the Home Department (Joan Ryan): It is a pleasure to respond to this Adjournment debate, and I congratulate my hon. Friend the Member for Calder Valley (Chris McCafferty) on securing it. The debate will probably stay in my memory for a long time to come, as it is the first time that I have spoken for the Government as an Under-Secretary of State.

Chris McCafferty: I congratulate my hon. Friend on her promotion, which is well deserved.

Joan Ryan: I thank my hon. Friend.

I welcome the opportunity to reply for the Government on this important subject. I take seriously my hon. Friend's concern, which she has expressed on a number of occasions. She raised some important points, which I wish to address.

Before I respond to the debate, however, I shall begin with an overview of the Government's approach to managing migration to the United Kingdom and thus put in context the position of those who are the subject of the debate and who are provided for under current immigration rules.

The Government are—and have been—very clear that migration makes a substantial contribution to economic growth. It helps to fill gaps in the labour market, including key public services, such as health and education. Migration also increases investment, innovation and entrepreneurship in the UK. Culturally, we are enriched by people with diverse backgrounds from other countries. With an expanded EU, an accessible and mobile work force are already contributing to our growing economy, closing many gaps experienced by employers. Our starting point is that employers should look first to recruit from the UK and the expanded EU before recruiting migrants from outside the EU.

Migration needs to be properly managed. It is understandable that people migrate to seek a better life for themselves and their families, but that can leave settled populations, including many in the UK, concerned about the impact on jobs, public services and their way of life. The system should therefore be focused primarily on bringing in migrants who are highly skilled, or bringing in migrants to do key jobs that cannot be filled from the domestic labour force or from the EU. The system should also be robust against abuse. Only those of benefit to the UK should be admitted, and once here they must comply with the conditions of their leave.

That, then, is the underlying strategy. On that basis, we outlined our proposals for a five-tier managed migration system in the Command Paper "A Points-Based System: Making Migration Work for Britain", which was presented to this House on 7 March. The new points-based system forms part of our five-year strategy for asylum and immigration, which was

[Joan Ryan]

published in February 2004. A thorough consultation on the points-based system was undertaken following the publication of a consultation document, "Selective Admission: Making Migration Work for Britain", and those proposals were generally well received by stakeholders and the media.

The aim of the new system is to develop a more efficient and transparent migration system, which sets out clearly who is permitted to come to the UK and why. We want to design a system that is better able to identify and attract those migrants who have most to contribute to the UK—one that offers a more efficient, transparent and objective process and which improves compliance while reducing scope for abuse. As part of that work we have reviewed existing routes for employment, training and study with a view to identifying which are of most benefit to the UK. Underpinning the new migration system will be a five-tier framework replacing more than 80 work and study routes. That will help people to understand how the system works and will direct applicants to the category that is most appropriate for them.

Tier 1 will cover those highly skilled individuals who can contribute to growth and productivity. Tier 2 will be for skilled workers with a job offer, who can fill gaps in the UK labour force. Tier 3 will provide for limited numbers of low-skilled workers needed to fill temporary labour shortages. Tier 4 will accommodate overseas students and tier 5 will cover what we describe as youth mobility and temporary workers: people who are allowed to work in the UK for a limited period, primarily to satisfy non-economic objectives. Examples might be a teacher on an exchange scheme or a sportsperson coming here to take part in a charity event.

We also intend to set up an independent body to identify employment shortages across all sectors of the economy, known as the skills advisory body. It will build on existing structures and expertise—in particular the skills for business network, which is funded in part by the Department for Education and Skills. Shortages identified by the skills advisory body will inform Government decisions on the use of migrant labour within tiers 2 and 3 of the points-based system.

I shall turn now to the position of overseas domestic workers within this framework. Overseas domestic workers accompanying their employer to the UK are generally low-skilled. As I have explained, our policy under the points-based system is to phase out low-skilled migration in response to the number of workers available from the newly enlarged EU. We expect that in most cases EU countries should be able to provide us with adequate labour in this respect. However, as I said earlier, tier 3 of the points-based system may provide for limited numbers of low-skilled workers to fill specific temporary labour shortages where those are identified by the independent skills advisory body. We have also proposed that in the Command Paper.

We do not currently have any evidence of a shortage of domestic workers. Were the skills advisory body to identify one, and were we to decide that immigration was the appropriate response, we could set up a quota-based, operator-led, time-limited route under tier 3 for overseas domestic workers with countries with which the UK has effective returns agreements. However, admission on that basis would be temporary. If employers want to employ low-skilled domestic staff on a long-term basis, they can look to the resident and EU labour market. There is evidence that that is what they are doing. More than 14,000 nationals of the new member states registered under the worker registration scheme as cleaners and domestic staff between May 2004 and 31 December 2005. We will not therefore be providing a route for overseas domestic workers under the points-based system. Those who are skilled and can meet the relevant requirements may be able to come to the UK under tier 2. We will also be making very limited provision for those currently referred to as domestic workers to accompany another visitor to the UK in certain defined circumstances, under the arrangements for business visitors. An example of that might be where a family on holiday in the UK want to bring their nanny with them.

We of course recognise that there are real concerns about abuse and exploitation of overseas domestic workers, and we will continue to make every effort to protect migrant workers in general from abuse while they are in the UK. Were domestic workers to be provided for under tier 3, we would of course need to ensure that they were not being exploited, and we would work with trade unions and others to achieve that.

My hon. Friend raised some specific points about abuse. It is important to state again that we recognise the concerns about abuse and exploitation of domestic workers in private households. However, immigration is not the way to deal with that. We are dealing with it in a number of ways. To understand how we are addressing matters such as abuse and trafficking, which my hon. Friend mentioned, it is important that what we are discussing today is seen in conjunction with other Government legislation. We have introduced legislation comprehensively to criminalise trafficking in human beings. The Sexual Offences Act 2003 introduced wide-ranging offences covering trafficking into, within and out of the UK for any sexual exploitation. A new offence of trafficking people for exploitation covering forced labour, removal of organs and the trafficking of vulnerable people including children is included in the Asylum and Immigration (Treatment of Claimants, etc.) Act 2004. The maximum punishment for all these offences is 14 years' imprisonment. That shows the seriousness with which the Government view these types of offences to do with abuse and exploitation.

We also have the Reflex joint taskforce, and with the establishment of the Serious Organised Crime Agency, the UK will continue to focus on targeting the organised crime groups that cause the most harm. We recently launched a public consultation on our strategy to combat trafficking and are committed to developing a national action plan to provide a comprehensive, end-to-end approach covering different elements, from prevention, including demand reduction, through investigating and prosecuting traffickers, to protecting and supporting victims.

My hon. Friend mentioned interviews at port of entry. We are not in a position at present to insist that

the national minimum wage is paid to certain categories of workers, within which overseas domestic workers would fall, but we do attempt through interview to establish terms and conditions that meet the requirements that we would expect for all domestic workers in the UK, not just overseas domestic workers.

We are reviewing future requirements for admitting domestic workers to the UK and have already offered to liaise with Kalayaan, which has worked very hard on the issue. Options might include retaining the existing requirement for employment to have existed for 12 months prior to coming to the UK, and insisting that the domestic worker is paid at least the national minimum wage. Those useful discussions would deal with points that my hon. Friend raised.

On access to employment law, we are working with the Department of Trade and Industry on the protections that are available in respect of business visitors under UK employment law, but we must bear in mind that they will be covered by other aspects of UK legislation such as the Human Rights Act 1998.

In conclusion, I hope that I have clearly set out the position for the House and addressed some of the concerns that my hon. Friend raised eloquently and with feeling. After a lengthy process of review and consultation, we have set out plans for winding up the quota-based schemes for admitting low-skilled workers for specific sectors, in light of the availability of labour from an expanded EU. Alongside that, we will not in the future provide a specific route for overseas domestic workers, who are generally low-skilled, under the points-based system.

I hope that I have given some assurance to my hon. Friend about the Government's commitment to protect all workers from abuse and about our awareness of the issues that she raised. Furthermore, although we shall not pursue a policy of offering overseas domestic workers from outside the EU a route for settlement, we remain strongly committed to dealing with any abuse to which such workers could be subjected.

11.29 am

Sitting suspended until half-past Two o'clock.

Cancer Services (Essex)

2.30 pm

James Duddridge (Rochford and Southend, East) (Con): I am grateful for the opportunity to raise the subject of cancer services in south Essex, which is a subject that I have been working on over the past few months with my hon. Friends the Members for Southend, West (Mr. Amess), for Castle Point (Bob Spink) and for Rayleigh (Mr. Francois), co-ordinating some of the activity in south Essex on our collective behalf.

I am acutely aware that cancer is an emotive subject, with one in three people directly affected by it and virtually all of us indirectly affected. It was with some trepidation that I began to engage with the subject matter locally, but the bottom line is that, without being sensationalist, I genuinely believe that there will be a materially worse service in south Essex as a result of the changes that are taking place.

Those changes are the merger of the South Essex cancer network with the Mid Anglia network. I shall give a bit of the history of what has been happening. As far back as the mid-1980s, there was a threat of merger, which disappeared following a local campaign. The Calman Hine report in 1995 rightly suggested introducing cancer networks, and a year later the South Essex cancer network was created. In 2001-02, the network came under threat and mergers were proposed across the whole of Essex. There was a lot of local debate, and a large campaign was run by the *Southend Echo* and a number of colleagues who were in the House at the time to keep hands off the cancer network and to leave it as it was.

This morning, I was reading the papers from back then and Mike Richards, the cancer tsar, said that he could barely come to the House of Commons without someone mentioning Southend to him. He kindly agreed to come down to Southend and decided that it was right for south Essex and for cancer patients that the merger did not go ahead at that point. More recently, in December 2005, the strategic health authority started a consultation, which although it was extensive was fundamentally flawed and a bit of a sham. I will explain the distinction later and go into the consultation process in more detail.

In terms of parliamentary activity, we have been doing an awful lot. We spoke in the Opposition-day debate on cancer, have met the strategic health authority a number of times and a petition has gained about 5,000 signatures. Collectively and individually, we have made formal consultation submissions to the SHA and, of course, as one would expect, we have been corresponding with the main players and have visited the cancer centre a number of times. Unfortunately, on 29 March the SHA decided to press ahead with the change. Since then I have tabled a number of written questions and written to the Secretary of State. The Minister was kind enough to reply to those, and I shall go into those matters on which I was disappointed by the lack of detail in the reply and those on which I was looking to tease out whether the merger would be good for patients. The case has certainly not been proved and, on balance, would be adverse at the moment.

[James Duddridge]

In summary, the South Essex cancer network was created 10 years ago. I hope that the Minister will consider not effectively abolishing it through merger. The network covers a population of approximately 730,000 and the main hospitals of Southend and Basildon. In many ways, the merger has been brought about because of activities outside south Essex, specifically the decision by Norfolk, Suffolk and Cambridgeshire to pull Ipswich out of the Mid Anglia network to the north. Crucially, the South Essex network had no involvement in that decision but was fundamentally affected by the knock-on effect.

The South Essex and Mid Anglia networks are two of the three smallest cancer networks in the United Kingdom. I wrote to the Minister asking for details of the population size, but I could not get definitive figures, so perhaps she can correct me and give some figures on the smaller cancer networks.

I want to prove, first, that there was no need for change, secondly, that one size does not fit all, in terms of cancer network sizes, and, thirdly, that the consultation was fundamentally flawed and that the decision had been taken well before the start of the consultation. I also have a number of questions that I hope that the Minister will answer either today or in writing, as she considers appropriate.

There are things that I shall not touch on. Essex cancer services is a broad subject, and I shall focus primarily on the network and the merger. I shall not talk in detail about changes to upper gastrointestinal, urological and head and neck cancer services, although other Members may want to contribute on those subjects in more detail, as they are not uncontroversial. However, very few people are affected by those cancers, and the big issue for me is the network overall, rather than the merger of services for those specific cancers.

My hon. Friend the Member for Rayleigh, when introducing me to the subject, summarised the whole issue by saying, "If it ain't broke, don't fix it." That is probably a fair reflection of the overall feeling in south Essex. The cancer network is doing a fantastic job. In fact, it is one of the leading cancer networks in the United Kingdom, and I would like to pay particular tribute to the lead clinician, Dr. Colin Trask, and the lead manager, Kevin McKenny, who I am sure will read the report of the debate with great interest. The service has a fantastic reputation not only locally, but among its peers. I could quote a whole series of barometer statistics about cancer care, but suffice it to say that statistically it does an excellent job.

At the moment, most of the cancer care network, and most transport communications, in Essex go east-west, not north-south, because when people are treated in Essex and are looking for specialist services, they look to London. There are no significant patient flows north-south or south-north, so the merger is inappropriate, given the movement of people.

Early on, our campaign talked about saving the cancer centre. A few people have called us sensationalist. It is true that the cancer centre will not close tomorrow, next week, next month or even next year, but I feel that this is a case of death by a thousand cuts. A salami-slice approach is being taken to reducing things—a little bit is taken off here, and a little bit is taken off there. There will be a reduction until a critical mass is reached, which will mean that Southend cancer centre will not be able to attract the excellent clinicians that it does at the moment and maintain its excellent reputation.

Also, we are told that the change is purely administrative. If it is purely an administrative matter, then given that there is so much public opinion against the change in south Essex, and given that we are talking about only 20 or 30 people in terms of gastrointestinal cases, why press ahead with it? I have a sinister suspicion that the change is not purely administrative, but a stepping stone to other changes, and I seek the Minister's reassurance that that is not the case.

I need to be careful when talking about the Mid Anglia cancer network, because clearly we south Essex MPs are proud of our services, but perhaps I could quote what other people have said, rather than making a judgment on the network myself. Some people have told me that the Mid Anglia network is unstable at the moment, and others say that there are lots of problems with Ipswich having left. I recognise that there may be benefits for Mid Anglia in the merger, but there are certainly no benefits for my residents in Rochford and Southend, East, or for constituents generally across south Essex. Perhaps the strategic health authority is formulating an equation for the greater good of the residents of Essex, but the equation does not work for me. South Essex loses a little and Mid Anglia gains a lot. That may work overall, but it does not work for my constituents.

There is a feeling that bigger is better, but I am not sure that that is right when it comes to cancer networks. It seems from speaking to some patient groups and GPs that the opposite might be true and that some cancer centres may be too large. One of the greatest challenges is to identify cancer early at GP level and to refer patients to the correct person for a proper diagnosis. A closer relationship between the cancer networks and individual GP practices would be more easily facilitated if the networks were slightly smaller. I am suggesting not a radical change, but a change in direction, and it may be better to keep them as they are or to reduce them slightly.

The cancer centre made the point that it is already working across boundaries in some cases and sharing best practice. I shall go into more detail about how one size does not fit all. I mentioned the 1995 Calman Hine report. It is 10 years old but is still relevant and still resonates. I want to draw attention to some quotes from the report. The first is about the size of the population and states:

> "The size of a population served by a Cancer Unit cannot be inflexibly defined but will be determined by the number of cases of each cancer type being seen there".

It is critical that a network is based on the number of cancer incidents rather than the population. South Essex has pockets of deprivation with, sadly, a higher incidence of cancer and demographically it has a much older population. Those were the two reasons given by the Government's cancer tzar for not going ahead with the decision to merge the network in 2002. Those reasons remain true today.

Secondly, the report states:

"Decisions will have to be taken forward in the light of local circumstances and take account of the views of patients"—

patients do not want this—

"and their carers as well as the professionals involved in providing care."

It continues:

"The Group recognise that the development of the ideal pattern of service should build upon existing patterns of referral and care and should take account of geographical constraints."

That is the opposite of what is happening. There are no existing patterns of referral north and south and there are transport constraints. It is normally quite difficult to travel around south Essex and people who need cancer care do not want to be stuck in traffic for hours before receiving important treatment.

Mr. Mark Francois (Rayleigh) (Con): I apologise for interrupting my hon. Friend because he is making a good speech.

To amplify what my hon. Friend said about the quota being under 1 million, when the network was established it was specifically given a derogation from the 1 million level because the NHS accepted that there was a higher than average number of elderly people and that actuarially, unfortunately, cancer would be slightly more prevalent in that population group. There was enough business to make a cancer network of 750,000 viable. The point that I want to stress is that that was built in from the day when the network was established. It was looked at from day one and accepted, so it should not be overturned.

James Duddridge: I thank my hon. Friend for raising that. He has been involved in the matter for a considerable period, more so than I have. I completely agree that the 1 million figure is largely arbitrary and inappropriate for the South Essex cancer network. It does not take account of the local situation.

I explained why I found one of the replies to a written question unhelpful. I was trying to probe whether there was a statistical correlation between the size of the cancer network, the number of treatments and the success rate. I also asked the Secretary of State for the population catchment size for each cancer network in England and the Minister replied:

"The Department does not hold the population catchment size for each cancer network. However, a typical cancer network services a population of around one to two million."—[*Official Report*, 18 April 2006; Vol. 445, c. 385W.]

That statistic perhaps went into the first column of some form of analysis. The second column would have been the actual cancers identified each year. Around 3,500 cancers are identified in the South Essex cancer network. The following column would be an indicator of the success of those units—for example, long-term survival rates. I appreciate that that is a much harder figure to obtain, but nevertheless it is important. I seek the Minister's guidance on the exact measure that she could take within the Department.

The final column would be the statistical correlation between those first three numbers. Nowhere in my discussions, the circulated paperwork or the responses to my questions have I seen that statistical analysis for the cancer network. Following a meeting, the medical director of the strategic health authority kindly provided details for three specific cancers, and although I cannot engage in the detail of the medical situation, there seemed to be a case that bigger might be better. However, no one has tried to prove, in anything that has been provided to us, that bigger is better for cancer networks, and many of us have been extensively involved in this subject for the past few months, and some of us for much longer.

I am concerned that this is déjà vu in respect of 2001-02. I feel embarrassed that back then, before I was an MP, colleagues were successful and that I do not seem to be getting a very good deal for my constituents. I worry about that, and I ask the Minister to give me a ray of hope, or at least an explanation. I do not want the cancer network 10-year birthday to be celebrated with effective abolition by merger.

To call the consultation a sham would perhaps be unprofessional, and such language might be unparliamentary. I use those words in anger, because I was very upset by the way I was treated, not individually but as an MP—as a statutory consultee—and, more importantly, by the way all the patient groups were treated. There was overwhelming opposition, which I think is best summarised by the people at the front line who are running the network.

The South Essex cancer network did not support the SHA's proposals to merge. It gave a number of reasons why: there

"is no demonstrable patient benefit";

there is a great risk of losing the clinical cohesiveness and ownership that exists in south Essex; patient flows should determine network configurations, and there are virtually no patient flows from south to north or vice versa; current network arrangements meet national peer review measures already; the restructuring of cancer networks is not required to meet national cancer site-specific guidance, with south Essex plans already either approved or well advanced; the south Essex network currently has arrangements that are working perfectly well; and the merger will produce only marginal cost savings. Finally, the cancer network pinpoints a distinct lack of clarity about the future of the Mid Anglia cancer network based on current arrangements. Therefore, there is strong opposition from the people who actually run the network.

Other key authorities also opposed the merger. The two primary care trusts within my constituency—Castle Point and Rochford PCT and Southend PCT—did so. The two local authorities in my area wrote to ask me to raise the matter. They did not just send in a consultation; they passed council motions saying that they did not want it, because it was bad for constituents. That view came from both Southend and Rochford. Patients' groups have also come to me both formally and informally and said that they oppose the merger.

As I am an inexperienced MP, the petition that we put together was my first one. I sent it to a number of doctors' surgeries—about 20—as well as to a number of pharmacies in my area, because I thought that that would be a way of demonstrating the size of support to the Government. I am not sure what level of support I thought would be successful, but I was thinking in terms of a couple of hundred names, and that if there

[James Duddridge]

were more than 1,000 I would be celebrating. However, 5,000 people responded. There is a massive amount of local support and concern.

I wrote to the Secretary of State. The Minister was kind enough to reply, saying that the merger was a local matter, that the Secretary of State would not intervene, and that I should raise any concerns with Essex SHA. In many ways I agree; it is a local matter, but I do not consider the SHA to be local. To me, local is Southend, Rochford and the wider cancer network. I find the strategic health authority somewhat out of touch in that regard, and in regard to other matters as well. I hesitate to go into more detail, but I do not think that it has a role as things progress. It certainly does not add value for my constituents. I want more people on the front line. However, I apologise, Mr. Atkinson, for going slightly off on a tangent, and I shall return to the subject of cancer.

The Minister has a role. When the Government's cancer tsar last came to Southend and examined the problem it paid dividends. I do not demand, or even ask, that the Minister should come to Southend, although it would be very welcome. I am more concerned that she should review the matter. *[Interruption.]* My hon. Friends are asking whether she will come; she would be more than welcome.

What I said about the consultation being a sham involves a key point. When Ipswich left the Mid Anglia cancer network, the writing was on the wall. It was always going to be difficult to justify maintaining two smaller networks, if, indeed, it was Government policy and advice that 1 million-plus should be the population number. That has produced upwards leverage.

Following the Minister's letter, I telephoned the strategic health authority to check that it had not been missed in the post in early May, prior to the debate, and it kindly faxed its response to me this morning. In fairness, its representatives are disappointed that I consider the consultation to have been a sham, but not nearly as disappointed as I feel about the whole consultation process.

I am not criticising a lack of activity in the consultation; there was lots of activity and lots of money was spent on it. However, I believe that the decision was taken well before the consultation. Several more seasoned—perhaps one could say more cynical—colleagues told me not to bother to get involved. They said, "We see this time and again; consultations take place but the decision has already been taken." Furthermore, in the health sector locally there is some consultation overload. I was considering five or six NHS consultations in south Essex in January, so things are quite difficult. Also, in each case the questions being considered were mergers, and getting bigger. I cannot help thinking that there is an underlying philosophy that bigger is better, but I do not think that that is right. Both on the specific cancer issue and on other things, bigger may be considerably worse. We should reduce the size of some of our operating units.

I said that I would try to include some questions to make it clear what I want to achieve in raising the debate. The best thing would be for the Minister to say, "Ah, yes, there has been a terrible mistake and we shall sort it out." I do not imagine in my wildest imagination that that will happen, but a ray of hope for my constituents would be most appreciated. I should like to find out more about why change is needed. I think that I have demonstrated that the cost benefits will be marginal, that there are no demonstrable patient benefits and there will be much administrative disruption, and that there is much opposition.

I should be interested to know more about the 1 million figure and why there is no flexibility, when the cancer tsar showed flexibility in 2001-02. Has there been a policy change since then, or has more information, of which I am not aware, become available? As to the tabular information, I do not ask the Minister to provide anything in that exact format. However, something a little more solid statistically, which correlates population numbers, cancer incidence and survival rates would be helpful to enable us to go forward. If the Minister is right that bigger is better, why should the figure be 2 million? Perhaps it should be 4 million? We need a strong evidence base to enable us to proceed.

I hesitated before putting my questions, because the issue that they raise is, "What if the merger does go ahead?" I should like the Minister to confirm that what is happening is 100 per cent. about administration. The South Essex cancer network and the doctors in Southend would like a promise that there will be no patient movements south to north or north to south, other than in the three specialist cancer centres, without consultation.

I should also like more information about the consultation. I talked about the cancer centre suffering death by a thousand cuts, and one concern is that smaller changes will happen below the radar, and without the involvement of local community leaders and community groups, once we are part of a bigger cancer network.

Macmillan Cancer Relief raised the problem of the travel costs that would be involved should patient flows be significant. Bus routes are poor, and there are virtually no rail routes north and south—certainly not from my part of south Essex. The charity is concerned about the extra costs, and that is a valid concern, although time is also a great worry.

I said that I would not talk in detail about upper GI, but I have had several letters from people in Basildon asking why there is no options appraisal for upper GI in Basildon. I simply throw that issue out to the Minister, and she might want to comment on it. That might be helpful for members of the public in that part of the world.

In summary, the merger of the South Essex and Mid Anglia cancer networks is opposed locally and represents a threat to the longer-term future of the Southend cancer centre. The case for the merger is weak at best and fundamentally flawed at worst.

2.56 pm

Mr. David Amess (Southend, West) (Con): I congratulate my hon. Friend the Member for Rochford and Southend, East (James Duddridge) on the way in which he introduced this debate and on his temperate language.

The Minister is genuine in her intention to do the best that she can for the health service, but how could

she possibly know the details of the services that we enjoy in Essex, when she depends on advice? I gently ask her, therefore, to put out of her mind for a moment the thought that she will hear mainly from Conservative Members this afternoon. Instead, I ask her to consider carefully the advice that she is being given, because it was wrong four years ago, and nothing whatever has changed the argument today. I also hope that she will accept my hon. Friend's invitation to visit Southend, and I would be delighted to buy her a Rossi's ice cream, which I can thoroughly recommend, on our newly refurbished pier. She will, however, be very proud of the services that we enjoy.

The Minister should know that there is great pride in cancer services in our part of Essex, and that is particularly clear from the support for local hospices. Last week, I was proud to accompany Vera and Ivan Heath, both of whom are 90. They have no children and little family, so they have decided to benefit others by giving their money to the local community now, rather than waiting until they die. I was honoured to be with Ivan at Little Haven hospice, which he presented with a cheque for £250,000. I was also honoured to accompany him to St. Luke's hospice, which was opened by the late Princess Diana of Wales and the Duchess of Norfolk when I was the Member of Parliament for Basildon. Ivan gave St. Luke's £50,000, which is a wonderful gesture.

On Fridays, I sometimes go round my colleagues' constituencies. Last Friday, I was at Stock Brook Manor in the constituency of my hon. Friend the Member for Billericay (Mr. Baron). I enjoyed a charity golf day, which was organised by the Donovan family, and a whole number of celebrities attended. The event raised in excess of £60,000 for Little Haven hospice. I just want the Minister to appreciate, if she does not already, that there is an enormous amount of good will towards cancer services in Essex generally. In particular, we are very proud of the services at Southend hospital, which really is a true centre of excellence.

In the debate in February 2002, to which a different Minister replied, I applauded the cancer plan, and I do so now. It is right that cancer, an illness that affects one in three people in the UK, should be given the priority status that it already enjoys in the national health service. However, as I said in that debate,

> "As we have a first-class service and that is what the Government want, why change it?"—[*Official Report*, 6 February 2002; Vol. 379, c. 1002.]

That is the issue, and it must not be clouded by anything else. We have a first-class service and it should not be changed, whatever briefing the Minister has been given.

Professor Richards decided that, given the high number of cases treated by the centre and the high proportion of elderly residents in the area, the benchmark figure of 1 million inhabitants ought not to apply to the South Essex cancer network. I represent the constituency with the most people between the ages of 100 and 112 in the UK. For the reasons that I mentioned, Professor Richards decided to support the arguments advanced by my colleagues and me.

The factors have not changed, so why, four years later, is the size of the network a reason for merging it with Mid Anglia? It seems absolutely implausible—how can the argument have changed in four years? So far, Essex strategic health authority has been totally unable to provide me and my colleagues with any evidence to show that small centres are less effective in treating certain sorts of cancer than larger ones.

A press release issued by Essex strategic health authority on Tuesday, 21 February 2006—still within the period of the public consultation—made the case for large specialist surgical centres. It stated:

> "National guidance recommends that the surgical part of treatment of gynaecological, upper GI, urological and head and neck cancers should be provided in centres serving at least one million people. The national guidance is known as Improving Outcomes."

The recommendation to replace what the release calls "fragmented" services with other clinical set-ups is made without statistical evidence to back up the assertion that bigger is better.

The Essex strategic health authority consultation on the reconfiguration of cancer services was conducted from 12 December 2005 to 13 March 2006, after which it was decided that the changes proposed in the document—that is, the merger of the cancer networks and the relocation of specialist cancer operations—should go ahead. As my hon. Friend the Member for Rochford and Southend, East asked, what was the point of the consultation? Members of Parliament and our constituents have been treated like complete idiots and I, for one, will put up with it no longer.

If the strategic health authority had already made up its mind, what on earth was the point of going through the consultation? It was more of a gesture towards openness than real dialogue; it did not take into account the views of the south Essex hospitals, the South Essex cancer network, the 5,000 members of the public—who, as my hon. Friend mentioned, signed the petition—or the Members of Parliament and councillors who represent those people and all opposed the strategic health authority's proposal.

The Minister values the work of the Health Committee, on which I am privileged to serve. She knows that it recently conducted an inquiry on the reorganisation of primary care trusts. Our report found that consultation was woefully inadequate, mainly because of the top-down nature of the process, which imposed change, even when it overrode the needs of local communities, to make financial savings.

I say to my hon. Friends that that is what the issue is all about. It has nothing to do with best practice. The argument, accepted four years ago, is even stronger today.

I end by saying that I had the pleasure of visiting, with a number of my hon. Friends, the Southend cancer centre at Southend hospital on 31 March. We were absolutely in awe of the quality of the services; the centre is meeting not only its targets for breast and cervical screening, but the national cancer waiting times: 100 per cent. of its patients receive their first appointment within two weeks and their first treatment 31 days after the decision to treat. I know that the Minister, when she replies to the debate, will congratulate the hard-working staff on their achievements.

Waiting times and clinical targets are, however, only half the story of cancer treatment. Macmillan Cancer

[Mr. David Amess]

Relief has been making the case for a more comprehensive cancer plan than the one that the Government launched in 2000. The plan would provide for vital supportive and palliative aspects of cancer care as well as diagnosis and treatment. The additional investment in specialist palliative care at Southend cancer centre is already making a difference in that area, along with an agreed framework for implementing the National Institute for Health and Clinical Excellence guidance on supportive and palliative care and for establishing a network user partnership group and a network patient information project.

I could go on, but I hope that my hon. Friends will catch your eye, Mr. Atkinson. I ask the Minister again to consider very carefully the arguments that she is hearing this afternoon and to reflect again on the advice that she appears to be receiving at the moment.

3.6 pm

Bob Spink (Castle Point) (Con): I congratulate my hon. Friend the Member for Rochford and Southend, East (James Duddridge) on making a very measured, well thought out contribution and on leading the drive to save the cancer centre in south Essex. He has done a wonderful job and shown that he has a lot of energy. Whether or not he is successful is no measure of his abilities and potential in this place.

I declare an interest: my son is a neurosurgeon who practises in London, and often in south Essex, treating cancers and such like, and he will do so in the future.

South Essex cancer service is an excellent clinical network. I am a Conservative because I believe in cherishing what is good. That is why I am speaking in the debate and supporting my hon. Friend. At the start of the process, the question should have been, will merging South Essex cancer network with Mid Anglia cancer network help or hinder the continued improvement that we have seen in the South Essex service? For me as an MP, the question was, what will it mean for the people of Castle Point, whom I have a duty to represent, and for my area of south Essex? This is not mindless nimbyism. I have a duty to look after the interests of my constituents, and if I do not no one else will. That is why they send me to this place. I therefore hope that the Minister will forgive me if I speak from the viewpoint of south Essex, rather than the overall viewpoint. It is her duty to look after that, and I know she does so carefully.

What is wrong with our cancer service that requires it to be merged with Mid Anglia and what benefits will we get in return for the merger? What benefits will we get to match the costs and risks of that change? Let me set out some facts about what we are achieving in south Essex. Merging with the relatively not-so-high-achieving Mid Anglia will, some claim, weaken the South Essex cancer network and the service that it is able to provide for our constituents. Merging will certainly disrupt its excellent progress, although I accept that Mid Anglia has many good points and I am sure that excellent staff work in that service, too. I would not in any way bad-mouth them. It must be said, however, that South Essex is reputed to be one of the best services in the country, notwithstanding its smaller size. In fact, its success might be a result of its size; we certainly have no evidence to convince us otherwise.

There are excellent staff at all levels at South Essex, and I pay tribute to them. They are hard working, dedicated, professional and very caring people, as I am sure the staff are at Mid Anglia cancer network.

South Essex is meeting national targets for screening, particularly for breast cancer and cervical cancer, as my hon. Friend the Member for Southend, West (Mr. Amess), whose speech I am delighted to follow, pointed out. However, we need dramatically to improve our screening in those areas and to continue to make advances. We are cutting waiting times from diagnosis to treatment, which is one of the most important factors in achieving successful outcomes. We need to make dramatic improvements, and we are doing that in south Essex, but those improvements might be jeopardised by the change and disruption of the merger.

Our patient outcomes are improving and are now much better than those in many cancer centres in the UK; they are said to be better than those in the mid-Anglia area. We have extremely good financial controls, management and peer reviews, and, added to all that, the convenience of access to a local service. My hon. Friend the Member for Rochford and Southend, East pointed out, at length, the natural flow of movement in the health economy, which is east to west—certainly not north to south. There are good reasons for that, not least the infrastructure and the difficulty that people have travelling north to south.

Those who were consulted in my area said that the merger plan was against the best interests of patients in south Essex and the excellent staff who work in that area. It certainly lacks clarity of purpose and any detail about defined, discernible, demonstrable benefits, or even a set of properly laid-out costs. It also lacks any schedule as to how those changes are to be achieved, and detail on what the timing and costs will be. I shall return to that point in a moment.

If we put all those considerations together, we see why the objection to the merger was both hostile and comprehensive, certainly in south Essex, if not the north of the county. The objectors included most of the relevant bodies of opinion, including the south Essex MPs—we have ample evidence of their interest this afternoon. Many excellent councillors and good councils supported our stand on this, as did the hospitals, patient groups, South Essex cancer network and, probably most importantly, the public. Their support is demonstrated in the petitions. Unlike my hon. Friend the Member for Rochford and Southend, East, that was not my first petition. The media certainly support our side of the argument on behalf of the public.

The anecdotal evidence confirms that the public are very much on our side. I spoke to around 1,000 people—some of whom I questioned and some of whom questioned me on this matter—in the run-up to the recent local elections, and they opposed the merger almost to a person. We have massive evidence that the groups that should have been and were consulted strongly oppose the merger. I hope that if we are to push forward with the change—if it is going to happen

anyway—we are all proved wrong, but I do not have any evidence to support that.

I see that the Minister is listening carefully. In a nutshell, it seems that the merger will bring disadvantages, disruption and little demonstrable benefit. It brings unquantified risk without proper weighing of the costs and could set back the steady improvements that we have been achieving in the South Essex cancer network. I accept that it could accelerate improvements in the north, but that is not what I am here to talk about. I am here to represent my constituents, and the Minister is perfectly aware of that.

If the merger is not handled well, it could impede the plans of South Essex and progress on treatments and outcomes, cutting cancer waiting times, delivery on top targets, improving patient information and care, and improving services to the community. It might also affect links with primary care networks, our excellent local GPs and the wonderful Macmillan nurse network in south Essex, to which we all pay tribute.

The Government and the SHA have failed to make any coherent or decisive case for the merger, certainly to the public. That is largely due to the consultation period of three months—I believe that it ended on 13 March—which was said by some to be a sham. I am a moderate man in my language, so one would not expect me to make that claim. The public were angry about the consultation. They felt that they had been steamrollered by the strategic health authority towards a decision that had already been taken, and that there was an element of deceit and pretence in the consultation. In some ways, I feel sorry for the SHA, because it tried to proceed professionally and comprehensively. I do not bad-mouth the SHA, but I heavily deprecate the Government. The SHA was unfortunate, because its consultation was judged against the backdrop of the recent consultation on the police mergers, which was a sham. I say that even though I am careful with my language.

There was evidence that views were not properly considered but simply cast aside. It is easy for us in the south, who were against the merger, to say that and to ignore those in the north, whose views are obviously valid as well. The Minister has to make a balanced decision on that, and will do. In any event, the consultation document was claimed to be a shambles. A powerful letter from the patient and public involvement in health forum for Basildon and Thurrock hospitals, addressed to the Secretary of State and dated 3 April, states:

> "We made it very clear to the SHA that we had concerns that the documentation was not fair, honest, and was biased towards Bloomfield Hospital Chelmsford".

The words

> "not fair, honest, and ...biased"

were underlined.

The results of the consultation—although not clear, at least as far as the south was concerned—were taken by the SHA, which steamed ahead in the opposite direction. It made few arguments, to me anyway, for the benefits of change to the south and gave me little in the way of estimates of costs. Those are not just the financial costs, but the human costs, the operational costs and the costs in terms of patient outcomes. The problem for the SHA is that the Government have stopped listening to the people and the people perceive that. The SHA is judged against that backdrop and in the shadow the mistrust that the public hold for public bodies. However, that is not the fault of the SHA; I lay the blame for that at the Government's door.

The merger proposal looks very much like part of the Government's now not-so-secret regionalisation agenda, which is hitting local democracy and removing local accountability. Their agenda covers things as diverse as police, planning, health, economic development and so much else. It is a Big Brother agenda, the people have rumbled it and action will be taken at the polls to reverse it.

Experience shows that such mergers typically cost much more than was anticipated at the outset. They typically fail to deliver the anticipated benefits or results—not that I see net benefits for my constituents from the merger in any event. Such mergers disrupt and set back progress towards important delivery improvement targets. The plan must be carefully controlled if it goes ahead and we should ensure that we achieve the targets that we set out to achieve.

The Government seem to be obsessed with reorganisation for its own sake. Yet again, we see them shuffling the deckchairs on the NHS deck. They should focus on tackling improvements, such as removing postcode prescribing and making better treatments and drugs available—for example, temozolomide and Gliadel implants for brain cancers and Herceptin for certain stages of breast cancer—as well as spreading the good practice that we see in other countries.

I ask the Minister to rethink the proposal, even at this late stage. It is never too late to accept that the case for merger has not been made, as it certainly has not in this example.

3.19 pm

Mr. Mark Francois (Rayleigh) (Con): I commend my hon. Friend the Member for Rochford and Southend, East (James Duddridge) on securing this debate and on introducing it so ably and comprehensively. I also congratulate my hon. Friends the Members for Castle Point (Bob Spink) and for Southend, West (Mr. Amess) on their contributions. I understand that my hon. Friend the Member for Braintree (Mr. Newmark) may yet be hoping to catch your eye, Mr. Atkinson, so that he can have a few minutes before the winding-up speeches.

It is a pleasure to see on the Conservative Front Bench my hon. Friend the Member for Billericay (Mr. Baron), who will reply for our party. This is very much an Essex production, from our perspective.

Some of us have been around this loop before. As my hon. Friend the Member for Rochford and Southend, East said in his introductory remarks, there was a campaign several years ago when the Government unfortunately came up with proposals to transfer some cancer operations away from Southend to as far afield as Ipswich. They caused tremendous disquiet in south-east Essex and local Members of Parliament chipped in and lobbied the cancer tsar and Ministers. As we heard, the cancer tsar came to Southend and considered the issue in detail. Importantly, as an expert, as the Government's adviser on cancer, he

[Mr. Mark Francois]

decided to leave well alone. He was not a politician but an expert on cancer. As a result of his review, there was transfer of some local operations—just a few—between Southend and Basildon hospitals, but in essence the operations remained in south Essex and the South Essex cancer network remained intact.

The Government's adviser on cancer came to Southend, looked at things on the ground, as they say in modern parlance, and having done that, decided that it was best to leave well alone. I suggest to the Minister in all seriousness—this is not a partisan point—that that is a very powerful consideration in this context.

There is no debate about the quality of care for cancer patients at Southend. There are various problems in the national health service. The Minister has had many letters from me about problems with dentistry and, most recently, clinical dental technicians—I take the opportunity briefly to remind her of them—but no one is saying that there is a problem with clinical outcomes at Southend. It is not as if the service there is deficient.

Several of us had a meeting with the medical director of the Essex strategic health authority some weeks ago, and we pressed him repeatedly on this point. We asked him to provide clinical evidence that there was something wrong with the outcomes at Southend. As my hon. Friend the Member for Rochford and Southend, East said, we have still had no conclusive evidence from the Essex SHA or from anyone else that there are poor outcomes at Southend that would necessitate a merger. We do not believe that there is a compelling clinical rationale to undertake the move. If there is, we genuinely are not aware of it.

Moreover, it is important to note that the cancer tsar accepted the case for derogation below the 1 million figure. As I said in an intervention, that derogation was there from the start of the network. The matter was considered when the network was set up, and it was considered again by the cancer tsar a few years ago. Both times, the answer was that it was all right at 750,000 for all the reasons that have already been given. Now, suddenly, that is being overturned, and I do not believe that that is wise.

I too am a moderate man, but I shall say it: the consultation was a complete sham. In fact, because of the shape of my constituency, I have responded to seven NHS consultations in the past few months. Briefly, they were on proposals to merge the Essex SHA in a regional SHA, to abolish the Essex ambulance trust and make it a regional ambulance trust, to reduce the number of primary care trusts in Essex, to turn the two mental health trusts in Essex into foundation trusts—that I actually support—to relocate the non-cancer head and neck services to Broomfield, and lastly, this one to abolish the South Essex cancer network. For each of those seven consultations, the recommended option was adopted—every time. It is difficult indeed not to become cynical about such exercises when it seems, particularly in the NHS, that proposals are put out to consultation but the decisions have long been taken. The Government go through a consultation exercise only because it is a statutory requirement.

That is even more galling because the policy of the Department of Health is to encourage local decision making, to push such decisions down to local level. I am sure that we will hear that in the Minister's summing-up speech. If the Government are going to do that, they should be consistent. If they are putting decision making at the local level so that when things get difficult Ministers can say, "It wasn't my fault, guv"; the flip side is that they should listen to what local people say.

If there is local consultation and 5,000 people sign the petition and the local councils and many of the local medical professionals say, "We don't want this," that should be acknowledged. It is pointless to go through sham consultations if local people are ignored. I am afraid that that is exactly what has happened in this instance. If I sound angry about it, it is because I am.

We are worried about the thin end of the wedge argument, and we are worried that whatever may be said today, the issue will be revisited and reconsidered in a few years' time, a few more operations will be moved away, it will be reconsidered again, and eventually the centre at Southend will be under threat. We are not making it up, because the centre was under threat some years ago. We are genuinely concerned about that, and it is partly why we are taking part in this debate.

I reiterate to the Minister that the network was given a specific derogation below the 1 million quota when it was set up. That derogation was reaffirmed by the Government's own cancer tsar—not someone from Conservative central office, Labour party headquarters or the Liberal Democrats. The Government's own cancer tsar considered it and reaffirmed the 1 million derogation, which it is now proposed to overturn. There is no compelling clinical evidence to back up that decision; it is done simply for administrative convenience to fit in with the figure of 1 million and make it neat. Local people were consulted, they said that they did not want it, and they were systematically ignored.

I believe that the Minister is a reasonable person. I have dealt with her before on other issues, and I mean this genuinely: she is a reasonable Minister and she is fair-minded. Not all her colleagues are, but she is. I make a genuine plea to her to reconsider the matter. If she wanted me to sum up the whole case, I would do it like this: Minister, it really ain't broke down in Southend. Please, please don't fix it.

3.27 pm

Mr. Brooks Newmark (Braintree) (Con): I, too, congratulate my hon. Friend the Member for Rochford and Southend, East (James Duddridge) on securing the debate. It covers cancer services in Essex, as well as the proposed change. During the Opposition-day debate on cancer services, the Health Secretary said that the decision on the future of cancer networks in Essex would be made locally. The emphasis on "locally" is what interests me. Do not my hon. Friends agree that the reason for the proposed change is the imposition of national requirements? One of the biggest challenges faced by my primary care trust in Braintree is the

interference of central Government, often in the provision of services that really matter to my constituents.

Witham, Braintree and Halstead primary care trust has received a five-star rating for vital cancer services such as cervical screening. However, it received that rating for the local services that it provides, not because of national impositions. It is not only acute and specialised services that are important in effective treatment of cancer; the early detection and easy access to primary services are essential, too. That is why I emphasise that localism and local services are important.

Although the consultation said that the amalgamation would affect only a small number of complex surgical cases, what guarantees do we have that routine services will not be compromised by the proposed changes? Now that the Minister is in front of me, I should like to make a quick aside. People in my constituency are battling to secure the future of a new community hospital in Braintree, yet the Government still make strategic changes a priority over the improvement of basic local services. My constituents want a community hospital, they have been promised one by the Government, and they are still waiting for the Government to support that.

My genuine concern is about meeting local needs. In a press release, I read with interest that the strategic health authority on 29 March said:

"The board of Essex strategic health authority today agreed a recommendation to create a new cancer network"—

about which we heard earlier—

"covering south-east, south-west, mid and north-east Essex. It was one of four key decisions about cancer services made by board members".

The press release continues:

"Speaking after the meeting, Dr. Paul Watson—

the strategic health authority medical director—

said: 'The main aim in making these decisions is to ensure that Essex cancer patients have access to high quality services that meet national requirements'",

not local requirements. Local people want local services to meet local requirements. They do not want a national diktat.

I share the concern of my hon. Friend the Member for Billericay (Mr. Baron), who has said that cancer survival rates in this country are worse than those in Albania. That is a shocking statistic. While we must acknowledge that more people are being diagnosed with cancer, waiting times for surgery and radiotherapy have been getting longer. That is of tremendous concern to me. How will the merger improve survival rates, diagnosis and early detection? Any restructuring should ideally be about such things.

I have always been supportive of the Schumpeter principle that small is beautiful. On the proposed merger of the cancer networks that co-ordinate treatment in south Essex and mid-Anglia, my hon. Friend the Member for Rochford and Southend, East has said:

"It is important that south Essex keeps its cancer network as it is."

I agree with that.

Our shadow Health Minister, my hon. Friend the Member for Eddisbury (Mr. O'Brien), said that my hon. Friend the Member for Rochford and Southend, East made a cogent case on behalf of south Essex MPs about the cancer network and the appropriate size of the South Essex cancer care centre, considering local conditions. He added that he hoped that people at both national and local decision-making levels have taken due account of that strong and well made case. In that context, I find it difficult to understand why the Government are pursuing a merger that is unpopular, unnecessary and likely to be ineffective in meeting local patients' needs.

3.32 pm

John Pugh (Southport) (LD): I congratulate the hon. Member for Rochford and Southend, East (James Duddridge) on securing the debate and on having introduced it in a reasoned and sensible fashion.

I labour under the disadvantage of not being familiar with Essex's facilities, geography or history. Therefore, I shall confine myself to making some general remarks about cancer provision and the difficulties of locating it. In my youth, cancer was considered to be a certain death sentence and was discussed in hushed tones of horror. Now it is seen as treatable, curable and liveable with. There is no secret to that: there have been advances in knowledge, both scientific and among the public, and there has been early screening and detection, more sophisticated treatment and skilled intervention. For that reason, people will travel far to exercise their right to the best clinical outcome. The "best" often means the most specialised, because such units, by and large, have the best outcomes.

I shall draw a parallel with my constituency, although it does not resemble Essex in any way. There is sincere and justified outrage in it about accident and emergency facilities not being available for children, but my constituents travel, not with joy but with a degree of equanimity, to places such as Clatterbridge hospital. They go through Liverpool, cross the Mersey and through the Wirral because they know that Clatterbridge hospital has specialised, effective and very skilled treatment.

The National Institute for Health and Clinical Excellence argues that centres of excellence should have catchment areas that contain about 1 million people, though I note in passing the remarks made about the derogation; I assume that the Minister is in a position to respond to that. When people come up against that fact they immediately come up against two problems in any area. Where will the centres of excellence be? What can be done to minimise travel for all concerned?

On the "where", everybody would ideally want the specialised unit—in fact, every such unit—to be in their town. We know that that is not possible, so a decision must be made. There have been many complaints from the Members who represent Essex constituencies about how the decision was made and the calibre of that decision making. Such a decision should be made openly, in an unbiased fashion and on agreed criteria. Although I accept what hon. Members said about the strategic health authority's decision-making process, I

[John Pugh]

note from its website that it publishes seemingly objective criteria, and one can consider the outcome.

I share the feeling about consultation in the NHS. It is normally dire, formal and pretty unproductive, and it normally results in what the authorities had already thought of. Perhaps someone can clarify the matter, but I see that one or two earlier options were dropped during the consultation process. The website states that option this or option that were considered during the informal process but were abandoned. It may have led to the inevitable result, but it was not simply a rubber-stamping process—unless, of course, that was the initial intention.

We know that the results of such a process will not be universally liked. However, there should be a degree of professional and public support. I am concerned that, as Essex Members have pointed out, the merger does not seem to have professional support, any more than it has the support of the public.

In areas other than Essex, such decisions are not so contentious, largely because they have centres of clinical excellence with form and an established reputation, and there are often clear candidates for specialisms. Even then, conflicts can sometimes be caused by regional loyalties. For instance, large centres of population or even centres of excellence might be on the periphery of a region, which can create additional travelling difficulties. In fact, change always creates difficulties. People do not normally welcome change in their local health facilities, and the matter is complicated if a degree of political rivalry is added.

The second problem that dogs the idea of centres of excellence is that of travel. It is recognised that although some treatments need to be undertaken in centres of excellence, many do not. Out-patient appointments, diagnostic processes, check-ups and even chemotherapy can take place elsewhere in the clinical network, and somewhere nearer home. That is justified; it is a serious attempt to minimise patient travel and the cost to patients and relatives. Patients like their relatives to be with them, because cancer is intrinsically an extremely stressful process, and they need the support of the family and the wider community.

Networks need to be designed properly, and consultation is part of the process. It should be genuine to get the fit absolutely right. Things can be blown apart if factors other than clinical matters are taken into consideration, such as administration or finance. I wonder how the Government's drive for all NHS facilities to have a degree of financial independence and autonomy will fit with the drive for effective and decent clinical networks for cancer or for anything else.

The Government's strategy is not wrong in principle, and the Minister will, I am sure, say that we should be alert to the commendable results in cancer treatment. I am not certain that they have the template right for Essex. I can pass no judgment on that. I have listened to what other hon. Members have said, but I am not in a position to judge. However, it is possible to get it right with adequate consultation and the adequate sharing of appropriate evidence. My fear is that administrative, financial and other considerations may prevent a good template from emerging for Essex.

3.38 pm

Mr. John Baron (Billericay) (Con): I, too, congratulate my hon. Friend the Member for Rochford and Southend, East (James Duddridge) on introducing the debate, on the comprehensive, thorough and incisive way in which he introduced it, and on his campaign to prevent the merger of the South Essex and Mid Anglia cancer networks. I also commend him for his excellent and heartfelt contribution. I hope that the Minister takes the time—I shall ensure that she has the time—to answer the points that have been raised.

We know that cancer networks have played an important role in developing cancer services since their inception 10 years ago, following the Calman Hine report commissioned by the last Conservative Administration. The proposed merger is important, as it would create a new organisation covering a population of approximately 1.4 million. I am sure that the Minister is aware of that. Although such a change relates primarily to the management and administrative arrangements for planning cancer services, I hope that from the heartfelt contributions to this debate she appreciates the real concern that the needs of south Essex will be overlooked by a larger and more remote network. She should not take that concern lightly.

In Essex as a whole we have had a spate of reorganisations of services, including those relating to PCTs, SHAs, the ambulance service and cancer networks. The common theme seems to have been a desire to create ever-larger, more regional organisations. The concern for many people, as expressed in the debate, is that those structures will become more remote and less responsive to the needs of local residents. I do not believe that that concern is fully appreciated by those making such decisions.

In my constituency, for example, people were particularly vexed about the proposal to scrap Essex police and our local PCTs, and we campaigned accordingly. Given the importance of Southend hospital to the structure of the South Essex cancer network, my hon. Friends are rightly continuing to raise their concerns about the cancer reorganisation. They have made the case against the merger in detail, but I want to highlight one or two points in the hope that they will be addressed by the Minister when she winds up.

Will the Minister explain why a merger of cancer networks is so vital in the east of England at this time? As she heard from almost every contribution, South Essex cancer network has a good reputation—an excellent reputation, in fact—for planning and commissioning cancer services. Naturally, there is confusion about why arrangements are now being thrown up in the air. If the argument is about population size and the need for networks to correspond to areas of between about 1 million and 2 million people, what does the Minister make of the point—made on several occasions—that was conceded by the cancer tsar Mike Richards four years ago when he said that due to its age profile and areas of relative deprivation, the cancer case load in south Essex at least makes up for the shortfall in population?

During the past four years, the population in south Essex has probably grown faster than most other areas, which raises the question of why we have to tinker with

the current arrangement at all when it works so well. If the Minister has formed a different opinion, perhaps she could explain to us on what evidence she has done so because it is not clear to my hon. Friends why that should be the case. They have made a powerful argument to keep things as they are.

What is more, the small population of the Mid Anglia cancer network seems to have been brought about by the withdrawal of Ipswich, a decision taken by Norfolk, Suffolk and Cambridgeshire SHA. It seems somewhat unfair, to put it mildly, that south Essex should effectively lose its cancer network on account of a decision taken by a different health authority, a point made by several of my hon. Friends.

Another concern is that current patient flows do not argue in favour of an enlarged network. Consultants in south Essex are not in the habit of referring patients to centres further afield, and I have seen no evidence of any sudden, recent, increased desire to do so. It simply does not exist. In those cases where patients will have to travel further for treatment as a result of the merger, what financial assistance is the Government going to provide for their travel costs, given that cancer treatment often involves a number of visits to hospitals or other centres? The point has been raised before, but the Minister would do well to dwell on it because, in some cases, we are talking about quite increased distances of travel. That should receive urgent consideration.

There is naturally a degree of confusion about the motivation for the change. It appears that the SHA is putting a desire for administrative neatness, and reorganisation for reorganisation's sake, over and above the concerns of local people. I would reiterate one point to the Minister. The consultation on the merger appears to have been inadequate, lasting only a few months and ignoring strong opposition from my hon. Friends, councillors, hospitals and many residents, including the 5,000 who signed the petition. To many, it appears to have been a sham, designed to give a veneer of credibility to a decision that had already been made, without reference to people's concerns. That comes on top of many other consultations, such as those on primary care trusts, strategic health authorities and police reorganisations, which have led to a growing view that people's concerns are not addressed.

Mr. Francois: Just ignored.

Mr. Baron: As my hon. Friend says, the feeling is that residents' concerns are ignored.

As I mentioned, in my part of the county people were particularly vexed at the thought of losing their local PCTs. However, despite the concerns expressed by those PCTs, the local MPs—both Labour and Tory—and many residents, our views were ignored and the original proposal, chosen prior to the consultation, was taken up. Such fig-leaf consultations have sorely tested the patience of people in south Essex. The consultation that we are concerned with in this debate seems to be yet another example of that.

The SHA does not even have the support of the South Essex cancer network for the proposal. The network has argued that a merger runs the risk of compromising the clinical cohesiveness and ownership in the region. Much progress has been made recently on implementing the national cancer plan and improving services in the community. The network is understandably wary of accommodating the challenges and difficulties of the Mid Anglia cancer network because the people who will suffer if it goes wrong will be the patients.

I would welcome the Minister's explanation of why the merger is going ahead. She will notice that I have given her additional time to respond, in the hope that she will be generous, both in dealing with the concerns raised by my hon. Friends, and in taking their interventions.

3.46 pm

The Minister of State, Department of Health (Ms Rosie Winterton): I add my congratulations to those that have been offered to the hon. Member for Rochford and Southend, East (James Duddridge) on securing the debate. As hon. Members said, he put his case eloquently on behalf of his constituents. There were some extremely relevant contributions, including the remarks of the hon. Member for Southend, West (Mr. Amess) about the excellent work of the hospice movement.

The hon. Member for Castle Point (Bob Spink) talked about the success of staff in his area in meeting targets. I, too, want to thank and congratulate the dedicated and committed staff in the area, who have achieved massive changes to mortality rates, among other things, thanks to extra investment, which has led to increased staffing. Of course, increased investment is nothing without strong input from the staff and a willingness to embrace some of the changes.

I want to respond to several issues that were raised by, for example, the hon. Member for Rayleigh (Mr. Francois), particularly with respect to the comments made by Mike Richards, and the evidence on some of the changes that have been made. The hon. Member for Braintree (Mr. Newmark) asked how the changes would fit with other services. I hope to touch on that too. The hon. Member for Southport (John Pugh) acknowledged that specialist treatment is an important consideration in the wider debate, and talked about how to deal with the fact that not every service can be available in every hospital. Those are some of the issues that we must grasp. The hon. Member for Billericay (Mr. Baron) spoke from the Front Bench about travel costs—I shall refer to that—and about the point that was made by Mike Richards.

As I said, we approach the subject against a background of improvements in the treatment of cancer. That is clear when we consider the situation in Essex, where there is an increased number of cancer consultants, diagnostic radiography staff and therapeutic radiography staff. That has made real changes to the way in which cancer care is delivered. However, it is also important to recognise that many of the improvements took place because of the establishment of cancer networks, which started a number of years ago.

We have to be absolutely clear what we are talking about when we consider cancer networks. They are about professionals, patient representatives and other organisations, perhaps from the voluntary sector—

[Ms Rosie Winterton]

hon. Members referred to the work of Macmillan nurses in their areas—getting together and considering how services can best be delivered over a whole area. It is important that we take note of how that local delivery is considered to be best shaped. In my area, there are often intense arguments about whether a service should be moved from one trust to another, and local people often deeply resent services being changed, but we also have to recognise—this is a crucial part of the debate, and a number of hon. Members raised the point—the evidence on whether the population coverage for specialist treatments and centres makes a difference.

I challenge many of the assertions made by Opposition Members about there being no evidence. There is evidence from the improved outcomes guidance and other national guidance which shows that when it comes to treating some specialist cancers, it is important to have a larger population. We are talking not about just providing a convenient service, but about saving lives. The evidence is very clear: it is obvious that if people, particularly consultants, do not see a certain number of patients every year with those specialist cancers, they cannot be expected to have as great an expertise in them. There is very clear evidence, and we should accept that.

Hon. Members talked about south Essex and their constituents, but it is important that we think wider than that, because Members of Parliament have a responsibility for all members of the public, who are all possible patients, and who may be affected by decisions that we make.

James Duddridge: I agree that there is a case for saying that bigger is better for some very specialist cancers. There is some evidence for that, in terms of evaluating specifically upper GI, gynaecological, urological and head and neck cancers. I know that there is a debate about those. However, we are saying that absolutely no evidence has been put before us to show a statistical correlation between larger cancer networks and better clinical outcomes. We are talking about network sizes, not specific cancers. Those specific cancers relate to only 20 or 30 people; we are talking about 3,500 people who are affected in south Essex.

Ms Winterton: But we are talking about the ability of a network to plan for a specific population base, and that is where the statistics and the evidence come into it. I absolutely understand what the hon. Gentleman says about Southend cancer centre, and this is no slur at all on its ability—I will come to that—but we are talking about the ability of a wider cancer network to make plans.

I will not go into great detail on the reason for the consultation, because that has already been stated—it is the withdrawal of east Suffolk from the Mid Anglia cancer network. However, I want to address some of the points that were made. It is worth noting that all other clinical networks in Essex—cardiac, neonatal, critical care, pathology and neurosciences—are configured on an Essex-wide basis. That is important in terms not only of achieving outcomes, but of providing a stable foundation for those who enter the medical profession. For example, it is important that networks can provide a proper population base and a high level of expertise to ensure that consultants who want to specialise in a chosen field develop professionally.

I also want to give some reassurance. Essex SHA is not planning to close the cancer centre in Southend. Indeed, the position is quite the opposite, and the SHA is committed to supporting a thriving cancer centre in Southend. That includes the provision of out-patient care, diagnostic tests, chemotherapy, radiotherapy, palliative care and some specialist surgery. The only services to be moved from Southend to Chelmsford will be those for people with head and neck cancers. That move has the overwhelming support of senior clinical staff and will affect approximately 20 to 30 people a year in Southend. It will mean that patients who must have surgery for those less common cancers will have access under one roof to consultants and surgeons who are experts in oral and maxillofacial surgery, ear, nose and throat, and plastic surgery. Ultimately, it makes sense for those services to be together, because those cancers might require other treatments, such as plastic surgery. There is also the question of whether people will have to travel and whether their expenses would be covered. That is addressed by the hospital costs travel scheme, and people below a certain income level would qualify for that. Those are the only changes that will be made.

It is important to stress that there are no plans to downgrade services at Southend hospital. Indeed, as many hon. Members said, services have increased, and the hospital is now a cancer centre for south Essex, providing neurological and gynaecological cancer surgery services. Yesterday, I met Dr. Paul Watson, the medical director of Essex SHA, who assured me that there are no plans to reduce any other services currently offered at Southend hospital, and I understand that he has said that publicly.

Finally, the issue of Mike Richards's last visit to the area was raised. There was no derogation that he would have given in those circumstances, although he obviously gave some advice. I shall not ask him to overturn a decision that has been made on very reasonable grounds, and I stress again that we are talking about saving lives in many instances. However, I shall ask him to look at the operational framework, which is due to be introduced in October, so that we can reassure hon. Members that the changes have fitted in exactly with what I have said.

I hope that that gives hon. Members some comfort. As I said, I am not asking Mike Richards to overturn the decision, but I would like him to look at the operational plans to ensure that the decision will improve services in the local area, and I would like them to be reassured of that.

Identity Card Scheme

4 pm

Jo Swinson (East Dunbartonshire) (LD): I am glad to have secured this debate on an important matter, especially as the Identity Cards Bill received Royal Assent on 30 March.

ID cards are a controversial topic. The Government were defeated five times in the other place before the legislation finally passed after the Government's concession to delay the scheme until 2009. Public support for ID cards is falling sharply, from about 80 per cent. in 2003 to just under 50 per cent. today.

The public are concerned about the introduction of identity cards for many reasons. There are real fears about the erosion of civil liberties and much confusion about what problem ID cards are supposed to solve. The suggestion that they will somehow prevent terrorism stands up to no scrutiny when the 9/11 and Madrid bombers held valid ID and the Home Office admitted that ID cards would have done nothing to prevent the7 July bombings last year in London.

Today I would like to focus on another cause of concern, which is the cost of the ID card scheme. The debate is set against the backdrop of a six-month countdown that started when the Bill received Royal Assent, and as each day passes until 30 September we come closer to the date on which the Government will have to reveal to Parliament the estimated likely cost of the identity card scheme over the next 10 years. How that will work in practice with 30 September falling on a Saturday during recess, I am yet to discover, but I am sure that many of my party colleagues are looking forward to receiving the report. It will hopefully contain more information about the cost of the scheme and with any luck we might get some information from the Minister today.

Back in 2002 initial Government proposals suggested that an entitlement card scheme would cost £1.3 billion over a period of 13 years, which would include the three years that it would take to set up the necessary systems and the 10 years in which the first cards would be valid. In November 2003, the then Home Secretary made a statement in the House in which he stated that the cost of an ID card would be £35. That changed again and by April 2005 the Government estimated that the cost of an ID card would be £15 with a fee of £85 for a joint passport and ID card application. However, that figure changed once again after the Identity Cards Bill was introduced after the general election a year ago.

The previous Minister, now Minister of State in the Department of Health, the hon. Member for Leigh (Andy Burnham), stated in the Identity Cards Bill debate on 13 February that the cost of a stand-alone ID card would be £30 and the cost of a biometric passport £63, so the combined cost would be £93. It could be argued that the number is only valid for the first year of the scheme, which will not be up and running until 2009.

Mark Williams (Ceredigion) (LD) *rose—*

Mr. Peter Atkinson (in the Chair): Order. The etiquette in these short debates is that there are to be no interventions. If there are to be interventions, that has to be done with the permission of the Member and of the Minister.

The Minister for Immigration, Citizenship and Nationality (Mr. Tony McNulty): I have no problems.

Mark Williams: Does my hon. Friend agree that the problem is compounded in rural areas? In Wales, four facilities to renew passports have been announced. From October, the renewal of those passports will involve the collection of personal data. There are four new passport offices in an incredibly rural area and the cost to individual householders will be far greater than the cost of the application.

Jo Swinson: Absolutely. My hon. Friend is right to mention the additional travel costs that individuals will face when they go to have their details processed. For many people, those costs might end up well in excess of £93. In addition, how can we be certain that the cost will remain at £93, given that it has already escalated on several occasions?

My hon. Friend the Member for Orkney and Shetland (Mr. Carmichael) questioned the Home Office on how much money had been spent on the Government's ID card scheme from April 2003 to December 2005. He was informed that £32 million had already been spent by the Government on the scheme before the legislation was passed by Parliament.

The former Home Secretary made the House aware that a small contribution from public funds would be required towards the running costs of the scheme. However, we have never had much clarity on the interpretation of "a small contribution". That is a rather ambiguous phrase, and it leaves a great deal to changes in circumstances and the patterns of take-up of the card. Now that ID cards are on the way, I ask the Minister whether the Home Office has any firm figures so that we can be aware of how much this small contribution from public funds might be.

The Government have consistently refused to publish their estimate of the set-up costs of the database design of the national identity register. They argue that that might jeopardise the procurement of the contracts for the database. The London School of Economics has tried its best to make up for the Government's lack of clarity with several extensively researched reports published in the past 12 months, most recently a report on the Home Office accounting of the ID cards scheme in March. The previous Home Office Minister, the hon. Member for Leigh, in his best defence of the Government, suggested that the LSE figures for the ID card scheme were designed to confuse and frighten people. A lack of any financial preparation for the national identity register is far more confusing and frightening for the taxpayer when no estimates are being put forward by the Government.

Mark Hunter (Cheadle) (LD): Does my hon. Friend agree that given the Government's lamentable record to date in delivering IT infrastructure projects on budget and on time, they would have been better advised to spend the millions and millions of pounds that the ID card scheme will now cost us on improving police presence on our streets?

Jo Swinson: I thank my hon. Friend for those comments. I will return later in my speech to the issue of the Government's handling of IT systems and their ability to deliver. I accept that there are many projects that taxpayers' money could be better spent on—regardless of whether the amount is £3 billion or £5 billion, or £10 billion or £19 billion.

For clarity, let me remind Members of the supposed aims of the ID card scheme according to the Home Office regulatory impact assessment which it published in November 2004: to reduce illegal migration and illegal working; to enhance the UK's capability to counter terrorism and serious and organised crime; to reduce identity fraud; and to implement a more efficient and effective delivery of public services. On all these points the Government are weak in both clarity and their hoped-for delivery. After last July, the terrorist attacks blew out of the water the suggestion that the counter-terrorism side of the card's purpose would be effective. The country is all too aware that a piece of plastic will not act as a deterrent or as a tool against terrorism. There is strong evidence that terrorists do not hide their identity. The release of the foreign national prisoners which unseated the former Home Secretary, the right hon. Member for Norwich, South (Mr. Clarke), also suggests that an ID card scheme would not have helped. The problem was not the identity of most of the foreign prisoners; the immigration and nationality directorate and the Prison Service knew the identity of most of them. The problems arose because the two parts of the Home Office were not communicating with each other. That poses a lot of questions, and does not bode well for the national identity register.

The Home Office's current estimate of the cost of introducing and implementing the biometric passport and ID card scheme is £584 million each year for the next 10 years; the total cost of that is £5.8 billion. However, that figure does not provide a true picture of the total cost of the ID card scheme. There is a variety of hidden costs in respect of ID cards.

The Government have consistently refused to say how much the plans will cost other Departments, despite several parliamentary questions on this matter. I hope the Minister will enlighten us; if he is unable to do so, perhaps he will undertake to consult his ministerial colleagues in other Departments so that they can present to the House a realistic estimate of the overall cost to the Government of implementing the scheme, rather than simply the cost to the Home Office. If we do not have the full, total figures, it is impossible for the people and the taxpayers to make a realistic assessment of whether this is good value for money.

Some of the hidden costs, other than the costs to other Departments, include the cost of designing the database, which, as I have said, the Government will not reveal. One would expect that it will be a complex and technologically sophisticated database, and security measures will need to be incredibly robust given the nature and the quantities of data that will be stored on the database. Therefore, this is unlikely to be a piece of software that comes cheaply. There is also the cost of the scanners and the readers. Many problems have been reported in trials with the accuracy of some of the reading equipment. That varies in terms of the different types of biometrics used. People with disabilities have reported problems with using some of the biometric readers; for such cases, more than one type of scanning equipment may be required at sites where the ID cards will be used.

An individual card reader is estimated to cost about £275, and a card and fingerprint reader about £500. However, many people, such as manual labourers, cannot use the fingerprint reader with great accuracy because their fingers are often worn down. Facial scanners would cost £750 and iris scanners, which are the most accurate, are very costly at £3,500.

The aims of the project were about delivering better public services, but if the costs I have mentioned are multiplied across the various Government Departments, hospitals and police stations up and down the country, they soon start to escalate, and the costs to other Departments should be borne in mind.

I am also concerned that some of the costs of the scheme are being concealed in other budgets. A large part of the money being used for the scheme is said to be going only towards the upgrade of the UK Passport Service, as if all the biometric data were absolutely necessary for that. We must scotch that myth. Under international regulations, all the different forms of biometric data do not need to be stored on the cards. Yes, we have to have facial recognition, but fingerprinting and iris scanning are optional, not mandatory. No other country has as many biometric details stored in their ID cards or passport systems; this project is far more ambitious than the others, and the Government would do well to rethink it.

We also have to consider the cost of replacing the cards. Currently, it is estimated that once every 10 years will be sufficient. However, biometric data diminish over time; people's appearance changes and as time passes, the scans—particularly those for facial recognition—become less accurate. The operator of the national fingerprint information system, Northrop Grumman, argues that cards may need to be replaced as often as every three years; even if it were necessary only every five years, that would significantly increase the cost of the scheme and increase the figure of £584 million a year.

Taking into account various of those factors, the London School of Economics report estimates the true cost to be anywhere between £10.6 billion and £19.2 billion. Even at the optimistic end of that range, the costs would be almost double those projected by the Home Office.

In assessing the costs of such a scheme, it is also important to compare them with any expected benefits. Given the Government's track record on IT projects, already mentioned by my hon. Friend the Member for Cheadle (Mark Hunter), such benefits may be dubious.

Hong Kong has a widely praised ID card scheme. In the *Sunday Herald* of 28 November 2004, the consultant responsible for implementing it said of the UK scheme:

> "'Saying you're going to introduce a nationwide identity card is easy. Making it happen is a different matter...This would be the most ambitious IT project in UK history, an enormously complex system involving untried technologies, and success seems unlikely when you consider the public sector's abysmal track record in this area.'"

For example, EDS was the company responsible for developing the tax credits database. I am sure that in

the past few years, most Members have had contact with constituents who have been on the receiving end of that flawed system because of overpayments, underpayments or administrative failures. EDS has negotiated a £71.25 million settlement with Her Majesty's Revenue and Customs to compensate for the IT failures that have plagued the system since its inception. Yet that very company has been awarded another Government contract—to revamp Ministry of Defence systems. Unlike other contracts, which have been worth tens of millions of pounds, that contract is worth £4 billion. I hope that the Minister will be able to assure me and the taxpayer, first, that the national identity register contract will not necessarily cost that much—an estimate of how much he thinks it will cost would be very much appreciated—and secondly, that careful consideration will take place before an IT contractor is chosen, particularly if a company such as EDS is placing a bid.

The Home Office's own report shows that for other Government Departments to take up and benefit from the ID card scheme, there will need to be high levels of take-up. For example, the Department for Work and Pensions and Revenue and Customs are unlikely to get large benefits until 80 per cent. of the population are using the scheme. When does the Minister expect us to reach a level of 80 per cent. take-up with a voluntary scheme?

In their manifesto, the Government said that they would introduce a voluntary scheme. We have had many debates on whether requiring people who have passports to have ID cards complies with the assertion that it is a voluntary scheme. I would argue that that represents a great degree of compulsion. I still believe that 80 per cent. is a fairly optimistic level to achieve in a short space of time. Although 80 per cent. of people have passports—

Mr. Michael Wills (North Swindon) (Lab): I hope that the hon. Lady will forgive me for intervening. I have listened carefully to her detailed and cogently argued speech, but I would like her to clarify something before she sits down. This matter is of great concern to my constituents. I receive a lot of correspondence on this matter supporting both sides of the case. It is unclear to me whether her opposition to ID cards, such as I take it, is on a matter of principle or practice. We have to accept that the relevant costs are variable and will inevitably be imprecise at this stage, but is there a cost at which the implementation of ID cards would be acceptable to her?

Jo Swinson: I thank the hon. Gentleman for his intervention. As a Liberal, I have a principled objection to ID cards. We do not need the system, and no evidence has been presented to the House to suggest that it is necessary. However, as the debate is about the cost of the scheme, I have focused on those particular arguments.

The hon. Gentleman's point is well made. I am opposed to ID cards in principle, as are many people. I am sure that some of his constituents have written to him voicing that view. Hon. Members might know that there is a strong campaign at renewforfreedom.org, which is encouraging people to renew their passports before the ID cards database comes into effect. I wonder whether the Minister thinks that that will have an impact on the likely take-up of the scheme and, therefore, when the anticipated benefits might be achieved by Government Departments.

However, I am keen to press on. The cost of the project has spiralled, and it has been characterised by a complete lack of clarity about what it is intended to achieve. The stated aim of the project has changed from anti-terrorism to tackling benefit fraud, to making things easier for Government Departments, to making it easier to prove one's identity without having to take one's passport out with one, but we have not heard a strong argument for introducing ID cards. The likely cost is incredibly worrying, and we can expect it to increase further because not all aspects of the scheme have been included in the projections. The scheme offers poor value for money.

I understand that the Treasury has asked for an annual review of the scheme's cost. I hope that the Minister will tell us when that review will be undertaken. Will it be published in front of the House? If the costs escalate, on the annual review basis, at what point would the Government reconsider the merits of the scheme and review its implementation? Are they committed to implementing ID cards no matter how high the costs and how small the benefits?

4.18 pm

The Minister for Immigration, Citizenship and Nationality (Mr. Tony McNulty): I hesitate to say this because the hon. Member for East Dunbartonshire (Jo Swinson) has been in the House for only a year and her reputation is strong and growing, but, with the best will in the world, I have never listened to such cliché-ridden tosh since the last time I heard a Liberal speak on ID cards. That is a shame because there are serious and substantive matters of practicality rather than principle that we now need to consider. This is such an important debate, regardless of where one started from in terms of the Bill, which means so much to the country, that it demands slightly better than a cliché-ridden rehash of the arguments of the past two or three years. I say that with real regret.

The hon. Lady is wrong in so many instances that I am not sure that I could go through them all in 10 or 15 minutes, but let me start at the beginning. She is wrong to suggest—I do not want anyone to be misled in this regard—that somehow by 30 September, as a result of amendments to the Bill accepted by the Government, there will be a full and detailed cost breakdown of every single aspect of the project. There will not. That was not the substance of the Lords amendment that we quite rightly accepted, which was that we should report to the House progress on the project, including costs, on a six-monthly basis. It is entirely right and proper that the House should know such things.

I suspect that the paucity of intellect in many of the hon. Lady's arguments comes from a complete lack of understanding—God knows, I do not understand it entirely—of how government works. The Liberals seem to think that we have thought of a number and doubled it, and that is the apparent cost of the ID cards. Whatever the Government, internal governmental processes and accountability simply

[Mr. Tony McNulty]

would not allow that. She is quite right to quote the figure of £584 million; she is quite wrong to ascribe that in full or in part to ID cards, with a little bolt-on for the new biometric passport scheme. It was the other way around. We have said throughout that about 70 per cent.-plus of those costs are for the biometric passport.

I had a look, and never have I found in this House—admittedly before the hon. Lady became a Member of the House—any peep, any whisper from the Liberal Democrats countering the introduction of biometric passports. Nothing. By the bye, I did not find anything from the official Opposition either. That is right and proper. The consensus was that we must have a far more secure international travel document than we have had hitherto.

The hon. Lady is right—in a fourth-form sort of way—to suggest that what we are seeking goes far beyond international requirements in international agreements. They require facial recognition and fingerprints, but not the all-singing, all-dancing 13 biometrics that we suggest. That is not a critique of where we are going with the project, because I guarantee her and the House that everybody else internationally will get to where the UK is starting from. It is not sufficient to suggest that somehow there is a flaw in the entire project because we are going for an absolutely copper-bottomed gold standard biometric system for passports and ID cards. As far as I am aware, apart from the rumbling around the edges, there is continuing support for a biometric passport.

I accept in full the point made by the hon. Member for Ceredigion (Mark Williams) about our network of offices and application by interview. I appreciate that it will cause difficulties in rural areas. It was discussed at length during the last Committee sitting of the Bill and previously, but the interview is a necessary part of obtaining a biometric passport, and those matters must be overcome. By the bye, it was probably the most far-flung Liberal Democrat, the hon. Member for Orkney and Shetland (Mr. Carmichael), who made that point, and given his constituency, he can make it in far stronger terms than anyone else. It is an issue, there are 70 offices, and we may need to consider mobile facilities and others in more detail, and we have said that we will; but there is no other way to capture people's biometrics, even for the first phase for the new passport, other than through application by interview. It is a fair point, and one that we are addressing.

On the hon. Lady's points—again, clichéd, I am afraid—about the trials thus far, there has not been in substance a mock-up of every aspect of capturing people's biometrics. She knows that; she has read the reports. They are, for the individual, about physicality, ergonomics and all the other elements of having one's biometrics captured; no more than that. The trials did not use the tip-top, state-of-the-art biometric capture technology that exists for passports and will exist when ID cards come in. One cannot say from a series of tests about the ergonomics and physicality of the process of having one's fingerprints, irises and everything else captured, that the incumbent and subsequent flaws in many aspects of it are due to flaws in the technology. One simply cannot say that, and the hon. Lady knows it.

But let us return to cost, which is what the debate is principally about. I cannot remember who said it, but I agree, in response to the hon. Lady's question, that saying we will introduce ID cards is easy, but making it happen is a different matter. I agree with that in spades, given the complexity of the project. However, it is not the case that we should simply think of a number and double it. Nor is it the case—there is a fundamental flaw in the argument—that all that money could be spent on so many other things. Much of the set-up costs will already need to be in place for the biometric passport system, with which everyone broadly agrees. Beyond that, the only moneys available are, as the hon. Lady correctly says, the £30 fee for a stand-alone ID card or the £93 fee for the combination ID card and passport. There is no other money.

As I said earlier, unless the hon. Lady is suggesting that we scrap the Bill and scrap any notion of going forward with the ID card project, but keep in place the £30 per head and the £93 per head—she is clearly not saying that—then there is no additional pot of money for all those mythical policemen, security services and others. It is a complete and utter fallacy to suggest that there is, but that is what has been said on countless leaflets—during the general election, before the Bill came to the House and subsequently. The net result in Harrow was one Liberal Democrat councillor, which is one too many. None the less, that flaw demeans the nature of public policy debate in the House. There is no additional money, unless the hon. Lady is suggesting that we should keep that little tax of £30 or £93—which is about £30 more than is now charged for passports—and she clearly is not suggesting that.

It is equally facile to suggest—as the official Opposition and the Liberal Democrats did at length—that if we cannot come clean about the set-up costs, we must be trying to hide something. That shows a fundamental lack of understanding about basic public procurement, whether under a Labour or Tory Government or anyone else.

The hon. Lady wants a degree of financial transparency and prudence, and a cost base that works—entirely praiseworthy ambitions—but one cannot do that by giving a blank cheque to all potential IT procurers without exposing every aspect of the architecture of the database and the commercial structure. It is easy to say that because the Government are hiding behind commercial confidentiality, they must have something to cover up. It is an interesting point, but a fourth-form one.

The Government stand by the regulatory impact assessment for the Bill and the costs therein. In January 2006, the Office of Government Commerce carried out a gateway zero review of the overall programme and we were advised that we can proceed to the next stage. That internal process continues. There must be rigour and probity. It is not in the Government's interests for costs to spiral as the hon. Lady suggests. The review team has full access to our business case for the setting up and the issuing of cards, including on the anticipated use of the scheme in the public and private sectors.

What the hon. Lady said about the durability of biometrics was entirely wrong. What she said about Northrop Grumman happened in 2002. I freely admit that the development of the technology improves by

leaps and bounds year after year. It is wrong to compare smartcards with highly developed biometric cards.

It is a canard to say so—I have said it myself of other projects—but as and when there is time, the Government and the public sector are getting rather good at large IT projects. Invariably, past failures have been the result of a big-bang instant roll-out—rather like the passports. That will not be the case for ID cards. We think that the cost structure is robust. We are absolutely certain that the country needs ID cards. I do not know when the next cost review will be published, given that 30 September is the six-month deadline. Whether we go for July or slip into October, once we are ready I will be more than happy to discuss the review in detail with the hon. Lady.

Buried in a cliché-ridden rehash of old canards, some serious points were made, and I shall reflect on them.

Mr. Peter Atkinson (in the Chair): Order. We must move on.

Community Recycling

4.30 pm

Jessica Morden (Newport, East) (Lab): I am grateful for the opportunity to have this debate, and I thank my hon. Friend the Minister for being here to respond. I make no excuses for being parochial and talking about a hugely successful recycling scheme, which is a model of best practice, based in my constituency. I ask my hon. Friend to look at that scheme, which we can all learn from, and to listen to points raised by community recycling groups.

In the race to avoid being buried under a mountain of landfill, and facing hefty penalties, local authorities are in danger of grasping at easy waste options, often ignoring community enterprises such as Wastesavers in my constituency, which offers cheaper, cleaner systems and added benefits for the local area. It is relevant that we are discussing this matter today. The waste strategy consultation closed just yesterday, and this major national debate is one that normally enjoys significant cross-party agreement.

We all understand the need to reduce landfill, and to recycle and reuse our precious resources. We all produce waste—that is a fact. We create 100 million tonnes of industrial, commercial and household waste annually, and it is growing at a rate of 3 per cent. each year. The Government have rightly introduced stringent targets backed up by a punitive landfill tax that will increase by £3 per tonne in 2005-06 and by at least £3 per tonne in subsequent years to a rate of £35 per tonne by 2010.

Newport city council, which partly covers my constituency, has developed a highly innovative partnership with a provider of waste services in the area—a community enterprise called Wastesavers, which handles dry recycling and furniture. It is difficult to ignore the recent achievements of Newport Wastesavers. It provides the most cost-effective recycling scheme in Wales, and arguably in the UK. With the support of the council, it has scooped prizes at the resource awards and the national recycling awards, and collected the prestigious Marks and Spencer award for a community recycling project in 2005.

Eighty per cent. of households in Newport participate in recycling. The partnership between the council and Wastesavers has resulted in Newport doing far better than the Welsh average. It recycled or composted 27 per cent. of total municipal waste last year.

With a sustained partnership with the council and a determined and dedicated group of people, Wastesavers has moved from humble foundations and now occupies a purpose-built clean-stream resource recovery centre in my constituency. It employs more than 50 people who provide kerbside collection services for recyclable material and a furniture reuse project that helps disadvantaged families in Newport. Operating since 1985, it takes pride in being a true recycler—it does not do waste but aims to make everything reuseable or recyclable in any way possible. Over the years, it has innovated and expanded its range of services in Newport, and in the process has

[Jessica Morden]

demonstrated that the community sector is capable of delivering economic efficiencies as well as environmental benefits.

I visited Wastesavers in Newport. What comes across is its enthusiasm and professionalism, and most of all the simplicity of an operation that achieves the lowest costs and highest participation rates that I have come across. So what makes it successful?

First, Wastesavers works in partnership with the council and the community. The council took the radical and difficult decision to reduce collection of traditional black-bag waste to a fortnightly service while Wastesavers collected the recycling weekly. Therefore, recycling became the default waste action. In areas where that system operates, the rate of households participating has risen to a staggering 90 per cent. The model has been so successful that it is being rolled out into more areas of Newport, and it has generated much enthusiasm for recycling among the public, including those residents who were sceptical when the fortnightly refuse collections started.

Secondly, Wastesavers is efficient and therefore cheaper. Newport pays only £41 a tonne for recycling, which is only a few pounds higher than its cost of landfill. I understand that charges in other authorities are at least several times that cost, and anecdotally I have heard of authorities being charged up to £400 a tonne. The £41 rate is not subsidised by grants but is a reflection of the true cost.

Thirdly, Wastesavers separates at source so that it can command higher returns. Residents separate, wash and sort the materials themselves and put them out in kerbside boxes. The result is clean, contaminant-free materials for collection. Those valuable products command the highest prices from customers who are prepared to pay for the highest-quality materials. I used to live in an area where all recyclables were collected in green bags and I often wondered how all that was recycled; did it not just get all squashed together and mixed up? The answer seems to be that it is squashed together and mixed up and much of it does not end up being recycled. The high level of contamination of materials collected in that way means that they have to be incinerated or sometimes they even find their way into landfill.

Wastesavers keeps things simple, investing in people, not machines. Clean, sorted material comes in, because people sort it themselves, so the Wastesavers depot has no need of big, expensive sorting machines. It invests in training and developing its people and it provides opportunities for the whole community, with employment possibilities for people on probation and people with learning difficulties. Fifty per cent. of people who come on placements become permanent employees, and 80 per cent. of the employees were previously unemployed. That is a testament to true social enterprise.

Philip Davies (Shipley) (Con): I congratulate the hon. Lady on securing this important debate. Does she agree that the organisation to which she is referring and ones such as the Bradford Area play association and the Windhill community furniture store in my constituency bring not only waste management and recycling benefits—that is important enough—but community benefits, which she is also mentioning? That is the crucial part of why such organisations should be supported.

Jessica Morden: I agree and I thank the hon. Gentleman for his intervention. I congratulate him on the successful scheme in his constituency—may it go from strength to strength. I agree that it is the community benefits that we get from such schemes that add value. They are not just commercial operations; they are adding something to the community.

Wastesavers looks to the future and educates the next generation of recyclers. A not-for-profit organisation, it runs fantastic educational programmes on recycling, and the results are everywhere. Yesterday, pupils of Llanmartin primary school visited me in the House of Commons and spoke enthusiastically about their school recycling programme, which was inspired by Wastesavers. Wastesavers provides a model of good practice that is efficient, effective and economic.

Mr. Michael Wills (North Swindon) (Lab): I, too, congratulate my hon. Friend on securing the debate. She is a powerful advocate for both her constituency and the scheme. What advice would she give people such as me, in my constituency? Swindon borough council has made recycling a relatively low priority. We have only 0.24 recycling points per 1,000 of population, compared with the national average of 0.41 per cent. I am struck by the contrast between Swindon borough council and Newport borough council, which seems to have played a very entrepreneurial and constructive role. How would my hon. Friend advise people such as me? I want Swindon to do better on recycling and to follow the good practice that she is outlining.

Jessica Morden: I thank my hon. Friend for raising that point. One success of the Wastesavers scheme is the strong partnership that it has had with a committed local authority. I am sorry to hear that he does not have a successful recycling scheme in his area. I suggest that he speak to Community Recycling Network UK, which I am sure can suggest a way forward for him and his local council.

As I said, just yesterday pupils of Llanmartin primary school visited me and talked enthusiastically about their programme. The educational benefits and the will of Wastesavers to do such work with the community are great. Is it really simple to be so economic, effective and efficient? It is, but what annoys Wastesavers and similar organisations represented by Community Recycling Network UK is that the potential for community enterprises to do even more seems to be slightly ignored in planning for the future.

Mark Williams (Ceredigion) (LD): I share the optimism in the hon. Lady's speech; I share also the frustration of some community organisations. Does she agree that sometimes we have had difficulties with the Environment Agency's interpretation of licensing exemptions, particularly for small recycling schemes? In my rural area, small community schemes find, for instance, a £6,000 charge for a licence prohibitive of future recycling work.

Jessica Morden: The hon. Gentleman makes an interesting point. I think that Wastesavers is entitled to an exemption because the materials are sorted at source—residents sort the materials themselves—so perhaps one answer for the residents of Ceredigion would be to consider that type of operation. I am sure that the Minister will respond to the point and I thank the hon. Gentleman for his intervention.

Many councils take a mechanical approach to recycling and, threatened by rising targets and penalties, are willing to sign up to long-term contracts for treating waste, sometimes for up to 30 years. Such contracts are likely to involve thermal treatment, incineration or anything that keeps waste out of landfill. Machine-based systems to sort or treat waste are costly to install and can produce low-grade recyclable materials or even destroy a valuable resource. Crucially, we end up paying more for materials to be destroyed than we do to have them recycled, with all the economic benefits that that brings to the community and the environment. Something simple is being made complicated and more expensive.

Committing to a 30-year contract for incineration of up to 60 per cent. of waste might solve a landfill problem for a local authority in the short term but will prevent the expansion of the community recycling model, which would add the social benefits and the ability to deal with the long-term problem, as I have outlined.

Kerry McCarthy (Bristol, East) (Lab): Is my hon. Friend aware of the work of the furniture re-use network, which has its national headquarters in my constituency? It promotes the reuse of 1.5 million items of furniture a year and does some incredibly good work throughout the country. There are also local organisations in Bristol, such as the SOFA project and Emmaus, which reuse more than 10,000 items a year, most of which go to low-income households. Does my hon. Friend agree that the issue is not just about environmental concerns but, as the hon. Member for Shipley (Philip Davies) said, about tackling social exclusion? Such organisations have an important role to play in that.

Jessica Morden: I agree with my hon. Friend. Wastesavers also has a furniture recycling project that adds much to the community in Newport, so I commend the projects that she has mentioned. We are fundamentally ignoring the principles and the success demonstrated by community recycling schemes such as Wastesavers, which have been run throughout the country. Such schemes are rapidly increasing the tonnage that they recycle and therefore reducing waste to landfill at the same rate.

Anecdotally, some Department for Environment, Food and Rural Affairs officials have indicated to the community recyclers that they believe that it would only ever be possible to divert 40 per cent. of household waste to recycling. However, Wastesavers and its colleagues in the community recycling networks think that that is not an ambitious enough target. They think that they can do a lot better and believe in striving towards a state of zero waste. However, that takes time and will require us to look at the issue from the other side, creating a service designed around recycling, rather than modifying the existing waste services.

In the short term, it is vital that we do not hamper progress towards the goal of reducing and recycling all waste by committing to very long-term contracts that prevent the growth of other models. I look forward to seeing the evidence and the outcomes of the waste strategy review, which closed yesterday. In the meantime, I ask the Minister to take note of the excellent alternative systems on offer—perhaps by visiting Wastesavers with me and meeting representatives of the networks that support them, such as Community Recycling Network UK and its Welsh counterpart Cylch. I also suggest that a comparative study be commissioned to evaluate the wide variety of systems on offer, the range of costs and the various social and environmental outcomes that can be achieved. Without that information, we could find ourselves in an expensive recycling trap.

4.43 pm

The Parliamentary Under-Secretary of State for Environment, Food and Rural Affairs (Mr. Ben Bradshaw): I congratulate my hon. Friend the Member for Newport, East (Jessica Morden) on securing this debate and on her excellent speech. It is encouraging to see such a high level of interest from all three major parties—that is not always the case in shorter Adjournment debates—and all hon. Members who have intervened have made important points.

As my hon. Friend pointed out, we have just finished a major public consultation on the review of our waste strategy. In the renewed strategy, which we will publish later this year, the Government are determined to see an enhanced role for the community and voluntary sector. We have made considerable progress in recent years, which all hon. Members recognised, although it has been rather patchy, as my hon. Friend the Member for North Swindon (Mr. Wills) pointed out. We have trebled the amount of municipal waste that we recycle or compost and we are on course to hit our targets. It is not every Department that can say that about all its targets.

That is partly the result of the excellent work of local authorities, working in collaboration with the private sector and the community and voluntary sector. It is also the result of the work of our public, who are increasingly aware of the importance of sustainable waste management; that subject is rising up in the public consciousness. If people are asked in opinion polls, for example, whether they think it is important to recycle, about 90 per cent. say yes; but only about 45 to 50 per cent. recycle regularly. We must close that gap. As my hon. Friend the Member for Newport, East pointed out, one of the best ways to do that is by providing a high-quality kerbside recycling service for the public.

Those services have increased hugely in recent years and my hon. Friend has rightly—not just in this Adjournment debate but several times in DEFRA questions—drawn attention to the Wastesavers project in her constituency of Newport, which, as she says, is a beacon for the rest of the country. In partnership with the excellent local council and her constituents, it has achieved a tremendous increase in the percentage of recycling.

[Mr. Ben Bradshaw]

It is interesting that my hon. Friend used a slightly different figure from the one that I have heard cited previously for the cost per tonne achieved by Wastesavers in Newport. Getting the cost down so low is an incredible achievement. She will, I am sure, appreciate that part of the explanation is that the organisation is community-based and that some of those involved are volunteers. They work efficiently and well, but she is right to point out that there are wide variations in the costs not only of recycling and kerbside collection but of waste management by local authorities as a whole.

My hon. Friend will be pleased to know that the Government are considering that issue, not just as part of the review of our waste strategy but as a result of the Gershon report in 2004, which identified potential for considerable savings in our waste management and collection systems. We should be interested in studying the experience of Wastesavers, which one of my officials has already visited. I should be delighted to take my hon. Friend up on her invitation; she can show me around. I am keen, in the months ahead, following the closing of the consultation yesterday, and before the publication of our renewed waste strategy, to examine best practice and ensure that we get the strategy right.

We need to do that—my hon. Friend has, again, made the point well—because although we have made dramatic improvements in this country in recent years we have an awful long way to go. We still use landfill far too much. Landfill, as everyone recognises, is the least environmentally friendly way of managing our waste. We need to get our recycling and recovery levels up to those of continental Europe and our landfill levels down.

Kerry McCarthy: Is the Minister aware that one of the problems of current landfill policy—according to Bristol city council, which, again, does not have a good record on recyling—is that it is more economically viable to recycle heavier objects? When I have tried to encourage the council to recycle plastics, it has replied that that is not cost-effective, because plastic does not weigh as much.

Mr. Bradshaw: My hon. Friend is right. It is depressing, when some local authorities are as good as Newport and are doing so well on recycling, that others, such as Bristol and Swindon, do so badly. There is no excuse for it, and my hon. Friends may want to take a stark warning back to their constituents and local authorities. Their constituents will pay the price for poor performance on recycling.

As the landfill tax escalator hits in as one of the major financial incentives, council tax payers in Bristol and Swindon will pay the price for the poor performance of their local authorities. In recent years, the ratcheting up of the system has been made even more effective by the introduction of the landfill allowance trading scheme, which is rather like the emissions trading scheme, one of the mechanisms used to deal with climate change. Local authorities that perform badly can buy extra landfill allowance from other local authorities, but, again, that will involve a cost to council tax payers. It is not merely good for the environment to recycle, reuse and compost; it is, in the long run, also cheaper for council tax payers.

My hon. Friend the Member for Bristol, East (Kerry McCarthy) is right about the importance of community recycling network schemes. I know of the headquarters in her constituency, and in fact I met the chief executive, or whatever he calls himself, fairly recently. He has had some very constructive meetings with my officials to make sure that those schemes are not forgotten in our consideration of our new waste strategy.

My hon. Friend is absolutely right to point to the perverse incentives in our waste policy under the weight-based system. That system sometimes incentivises local authorities to collect heavy waste for recycling, because that boosts their recycling rates, and waste that is easy to collect. I shall give her a good example: hon. Members may have noticed that recently many local authorities have rapidly expanded their so-called green waste collections of garden waste. That has been a very easy way for local authorities to increase their recycling rates, but of course it is much easier for local authorities in leafy suburbs and rural areas to do that than it is for local authorities in some inner-city areas. There is a real problem with the incentives in the current weight-based system, and we are actively considering that as part of the waste review.

My hon. Friend the Member for Newport, East may also be interested to know that my officials are working with Wastesavers in her constituency to look into how it achieves what it does, and to get it to be an exemplar for other social and community-based recycling and waste management organisations across the country. That is because we want a lot more successful, social and community-based, voluntary-based organisations involved in how we manage our waste, for the very reason touched on by a number of hon. Members: we are not just talking about a sensible, efficient and environmentally friendly way of managing waste; the issue is also about getting community action and community spiritedness on the whole issue of managing waste.

If people based in, and coming from, the community are running such organisations and providing the sort of opportunities to which my hon. Friend referred—opportunities for disadvantaged people, people coming out of prison who want to rehabilitate themselves, people with learning disabilities and so forth—that is a fantastic contribution that they can make. Also, people benefit enormously from the sort of work that that involves, and as my hon. Friend rightly says, it is often a stepping-stone by which they can re-enter the full-time employment market, so it is a virtuous circle.

We would like enterprises such as Wastesavers in Newport to expand. There are examples of other bodies that have expanded and gone to other places, but my understanding is that Wastesavers is quite happy staying the size it is, and as a result it has agreed to share its business plan with anyone who is interested. My hon. Friend has already established herself in the House as a great ambassador for sustainable waste management and for Wastesavers in her constituency. May she go far afield, singing its praises and suggesting that people in other parts of the country talk to

Wastesavers—a process that we will certainly encourage—to see whether they can replicate elsewhere its wonderful practices in Newport.

The hon. Member for Ceredigion (Mark Williams) is absolutely right to say that in the past there have been issues to do with prohibitive licence costs for composting and recycling organisations. Community composting organisations raised that with me very soon after I took on the waste brief, just under a year ago. They were worried that they would be put out of business by some of the new charges coming in. We shelved those charges, and over the past 12 months we have undertaken a review of them. I am confident that in the next few weeks we will come forward with a revised system that will benefit the sorts of recycling and composting organisations to which the hon. Gentleman referred, and that should be cheaper for the Environment Agency. I am absolutely determined not to put barriers in the way of those sorts of very sensible and effective community organisations.

I should have said at the beginning of my speech that everything that I have said about visiting and so on is with the slight caveat that I remain the Minister responsible for such matters. Hon. Members will understand that DEFRA has become an almost completely new Department and the portfolios may be switched around.

I hope that I retain that responsibility because I very much enjoyed seeing the waste review through. There is huge and growing interest in the matter, as the debate has illustrated, and it will be a huge environmental challenge for the country. If we fail to get it right in the next few years, not only will the environmental consequences be extremely serious, because we will continue to produce methane through landfill—hon. Members know that it is one of the most damaging greenhouse gases—but the country and individual local authorities will become liable to swingeing fines from the European Commission for failing to meet our landfill targets.

Question put and agreed to.

Adjourned accordingly at four minutes to Five o'clock.

Westminster Hall

Thursday 11 May 2006

[Sir Nicholas Winterton *in the Chair*]

HIV/AIDS

[Relevant Documents: First Report from the International Development Committee, Session 2005–06, HC 708 and the Government's response thereto, First Special Report, Session 2005–06, HC 922.]

Motion made, and Question proposed, That the sitting be now adjourned.—*[Claire Ward.]*

2.30 pm

Sir Nicholas Winterton (in the Chair): I call the distinguished Chairman of the Select Committee, Mr. Malcolm Bruce.

Malcolm Bruce (Gordon) (LD): Thank you for that encouraging introduction, Sir Nicholas. It is genuinely a pleasure and a privilege to present the International Development Committee's first report of this Session, which, appropriately, we published on world AIDS day.

The Committee was extremely appreciative of the international community's commitment to eradicate AIDS. When we published the report, however, it was clear that the international community's first target—getting 3 million people on treatment by 2005 as part of the "3 by 5" campaign—would be missed. I have no intention of delaying hon. Members by quoting from the report, which they can all read, but I shall pick up a couple of points to which I hope the Minister can respond.

The Committee had quite a debate about how to achieve the 2010 target progressively, and the hon. Member for South-West Surrey (Mr. Hunt) will have something to say about interim targets if he catches your eye, Sir Nicholas. We recommended that the Department consider including a target on access to treatment when formulating the public service agreement for the next comprehensive spending review, which is currently under discussion, and I would be interested to hear what progress the Minister can report.

We identified a particular problem with the treatment of children. There is not enough investment in paediatric antiretroviral drugs—the issue was raised at International Development questions yesterday—and the pharmaceutical companies have no real commercial interest in the issue, although the international community, the children and their families do have an interest in it. However, the relevant drugs, where they exist, are up to six times more expensive than equivalent adult treatments and are not designed for children. Antibiotics are also not always appropriately targeted at children with HIV/AIDS. Again, we would be anxious to hear what progress has been made on that.

The witnesses who came before the Committee raised several issues, and the Government addressed them in their reply. Although I accept without demur the Government's real commitment to putting resources into tackling the problem and their determination to meet the end target, there was concern about a possible mismatch between the Department's global ambition and individual out-turns in different countries. The Government rightly respond that it is up to each country to set its targets, but they are the major provider of support in many countries, and we are looking for a partnership. We expect the Department to be able to define its targets progressively so that we can monitor how well we are doing. We do not want to reach the end of the process, only to find that we have missed targets, when we could have identified the problem earlier and taken appropriate action.

My last point relates to the role of the International Monetary Fund. I raise it because the Government agreed with us, and particularly because their policy is to use budget support as a major way of funding recipient countries. Some glib things are said about the IMF, but the fund and the World Bank are major institutions, which operate in a much more complex fashion than some of the more simplistic arguments might suggest. Nevertheless, there is concern that the IMF, in its overall policy of trying to ensure that countries operate within a sound financial framework, may inhibit the diversion of resources to deal with the AIDS problem in a particular country. The Government agreed that that was a cause for concern and hoped that the IMF would not do that.

A comment from the Minister would be helpful on how our role in providing budget support can come alongside the IMF or act as a buffer between the two. If we provide a country with money specifically to achieve its own HIV/AIDS target, presumably there is no reason why the IMF should try in any way to interfere with that.

The international community has set itself ambitious targets. Our Government are committed to being one of the leading contributors in tackling the problem and I am sure that the House is looking for leadership from the Department for International Development, as I am sure is the international community in many ways, although there are one or two contentious aspects of that to which I shall come later.

The Committee published the report at the end of last year and there have obviously been continuing developments. The statistics are still serious and the Committee had a chance to make visits, particularly to Africa where we saw some of the issues at first hand. Interestingly, we visited Botswana and the Botswana programme was mentioned in the House yesterday. What we saw was impressive in one sense. It is one of the richest, least corrupt, most competent and most well-run countries in Africa. However, it has one of the highest incidences of AIDS, and if it does not deal with that it will cease to be one of the most successful and dynamic countries in Africa. We saw an impressive hospital, which provides impressive treatment, encourages people to come in and reaches out to provide treatment throughout the country. However, two or three issues arose which I think are worth recording.

The first, which is obvious, is that when a huge amount of resources go into dealing with one major problem such as HIV/AIDS, which requires the combined commitment of health resources, clearly

[Malcolm Bruce]

other health problems fall down the pecking order. One point of concern is that it is diverting a huge health resource from other problems in the country, which are receiving attention but not the same attention as would otherwise be the case. Botswana is a rich country and the problems are multiplied in poorer countries.

The second issue is that in subsequent meetings with representatives of the Government and Government agencies we asked some probing questions about what was being done to reach some of the prime victims and problem areas, particularly homosexual men and those engaged in sex traffic and the sex trade. The answers were a little disturbing to say the least. In a nutshell, we were told that such activities are illegal, and the clear implication was that there is no programme to reach those people, despite the fact that they are a prime source of the problem.

Someone in the diplomatic community—I shall not identify them—said that in the process of employing a domestic member of staff they asked about her health, to which she said: "I understand what you are talking about and my health is fine. I have been tested and I am negative. However, my husband works in the mines in South Africa so he is away for weeks on end and I have no idea what he gets up to, but when he comes home he expects me to behave as any wife would so how long I will stay in that condition is indeterminate." That raises another issue: the sharply rising incidence of AIDS among women and girls and the fact that they have much less control over circumstances than they should. They need to be empowered to enable them to take more positive control over the situation.

John Bercow (Buckingham) (Con): I agree, as so often, with everything that the hon. Gentleman has so far said. May I support and reinforce his observation about targets? Its importance seems to be underlined by what he has just said about the attitude of particular states to personal behaviour. Does he not agree that the Government need to take care not to overdo localism and decentralisation? If we are providing money, we are entitled to stipulate in some measure of detail what we expect by way of its effective use. In respect of disaggregation, does he not agree that it should not be necessary continually to press the World Health Organisation for disaggregation of data? What is the rocket science? It ought to be done.

Malcolm Bruce: I thank the hon. Gentleman for that intervention, and more will be said about that.

It would be fair to say that there was not entire agreement on the Committee—although there was no fundamental division—about the exact role of targets. However, we agreed that we needed to quantify what we were doing and pull it back together. One cannot leave these things to every country and hope that that combination will deliver what we have set. We agree about the objective, even if we have not focused on how best to achieve it. That is about attitudes.

There are some issues surrounding a survey that was conducted in South Africa about people's knowledge and behaviour in relation to AIDS. It produced two or three disturbing statistics. Many answers represented what one would expect, and people's knowledge was clear. However, one statement was:

"You can reduce the risk of HIV by having fewer sexual partners."

Although 67.3 per cent. of both sexes agreed with that, 24.4 per cent. did not agree, which is an alarmingly high figure.

Within the survey, we also received an indication that the percentage of young women and men who have had sex before age 15 is high—on average about 25 per cent. It seems to be true of many affected countries. The other statement that was highlighted was that the percentage of young women and men aged 15 to 24 reporting the use of a condom the last time that they had sex with a non-marital and non-co-habiting sexual partner was 69 per cent.

In the context of Botswana, that statistic raises a contentious issue. Although DFID is supporting Botswana through the Southern African Development Community, we do not have a heavy engagement programme, because it is a middle-income country. As a consequence, the Americans are heavily involved in Botswana. The Gates Foundation is fine, but the President's Fund is not quite so fine, because the American contribution through the President's Fund places a heavy emphasis on abstinence and moralising. The statistics demonstrate that a significant number of people will not be reached by that approach. I know that the British Government do not share that approach, but if we are not there, for example, there are problems because we leave the field clear. When we are there together with the Americans, there is tension.

Although none of us has a problem with the basic idea that people should be encouraged to be monogamous, an over-moralising attitude will not reach many people. As the Secretary of State precisely and starkly said yesterday, we do not agree with the American position; and, as he put it, people should not die because they have sex—even in circumstances in which people disapprove of the fact that they have had it. If we are trying to deal with the problem on that scale, we must be realistic and we must engage robustly with those who tell us otherwise.

That approach did not work with drugs. The "Just say no" campaign has not stopped the advance of drug abuse, and it will not stop the advance of HIV/AIDS. Prevention is as important as cure, although our report is concerned to ensure that we get treatment to those people who need it.

Joan Ruddock (Lewisham, Deptford) (Lab): I want to share with the hon. Gentleman some information that I received yesterday. It is relevant to how we tackle the issue. In Zambia, where DIFD is involved in a great partnership on primary education, the removal of school fees has enabled girls to go to school, and there has been a shift: among girls receiving primary education, there has been a reduction in HIV infections, whereas for those who have not received primary education, infections continue at similar levels. Primary education—for girls, in particular—can have an impact, and is relevant to the issues that the hon. Gentleman has raised.

Malcolm Bruce: I am grateful to the hon. Lady for that intervention, because it reinforces the fact that the AIDS problem can be tackled successfully. There is

some evidence of that across east Africa, and not just in Zambia. I received similar information on the situation in Uganda, where it is not only education about HIV/AIDS that makes the difference; it is the fact that the girls are in school, and therefore less vulnerable to being preyed on than when they are out in the communities. So there was a double benefit from their being in schools. That is an immeasurable result, in terms of bringing the epidemic under control and reversing it.

I have one final comment on attitude. The acquittal of Jacob Zuma in a contentious trial in South Africa highlighted the cultural and social problems involved. I picked up a press report that says that, after his trial, he apologised for not having used a condom. That was an acknowledgement that he had been a bad role model, and a sign that he wanted to do something right. Indeed, the report says that

"he became visibly upset when a journalist challenged him on his admission made in court and widely reported in the media, that he had showered after sex to reduce the risk of HIV infection. 'If you've been in the kitchen, my dear, peeling onions, you wash your hands afterwards,' he said."

That is not a very sensitive and sensible comment, but at least he has had the grace to acknowledge that, apologise, and state what he should have done; that is a step in the right direction.

I now come to the completely different issue of TRIPS—trade-related aspects of intellectual property rights—and patent rights. Again, that is a concern for the Minister. There is a *Financial Times* report about a march on the Indian Parliament yesterday against the application for a patent on an antiretroviral drug from Gilead Sciences. Such a patent would be completely contrary to the spirit of what we are trying to negotiate, which is the right for generic drugs to be manufactured to deal with the problem in individual countries. The final point in the report is:

"Indian drug companies, such as Cipla, have developed a low-cost generic version of tenofovir, priced in India at a seventh of international levels and would be likely to have to cease production or pay steep royalties if a patent was granted."

Clearly, we have not completely won that battle, and I hope that the Government will use whatever influence they have to stop that sort of litigation. That litigation could lead to the deaths of tens of thousands of people by denying them affordable access to drugs, or could divert resources in the Indian budget away from where they are needed.

I am conscious that a number of hon. Members wish to take part in the debate, so I shall not take the matter further. I conclude by saying that the international community has made an ambitious commitment to tackling the problem. The United Nations is demonstrating a determination to keep on top of that, and at the turn of the month it will monitor where we are on the issue and will make further progress. From that, I hope that we will get an idea of what we have succeeded in doing and where we have failed, and that a recommended course of action is pointed out to help us to achieve our end.

We—and certainly our Committee—will have to take on board the fact that for many of the countries involved, the problem is social, humanitarian and economic. The economic problem has social dimensions. There is a suggestion that, by 2010, some 50 per cent. of all children in Zambia will be orphans. There is a huge issue of responsibility, in terms of who will look after those children, and how they will be brought up and maintained. That is assuming that they are not infected themselves or, if they are, that they can get treatment. A country such as Botswana could see its entire economic success wiped out if it does not get on top of the problem. I hope that the countries concerned have the capacity to do that.

With the greatest respect, although there is no difference of view between us and the Department, the Committee is so concerned about the need to demonstrate commitment that we shall put the Department under continuous review by publishing an annual report on our judgment of what progress has been made, in the hope that that will apply additional pressure. The Department might feel that that is unnecessary, but we think it desirable to ensure that there is an annual parliamentary report saying how well we are doing in achieving the overall objectives.

Mr. Jeremy Hunt (South-West Surrey) (Con): Does the hon. Gentleman agree that GDP growth figures often underestimate the economic impact of AIDS? They cannot encapsulate, for example, the effect of a reduction in life expectancy or the fact that a huge proportion of a country's health service has to be devoted to tackling the scourge of HIV/AIDS rather than to other things. In that sense, even though the reductions in growth figures for African countries that are affected by HIV/AIDS might be relatively small, the impact is much greater.

Malcolm Bruce: The hon. Gentleman is right; indeed, the problem is even worse than that, because in many cases there is substantial under-reporting.

The negative effect of too much moralising—I do not deny that moral education has a value, but there can be too much of it—can add to the stigma and discourage people from coming forward. I see that ex-president Clinton—I think that President Clinton is still his title in the United States—has called for mandatory screening in all countries and has demonstrated that that gets rid of the stigma, because it happens to everybody. People who need treatment are identified and they receive it. I do not know whether that is the answer, but it is an interesting contribution to the debate. We need to identify the problem, quantify it and solve it. That will require every sinew of every major country in the world, in partnership with the countries most affected, to deliver those end products.

The Committee is proud of what the Government are doing. We appreciate the commitment and the lead role that we are playing. We hope that they will use that lead role to help shape the outcome in ways in which we have more confidence than the largest donor to the programme does, the United States. We have to work with the United States, but we have to make it clear that we have a reason for our different approach and that our approach must reach the people that otherwise will not be reached.

2.53 pm

Dr. Gavin Strang (Edinburgh, East) (Lab): I am grateful for the opportunity to follow the hon. Member

[Dr. Gavin Strang]

for Gordon (Malcolm Bruce). I pay tribute to his chairmanship and to the Committee for its report, the first of the Session and on an important subject.

I do not intend to speak for too long but, on average, for every minute that I do, nine people in the world will become infected with HIV and six will die from AIDS. At least one of the newly infected people will be a child and so will one of those who dies. I sometimes wonder whether the shock-horror statistics—40 million people living with HIV, five million new infections, three million deaths a year—might be too much or difficult to comprehend. There is a danger that people might become overwhelmed by the scale of the crisis and conclude that the battle is lost.

It is important to remember that progress is possible and in some areas has been made. The global response to AIDS has improved significantly since the world's leaders agreed the 2001 UN General Assembly special session's "Declaration of Commitment on HIV/AIDS". The special session's declaration followed the millennium declaration and set targets for prevention, treatment, care and support. The "Declaration of Commitment on HIV/AIDS" will be reviewed at the UN high-level meeting in New York at the end of this month.

Total funds available for HIV work in the developing world have more than quadrupled since 2001 and are in the target range set by the special session. Progress on the ground can be seen in some areas. Prevention work has reduced the spread of HIV in some countries, including Uganda, Senegal, Thailand and Brazil. With respect to treatment, the "3 by 5" campaign was launched by UNAIDS and the World Health Organisation, with the target of giving 3 million people access to drugs by the end of 2005. That target was missed. The number of people getting HIV drugs in the developing world nearly doubled last year to 1.3 million. It is clear that far more needs to be done. For every five people in the developing world who need HIV drugs, only one gets them. Last year the G8, led by the UK, made a commitment to getting as close as possible to universal access to HIV treatment by 2010. I join the Select Committee in commending the work of the Department for International Development in securing that commitment, which was adopted by world leaders at the UN.

Nobody in this Chamber needs to be reminded that if we are to meet the 2010 commitment, catching up with the epidemic will require a huge increase in the scale of the effort. For every one person in the developing world who received antiretrovirals last year, eight people were newly infected.

There has been an increase in funding, but the resources available at present to address HIV/AIDS still do not match the scale of the crisis. As cited by DFID in its written evidence to the Select Committee, it is estimated that $15 billion is required this year to meet prevention, treatment and care objectives, yet only $9 billion is available. The UN Secretary-General has warned that the rate of increase in HIV funding appears to be slowing, yet $22 billion will be needed for 2008.

I am sure that my hon. Friend the Minister will remind us that the UK has increased the money that it makes available: at least £1.5 billion will be spent in the current three-year spending round, including £100 million each year for the global fund to fight AIDS, tuberculosis and malaria.

I had the privilege of initiating a debate on the global health fund a year or so ago. At that time, the drive was to get round 5 launched. I was pleased that last month's board meeting agreed to launch round 6, and that the UK was given much of the credit for the decision. However, I understand that no money is yet available for round 6, as all existing finances are required to cover the costs of previous rounds. Of course, that means that new pledges are needed from donors. I would be grateful for an indication from my hon. Friend the Minister as to how he sees that developing and how we can get an adequate response from donors. I welcome the acknowledgement of the Chairman of the Select Committee about the contribution that the Government have made in this area. Indeed, this country is a world leader.

Access to drugs was the centre-piece of the Select Committee's excellent report. One strand in the effort to get drugs to those who need them has dealt with prices. There have been moves to reduce the cost of antiretrovirals in poorer countries through differential pricing and the availability of generic drugs. Such steps have had a noticeable effect on the prices of first-line drugs. However, as resistance becomes more prevalent, there will be more need for second and third-line treatments, whose prices remain high. In his report to next month's high-level meeting, the UN Secretary-General has called on donors to work with their pharmaceutical industries to reduce the prices of second and third-line drugs, and I would be grateful if the Minister could outline where discussions on the matter are in the UK.

Bearing in mind that pharmaceutical companies need an income to finance research, I would be grateful for an insight from my hon. Friend the Minister into how well we are doing at ensuring that lower-priced drugs remain in the developing countries for which they are intended. DFID noted in its framework for good practice in the pharmaceutical industry how important it is to "avoid leakage and diversion". I believe that there is broad consensus in this Parliament that we must enable drug companies to make profits if they are to develop new drugs.

The hon. Member for Gordon referred to trade-related aspects of intellectual property rights. As we know from the Government's response, they do not share the Select Committee's view that they should lobby for a review of TRIPS at this time. However, I wonder whether my hon. Friend the Minister could indicate whether he is of the widely held view that the TRIPS safeguards are too onerous and too complicated for developing countries seeking to get access to vital drugs.

On the affordability of treatment, the Select Committee considered the effect of user fees and concluded that it had heard no evidence that such fees improve adherence to drug regimes. I would be interested to hear the Minister's assessment of the reliability of the data on that point, and his response to the call by the Select Committee to work with the WHO and UNAIDS to issue a statement supporting the removal of user fees.

I note that the UNAIDS paper "Towards Universal Access", published at the end of March, set a target date of June next year for countries to reduce or eliminate user fees for AIDS-related services including treatment. I wonder whether we can anticipate progress in the direction hoped for by the Select Committee. Again, what is the Government's view?

Meeting the 2010 target—the target for universal access—will require action from many agencies at international, regional and national level. The global steering committee, which is co-chaired by the UK, has called for an integrated approach through implementation partnerships involving not only the Government but other key leaders in society, including private sector employers.

I shall say a few words about the need for the private sector to meet its obligations. The World Economic Forum warns that businesses are doing too little, too late, in the battle against HIV/AIDS. The organisation conducted a survey of businesses worldwide and found that some firms have responded to the needs of their work force. Globally, 17 per cent. of responding firms provide antiretroviral drugs. That rises to 38 per cent. in the countries that are hit hardest by HIV. The private sector delivers antiretrovirals to 60,000 people in South Africa. However, the response is still inadequate. Kofi Annan described the level of provision as lamentable. I should be grateful if my hon. Friend the Minister would outline what is being done to secure a strengthening of the private sector's response.

Getting antiretrovirals to everyone who needs them is not merely a matter of securing adequate quantities of affordable drugs. For a start, health workers can treat only those people who have tested positive for HIV. Access to testing and counselling services more than quadrupled between 2001 and 2005 in more than 70 countries surveyed, but UNAIDS reports that only a fraction of the 40.3 million people who are currently living with HIV are aware of their infection. Yet the health infrastructure in many countries has been weakened. Many health workers have been lost to AIDS. In some countries pay for health care and other key infrastructure staff is below subsistence levels. Added to that is the pull of richer countries that rely on health care workers from the developing world.

The broader health infrastructure of many countries that have been hit by the epidemic will need to be strengthened if the world is to meet the 2010 commitment.

Joan Ruddock: Does my right hon. Friend agree that there may be real scope for the international community to give much more support to health workers in relation to financial assistance, social payments or some means to enable them to remain in their own countries to provide the services that are required? In Africa we saw that it is, as my right hon. Friend says, not just the availability of drugs that matters, but systematic testing and monitoring of the people receiving the drugs. That requires an enormous input from health workers. If there are not sufficient health workers—as is true of all the countries in question—we need a way to assist them in acquiring greater numbers, perhaps by training but certainly by support.

Dr. Strang: My hon. Friend raises an important and topical point, because as hon. Members are probably aware, a change in the regulations on medical staff means that people training in the medical field from outwith the European Union will find it difficult to get employment; everything is now swinging in favour of doctors trained in eastern Europe. On Sunday, I spoke to the Bangladeshi postgraduate association in Edinburgh, and although we were not, in particular, pursuing the present subject, we discussed the question of how to provide the correct incentives. What should our attitude be to the doctors and nurses who come to work in our health service?

The answer is that we live in a global world, and that they must have the opportunity, if they want it, to work in this country. However, as my hon. Friend says, we should surely try to provide incentives and encouragement to them to go back, even if only for five years, to make a contribution, having been trained to a high standard in this country. I think, also, that we must be prepared to employ them. We cannot just train them and tell them to go home immediately.

John Bercow: Of course, substantial subvention by the Department for International Development of key cadres of health service staff is taking place to the great advantage of Malawi—a fact that we discovered on a recent visit. Further, however, in response to the intervention of the hon. Member for Lewisham, Deptford (Joan Ruddock), does the right hon. Gentleman agree that on the assumption that we cannot finance staff or anything else for ever, it is incredibly important that we accept the need not only to finance staff now but to train the future trainers of staff?

Dr. Strang: Again, I am grateful for the intervention; it is a complex area and perhaps the Minister will throw some light on it. Certainly we are all aware of the objectives. We want, as the hon. Member for Gordon said, to reverse the process that is going on to an extent in some countries of an implosion of the health infrastructure, for which there are several reasons, not least of which is HIV itself.

I congratulate the Select Committee on addressing prevention in its report on the treatment target. As I have said, last year an extra 630,000 people in the developing world received HIV drugs, but there were also almost 5 million new infections in that year. Without improving prevention work, we do not have a hope of reaching the 2010 commitment.

Many of the people most at risk are not being reached by the HIV prevention programmes. Throughout the world, less than one person in five has access to basic HIV prevention services. Less than a third of young people in the developing world can correctly identify ways of preventing HIV transmission, as against the 90 per cent. target set by the special session. The United Nations population fund estimates the gap between the supply and the demand of condoms to be 50 per cent. It is also important to reduce maternal transmission of HIV. Only 9 per cent. of HIV-positive pregnant women receive antiretroviral drugs; that is still very low. The failure to provide treatment to pregnant women is one of the factors leading to 1,800 infants becoming

[Dr. Strang]

infected with HIV every day. The Department for International Development's written evidence to the Select Committee cites estimates that a comprehensive HIV prevention package costing $4.2 billion annually by 2007 could avert 29 million of the 45 million new infections expected by 2010. I urge my hon. Friend the Minister to do all in his power to secure additional funding for the world's prevention efforts.

All Members present are aware that reaching a consensus on prevention work presents challenges, most notably in respect of the use of condoms. I was interested to read the evidence given to the Committee in support of the ABC approach—abstinence, be faithful and use condoms. However, I share the Committee's concern about an over-emphasis on abstinence; the Chairman, the hon. Member for Gordon, referred to that. If ABC is to work, the three strands must work together. We must not allow the moral attractions of A or B to lead us to exclude from HIV prevention work the very people who need to be reached.

In that context, Members will have seen reports that the Catholic Church may be prepared to consider whether the use of a condom is a lesser evil than the transmission of AIDS. According to the media coverage, the specific circumstances currently being considered involve the use of condoms by a married couple when one of them is HIV-positive. I am sure that we all look forward to seeing these deliberations proceed.

At the end of this month, a high-level meeting will review achievements against the targets set five years ago in the declaration of commitment on HIV/AIDS. As I suggested at the beginning of my remarks, despondency is as much our enemy as complacency. Behind the missed targets and depressingly high infection rates lie grounds for hope for the 2010 commitment to universal access. To miss the "3 by 5" target was desperately disappointing, but the progress made in response to the initiative showed that antiretrovirals can be administered in deprived areas, that adherence is good, and that the necessary public health policies can be put in place.

I shall conclude by quoting directly from Kofi Annan's report to the forthcoming high-level meeting:

"Although the epidemic and its toll continue to outstrip the worst predictions, the foundation for an extraordinarily stronger and sustained response is largely in place. For the first time ever, the will and means needed to make real headway have been secured."

We can be proud of the British Government's contribution, and I am glad that my hon. Friend the Minister will be in place in the next few crucial years. I am sure that he has the experience to continue to contribute to ensuring that we progress.

Several hon. Members *rose—*

Sir Nicholas Winterton (in the Chair): Order. Before I call the next speaker, I remind Members that we have to conclude the debate by half-past 5. Quite a large number of Members wish to speak, including some who have not given notice to the Speaker's Office, and I would like to allow as many Members as possible to contribute to this important debate—if not all of them who wish to do so.

3.9 pm

Mr. Jeremy Hunt (South-West Surrey) (Con): It is a great pleasure to follow the right hon. Member for Edinburgh, East (Dr. Strang). He followed me in a disability debate last week in the main Chamber and said that my tone was very much in line with the new leadership of the Conservative party. I have been trying to work out whether he considered that to be a compliment. In any case, it is a pleasure to follow him again.

It is also a pleasure to follow the Chairman of the Select Committee, the hon. Member for Gordon (Malcolm Bruce), who made an excellent contribution. Under his chairmanship, the Committee has not fallen into the trap of thinking that we have solved the HIV/AIDS problem with the Gleneagles declaration. It has remained a high priority on the Committee's agenda, which I welcome and thank him for.

I also commend the hon. Member for Walthamstow (Mr. Gerrard) on the work that he does as chair of the all-party group on AIDS. I worked closely with him on the successful early-day motion on interim targets which was signed by 250 Members. As a new Member, I reflected on whether the secret to success was to form an alliance between old left and new right, although I suspect that such an approach would not find favour in either of our parties.

Last month, in Nairobi, I attended the funeral of Christobel Wanju, an HIV-positive orphan. She was 13 years old, and I met her a couple of years ago on a visit to Kenya. She was a delightful girl, and was apparently healthy, although she was HIV-positive. She had an undetectable viral load; her CD4 count was perfectly adequate. Five weeks ago, she had severe headaches and was rushed to hospital. Tragically, on 4 April, she died. The reality is, unfortunately, that antiretroviral drugs alone are not the answer. From time to time, even children such as Christobel, who was in the controlled environment of an orphanage and was getting all the care and medicine that she needed, are cruelly snatched away just because the virus makes them weak. That is particularly the case for orphaned children, who do not receive the care that they need in their early years, although they might receive it later.

The slow-burn effect of HIV/AIDS means that it is not like a famine or tsunami, so it usually does not hit the headlines in the same way. When these children keep dying, we must remember the figure put out by UNAIDS: one child dies every minute. Last year, 570,000 children died from HIV/AIDS. Let us compare that with the tsunami which occurred at the turn of that year. We are talking about two tsunamis' worth of deaths from HIV/AIDS of children alone. Let us add the relevant figure for adult deaths, and we are talking about eight tsunamis' worth of deaths from HIV/AIDS, not as a one-off event, but every year.

The tragedy of the epidemic is that it is getting worse. For every child who dies from HIV/AIDS, 1.3 children are being born with it. We have almost managed to eliminate mother-to-child transmission in the developed world, but in many African countries the relevant figure for it is still more than 35 per cent.

Some people understandably ask, "Why AIDS? What about all the other killer diseases, such as tuberculosis, malaria and smallpox?" The best answer

to that was given by Professor Alan Whiteside of the university of Natal. He described HIV/AIDS as an "involutionary" event. For him, involution is the opposite to evolution. He describes how most viruses extinguish themselves because they end up killing the host that is carrying them. The evil genius of HIV/AIDS is that the host—the person who is infected—remains apparently healthy for long enough to be able to transmit the infection to many other people before they themselves become ill.

As HIV/AIDS is a sexually transmitted disease, the effect on young people is particularly devastating. A prevalence rate of 25 per cent. in a country means that the likelihood of a teenager getting the virus in their lifetime is 50 per cent. If the prevalence rate increases to 35 per cent., their likelihood of getting it increases to between 80 and 90 per cent. South Africa is heading in that direction. At current rates, by 2010 it is predicted that three quarters of its teenagers will not be able to expect to live until their 60th birthday.

In that context, the Government should be extremely proud of what they achieved at Gleneagles last year. The 2010 universal access commitment was championed by the UK and was not easy to achieve. I congratulate the Minister and the Secretary of State on their personal commitment to that. I am grateful that interim targets have become UK Government policy, and am pleased to see that they are one of the proposals that we hope will be adopted from the submissions that are going before the UN for the high-level meeting on 2 June. What is the Minister's candid assessment of the chances of interim targets and milestones being adopted at that meeting?

If we are to achieve universal access, it will not be a question only of declarations and high-level commitments from the world community; a number of practical challenges will also need to be addressed, and I should like to touch briefly on some of them. The first challenge is money. This week, the Minister stated to me in a parliamentary answer that there will be a funding shortfall of $18 billion in anti-AIDS programmes during the next two years—only half the period between now and 2010. The international community is still not putting its money where its mouth is. What will the Minister do to try to persuade G8 countries other than the US and the UK, which have taken a leading role in the battle against AIDS—the Italys, Frances, Germanys and Japans—to play their role and contribute what they should to the battle against HIV/AIDS?

I do not want to pre-empt the hon. Member for Northampton, North (Ms Keeble), who is a great expert on paediatric drugs, but the second big challenge is the supply of paediatric drugs for HIV-positive children. The HIV virus is unusually and particularly aggressive in children, whose immune systems are undeveloped, yet fewer than one in 20 of the children who need antiretrovirals can expect to get them. When they do get them, by and large the portions, which have been chopped up, are not sized for them, but for adults. The regimen for antiretroviral drugs has to be administered extremely carefully, and that is a bad way of ensuring that children get the correct dosages. They very often have to rely on syrups and solutions, which, again, are not ideal because the dosage can be wrong and they have to be refrigerated.

As the shadow Secretary of State for International Development pointed out yesterday in the House, there is no market for such drugs in the west so drugs companies have been very slow in developing them. The point of his question was this, and I ask the Minister to respond to it: if the Secretary of State asked to see the heads of the drugs companies, that would provide a major impetus for getting them to raise paediatric AIDS drugs up their list of priorities. Although I strongly welcome the discussions between the Department for International Development and the drugs companies, if such meetings were attended by the Secretary of State, the bosses of those companies would attend too and we would be far more likely to get progress.

The final challenge has not been talked about a great deal. How will fragile states in the poorest African countries, particularly conflict and post-conflict zones, reach the 2010 universal access target? Hank McKinnell, the chairman of Pfizer, one of the companies that manufactures a lot of antiretroviral drugs, said that if the cure for HIV/AIDS were simply a glass of clean water, we would not be able to get it to half the people who need it.

The development of health infrastructure is appallingly bad in such countries as Burundi, where there are only 300 doctors, a great majority of whom are in the capital. The Clinton Foundation recently estimated that if it were to get antiretroviral drugs to 57,000 people in Rwanda, it would need to double the number of doctors there. In the Democratic Republic of the Congo, where I went recently, outside Kinshasa there is only one doctor for every 30,000 people. That compares with one doctor for every 600 people in the UK.

There are two particular problems in conflict zones. First, there are food shortages. Some 17 million of the 53 million people in the DRC face such shortages, and antiretroviral drugs do not work properly if people do not receive proper nutrition. The second problem in conflict and post-conflict zones is the explosion of sexual violence. Indeed, while I was in the DRC, I went to one of the world's only rape hospitals. The problem is a real challenge, and it, too, must be addressed.

It is easy to be overwhelmed by the problems, but I want to conclude on a slightly more positive note because I believe that AIDS can be defeated in our lifetime. Although we are unlikely to find a cure—unfortunately, HIV/AIDS changes the DNA of cells and is incredibly difficult to unravel—we can have much better prevention programmes. Hopefully, those will involve microbicides, which offer great hope.

We can also have a much bigger roll-out of testing programmes. We need to look at what is happening in Lesotho, which has an opt-out testing programme. The programme is not mandatory, but every child is automatically tested at the age of 12 unless they opt out. That happens to everyone, so the stigma of testing is removed, which is a positive step.

We need to bring down the price of antiretroviral drugs much further. In particular, we need partnerships between pharmaceutical companies and generic drug manufacturers. Just imagine what would happen to the price of antiretroviral drugs if China started manufacturing them. That would have a huge impact, and it is potentially round the corner.

[Mr. Jeremy Hunt]

Finally, we might find a vaccine for HIV/AIDS. Michael Gottlieb, who discovered the virus in 1981, said that we could be trialling a vaccine by 2010 and that it could be widely available by 2021. My question, therefore, is simply this: given that we have the drugs to prevent AIDS deaths now, how many people will have died needlessly by then?

3.22 pm

Mr. David S. Borrow (South Ribble) (Lab): I am grateful for the opportunity to contribute to the debate. I congratulate the Select Committee on producing its report. I am an officer of the all-party group on AIDS, so I take a particular interest in the subject, and I am pleased that the Committee gave it high priority.

Other hon. Members mentioned Botswana, and I want to speak a little about that country. I have visited Botswana three times since I entered Parliament. I went once in 1999, on a Commonwealth Parliamentary Association visit, and again in 2004. At the end of March this year, the Government of Botswana invited me to visit, and I spent four days looking at their HIV/AIDS programme. Over those three visits, I have been struck by how a country can change its reaction to HIV/AIDS.

In 1999, I spoke to the Minister of Health in Botswana, and there was a sense that HIV/AIDS was not a problem. However, I also spoke to the manager of a diamond mine who had just completed the anonymous testing of the work force and discovered infection rates of 25 to 30 per cent. Clearly, there was a problem, and the Government of Botswana quickly changed their approach. A few years ago, they reached an agreement with the Bill and Melinda Gates Foundation and Merck to put in place a full programme of antiretroviral treatment for the population. That involved a $50 million contribution from Merck, the foundation and the Government. The Merck Company Foundation also provides the programme's two basic drugs—Crixivan and Stocrin.

When I went to Botswana two years ago, the country was beginning to build the delivery mechanism. I visited the Princess Marina hospital in Gaborone, which was the main clinic at the time, and it was treating about 24,000 patients. When I went there a few weeks ago, it had rolled the programme out across the country. Drugs are being distributed at more than 30 centres, and there are more than 50,000 people on the treatment programme, which is provided free. In addition, just under 10,000 people are probably being provided with drugs by their employers—mainly the diamond mine corporations in Botswana.

It is interesting that 300,000 people out of a population of 1.7 million are estimated to be HIV-positive. The Government feel that if they can reach 110,000 through the drugs programme, that will meet the needs of those people who require the drugs. They aim to reach that target in the next couple of years, but because of the spread of the disease and the fact that some of those who do not need the treatment at the moment will need it in the future, they will eventually need to deliver the programme to 150,000 throughout Botswana.

Botswana, as has been said, is a middle-income country with stable government and good infrastructure, and its health service is probably better than those of many other countries in Africa. Even with the deal that has been done, the money that has come in, the ability to deliver a drugs programme and a series of new testing centres, it is beginning to run into capacity problems in trying to use a western medical model to deliver the testing programme and the treatment programme throughout the country. I sense that even in Botswana they will struggle to have the capacity to do so.

Malcolm Bruce: The hon. Gentleman quotes a good case, and the Select Committee was in the same hospital just a few weeks ago. We were concerned to be told that 52.4 per cent. of Botswana's development aid programme is going on the HIV/AIDS programme. As he says, the Government are struggling in one of the most privileged countries. That shows the scale of the problem and why it is such a challenge. He is right: Botswana is a success story in comparison with most other places.

Mr. Borrow: One of the things that I picked up and sensed from the visit was that if there is bound to be a struggle even in Botswana, we need to encourage new systems and new models of delivery of care.

We need to engage with the medical professions to see whether we can deliver pharmaceutical products, do the testing and so on without relying on everything being done by pharmacists and doctors, and to see whether there is a way of working with people with lower skills and qualifications to deliver what is needed. If we cannot succeed in Botswana, the chances of being able to succeed in the rest of Africa, however much money is given for drug treatment, are not very large. It is not simply a matter of getting drugs for free, or for very little, and providing millions of dollars in aid. In the end, each country has to use its human capacity to put in place the medical system to deliver the drug treatment programme.

We need to begin to see whether it is possible to develop a different type of delivery mechanism to the one that we would expect to see in western Europe and north America. That problem has to be tackled in Botswana. It will apply across the whole of the developing world, because I do not understand how we can reach our aim to allow everybody who needs treatment to get the drugs unless we find a different mechanism for delivery. That is one of the lessons that I have picked up.

The Chairman of the Select Committee, the hon. Member for Gordon (Malcolm Bruce), raised my next point, which is the approach to prevention and how we challenge people's assumptions—ABC is the shorthand. A few years ago I was involved with UNAIDS and the Inter-Parliamentary Union in developing a handbook for parliamentarians on the subject. In all those discussions, what came across was the need to take a human rights approach to HIV/AIDS and to ask what in our legislation and prejudices gets in the way of tackling the disease. What do we as parliamentarians here, in Botswana, in India or wherever, need to do to enable AIDS to be defeated?

On a visit a few years ago to look into HIV/AIDS, I remember speaking to people in New Zealand, an

affluent, western country. They faced a challenge in the late 1980s which meant they had to make decisions about drug users and men who had sex with men. It was necessary to change the law and change what was done to enable the problem to be tackled. I remember when the question of men who have sex with men was raised in Botswana, and the attitude was similar: "That is not something we really talk about." It is difficult to challenge that in many African countries.

Ann McKechin (Glasgow, North) (Lab): My hon. Friend makes a thoughtful speech, but does he agree that cultural attitudes about the role of women—I have noticed this particularly in sub-Saharan Africa—are a major contributor to the problem? Many women are kept deliberately ignorant of how to protect their sexual health, and they are certainly not encouraged to seek the information. We need to build up a civil society movement for women in those areas if we are effectively to deliver treatment of the sort he describes, and introduce the mechanisms that will enable our goals to be achieved.

Mr. Borrow: I agree. I am always struck when I visit sub-Saharan Africa by the strong imbalance between the sexes, and the frequency of sexual relationships between older men and younger women. Economic imbalance feeds the spread of the disease. Older men have many sexual partners, who are often very young women, and that creates problems because of the women's inability, as a result of the sexual imbalance in society, to insist on condoms or to say no. It is a challenge for us to ask countries in which the development has been different from ours to examine many of their belief systems when they get in the way of tackling HIV/AIDS.

John Bercow: The continued and extensive incidence of sexual violence, not least rape, is a related and legitimate cause for concern. Does the hon. Gentleman agree that donor countries must help recipient countries to address that problem, not least in the light of the fact that it is not merely the male rulers of those countries who regard that state of affairs as unexceptionable; it is a depressing reality that a large proportion of female citizens apparently still think that it is something up with which they have to put?

Mr. Borrow: I agree. A few years ago I visited a hospital in Addis Ababa in Ethiopia and spoke to women there. A culture clearly existed in which if a man wanted sexual relations with a woman or wanted to go out with a woman and she said no, it was legitimate for him to rape her, because she would then be no use to anyone and would have no choice but to become his sexual partner. That attitude was common, as was the attitude that a wife should expect to have nine children. That problem is particularly acute in the Ethiopian context, in which boys are fed much better than girls and women tend to be very small. As a result, many problems associated with the physical size of the woman occur in childbirth. I am well aware of that difficulty.

On a different matter, I am patron of a charity, the Naz Foundation International, which does work in south Asia to do with men who have sex with men. The Department for International Development contributes to projects there, and I hope that my hon. Friend the Minister, who is, I know, hoping to visit India in the near future, gets the opportunity to see some of those projects. In the south Asian context, it is interesting that infection rates are significantly higher among men than among women. That is a reversal of the situation in sub-Saharan Africa. It reflects a different pattern of sexual transmission. Although there is not what would be seen by western society as a gay community, it is not uncommon for men who are married and who have children to have sex with other men. That may be one of the links that creates the different pattern.

The legal situation in most of south Asia is not conducive to tackling the problem, which brings us back to the human rights issue and the fact that parliamentarians can put in place a proper legislative framework to help tackle such problems. I urge my hon. Friend to raise the matter if he visits India, because with that scale of population we need to do everything that we can to prevent an explosion of HIV/AIDS in south Asia. The risk is that such an explosion would be much larger than the explosion in Africa.

Several hon. Members *rose—*

Sir Nicholas Winterton (in the Chair): Order. Again, I want to help hon. Members. If they discipline themselves when speaking, I hope that everyone will have the chance to speak. It is important that all who hope to speak can do so, given that they have been patient and have prepared for the debate.

3.36 pm

John Barrett (Edinburgh, West) (LD): This is an important debate. We have heard a number of thoughtful contributions from all parts of the House. As the Select Committee report says, the HIV/AIDS pandemic is a full-blown global health emergency. When we consider the figures, it is impossible to disagree. The sheer scale of the problem is sobering. Since 1981, more than 25 million people have died of AIDS, and by the end of 2005 more than 40 million globally were living with HIV/AIDS. Of that number, 60 per cent. were living in sub-Saharan Africa, where the situation is most severe, and of the 5 million new infections recorded globally in 2005, 3.2 million were in sub-Saharan Africa.

Figures like those are difficult to appreciate fully, but they help to underline the scale of the problem. However, although Africa is bearing the brunt of the disease, no part of the world is immune to the pandemic. HIV/AIDS is not restricted to a particular country, age group or section of society. It is a global problem, and it requires and deserves a global reaction. It is in that context that I welcome today's debate on the report "Delivering the Goods" and the Government's response.

It is worth remembering that since 1999 there has been a steep rise in the number of HIV diagnoses in the United Kingdom. Reports show that at least 6,700 people in the UK were diagnosed with HIV during 2005, and that number is expected to rise. The welcome and rapid scaling up of antiretroviral treatment

[John Barrett]

programmes in Africa, driven by international advocacy and supported by unprecedented global funding, offers hope to millions of HIV-infected Africans. It is important to realise how far the issue has moved up the priority list in the international community, which I welcome wholeheartedly.

I join those who have already spoken in commending the work of the Department for International Development, in particular its success in securing the G8 commitment to ensuring universal antiretroviral treatment by 2010. However, although Her Majesty's Government are a worthy contributor to the battle against HIV/AIDS, one of DFID's key roles must be to influence the approach of other nations, to ensure that the funds mobilised are used in the most effective manner.

I shall be brief, and I shall try to avoid repeating what has already been said. I wish to focus on the importance of prevention and the need to steer international efforts towards a greater appreciation of a more balanced approach to treating HIV/AIDS. First, I add my voice to those who have argued that prevention and treatment are two sides of the same coin. As "Delivering the Goods" makes clear, expanding access to HIV treatment should not be seen as a simple technical fix to the pandemic. A major scaling up of HIV prevention must form an integral part of all programmes to expand treatment. It could be argued that the overall international investment does not fully reflect that. In that regard, the Department's approach is difficult to fault.

I was delighted to see the important role played by DFID in securing international agreement on UNAIDS new prevention policy and to see the Government throw their weight behind emphasising the importance of a properly balanced approach in that regard and the recognition that prevention must remain the cornerstone of a comprehensive response to AIDS. DFID has a crucial role to play, not simply to fill the gaps left by the US, as some have put it, but to lead and inform the US policy and approach. As the Committee repeatedly heard in evidence, continued research is needed on the complex range of factors that affect HIV transmission and determine the eventual success or failure of HIV prevention strategies. The crucial point is that any such strategies must be firmly based on evidence; there should be no political agenda to them.

As many hon. Members will know, the US Government's PEPFAR fund—the President's emergency plan for AIDS relief—has a strong emphasis on the provision of treatment and care for people with AIDS, with only one fifth of the money used for HIV prevention work. Many groups and workers on the ground have rightly been dismayed by the requirement that one third of those prevention resources be ring-fenced for spending on programmes promoting sexual abstinence before marriage. That is a good idea for those to whom it is applicable, but it does not work for all.

The emphasis on that idea has been the subject of considerable discussion, particularly with regard to the effectiveness of such an approach at the apparent expense of other initiatives, such as the distribution of condoms. PEPFAR's five-year strategy document mentions condom provision and promotion only for those who practise high-risk behaviour; condoms are not mentioned as a strategy to help young people in general. Clearly, that approach differs significantly from previous US policy and the policies of other donors, including the UK. The European Union and the Global Fund to Fight AIDS, Tuberculosis and Malaria have a similar view to that of the UK. Often, the ABC approach—abstinence, being faithful and condoms—is advocated by the US, but sometimes it is over-weighted in favour of the A and the B. Hon. Members will know that there have been reports of organisations refusing US funding because they believe that condoms should be promoted beyond high-risk groups. There is a fear that the approach will lead to the restigmatisation of condoms and promote the notion that they do not work as a form of HIV prevention. Such stigmatisation is a side effect that we can ill afford.

The medical journal *The Lancet* has published an editorial calling PEPFAR's approach to preventing sexual HIV transmission "ill-informed and ideologically driven", and calling for a complete reversal of the policy. The editorial concludes:

> "Many more lives will be saved if condom use is heavily promoted alongside messages to abstain and be faithful".

I could not agree more. The essential problem is that PEPFAR sets other funding restrictions that are not necessarily based on evidence of what is most effective in combating HIV and AIDS. Thankfully, DFID's approach has been quite the reverse. It is crucial that we use what leverage we have to steer US policy towards what works and away from what will satisfy the conscience of the American Christian lobby.

One further issue that warrants serious discussion—it has been mentioned—is the potential use of HIV testing as a medical routine for any patient whose symptoms may be due to HIV and as routine for all individuals with tuberculosis. There is a growing feeling that that could be justified, not only in the interests of the patient but in the broader interest of HIV prevention. As hon. Members will know, HIV has a long incubation period; many years can pass with no symptoms apparent. As a result, individuals can unwittingly pass on the disease to many people. Clearly, one major challenge is identifying those individuals at an early stage.

Sir John Crofton, a distinguished Edinburgh scientist and the pioneer of the DOTS—directly observed treatment short course—programme for TB, is one of the growing number of cheerleaders for routine testing. Sir John recently pointed out to me that many years ago, when syphilis was a major health problem, it was routine to test for syphilis all patients complaining of almost anything, as syphilis has such a wide variety of symptoms. Similarly, if we are to treat HIV as a public health emergency, which it undoubtedly is, routine testing could make a major difference in preventing the spread of the disease and improving early diagnosis and treatment. Having to ask every patient for permission to test for HIV can give rise to much unnecessary anxiety, as many patients will undoubtedly be negative. There is also the danger that the practice only reinforces the stigmatisation of HIV that has been such an obstacle to progress.

The contrast between the treatment of tuberculosis and the treatment of HIV is also worthy of some consideration. TB prevention and control programmes have epitomised the public health approach, where controlling transmission of the disease has been a paramount aim, with less focus on patient-centred goals. In contrast, HIV programmes have tended to focus on an individual approach to HIV testing that is private, confidential and voluntary, but which has placed little emphasis on interrupting chains of transmission.

We have to ask ourselves whether that approach is sustainable. In a region where such a large proportion of the population is living with HIV, public health must be the priority. Fewer than 10 per cent. of African patients with TB are tested for HIV. I would be interested to hear the Minister's thoughts on the introduction of universal HIV testing for patients with confirmed or suspected tuberculosis. TB and HIV go hand in hand so often that it would make sense for treatment and prevention to do likewise.

We should also be sensitive to the relationships among TB, malaria and HIV. In the countries with the highest HIV prevalence, more than 75 per cent. of TB cases are HIV-associated. Those three diseases are interconnected and it is important that responses are tailored to reflect that. I am pleased that a truly co-ordinated approach towards TB and HIV is now recognised at the highest levels. Many members of the Committee and other hon. Members have met too many people who have suffered from HIV and AIDS. One is one too many, but fortunately the provision of antiretrovirals provides a light at the end of the tunnel. We must ensure that, through the report and this debate, we continue to tackle the problem and keep it at the top of our agenda.

3.47 pm

Ms Sally Keeble (Northampton, North) (Lab): I shall keep my remarks brief, because I appreciate that other hon. Members want to participate. I should also like to say what a pleasure it is to follow the excellent speech made by the hon. Member for Edinburgh, West (John Barrett).

I shall focus on two points. The first is the report's recommendations on children and the second is delivery on the ground. In commending the report, which above all is focused and concise—that strengthens its recommendations—I am pleased to see its recommendations on the need for more attention to be paid to children with HIV and AIDS, particularly in connection with the research on new paediatric formulae and diagnostics. I shall not repeat the remarks that the hon. Member for South-West Surrey (Mr. Hunt) made in his excellent speech, but I should say that he set out clearly the problems faced as a result of the lack of paediatric formulae; indeed, I understand that only one combination of drugs is prepared specifically for children.

The issue of diagnostics is desperately important. Anyone who goes to homes and street shelters in sub-Saharan Africa will find children who have been abandoned at the steps for other people to bring up. The carers have no idea of the status of the children or sometimes of the background of the parents. There is no way in which the carers can establish such status because of the lack of research on effective diagnostics for children. I have seen children who were clearly ill, but whose illness it was impossible for the carers exactly to determine.

UNICEF gave evidence to the Committee—it made an excellent submission—and at one stage it was proposing to establish a special fund to look at the development of paediatric formulae and of diagnostics. I would be interested to hear from my hon. Friend the Minister whether UNICEF is still pressing for that fund and if so, whether the Government will contribute to it, as it would seem an important way to plug one of the gaps in HIV/AIDS provision.

I also want to deal with the effectiveness of aid and access to antiretrovirals, because there are two sides to treatment: the roll-out of antiretrovirals, and ensuring that people can access drugs and take advantage of them. We must focus on both aspects. I commend the work of Save the Children in this regard. In an excellent report on blockages in the international aid system, it identified such blockages and, in particular, identified money that goes into national Governments and does not come out again. It was a real credit to Save the Children that it also found that money goes into large NGOs and stays there without reaching the community organisations.

I should also like to draw attention to the work emerging from the technical consultation in London organised by the consortiums working group on orphans and vulnerable children. My hon. Friend the Minister knows about that work, which specifically considered such issues, and about the research that World Vision has just set up to analyse in practical terms in the field the way in which funding gets through. I hope that DFID will take on board all that work to ensure that aid is more effective.

I have recently returned from Nairobi in Kenya, where I spent two days at a conference that the Department for Education and Skills sponsored to consider children's issues and, in particular, young carers in relation to AIDS. It was an excellent and well-organised conference. I encourage DFID to liaise with DFES and to pick up the recommendations from the conference and find some way to carry them forward. They focus largely on the details of child care using a child-centred approach, and they do so from the perspective of child policy, which sits within DFES but has profound implications for international development policy.

I also took the chance to visit Kibera and speak to the Kenyan Network of Women with AIDS, with which I work, as my hon. Friend knows. The network still has financial problems. It is grateful to DFID for the funds that have been provided, which amount to about £10,000, but it needs a budget of $300,000 to run a total of eight centres, so there is still a substantial shortfall.

Having spoken to the network in some detail, I understand that the World Bank and the Global Fund to Fight AIDS, Tuberculosis and Malaria are not funding the Kenyan Government, because of the problems in that Government. One can say that we should not put funds through a government with traceability and accountability problems, but in practice it means that in Kenya, which has one of the

[Ms Sally Keeble]

highest prevalence of HIV/AIDS, either 300 or 3,000—I cannot remember how many noughts were on the figure—community-based organisations are without money. Some have shut down, while others such as KENWA have been able to beg, borrow and cadge to get enough funds to keep on going. However, they have had to retrench people, reduce payments and refuse to take on new cases, and in the Kenyan context, that is desperate.

Cynics might ask what the funding of community-based organisations has to do with the roll-out of antiretrovirals. The answer is simple: those organisations work in the slums where the high incidence rates are. Kibera has an infection rate of about 40 to 50 per cent., according to Médecins Sans Frontières. The organisations have credibility in the community, and they can deal with the problems of stigma and provide an holistic approach for people. They will provide people with food and ensure that their rent is paid and that they are strong enough to withstand the rigours of antiretroviral treatment, which, as the hon. Member for South-West Surrey said, is a major issue.

Funds and treatment need to be provided, and everyone recognises that there has been enormous progress in that area, thanks in particular to the UK Government, who have played an influential role. At the same time, however, the pull of demand is required at the other end. We need people to come forward and access counselling and treatment in the most disadvantaged areas where infection rates are highest. I understand that at the UNGASS meeting next month, the community-based organisations are going to bring up the fact that funding at community level is not there.

Mr. Hunt: Does the hon. Lady agree that one problem for community organisations is the fact that DFID is reluctant to fund small organisations in countries such as Kenya, because it prefers to fund big programmes? Often, some of those important community organisations, which can be very effective on the ground, find that they cannot get the support that they need.

Ms Keeble: I am grateful to the hon. Gentleman for making that point. This is a complex issue. It is understandable that a large, bilateral programme is not well placed to fund an individual, small-scale community-based organisation. There is a need to have local ownership. UNICEF also provides funding: it provides some of the £150 million earmarked for orphans and vulnerable children. There is an issue regarding how the consultation methods are set up; it is about people knowing how to get access to those funds when they are provided through other organisations.

There is a major issue with situations in which there is a corrupt or problematic Government through whom funding is supposed to be going, and we should probably consider whether there is some arms-length way of dealing with that problem. I completely understand that the global fund and the World Bank do not want to put enormous amounts of our constituents' money through corrupt Governments, but it is unacceptable for our constituents to think that money has been earmarked and then find out that there are 300 or 3,000 organisations at grass-roots level that are desperate to help some of the poorest and most vulnerable people, but simply cannot get access to the money. It is not surprising when such organisations say, "Excuse us for being just a tiny bit cynical; we hear about the money being spent but we simply don't know how to get hold of it. In the meantime, we are laying people off, the kids are going hungry, we can't get people on to treatment and people are dying." That is a serious issue.

Dr. Strang: I think that hon. Members are impressed by my hon. Friend's involvement in the situation and her knowledge. She is clearly making a distinction between bilateral support from the UK Government and the global fund. I am sure that she will agree that it is important to maintain the credibility of the global fund. Does she agree that there is a danger that if projects are not properly tested and people are not confident that the Government are delivering, the global fund will begin to lose credibility?

Ms Keeble: I take that point. The funding issue is too complex to go into within the confines of this debate. My hon. Friend the Minister has been helpful by listening to me moaning at him about this matter for quite some time. I appreciate his patience in that, and the detail of his responses. I assume that he is going to the meeting that I mentioned, and I ask him to take time to meet the organisations, listen to what they say, take it seriously, and find a way to deal with the red tape that prevents people from getting the money that everyone wants them to have to produce the results that everyone agrees are a desirable goal. If he can do that, there will be real progress on the ground and, given that the UK Government have been so good about giving out all the money, the roll-out of the antiretrovirals will be effective and will reach some of the most vulnerable people, whom we see when we visit those communities, and ensure that they and their children have the benefit of these miracle drugs—longer life and better health.

I apologise, Sir Nicholas, that because some constituents have been waiting to see me for rather a long time to talk about health issues, I shall have to duck out of the debate for a while. I apologise also to whichever hon. Member speaks after me, but I shall return.

4 pm

Alistair Burt (North-East Bedfordshire) (Con): It is a pleasure to take part in the debate and to be reacquainted with friends on a Committee that I still miss very much. The work of Her Majesty's Opposition has taken me in a different direction for the past couple of years.

It is also a pleasure to listen to a series of speeches that would, if they were more widely available, do much to combat the rather smart cynicism about modern politics and our commitment to people. The compassion and knowledge shown by members of the Committee and hon. Members who speak about the topic never ceases to amaze me, not least the contribution of my new colleague, my hon. Friend the Member for South-West Surrey (Mr. Hunt). Every now

and again, contributions come along that make one appreciate politics in general and the fact that one's own party is in good hands for the future, and do much to contribute to such a belief.

What personal and slight knowledge I have of the topic tends to come from my work with World Vision, a visit to Mozambique last year and the challenging and interesting contributions from my hon. Friend the Member for Buckingham (John Bercow). World Vision took us to see children orphaned by AIDS and I want to base my brief contribution on the part of the report that covered that.

I am sure that we have all experienced the same feeling on such visits: a mixture of a distressing and an uplifting experience. What one sees is distressing, as is one's feeling of inadequacy at walking away from almost unbearable life situations which the throw of the dice has given to others. Yet, it can be uplifting because of the extraordinary commitment of those who work with such families and the spirit of those who are infected but find a way to live which would challenge the presumptions of most of us.

I, too, found the difficulties relating to diet that my hon. Friend the Member for South-West Surrey mentioned distressing. In the small district that we visited, 80 people had been diagnosed with HIV/AIDS, none of whom was receiving treatment because the available diet would not have sustained the treatment that could have been had at some of the local clinics.

Children who are orphaned by AIDS present a series of problems. Food and care must be found for the family and the children must do that, so their education suffers. The number of children in families with HIV/AIDS who are dropping out of the education that is available on a greater scale than ever before is a worry for us all.

World Vision has long had a focus on children orphaned by AIDS and I pay tribute to the work of that Christian-based organisation. Some of the issues surrounding HIV/AIDS are tricky, but I want the compassionate voice of Christians who work in the area to be heard. There are some difficult mindsets to be thought through, not particularly in Africa but certainly in the United States. Plenty of Christian believers can cut through those and work with compassion. If we want to see Jesus in our world today, we should expect to find him not in the harsh words and angry controversies of men dancing about on pinheads of doctrine, but rather in the sweet voices and kind hands of those who touch the broken and the hurt.

To give an example of that and to reflect on something said by the hon. Member for Gordon (Malcolm Bruce) in his opening comments, I draw hon. Members' attention to the "Hope" initiative that World Vision has been running for some years. It is deliberately targeted at some of the most vulnerable people and those whose behaviour is on the margins to which the hon. Gentleman referred. The "Hope" initiative in Mozambique concentrates particularly on drivers who take goods from the centre of the country to the ports. They follow particular routes and are away from home for great lengths of time. Their vulnerability to HIV/AIDS and the danger that they pose to others through their conduct can, of course, lead to them being at the very edge of society. They are perhaps not on everybody's first list of those who need care and support, but World Vision is providing that care, and it thinks it very important to work with sex workers, truck drivers, miners and those in particularly high-risk situations. It works through prevention, through offering care and, increasingly, through advocacy. World Vision sees that as not only a social and health issue, but a human rights issue, too, as the hon. Member for South Ribble (Mr. Borrow) mentioned.

I wish to make two brief points on our concerns about children, an issue highlighted yesterday in the House, and today in this debate. I welcome the attention that the Committee paid to the needs of children, and to making sure that children are not missed out from efforts made to increase provision of, and access to, treatment for HIV/AIDS. In particular, I draw the Minister's attention to targets; I hope that we will firmly press for country plans to include targets. If money has been ring-fenced to deal with children with AIDS and those orphaned by it, it is essential that it actually gets through. Plenty of countries have made commitments in the past, but things have not always worked out, because it is easy for those without voices—children orphaned by AIDS are often precisely those with the smallest voice—to be missed in a rough-and-tumble situation where there is much demand for scarce resources. I would appreciate it if we looked hard at the issue of appropriate, measurable, transparent and achievable targets, and if that could be covered in the reporting-back process that the right hon. Member for Edinburgh, East (Dr. Strang) mentioned.

Secondly, when considering affordable medicines, one should please take note of the need for affordable diagnostics, too. The most commonly available, easy-to-use diagnostic test is inaccurate for children under 18 months. Infants must be diagnosed through a more complicated test that measures the HIV virus instead of antibodies. Unfortunately, current tests require technical expertise as well as costly equipment. As it stands, many multinational diagnostic companies have shown little interest in developing accurate, simple, fast and affordable tests for diagnosing children. There are similar arguments on the production of necessary vaccines, tablets and other medicines. In much the same way, colleagues refer, in the report, to the very amateurish attempts to break down adult doses into something apparently more compatible with children.

Again, proper diagnostic testing needs to be done—not in an ad hoc way, but in a proper, scientific manner. We should get those who can provide such tests to engage in the subject, and to realise the importance of their products to the most vulnerable. It would be most welcome to have a commitment to ensuring that when treatment is considered, diagnostics will be considered, too.

In general, that is a further area where the work of the Government and the Department for International Development has been excellent over the past few years. There is a general welcome for many of the things that the Department does. It has raised the bar for everyone and has produced a degree of consensus on the work done that is entirely appropriate when dealing with some of the world's problems. There will continue to be challenging questions for those doing

[Alistair Burt]

that work, but in general there is much to be proud of. I just mention to the Chairman of the International Development Committee that it has played a significant role over the years, and it is excellent that that work is continuing. On behalf of the children most affected by this appalling plague, I hope that their voice also will be heard in the next stage of the work done to alleviate this dreadful suffering experienced by so many.

4.9 pm

Chris McCafferty (Calder Valley) (Lab): I, too, congratulate the Select Committee and its relatively new chair, the hon. Member for Gordon (Malcolm Bruce), on the great deal of hard work done on this important report, and the Government on their response.

HIV/AIDS threatens to destroy a generation of leaders, workers, parents and young people and has created a generation of orphans in the worst affected countries. In many countries, the infection is creeping through the population and is preparing to strike full force. I think that prevention is about striking first. Sexual and reproductive health information, education services and supplies enable people to avoid HIV infection and to protect themselves, their partners and their unborn children from this deadly virus. We know that prevention works and we have a consensus among nations about the need for action. I, too, commend the Department for International Development on the important role that it played in securing international agreement on UNAIDS new prevention policy, "Intensifying HIV prevention", and the EU-adopted statement "HIV Prevention for an AIDS Free Generation".

However, let us face it: it is widely recognised that without a massive scale-up of HIV prevention, the upward trend in the number of people infected will simply continue. That will pose a major threat to the affected countries' ability to sustain progress in tackling the epidemic, to prevent an explosion of the disease, and to provide AIDS treatment. The EU statement underscores the fact that prevention of new infections must remain the cornerstone of a comprehensive AIDS response.

I agree with the Select Committee report: the relatively new focus on treatment should not be allowed to displace the important work that has already been done on HIV prevention. We must talk about HIV/AIDS openly, honestly and directly and act to guarantee prevention, care and treatment for all those who need it. However, the reality on the ground is very different. There is limited funding available for HIV, prevention, treatment and care. I urge DFID not only to continue to balance work on HIV treatment with sustained attention to HIV prevention, but to continue to make prevention its top priority in a comprehensive AIDS response, with linkages between existing sexual reproductive health and rights, HIV/AIDS and health care services and systems.

As the Government's response states, critical components of a comprehensive evidence-based response are: universal access to sexual and reproductive health information and services for women, men and young people; provision of accessible and integrated health promotion and harm-reduction services for drug users; reliable access to essential sexual and reproductive health commodities, including male and female condoms; universal access to education and the provision of life skills and sexuality education; the integration of HIV prevention interventions, including voluntary counselling and testing for HIV, into other health services; action to confront and address gender-based violence and to provide protection and support to victims of violence; and supporting investment in modern methods, such as microbicides and vaccines.

The ABC approach—abstain, be faithful, use a condom—adopted by the Bush Administration to assist prevention is not evidence-based. Research from Africa and Asia shows that marriage is not a protective factor. In fact, in some areas, married women are more likely to become infected with HIV than their unmarried counterparts. In marriage, abstinence is not always an option and women are unable, as we heard earlier, to ensure their partner's faithfulness, or condom use. The ABC approach is further eroded by the Bush Administration's promotion of abstinence-only programming. Many NGOs receive substantial funding for HIV prevention, but with restrictions against comprehensive programming, particularly condom use, ABC fails to recognise the complex realities of comprehensive promotion. Therefore, prevention may need to be reinvented to place a greater emphasis on how each new HIV infection takes place within its own political and socio-economic dimension.

That brings me to vulnerable groups and access to treatment. Children, intravenous drug users and men who have sex with men are all mentioned in the report, but women are omitted. I draw hon. Members' attention to the Global Coalition on Women and Aids, which makes the point that at least 57 per cent. of adults with HIV are women, and young women aged 15 to 24 are three times more likely to be infected than young men. Despite that alarming trend, which was mentioned earlier, women know less than men about how HIV/AIDS is transmitted, and they know less about how to prevent infections. What little they do know is often rendered useless by the discrimination and violence that they face within and outside the home.

High numbers of pregnant women visiting antenatal clinics are HIV positive. In many southern African countries, more than one in five pregnant women are infected with HIV. The overwhelming majority of children with HIV contract the infection from their mothers during pregnancy or delivery, or through breast feeding. The 700,000 new infections among children in 2003 represent an unacceptable and almost entirely preventable component of the epidemic.

In the UK, mother-to-child transmission has been reduced to less than 2 per cent. due to voluntary counselling and testing, antiretrovirals, elective Caesarean sections and alternatives to breast feeding. In too many places, VCT is still completely absent, and a mere 1 per cent. of pregnant women in heavily infected countries have access to services aimed at preventing mother-to-child transmission.

I commend DFID for the important role that it played in securing the G8 commitment to universal antiretroviral treatment provision by 2010. I hope that in the meantime antiretrovirals will reach poor women and their unborn children, as well as young children and wealthy men, and that prevention remains the cornerstone of all activities included in the comprehensive approach that is essential to tackling HIV.

4.18 pm

Jo Swinson (East Dunbartonshire) (LD): Last week, the nation was shocked by the revelation that 10 new cases of HIV had been discovered in the space of a single month in St. Ives, Cornwall. Headlines grew more hysterical as the story unfolded of a single perpetrator who had, perhaps knowingly, spread the infection through the small town. An expert team of medics was sent directly, a helpline was set up, two new testing clinics were established and my hon. Friend the Member for St. Ives (Andrew George) issued a call for calm. My thoughts are with those 10 people and their families, whose anxiety must be unbearable.

However, it is not to belittle their suffering to say that that is the reality every single day for many families throughout the world. In the UK, about 19 people are infected with HIV every day. As my hon. Friend the Member for Edinburgh, West (John Barrett) said, that is still far too many, and it is worrying indeed if the trend of recent years has been an increasing infection rate. Perhaps the safe sex messages that were so strongly accepted in the 1980s and early 1990s are losing some of their resonance.

We are, of course, concerned about cases in the UK, but compare 19 a day with the figure for Africa, which is 8,800. Even taking into account the huge difference in population size, there is a clear disparity. Per capita, if the UK's infection rate was the same as Africa's, every day in our country almost 600 people would be contracting HIV. That would be a major public health emergency. We would be dealing with it at the highest levels of Government. However, in Africa and in many other places in the world there is a much greater problem.

Botswana has one of the highest HIV rates; 37 per cent. of the adult population is HIV-positive. For those people there will be no crack team of medics, no special clinic, no helpline, and their contraction of HIV is by no means headline news. The sad fact is that for many communities in Botswana and across the world HIV is part of the daily reality. Having contracted the infection, the 10 people in St. Ives can expect an average of £15,000 a year to be spent on their care. In Africa, the average per person is £7.

The Government's commitment to funding antiretroviral drugs must be commended, and the Minister and the Secretary of State are to be congratulated on their work in pushing this issue up the agenda. The UK is the world's second biggest bilateral donor on HIV and AIDS. In 2004, DFID said that over the next three years the UK would spend at least £1.5 billion on AIDS-related work. However, it is already clear that that is not enough. In June 2005, UNAIDS and the World Health Organisation estimated that 6.5 million people in developing countries needed immediate antiretroviral treatment, and of those only 15 per cent. were receiving it. While the Government's commitment to aid is substantial, it is still out of balance with their spending on war; the £1.5 billion pledged to aid is dwarfed in comparison with the £3 billion already spent on the war in Iraq, and that figure is likely to rise to £5 billion by the end of the year. Our country must redress the balance of our spending on war and aid. Thirty years late, we are yet to meet the UN target of increasing international aid to 0.7 per cent. of gross national product, although I welcome the Government's commitment to meeting that in the coming years.

Furthermore, in the developing world war and health are inextricably linked. Aid to alleviate poverty and to improve health is an essential safeguard against the escalation of violence. Nowhere is this link between violence and the deterioration of health resources more glaring than in the Democratic Republic of the Congo, where easily preventable diseases are rampant because the war has destroyed hospitals and other areas of health infrastructure. The most recent report of the International Rescue Committee aid agency found that 1,000 people are dying every day from conditions such as malaria and malnutrition—basic, easily preventable diseases. When one adds HIV and AIDS to the situation, it is easy to see why the health services get stretched to the point where they cannot cope. In the DRC, there are 1.1 million HIV-positive people, which is about 4.5 per cent. of the population.

The report says that the international humanitarian aid to the DRC has been "abysmal" compared with the response to other disasters. In 2003, for example, Iraq received aid worth the equivalent of £75 per person and the DRC received the equivalent of £1.70 per person. There are some excellent aid projects under way to support the testing and treatment of HIV in the DRC, especially the work of the United States Department of Health and Human Sciences, with its Centres for Disease Control and Prevention global AIDS programme, but these projects need more attention from the UK Government. Several Members have spoken about the availability of antiretrovirals in the fight against AIDS. That is partly to do with health and the infrastructure in developing countries, but it is also partly to do with simply access to drugs and being able to afford them.

Unfortunately, the financial barriers faced by developing countries are not always simple. The issue that I believe currently needs most attention is TRIPs—the trade-related aspects of intellectual property rights—which is dealt with in paragraph 12 of the Select Committee's report. Protection must be in place to exempt areas that impact on the millennium development goals and global disease control. The current provisions have proved inadequate; we all remember the furore in 2001, when 39 major pharmaceutical companies tried to prosecute the South African Government for passing a law that allowed easy production and importation of generic HIV drugs. There was a good ending to that incident. Following immense pressure from the South African Government, the European Parliament and, not least, 300,000 people from more than 130 countries who signed a petition, the pharmaceutical companies were forced to back down.

[Jo Swinson]

I strongly support the Committee's recommendation that the WTO must be persuaded to undertake a review of the implementation of TRIPS, and that DFID should continue to work to build the capacity of developing countries to use TRIPS safeguards, like compulsory licences and Government-use provisions, to facilitate the production and export of affordable medicines, particularly second-line ARVs, which are increasingly important, especially as the disease becomes more resistant and the first-line ARVs become increasingly ineffective. It is perhaps a sign of the difficulty that developing countries have working within the TRIPS provisions that no compulsory licences have been issued.

I am deeply concerned about the future of the agreement that keeps sub-Saharan African countries immune from TRIPS-plus agreements with the United States. Those laws go beyond the requirements of TRIPS to protect intellectual property and are often drawn up as part of bilateral trade agreements with the US, usually involving the US promising better trade and investment to a particular country in exchange for it introducing legislation to protect US intellectual property rights. That may mean restrictions on compulsory licences or parallel importing, and it could mean the extension of patents beyond the standard 20 years suggested by TRIPS.

An Executive order signed by President Bill Clinton in 2000 barred the US Government from asking southern African nations to sign such agreements. President Bush endorsed that when he came to office in 2001, but there is a danger that his Administration, faced with the fact that many generic plants now operate in Africa, will not keep their promise. If the UK Government wish to stand by the promises made at Gleneagles, I urge them to make it clear that such a possibility is intolerable.

We are all aware of the extent of the HIV/AIDS problem. I welcome the Select Committee's excellent report and the spotlight that it is putting on the issue. The Government have made good progress, which is to be commended. I hope that Ministers will take on board the strength of interest that Members of this House and the wider public have in the issue. It is incredibly important that it is given a high priority within Government.

4.26 pm

Mr. Neil Gerrard (Walthamstow) (Lab): I did not intend to speak, but as we have some time available, I thought I might add a few comments.

The debate has been useful and interesting. The International Development Committee's report was also useful. I welcome the comments by its Chairman, the hon. Member for Gordon (Malcolm Bruce), about the intention to return to the subject repeatedly, because doing so would be useful. We have discussed whether the Department for International Development should be setting targets internationally. From the point of view of Parliament in scrutinising what is happening, if the Committee returns regularly to the subject, it would be of great value.

I am pleased that attention is being given to the impact of HIV/AIDS by those who are interested in international development. Eight, nine or 10 years ago, when I was getting involved in the subject in the House, people recognised that AIDS was a huge problem in Africa, but the international development connection was not made. It is made now, and everyone who is involved in such work accepts the central importance of dealing with HIV. That represents real progress.

I shall try not to repeat or to dwell on many of the things that have been said. Points have been made about drugs for children and the malignant effect of current US policy, which is starting to do damage in some African countries.

The commitment to universal access by 2010 is an amazing one when we consider what it involves, particularly if we compare the aim with the current situation. My suspicion is that we probably will not reach the target. We did not reach the three by five target, but that does not mean that it was not worth while. Setting the target changed some attitudes about what we should be doing and trying to do. The three by five target also changed people's views about the ability to deliver antiretrovirals in relatively resource-poor settings. I recall debates on the subject only two, three or four years ago, in which people said, "It is impossible. You can't deliver antiretrovirals in poor countries. It just won't work. People won't adhere to the drugs regimen. They won't understand what it means." All the evidence from the work on three by five is that that is rubbish. It is possible to deliver. People with the opportunity to take the drugs will adhere to the regimen. Rates of adherence compare pretty well with, and in many cases are much better than, rates in the UK, western Europe or the United States. That disproves some of what was said.

The target for four years' time is a challenge. Even if we do not get there—I have doubts about whether we will—the existence of the target, particularly if interim targets are adopted, will lead to progress and change in some of the countries that most need that. We do not even really know the numbers—how many people we aim to treat by 2010—although we know that it is not the same as the number of infections. In many countries with high infection rates, there is not yet sufficiently detailed knowledge about numbers.

My hon. Friend the Member for Northampton, North (Ms Keeble) made important points about what has been happening in Kenya. The problem there is also a problem in other countries, and it will, in time, be a problem in more. If Governments are corrupt or incompetent, we cannot react by saying that we will do nothing for the people in those countries. We will have to find ways around those problems, and that will probably involve NGOs. We will have to find ways to get money and resources to people on the ground, even if Governments are incompetent.

Mr. Borrow: Does my hon. Friend agree that once treatment programmes have been started they must continue, irrespective of what happens to the Governments of the countries in question, or of the instability that might arise later, and that once people have been given the promise of continued life through a drug treatment programme, the developed world cannot take that away? It is a commitment not for five or 10 years, but decades.

Mr. Gerrard: That is absolutely right. We cannot take the commitment away because of a problem with the Government in a country. However—this is another point about universal access by 2010, and the money that it is said is required to fill the gap—billions of pounds will be required not just between now and 2010, but year after year subsequently. It would be unthinkable and immoral to get treatment programmes running and then withdraw the money that allowed them to continue. That demonstrates the importance of prevention. If our answer is simply to pour in drugs and treatment, and if we do nothing about prevention and stopping the rise in the number of infections, the drugs bill will inevitably go up every year, for years ahead. It will not be possible to cope with that if we allow it to happen. It will not be a question of £15 billion or £18 billion a year, but double and treble that figure, if we let infection rates continue to rise.

Another issue that arose with respect to Kenya—again, this is a matter of continuity—was the establishment in one or two places of successful pilot schemes funded bilaterally or by the Global Fund to Fight Aids, Tuberculosis andMalaria. At the end of the pilot period, the question arises of where the money for their continuation is to come from. In some cases the money has not appeared. That problem has led to people being given treatment and support—given hope—that is suddenly taken away. That is a difficult one. It is not easy. Sometimes when a pilot ends, it is decided that it has not worked and it is cut off. We cannot guarantee that a pilot project will continue for ever. However, if a pilot runs and is successful, there are questions about why it should not continue and how it should be made to continue.

The hon. Member for East Dunbartonshire (Jo Swinson) referred to TRIPS, which I agree are important. The TRIPS agreement was drawn up before antiretrovirals existed, although it was expected to cover lots of other drugs. At Doha, a waiver was agreed so that in some circumstances public health could override intellectual property rights.

However, that waiver is not an answer to the long-term problems in respect of TRIPS. The newer, more effective drugs will not come out of patent for a long time. Even the very earliest HIV drugs such as azidothymidine are not yet out of patent, although they may be getting pretty close to it. There is a long way to go before some of the newer drugs get to that stage.

I agree with the Committee about the need to assess where we are going. To some degree, the drugs companies have learned lessons from South Africa and the appalling, dreadful publicity it gave them. They will not readily go down that road again. However, that has not solved the problems, and I suspect that if there are no changes to TRIPS, we will be in the situation mentioned by my right hon. Friend the Member for Edinburgh, East (Dr. Strang), in which the generics and cheaper drugs will not be available and second line drugs will be required.

I come back to testing and prevention. As I said, we cannot solve the problem by just throwing in drugs and money, because it will go on and on. A false dichotomy used to be presented—that testing and prevention were one thing and drugs were the alternative. However, the approach has to be of a piece; there has to be treatment, testing and prevention. It is pretty obvious why. We cannot persuade people that there is much benefit to being tested if there is nothing to offer them if they test positive. We will have much more success in persuading people to test if there is something to offer them as a result.

Development of testing on a bigger scale is a key to prevention as well. When so many people may suspect but do not know that they are HIV-positive, why should they be too worried about taking precautions against passing on the disease? When we talk about prevention, we focus all our attention on sending messages to uninfected people about how to avoid becoming infected. For some time, I have thought that that is true of this and other countries. We do not do enough to talk to infected people, yet they are the key to prevention, as they can pass on the infection. We do not give that enough attention.

It is not easy. People have to be careful not to blame or stigmatise somebody because he or she is infected. However, there is no question of not paying more attention to effective prevention work with people who are already infected.

Malcolm Bruce: Picking up on something mentioned earlier, does the hon. Gentleman agree that we as parliamentarians, with our contact with parliamentarians in other countries, ought to support those who demand rights and respects When the Committee was in Malawi, the chairman of the social affairs committee there said that it wished to debate violence against women and the rights of women to discuss their sexual rights, but the men on the procedures committee said that that was not important and should not be given parliamentary time.

Mr. Gerrard: That is right. The debate on HIV/AIDS has moved on a long way from regarding it as a medical problem. It is far wider than that: it is a human rights issue and a women's rights issue. We need to face up to that fact.

At the 2001 United Nations General Asembly Special Session, I was with the previous Secretary of State, my right hon. Friend the Member for Birmingham, Ladywood (Clare Short), at a meeting where there was a Minister from another country, which shall remain nameless. When we tried to discuss groups such as gay men, who were at high risk, he said, "Well, we don't have a problem. We don't have any gay men in our country: it's illegal. It's not possible." My right hon. Friend's response, which I thought was a good one, was to offer him a bet on that, which absolutely crushed him, rather than try to have an abusive argument.

I hope that when the Select Committee comes back to address the subject it will look broadly across what is happening in the world. We rightly focus a huge amount of attention on Africa, because of the devastation there. However, we should be looking more closely at what is happening in Eurasia. We are now getting general infection levels of 1 per cent. in Russia, elsewhere in the Commonwealth of Independent States and in some of the Baltic states, and an epidemic is growing in India and China, where the capacity for an enormous number of people to be infected is obvious.

[Mr. Gerrard]

We are still at a stage at which, if we get things right, we can avoid an epidemic developing in India, China and Eurasia which will reach African proportions. However, we have a pretty narrow window of opportunity. While looking at what happens across the world in future and returning to the subject in subsequent years, I hope that the Select Committee will take account of that.

4.43 pm

Susan Kramer (Richmond Park) (LD): I join those who have congratulated and endorsed the Committee on its work and its conclusions.

The quality, depth and knowledge in the speeches have meant that, as someone who is trying to come up to speed on this and a range of other development issues, I have had a brilliant afternoon, sitting listening to hon. Members speaking with such a level of expertise. I appreciate it. Every voice seems to echo the others; this is an area where we are very much united, which means that we must be able to be more effective.

A number of people have laid out the size of the problem that we face. I shall not stand here and start to repeat strings of numbers. I thank the right hon. Member for Edinburgh, East (Dr. Strang) for setting out the framework and context that we need to understand.

I want to pick up on a point about numbers made by the hon. Member for Walthamstow (Mr. Gerrard), who spoke about the importance of not looking only at sub-Saharan Africa. Although the numbers are devastating and we recognise that 64 per cent. of new infections occurred last year in sub-Saharan Africa, we should bear in mind that the increase in eastern Europe and central Asia was 25 per cent. We are looking at a burgeoning epidemic, as that 25 per cent. increase brought the numbers up to 1.6 million infected. It is right that we have that broader scope.

As others have said, the world community is starting to respond to the HIV/AIDS tragedy. It is happening among global leaders and political leaders of countries that have had severe problems, and crucially in civil society. It is right to congratulate DFID on raising awareness at all levels, pushing the issue forward, leading the campaigns and especially securing the G8 commitment to universal antiretroviral treatment provision by 2010. As has been said, however, we must pay attention to global funding.

Only a few weeks ago, the global health fund board approved a sixth round of funding—the United Kingdom seconded that motion—but when I last looked at the papers, no other country had committed funds. The replenishment conference for the global fund will take place in Durban in July, and I ask the Minister to tell us a little about the efforts that he intends to make with other donor countries to ensure such replenishment. If it does not happen, we will be looking at an extremely significant and serious problem.

I want to comment on a couple of the report's recommendations. Monitoring and evaluation have been mentioned in various forms this afternoon. I was rather surprised by DFID's comments in the Government's response. I reread the paragraph in question two or three times, but I could not work out quite what was meant. Nevertheless, I sensed a real resistance to those two factors.

We all know the value of scrutiny. It is critical. If we are going to spend the sort of money that we are discussing on HIV/AIDS, we and our parliamentary bodies must be confident that the programmes are delivering what is intended. At the global level, we must be confident that they are delivering what is expected. I wonder whether the Minister can give us some understanding of why the Department is resisting a much more detailed and, I assume, more precise approach to monitoring and evaluation.

I do not understand DFID's resistance to talking with the European Commission about developing a way to lobby the WTO for a review of the TRIPS programme. We heard of two major relevant examples today. The hon. Member for Gordon (Malcolm Bruce) spoke about his recent experience in India, where it seems that the TRIPS structure would in a sense permit the undermining of the generic drug that is so vital in dealing with AIDS in India. The right hon. Member for Edinburgh, East and several other Members underscored the significance of developing second-line—soon it will be third-line and fourth-line—retroviral drugs in generic form at affordable prices. If we do not do that, our past work will rapidly be undermined. I do not see why a review of WTO's approach, to discover whether it is working or whether it needs to be adjusted, should be resisted.

A number of hon. Members spoke about the architecture and the way in which the International Monetary Fund and others impact on the world of HIV/AIDS support. In a sense, people are worried about the health infrastructure. The Minister will be aware of rising concern about the way in which HIV/AIDS money is delivered and the functions of the global fund are potentially obscuring the need to build core health delivery systems. How will that balance be addressed?

We have fundamental concerns, as everyone has said, about the lack of care workers. They go out into rural communities, where health structures are almost non-existent and the needs are extreme. Many of the programmes of developing countries are focused on urban centres and capital cities, and vast areas have become an abandoned hinterland.

Ms Keeble: Does the hon. Lady accept that in addition to the acute centres, we need a network of community-based care, which can sometimes be provided by faith-based organisations? The real issue is providing drugs, supplies and food through those networks, and ensuring that they are properly utilised and delivered to people in the community.

Susan Kramer: The hon. Lady made that point eloquently when she described her experiences in Kenya. The development of civil society and the ability to deliver at community level over a much wider range of issues than just HIV/AIDS are crucial, as others have said.

There is much mention in the report of joined-up thinking across Whitehall and integration with other

Departments. I heard on the news earlier this week that the Department of Health is to cut the number of places for nursing training in the UK, on the grounds that there is not a need to keep nursing training in the UK at the levels that it has reached in the past year or so, having been built up from a low base. Two thoughts immediately come to mind. Is the assumption that we have enough nurses going through training and can therefore cut training on the basis of continuing importation of nurses from developing countries? If not, what is the potential to use those spare places to train people who might go back to the developing world at some point? Again, it would be exceedingly helpful if the Minister could say something about joined-up thinking among the various Departments.

A number of hon. Members have referred to the US programme PEPFAR. I hear almost universal concern about its distortion of the delivery of a response to the AIDS crisis in many vulnerable countries and, in particular, about its bias towards treatment over prevention and about a definition of prevention that works with the A and the B, but restricts as much as possible the delivery of the C, the condom, which most people think is the most effective element.

The Government Accountability Office of the US Congress, which is a very influential body, has just issued a serious rebuke to the US President and PEPFAR. I wonder whether DFID could say whether the potential exists to work within Congress to see whether a rebalancing of that programme could be achieved. If the GAO is willing to stand out and make such comments, there must be an underlying potential within Congress itself.

I should also like to ask DFID how it has responded to that reshaping of the delivery of aid by the United States—in effect, that was the question that my hon. Friend the Member for Romsey (Sandra Gidley) asked yesterday. Has DFID picked up some programmes that would otherwise have been abandoned? Has it changed the way in which it delivers aid in certain circumstances, in order to become the C, where the United States is playing the role of the A and the B?

Much of the discussion this afternoon has been about vulnerable groups and gaps in treatment. We have heard probably one of the most brilliant speeches that many of us have heard, from the hon. Member for South-West Surrey (Mr. Hunt), on paediatric ARVs and the lack of diagnostic tools. Other hon. Members brought that subject up too. I am sure that we all feel quite stunned that it takes only a single dose of a retroviral at the onset of labour, followed by a second dose when a child is just a few days old, to reduce the transmission of AIDS and HIV by 50 per cent.

I am going to become a grandmother twice this year, and the moment I hear of a child who is ill or suffering from HIV, it is obvious to me that we should put effort and emphasis on the problem and call on the Government to set targets and begin to take it on. However, when I looked at transmission from mother to baby, I was shocked to discover that in almost all cases where intervention takes place during labour and again three days later, so that the child has a good chance of being born HIV-free, there is no treatment for the mother. Women have been saying, "Of course I want to take the drug to benefit my child, but tell me what the value is, if in two years' time I'll be dead myself." We have to start focusing on mothers.

Ms Keeble: Does the hon. Lady agree that it is also important to make sure that organisations can supply infant formula feed to mothers, so that they can substitute for breastfeeding? Does she agree that it is outrageous that at present they get only ordinary skimmed powdered milk, and not infant formula?

Susan Kramer: I can only agree with the hon. Lady. Obviously, the issue of formula raises the issue of clean water and, as we have said, issues of community support and civic society. I very much take her point.

In 2005, some 17.5 million women were living with HIV and, of those, 13.5 million live in sub-Saharan Africa. Women are disproportionately represented in the rising numbers of those exposed to AIDS and, as others have said, for many women in some countries, AIDS is in effect a death sentence. When we face that situation, we get some sense of the scope of the work that we have to do on the hidden shame of AIDS. I have heard anecdotally from a couple of colleagues who recently travelled to a number of countries in Africa that because of that shame, it may well be the women who go to the clinic, have themselves tested and are identified as having AIDS. They receive retroviral drugs, which they are to administer themselves, and bring them home, but it is their husband who uses them or else the drug is shared between family members. In effect, that undermines everything that the programme is intended to deliver.

I know from talks with various groups that are active on women's behalf that the problem cannot be tackled unless we challenge the whole issue of the status of women—their education and human rights, and their position and status in local society—and tackle head-on the issue of violence against women. I hope that DFID can give us some assurances on the share of AIDS money that goes to women, because if that issue can be managed, surely it will begin to play a large role in dealing with that imbalance.

Somebody mentioned Zambia—I apologise, but I did not note who it was—when dealing with the subject of women. A recent survey said that in Zambia, fewer than 25 per cent. of women surveyed believed that a wife could refuse sex to her husband, even if he had had multiple partners, and only 11 per cent. thought that they could ask their husband to wear a condom.

I know that I need to bring my remarks to a close, but I briefly want to mention one last issue that I raised in International Development questions yesterday—sexual exploitation. All of us probably took great note of Save the Children's report on Liberia and what it said about aid workers and the military exploiting their positions of power by having sex with young girls who see that as the only way to continue to survive and receive aid that they should receive for free. I asked whether safeguards were in place for money that DFID passes on, either bilaterally or through multilateral agencies, in order to ensure that that does not happen. Sexual exploitation is part of a much wider and bigger picture within many cultures, but I do not have time to explore that. However, I would very much appreciate the Minister's response on that issue.

4.58 pm

Mark Simmonds (Boston and Skegness) (Con): I join hon. Members in congratulating the Select Committee on putting together an excellent and thankfully brief report, which is pithy and to the point. I also congratulate hon. Members on this extremely high-quality, well informed and knowledgeable debate. I have been impressed by how well travelled they are, and also by their first-hand experience of the problems that we are discussing.

It needs to be said that the Chairman of the Committee, the hon. Member for Gordon (Malcolm Bruce), who has been in that position for just under a year, has a growing and excellent reputation. He has done a fantastic job in coalescing the views of the diverse and disparate Members on the Committee. That is a great skill, as is making sure that the Committee comes out with a unified position on this and many other important matters.

The hon. Gentleman's opening remarks were an excellent summary, and I want to draw on four key points. He was right to highlight the discussion on mid-term targets and the differences of opinion between Committee members. He was also right to highlight the complexities of that issue. We all accept that targets do not necessarily always achieve, or contribute to, the ends that they are supposed to achieve. In addition, he rightly highlighted the problem with treating children and orphans.

The hon. Gentleman was correct to assess the complications that exist with budgetary support and targets, and in the relationship between the International Monetary Fund and individual country performance. DFID and the Minister would probably acknowledge that much more work needs to be done on those.

The hon. Gentleman rightly analysed the abstinence argument, and I draw hon. Members' attention to what happened in Uganda. A little while ago, the main thrust of its programme to control HIV/AIDS was the use of condoms. Relatively recently, it changed to more of an abstinence argument, and the impact has been a growing prevalence of HIV/AIDS. I understand the moral arguments of that approach, but there is growing evidence that it does not work in practice. On that basis, my party agrees with the strategy supported by DFID, the Secretary of State and the Minister.

My hon. Friend the Member for South-West Surrey (Mr. Hunt) made a superb speech. It was not only intelligent and informative, but moving in parts. He was absolutely right when he said that antiretroviral drugs are not enough, and he went on to explain why. He was also correct to highlight mother-to-child transmission, something discussed by the hon. Member for Richmond Park (Susan Kramer), and to highlight the problems in conflict areas, giving the DRC as an example. Darfur and northern Uganda should also be mentioned, because rape and sexual violence are used there as weapons of war. DFID and other international donors must co-operate with the United Nations and military forces on the ground to try to eradicate that appalling behaviour.

My hon. Friend led an extraordinarily successful campaign for interim targets to meet the 2010 target. I am delighted that, despite the complexities of the issue, the British Government have taken up his suggestion, which was supported by the hon. Member for Walthamstow (Mr. Gerrard) and 248 others in this House. It will be put to the United Nations at the meeting at the end of May and beginning of June. If my hon. Friend is successful, he will have achieved something extraordinary for somebody who has been in the House for just over a year. He may change global policy through his personal efforts, and he should be congratulated on that.

The hon. Member for Northampton, North (Ms Keeble) has been a consistent advocate of improving the lot of HIV/AIDS sufferers, particularly children. She spoke with great knowledge. She was right to discuss paediatric formulae and the necessity of improving diagnostics, especially on the ground, and she made a good point about access to antiretrovirals.

My hon. Friend the Member for North-East Bedfordshire (Alistair Burt) was right to highlight the importance of diet, and he gave some good examples. I want to thank him for the excellent work that he does with World Vision, which tries to improve the lot of people suffering from HIV/AIDS, but I am sure that he would be the first to acknowledge that it is not the only worthwhile organisation involved in this sector.

Opposition Members recognise DFID's contribution. We recognise that the UK is the second largest bilateral donor on AIDS and that it donates one of the highest proportions of gross national income to AIDS projects. We welcome the £1.5 billion that has been committed by the Government to tackle the disease over the next three years, and the recent additional £20 million pledged by the Prime Minister for the international AIDS vaccine initiative.

The Opposition are interested in and welcome the global steering committee on scaling up access to antiretroviral drugs, primarily because it is independent and transparent, and its monitoring systems are vital to ensuring that aid is effective. I agree with the hon. Member for Richmond Park that if it is possible to do such work and to have the regionalisation strategy that DFID has put in place in Latin America, why is it not possible to do that elsewhere in the DFID budget, which is growing, as it rightly should?

I have some questions for the Minister about how the global steering committee will work. Will there be standardisation of reporting structures so that there is a means of comparison between countries, to ensure that those that do not meet the requirements and targets are assisted by being able to identify the problems?

We acknowledge the three ones principle to create one AIDS action framework, one national AIDS authority and one monitoring and evaluation system in each country. It will be helpful if the Minister could inform us of the number of countries that have implemented that principle to date, the number that are working towards doing so and the time scale involved in those countries implementing the three ones principle. It will be interesting to know whether DFID has given any thought to how the three ones initiative will fit in with the monitoring and evaluation reference group, and how they will co-ordinate with each other to ensure the maximum impact on the ground.

The hon. Member for Walthamstow rightly mentioned the three by five initiative. While it was

worth while in setting out the structure and architecture of the programme, sadly it did not have the impact that we all hoped it would have. Only 550,000 people were receiving antiretroviral drugs at the end of last year against a target of 3 million. I hope that DFID has learned serious lessons so that that failure will not be repeated and the 2010 target will be met, or that we get as close as possible to meeting it.

In the report, the Committee rightly stated that there were problems with the three by five initiative, particularly its highly vertical nature. I would be interested to hear the Minister elucidate—perhaps not today, but at another time—how he will ensure that that mistake will not be made again and how country strategies will fit in with donor responsibilities for ensuring that British taxpayers' money and taxpayers' money in other countries is spent where it is supposed to be spent, so that we get the maximum impact on the ground.

There was an interesting exchange between the hon. Member for South Ribble (Mr. Borrow), who made a thoughtful contribution, and the hon. Member for Walthamstow. They discussed the necessity of continuing the funding of antiretrovirals and other resources to combat HIV/AIDS as we go forward. We cannot have a situation in which countries, particularly in Africa, are dependent in perpetuity on developed countries giving them money. We must facilitate their economic growth to enable them to trade and build their own infrastructure so that they can pay for their health care systems. That will particularly help those countries that have significant and large rural populations, which are difficult to access in the normal course of events. We support the Government in their current difficult discussions to try to resolve the Doha round of trade talks, which could play a major role in facilitating at least the start of that process.

The Committee was right to highlight the position of, and the difficulties with, vulnerable groups, and much has been said about that. I want to make one or two points about children and orphans. There is no doubt that very few companies so far have shown an interest in developing accurate, simple and affordable tests for diagnosing HIV/AIDS in children. Much greater interest and attention needs to be given to paediatric treatment.

Packaging antiretrovirals in doses suitable for children is another point that my hon. Friend the Member for South-West Surrey made. We must focus on reducing the cost of paediatric antiretrovirals, which are currently six times more expensive than standard antiretrovirals for adults. DFID needs to work with the international community to ensure that children are included in the international and national treatment targets. As children grow, their development necessitates a change in their treatment. What is DFID's strategy for HIV prevention and treatment specifically for children, especially as malnutrition hinders effective antiretroviral treatment?

The hon. Member for Edinburgh, West (John Barrett) made a good point—we have debated it before, so I shall not repeat it—about the coterminosity between HIV and TB, and the necessity of ensuring that those with HIV are tested for TB and vice versa. We must ensure that those whose tests are positive receive all the drugs they require, and not just those for one of the diseases that they have.

The Committee made an interesting point about coherence. I would like to know how the Minister is implementing "Taking Action", which is an attempt to tackle the problems of coherence, and what steps DFID is taking to ensure co-ordination and coherence between the different programmes through the non-governmental, multilateral and bilateral organisations that it funds.

All hon. Members, not just members of the Select Committee, want to ensure that the maximum amount of antiretroviral drugs reaches the maximum number of people as fast as possible, and DFID needs to address three things quickly. The first is resistance to drugs, about which the hon. Member for East Dunbartonshire (Jo Swinson) was absolutely right. It is important, because of the cost, that there is a swift and effective transition from the provision of first-line to second-line and, subsequently, to third-line and fourth-line antiretroviral drugs.

The second point involves delivery on the ground. As well as provision of the drugs, there must be strategies to ensure that there are effective methods of transportation, refrigeration, delivery on the ground and monitoring of treatments. The third point concerns generic drugs and the TRIPS agreement. Like the hon. Member for Richmond Park, I was slightly surprised by the Government response to the report. TRIPS is important and has been relatively successful at creating a new programme, but there needs to be flexibility, increased capacity, assistance on the ground and capacity-building in Governments to purchase generic drugs.

Fairly recently, the former director of the World Health Organisation's HIV/AIDS programme suggested the designation of a "humanitarian corridor" within which leading drugs manufacturers would allow rivals to produce drugs at low prices for modest royalties, with the purpose of allowing people in developing countries to benefit as fast as practically possible. That is a good idea.

To meet millennium development goal 6, which is to have halted and begun to reverse the spread of HIV by 2015, strong strategies are needed for prevention as well as treatment. If the Government go down that route, Opposition Members will be very supportive.

Sir Nicholas Winterton (in the Chair): I call the Minister to wind up what has been an excellent debate.

5.12 pm

The Parliamentary Under-Secretary of State for International Development (Mr. Gareth Thomas): I agree with your characterisation of the debate as excellent, Sir Nicholas. That is largely due to the quality of the work done by the Select Committee. I pay tribute to the contributions of members of the Committee and particularly to the leadership of the Committee by the hon. Member for Gordon (Malcolm Bruce). I am not sure that I would go as far as the hon. Member for Boston and Skegness (Mark Simmonds) in hoping that the Committee continues to be so powerfully led all the time. Nevertheless, I welcome the interest and the commitment of the Committee and particularly of the hon. Member for Gordon to reviewing annually our work on HIV and AIDS.

[Mr. Gareth Thomas]

The debate demonstrates powerfully the commitment of hon. Members on both sides of the House to addressing this issue. It also reflects the passion among many of our constituents, who want to see progress. In that respect, I pay tribute to the advocacy work and the direct services that many organisations based in the UK provide in sub-Saharan Africa in particular and in the developing world more generally. The hon. Member for North-East Bedfordshire (Alistair Burt) mentioned World Vision. Others mentioned Save the Children, UNICEF and many other NGOs with which we are familiar.

The report that we are debating was published in late November 2005 for world AIDS day and much has changed in the time since then. The hon. Member for Boston and Skegness rightly drew attention to the announcement by my right hon. Friend the Prime Minister on world AIDS day of a further £20 million to help to accelerate progress towards vaccines, which the hon. Member for South-West Surrey (Mr. Hunt) mentioned.

What was also important about world AIDS day was the review of the state of the AIDS epidemic. Many of the contributions in this debate rightly focused on the severity of the epidemic in sub-Saharan Africa, but as my hon. Friend the Member for Walthamstow (Mr. Gerrard) made clear, we cannot afford to take our eye off the growing epidemics in eastern Europe and central and east Asia. The UNAIDS report referred to that point, and highlighted the increasing epidemics in China, Papua New Guinea and Vietnam.

My hon. Friend also mentioned India. We are seeing signs that serious epidemics might be about to start in Pakistan and Indonesia. As my hon. Friend the Member for South Ribble (Mr. Borrow) said, there is a significant difference between the way in which the epidemic is being driven in Asia and in sub-Saharan Africa. In Asia, it is driven particularly by marginalised groups, whereas the driving factor in sub-Saharan Africa tends to be heterosexual sex. We must recognise those differences, and nuance our responses accordingly.

Another change to the landscape since the Committee published its report is the launch of round 6 of the global fund. My right hon. Friend the Member for Edinburgh, East (Dr. Strang) and the hon. Member for Richmond Park (Susan Kramer) drew attention to the serious lack of funding in the global fund's finances for round 6—it has just $46 million, I believe. We know that Spain has just made a commitment and that a further sum is due from the European Commission now that its budget headline figures have been resolved. Obviously, we will use our leverage to try to secure as large a sum as possible for the global fund from the European Commission.

My right hon. Friend the Prime Minister has already written to G8 Heads of State to draw their attention to the need to commit more resources to the global fund for round 6, and similarly, he hopes to speak to the business community soon to encourage it to make contributions. We are also lobbying oil-rich states that have not yet made significant contributions into the global fund. I hope that, in that way, further resources can be made available.

The hon. Member for South-West Surrey rightly drew attention to the broader estimates of funding gaps for spend on HIV/AIDS—broader than the issues of global fund financing. If we are to address those long-term gaps, we have to make sure that G8 and other nations follow through on their pledges of assistance that were delivered at Gleneagles and confirmed at the millennium review summit. We must also recognise that even those resources will not be enough on their own. That is why it is so important to get innovative sources of financing up and running; why we are working with the French on their idea for a ticket levy; and why we continue to pursue the international finance facility. The excellent progress made by the international finance facility for immunisation is a powerful demonstration of the IFF concept. We continue to make the case that people should support the major IFF.

The G8 presidencies of our Russian friends and our German friends next year will provide further opportunities to focus on financing for AIDS. In that respect, I welcome the fact that President Putin has prioritised infectious diseases as one of the development issues on which he wants to focus.

The points made by my hon. Friend the Member for Northampton, North (Ms Keeble) about the need to ensure that both future and current financing get to community organisations is extremely well made. Other hon. Members asked about coherence across government. The Minister of State, Department of Health, my hon. Friend the Member for Doncaster, Central (Ms Winterton), and I went to Malawi and Zambia last year, and looked at issues such as health workers—an issue to which I shall return—and blockages to resources from the global fund, World Bank and other bilateral donors. As a result of pressure from her and the experience in Malawi and Zambia, that issue was discussed at the global partners forum in February. The experience gained there will help us to continue to unblock access to those funding streams.

Obviously, in countries whose Governments are committed to reducing poverty and addressing HIV/AIDS epidemics, we will be able to make faster progress in getting more resources to the grass-roots level. Indeed, in Malawi, there were encouraging signs that funding was getting through to many community organisations, although more still needed to be done. In countries such as Zimbabwe and Burma, where we have to set up systems completely outside and outwith the Government because of corruption and other problems, it can take longer to ensure that community organisations get access to financing. We take the issue extremely seriously and we are busy working on it.

As the hon. Member for Boston and Skegness made clear, through our joint chairmanship with UNAIDS of the global steering committee, we have been following through on the commitments made at the G8 and the millennium review summit on universal access to try to come up with a plan that can be adopted by the international community at the UN General Assembly special session in June. My right hon. Friend the Secretary of State will lead the delegation, again demonstrating the coherent approach across Government to the issue. The Minister of State, Department of Health, my hon. Friend the Member

for Don Valley (Caroline Flint), who has responsibility for public health, will also be part of that delegation.

The hon. Member for Boston and Skegness alluded to the fact that interim targets have been incorporated in the country plans that we have encouraged countries to adopt. I take issue with the point raised by the hon. Member for Buckingham (John Bercow) that we should set targets ourselves as a donor. I understand the initial attraction of such a concept as a way to track how our funding is being used, but if we want to make faster progress in a developing country, we need targets to be owned and accepted by that country's Government. Indeed, all donors, not just the British Government, need to get behind such targets. That is why the lengthy consultation process undertaken by the global steering committee—UNAIDS deserves praise for the way in which it has gone about its work in drawing up plans—offers substantial encouragement that we will get as close as we can to universal access by 2010.

I do not accept the doom and gloom about the three by five initiative, although I recognise that only about 1.3 million out of the 6 million people in developing countries who need access to antiretrovirals are gaining access to those drugs. I do not accept it precisely for the reason given by my hon. Friend the Member for Walthamstow: the initiative has galvanised attention on what must be done to address the issues.

That is where the point about broader health systems comes in. We need to recognise that it is not possible to solve the problem of HIV/AIDS in a vacuum. It is necessary to develop much stronger health systems, and not only to provide drugs at affordable prices, but to continue training health workers so that they can support people not just in towns and cities, where it is often easier to get access to a health worker, but in rural areas. I and the Minister of State, Department of Health, my hon. Friend the Member for Doncaster, Central, saw a programme in Malawi, which the Department is funding, that will increase the number of nurses and doctors over the next six years. Part of that programme involves ensuring through VSO that trainers are training future trainers in Malawi so that the process is sustainable in the longer term, as the hon. Member for Boston and Skegness and others have made clear.

Ms Keeble: Does my hon. Friend accept that networks of health visitors are in place, run by community-based and faith-based organisations, but there is no funding going downstream, so they are not getting access to things? They exist, they are trained and they know what to do, but they do not have any resources.

Mr. Thomas: My hon. Friend draws attention to two problems: the broader problem of funding, on which I have recognised that more money must be made available, and the issue of co-ordination. We need to ensure that all those contributing to the fight against AIDS in a developing country, whether they are small NGOs or major donors, are working through the three ones process to one national plan, with one national monitoring and evaluation framework, under the leadership of one national AIDS commission. Where those three processes are effective, the types of problem to which my hon. Friend alluded can be more effectively addressed. The last thing we need is donors having different plans about how they will operate in a country. In such situations, plans often overlap and donors do not think through how each is working in different ways.

Several hon. Members have mentioned the relationship that we have with our friends across the Atlantic. I pay tribute to the work of Randall Tobias, the US global AIDS co-ordinator, who has worked extremely closely with us within the mandate given to him by Congress. We work closely in several sub-Saharan African countries. Along with other donors, we examine what each of us is doing, where there are gaps in the response that is necessary and which of us can deal with them.

As my right hon. Friend the Secretary of State made clear at questions yesterday, and as both of us have made clear before, we take a different view from the Americans on abstinence and on issues such as our support to drug-users who inject. We continue to have debates on such matters with them. The hon. Member for Edinburgh, West (John Barrett) alluded to the fact that we had such debates last year on the prevention policy of UNAIDS. We are having them in the run-up to the UN General Assembly special session, and it is important that we continue to have them. We have a strong view. I welcome the fact that our view and approach are endorsed by the vast majority of Members of the House; I wish there was 100 per cent. endorsement, but there is not. We will continue to advance our position.

Several hon. Members raised the issue of the relationship with the IMF and the concerns that a number of NGOs have expressed about its adverse influence on public health investment. I am sure that hon. Members will be pleased to know that in his note for the high-level meeting, the Secretary-General made it clear that he expects the IMF and the World Bank to initiate a much more transparent process to ensure the necessary fiscal space for AIDS spending. Members who have followed the issue will be aware of problems that arose in Zambia, and they will be pleased to know that the issues appear to have been resolved.

My hon. Friends the Members for Calder Valley (Chris McCafferty) and for Walthamstow rightly pointed out the need to focus not only on antiretrovirals, but on the much broader response to the epidemic that is needed, with the broader focus on sexual and reproductive health rights that must be part of the prevention response.

I hope that all hon. Members have had the chance to see the European Union's statement on world AIDS day, which sought to refocus attention on the importance of prevention. We were responsible for its drafting, and I commend it to hon. Members as an example of the type of comprehensive response that is necessary. We hope that the UN General Assembly special session that starts at the end of this month will endorse a full and comprehensive response. In particular, we hope that it will endorse ambitious country-led plans and support the belief that no

[Mr. Thomas]

effective, properly audited, ambitious country-led plan should remain unfinanced. That is why raising further funds is so important.

The chairmen of the all-party group on population, development and reproductive health and the all-party group on AIDS and, my hon. Friends the Members for Calder Valley and for Walthamstow, will join my right hon. Friend the Secretary of State, the Minister of State, Department of Health, my hon. Friend the Member for Don Valley, who has responsibility for public health, and representatives from four UK NGOs, including several people who are living with HIV, in that delegation.

I shall bring to the Secretary of State's attention the specific point raised by my hon. Friend the Member for Northampton, North about groups that have focused on the problems about resources getting down to community level.

I am conscious that I have not answered hon. Members' questions about antiretroviral drugs and the relationship with pharmaceutical companies. I will write to hon. Members who have participated in this debate to let them know our approach to engaging more with those companies. Both my right hon. Friend the Secretary of State and I meet such companies on a regular basis and encourage them to do more in terms of differential pricing. It is not quite as bleak a picture as many have suggested. I shall write on other points too.

It being half-past Five o'clock, the motion for the Adjournment of the sitting lapsed, without Question put.

Westminster Hall

Tuesday 16 May 2006

[MR. BILL OLNER *in the Chair*]

Incapacity Benefit (Nottingham)

Motion made, and Question proposed, That the sitting be now adjourned.—[*Mr. Heppell.*]

9.30 am

Mr. Graham Allen (Nottingham, North) (Lab): Being officially "incapable" corrodes the confidence and aspirations of the toughest. In Nottingham, 30,000 individuals feel like that every day. We can now do something about it.

Some 18 weeks ago, the Secretary of State for Work and Pensions wrote to me, as he did to many, to let me know that I was one of 100 MPs who have among the highest number of incapacity benefit claimants in their constituencies and what the Government proposed in their Green Paper. I am sure that he wrote also to my hon. Friend the Member for Nottingham, East (Mr. Heppell). My hon. Friend is here today, but his Whip's duties prevent him from speaking. However, I know that he feels strongly about getting people off incapacity benefit, as does my hon. Friend the Member for Nottingham, South (Alan Simpson).

As the chair of One Nottingham, our revived local strategic partnership, I know that it is keen to seize the opportunities to be offered by the Green Paper. Individual partners in my city have already done some tremendous work. The city council, Jobcentre Plus, the greater Nottingham partnership, the learning and skills council, the voluntary sector and many others have introduced innovative and important projects.

Those partners and others need to build on that work, taking their efforts to the level necessary to meet the magnitude of the challenge to be set by the Government, doing so not from a bureaucratic perspective but from the perspective of the incapacity benefit claimant. We are doing so in close co-operation with the skills board, one of the five theme partnerships that work closely with One Nottingham. With the lowest rate in the United Kingdom of level 2 achievement, and the UK's worst reading levels at age 11, they know the problems that Nottingham faces. They also know that long-term preventive measures in education and skills are needed to complement the remedial measures necessary to deal with incapacity benefit.

It is One Nottingham's intention to respond promptly when the Government ask for expressions of interest in creating a city strategy on incapacity benefit. Local partnerships deliver. They have done so in Manchester, where £1.75 million of neighbourhood renewal funds have been used on the highly successful stepping stones project, and in Edinburgh, where the equivalent of the local strategic partnership has led innovation on incapacity benefit.

One Nottingham will allow unique access to all the partners in our city, including organisations dealing with crime, health, education and liveability as well as skills. We also intend working closely with our conurbation and county partners. To take matters forward, a consortium will be created that will include key local and national players. It will pool money, create new flexibilities, and push back the boundaries of devolution. Beyond that, it will work out the most effective structures for execution and delivery, which can be monitored and held to account. A lot of planning has already taken place. During the past three months, our local area agreement, our floor target action plan and our community strategy have converged to present an aligned and coherent set of targets, which can be the foundation of our city strategy.

The local area agreement sets a target for the reduction in the number of incapacity benefit clients over three years. The target will move from the current 65 per cent. of people in our city in employment to 80 per cent. The target reductions for invalidity benefit claimants in our city have been set at 1,129 this year, 2,258 next year and 3,387 the year after that. That may sound ambitious, but for Nottingham to reach its share of the Government's target of a 1 million reduction will require 6,425 people to leave our incapacity benefit register. That is another indication of the efforts that will be needed to take us to a different dimension—more even than what has already been done.

Our local area agreement stretch targets already link to specific evidence-based programmes on training, child care and health. That valuable pre-planning will obviously sharpen as our expression of interest is prepared, and if it is successful in June, we shall want our consortium to be up and delivering before the end of the year.

We are delighted that, within days of the launch of the Green Paper, the Secretary of State accepted my invitation to come to Nottingham and give the keynote address at our One Nottingham conference on building a city strategy for incapacity benefit. Ironically—or appropriately—that conference was held in the Aspley ward in my constituency, where one in eight people is on incapacity benefit and 56 per cent. of people have no qualifications whatever. It is the ward with the lowest entry rates into higher education among the 18-20 age group in the whole of the UK. It was appropriate and welcome that the Secretary of State took the message to a heartland area that is so obviously in need of the strategy.

That was followed up on 31 March by a broad-based series of workshops involving officials from the Department for Work and Pensions and many local partners, which began thinking through what shape our strategy should take. That work continued and last Tuesday—9 May—a delegation of partners from One Nottingham was able to play a full part in the DWP's stakeholder event on incapacity benefit in London. We were pleased to welcome the new Minister; it was probably his first official engagement after the reshuffle. He made a telling contribution at that event, and I am sure that he will do so today, too. The Secretary of State said:

> "I very much welcome One Nottingham's support for this initiative and look forward in due course to seeing your proposals as to how you would use a City consortium to build on your existing work and that of your constituent partners."

[Mr. Graham Allen]

One Nottingham, with its partners, is ready to submit that expression of interest. It is a big task, but we have proved that such big tasks can be done; an example is unemployment. In Nottingham, unemployment has fallen by 2,700 to 11,300—that is according to the International Labour Organisation measure—since 1997. That is not just a statistic; it means that 2,700 individuals and their families now have self-respect and a better quality of life, and are now contributing to society, rather than feeling that they are being a drain or burden on it.

However, we must do more, especially to address that forgotten group of those trapped on incapacity benefit. There are 17,600 IB claimants in Nottingham, more than half—53 per cent.—of whom have been on IB for more than five years. The excellent district manager of Jobcentre Plus told me that a person who has been on incapacity benefit for two years or more is more likely to die or retire than find work. That is a damning conclusion from a local expert professional. We will do something about that. Some 7,700 of that number have mental problems, and I will address those difficulties later. In addition, there are 6,820 lone parents and 10,200 older workers on related benefits. Reaching and helping those groups will be the mission of our city strategy.

On top of the human price that we pay there is also financial waste. Around £5.6 million is paid in incapacity benefit in Nottingham alone each month. Add to that housing and council tax benefit and forgone income tax revenue from people who are not working, and the bill mounts up massively. We are interested to explore the incentives for recycling any savings made into more incapacity benefit programmes. I am pleased that the Government floated that as a possibility; we need to explore that carefully.

The savings in incapacity benefit spending need to be retained locally—not nationally or even regionally—so that local partners can see something for their effort and investment of energy. The money needs to be reinvested locally to expand the city strategy even further, so that we can get the next tranche of people nearer to work. It needs to be retained locally because it needs to flex and we need to be sensitive to the local context and initiatives, rather than imposing a top-down model.

The average IB beneficiary receives the king's ransom of £83.86 a week. For those who say that the higher levels of benefit paid to long-term IB recipients have encouraged people to stay on IB, let me point out that in Nottingham 42 per cent. of all IB claimants are not getting the higher rates. They did not have sufficient national insurance and so have to depend on income support. That group has been increasing while the number of IB recipients has been decreasing. More people in Nottingham—7,300—have to claim income support because they did not have sufficient national insurance than are receiving the long-term IB rate. There are 7,200 such people.

In households in which no one goes to work, both money and self-esteem can be in short supply. A lack of positive role models can result in generation after generation getting stuck in the benefits trap. Getting people on to IB and its predecessors—invalidity benefit and sickness benefit—was sometimes seen as a way to mask soaring unemployment levels. People in Nottingham—in the constituency of my hon. Friend the Member for Nottingham, East, in my own and in Nottingham, South—have paid a heavy price for that policy failure over many years. We are delighted that that is now being seriously addressed by the Government.

One Nottingham, which was created to help in deprived areas, sees the clear link between benefit dependence and hardship. It was shown in the figures that I received from the Department for Work and Pensions all those months ago that half of the most severe pockets of deprivation in Britain are in the 100 constituencies with the largest number of IB claimants. If we tackle incapacity benefit, we tackle poverty. People in my city do not accept a system that perpetuates hardship and denies people the opportunity to better their lives by accessing the world of work, and we want to do something about it. The vast majority of people who start receiving IB want to go back into work. That has been proven in survey after survey as well as by anecdotal experience, which I am sure hon. Members on both sides of the House share. Our city strategy will provide those people with tailor-made, local help to go back into work.

The Government have made great progress since 1997, reducing the number of new claimants by one third and turning round the massive rise that took place when numbers trebled between 1979 and 1997. The Government have also put the pathways to work programme into every core city in the country, and those programmes have piloted a new approach that offers increased support to IB claimants in return for an increased responsibility to do what they can to return to work. By 2008, IB claimants in Nottingham will, for the first time, be able to benefit from the pathways to work programme, which is being rolled out nationally. It was pioneered successfully in our nearest city, Derby.

One Nottingham obviously has an interest in the impact that IB claimants can have on regeneration—for example, in mentoring youngsters, teaching literacy or helping to reduce antisocial behaviour. If just one in 10 IB claimants gets back to some form of activity in our city, there will be 3,000 extra brains and pairs of hands helping to regenerate our city. We want to build on the work of the voluntary and community sector, Enable and the local learning and skills council to create volunteering experience as a route to work. Volunteering is a safe place in which to build up confidence, self-esteem, experience, skills, the work habit and discipline. It is, in effect, work experience, which looks good on a CV, and the volunteers realise that if they can work for free, they can work for money. Most areas in the country have a volunteer centre accredited by the national body, Volunteering England, which operates like an old-style job centre and which the consortium would look to develop in our city.

Although the new deal for disabled people has shown increased success, with job starts for incapacity benefit claimants in Nottingham increasing from 120 in 2002 to 390 in 2005, and 52 per cent. of all those registering for the new deal for disabled people in Nottingham starting work in 2005—a very good record indeed—the scale of the activity is not large enough to

do more than scratch the surface. Our consortium will need to examine how we can use outside providers, such as the Shaw Trust, Working Links, Work Directions and many others, to work alongside local providers to liberate the talent and potential in the disabled people of Nottingham. One Nottingham and our partners will never advocate forcing people with physical and mental difficulties back into work. That is not appropriate. However, we will not shrink from using our city strategy to challenge the fatalistic culture of storing people on incapacity benefit without offering them ways forward.

When we receive documentation relating to an expression of interest we will need to think seriously about governance and how to take the consortium forward. How the consortium works and how it is structured will be key. None of the local partners will have dealt with central government on a task of such size and scope. Passive representation will not do. Each consortium member must bring revenues to the pool and take responsibility for specific targeted and measurable activity. A small full-time core team is likely to be needed, under its own chief executive, to measure achievement and provide a forum for day-to-day learning and interaction of the many providers that we will need if we are to make an impact on the problem.

One of the key early decisions of the consortium will be how to franchise and commission our 6,000 share of the 1 million national target. That represents more than 700 incapacity benefit claimants whom we wish to get off the register in each of Nottingham's nine area committees, should our consortium choose to break the task down at that level, so that it lies alongside the new developments taking place on neighbourhood management. Even that work will need to be further sub-divided into target groups, such as single parents, older workers and those with mental health issues. All the low-hanging fruit has been picked, so long-term relationships in each locality have to be built between providers and commissioners around workable and realistic delivery plans.

I hope that I will not disappoint the Minister in saying that I do not want a big blast of figures next year that make him feel good about how well the programme has been implemented early. I want a steady growth in those figures, rather than a quick fix that peters out, and I am sure that he feels the same.

We have been incredibly excited by the idea of taking control of the incapacity benefit challenge locally. We must now enter the uncomfortable phase of reality checking, being honest about local capacity and allocating responsibilities and accountabilities that will stay the course. Our consortium will tackle a number of key issues, the first of which is the incapacity benefit routine.

It is difficult to leave the security of incapacity benefit payments for regular work payments. A bad back, depression or stress can often recur. Members of a Jobcentre Plus focus group recently mentioned their suspicion that Jobcentre Plus wants only to talk to them to take away their benefit. They fear the transition to work and the impact on, for example, tax credits, housing benefit and final incapacity benefit payments. If the employment does not work out, they have the reverse situation. One suggestion that came out of the consultation in Nottingham is that we should look to retain stability by, for example, keeping housing benefit and free prescriptions for a transitional period. We need to reward people financially for working by making the incentive great enough to overcome their fear of moving from incapacity benefit and reassuring them that we will take every possible step to ensure that the transition is easy and smooth and not something to fear.

The second issue is flexibility. When we first went to see the Prime Minister and the then Secretary of State at No. 10, it was encouraging to hear over and over again that the Department and the Government wanted to be as flexible and open as possible on ideas about extending and changing some of the rules that inhibit those on incapacity benefit in getting back into work. Some excellent flexibilities already exist, and incapacity benefit claimants can earn up to £81 per week for one year, although many do not know that or do not know how to take advantage of the arrangements. A locally based city strategy will, I hope, be much better placed to get that information to claimants and be sensitive to their needs.

Giving us real authority to act locally will mean that our consortium is able to judge how resources can best be applied by sector and by area. The problems in the white working-class estates of outer-city Nottingham that I represent will, of course, differ from those in the inner-city, multi-ethnic areas of mixed housing tenure that are more typical of the constituency represented by my hon. Friend the Member for Nottingham, East. We will need to be sensitive to such problems, and by creating city-based strategies with a lot of flexibility, the Government will allow us to tackle them all at the same time.

I must flag up for the Minister the fact that the move by Jobcentre Plus towards regional contracting has taken away local district managers' ability to invest in and purchase what they know is needed. The Department for Work and Pensions could demonstrate flexibility by looking again at whether it can let the local Jobcentre Plus manager have more control over his or her budget. I do not expect the Minister to answer that question today, but if he has any thoughts about it and cares to write to me, that will be most welcome.

We need to work out how those with short-term or treatable incapacity spend the period of their rehabilitation on incapacity benefit and then come off it once they are fit again. We need to offer a menu to help reintegrate these people back into work and we need to plan flexibility and discretion in relation to incapacity benefit exit. The individual's variability of performance over time is also a critical issue, particularly where their mental health is involved and they suffer, for example, from bipolar illness. We need to use reasonable adjustments. We need to make use of volunteering and permitted work, but there should also be also scope for social firms and charities to pioneer alternatives. The Government have offered flexibilities, and the Minister knows that we will test that offer.

The third issue is re-skilling. In the case of longer-term injury, it is easy for claimants to find their skills out of date. A year out of the information technology industry, for example, can be a long time. Even outside fast-moving technology industries, the

[Mr. Graham Allen]

pace of change is increasing year on year. Skills upgrades need to be created by all our partners. We need to break down the artificial barriers and silos from top to bottom, including in central and local institutions.

If we have our own city strategy, there will be nobody to blame. If we cannot get deals done locally, we will not be able to point the finger at a convenient Minister and say, "If only they did this" or, "If only they did that". If the responsibility is ours, we will need to face up to things locally and strike deals. Where deals cannot be made, we will come to the Minister and ask for the barriers to be removed, but the onus will be very much on us.

The rules must be made crystal clear and ensure, for example, that when an IB claimant follows an agreed training and further education programme they do not lose their benefit. Further education institutions that reach out to claimants who are long out of education should be rewarded and not penalised, for example, by Ofsted, since success rates might be low. I have mentioned that to the Minister in private. Where FE institutions fulfil their educational mission to reach out to those without qualifications, that should be understood in Ofsted's marking and weighting system. Ofsted should not say that such people should attain at the same level as those who are cherry-picked by the establishments, often against those establishments' judgment and drive. However, when people are marked down, colleges have to take those unenviable decisions.

Fourthly, there is a need to build bridges to work. I have alluded a little to that. It is difficult for those who have never been on benefits to appreciate how it feels. I have had a brief spell of unemployment, and even though I knew I had a job coming up at some point in the future it was completely debilitating. It knocks a person's confidence sideways in a way that nothing else can. It destroys self-esteem, it is demoralising and it can often evolve into depression and even clinical depression. It is easy for someone to believe that because they are claiming incapacity benefit, they are generally incapable of any work or any contribution, or of being any use to society or their immediate family. That can happen not just if someone has an ailment or injury but if they have wider mental problems.

Morale and motivation needs to be revived. Effective person-to-person contact has to be ensured and, above all, our Nottingham approach will recognise that IB claimants should have an important say in their road map to a better future. We will also ensure that our programmes meet their needs rather than just fuelling local or national bureaucracies.

It will be our ambition to ensure that every IB claimant has a personalised road map that shows the training or work experience that they need. Over time, we will develop ways of putting real choice in their hands about where they can access the help that their map signposts for them. One way might be to trial a pilot in learning or guidance accounts. Those should not just be the preserve of undergraduates or people at advanced level. As the revival of the learning account concept takes place, I hope that incapacity benefit claimants will find their rightful place in that pantheon. We have to live the rhetoric that many people on incapacity benefit want to get back to work. We must trust them to take the right decisions, with the right help, for themselves.

Our Nottingham programme will have an IB claimants customer group, which will let us know whether we are meeting the needs of claimants. We are also considering using Jobcentre Pluses and geographical information systems—GIS—to door-knock. There is nothing like good, old-fashioned canvassing: eyeballing people and asking what they need and when they need it, with trained advisers taking the work of the estate-based local learning champions, a concept that we have pioneered in Nottingham, to a higher level.

Why not reward those on incapacity benefit who mentor a youngster at school, help the elderly or take on work as a park keeper as a bridge towards more appropriate and fulfilling work? That would reward those who want to keep working but cannot necessarily work conventionally. It would augment their income and raise their aspirations, confidence and experience. Nottingham is lucky enough to have strong community and voluntary sectors, and it is our aim that they will play a key role in our city strategy on IB issues.

Finally, we have already identified the work on mental health that we need to do with our health partners. Many people just need personal encouragement. Employment and the full reacquisition of social skills are as important as treating medical symptoms. There are massive service delivery implications for GPs and cognitive behaviour therapists, who will be needed to work not with the odd customer but with thousands of people. That needs to be carefully worked through, with colleagues in the health service and primary care trusts—particularly in the new era of practice-based commissioning.

There is also a need for employers to be given awareness training and education; they need to be able to achieve compliance with the Disability Discrimination Act 1995 and provide appropriate mental health support to employees as well as occupational health support for those returning from time on incapacity benefit. There is a leading role for private and public sector organisations in piloting the arrangements and setting an example.

Most of the surveys and studies do not bear out the view that employers do not want to take people who have been on incapacity benefit, or that there is discrimination against people with a mental incapacity or mental ill health. None the less, an example should be set, not least by the big public and private sector employers. We need the whole team at the table, in the local context, in Nottingham, just as is happening at ministerial level in the national context.

As the Secretary of State said last week, we are beginning

> "a process of policy renewal that will help us to better address the endemic problem of worklessness facing many of our major towns and cities. Looking to the future. Being prepared to adapt and change. Always being prepared to develop new and better tools through which we can support local re-generation and economic development."

In the brief conversations that I have had with colleagues from other parties—the Conservative and Liberal Democrat parties—I have gained the impression that they, too, are anxious to exploit to the

full the possible advantages of the new way of ensuring that people on incapacity benefit can lead more fulfilling lives. We certainly want to replicate that at local level. The issue is not a partisan one; it affects people—indeed, it affects claimants—of all political views or none, and does not discriminate on those grounds. We should not either.

Our consortium would be keen to add some of the seedcorn funding, which I understand will amount nationally to some £90 million from the deprived areas fund, but we see that only as an addition to the pooled resources that we have locally. A key point will be to enable all the individual organisations and agencies to come together. Of course we will welcome the additional resources, but the project lies in our own hands. The real prize in the next few months—this is something else that is evident from our consultations—will be to build a relationship, with trust, with central Government, so that the proposed freedoms and flexibilities can be negotiated with our national partner at the Department for Work and Pensions, to bring about real benefits for the people of Nottingham.

In Nottingham we know that the number of incapacity benefit claimants needs to be reduced. We are working towards a clear strategy on how to do that. Working closely with all our partners we intend to submit an expression of interest to the Department for Work and Pensions, as soon as the Minister requests it. I wish him well in his new appointment and hope that he will retain his position long enough to see the initiative through. It will be a long-running effort and will take a lot of setting up. I am not trying to keep the Minister from his ultimate rightful post in Cabinet, but I hope that he will be allowed a sufficient period to get involved in the issue and see it through—not just for Nottingham's sake but for the sake of all the other pathfinders who get city strategies in the first wave. I could not wish for anyone more capable to do the Minister's job, and we do not want to lose him, now that he has started out on the path.

I hope that by raising this debate, I have reinforced the Minister's view that the agencies and organisations in Nottingham collectively look forward to meeting the challenge of making a serious impact, not only on the problems of incapacity benefit but on more fully realising the potential of the individuals who claim it but would welcome a return to appropriate work. Nottingham is a great city; our revival is continuing and our ambition is not to let the talents and potential of a single person in our city go to waste.

10.5 am

Danny Alexander (Inverness, Nairn, Badenoch and Strathspey) (LD): I start by congratulating the hon. Member for Nottingham, North (Mr. Allen) on securing this debate on a very important subject for Nottingham and the whole United Kingdom. I congratulate him also on the detailed and eloquent case that he set out on the proposals coming forward within Nottingham, and on the leading role that he clearly plays in his community in trying to develop some of the ideas and thoughts about benefit reform and in helping back to work people who have long been excluded from the labour market. He clearly plays a leading role in making such things happen in his community, and that is a model that many hon. Members could follow. I congratulate him for all those reasons.

The hon. Gentleman set out the scale of the problem faced by people in Nottingham; his constituency and those of the other Labour Members who represent the city are among the 100 constituencies with the most incapacity benefit recipients. As he said, 17,600 people are on incapacity-related benefits in Nottingham. It is also interesting to note the high overall level of economic inactivity in the city: 36 per cent. of its population are classified as economically inactive for reasons of incapacity or for the many other reasons that he set out.

The hon. Gentleman drew particular attention to an important point that needs to come out more in the wider debate about benefit reform and helping people on incapacity benefit back into work: for many in the groups that we are discussing, low educational achievement is another barrier to returning to work.

Drawing attention to Nottingham's problems helps shed light on the broader issues facing many cities—and indeed rural areas—in the UK. After all, 2.7 million people are on incapacity-related benefits across the UK, and the December 2005 figures, although they may have been updated since, show that over the whole of the UK, 7.94 million people are classified as economically inactive. The Government are finally taking on the challenge to raise the level of economic activity and help people on incapacity benefit back into work, and I welcome that; it is important and timely, and it has come not a moment too soon.

Mr. Allen: As we have a little time, perhaps the hon. Gentleman will indulge me. I should like to reinforce his point about educational attainment being one of the key factors that we need to bring to bear in our partnership work on this issue. The powers and extra assistance from the Government on IB claimants are extremely welcome, but locally we need—we are attempting it at One Nottingham—to seek a city strategy. That is one of our priorities; the second—there are three—is to teach social behaviour in all our primary schools so that youngsters can get the social toolkit to learn, so that they qualify better than youngsters have in the past, and go on to further education, training and employment, so there will be less of a pool from which those on incapacity benefit can be drawn. We need to tackle the issue on lots of different levels, and the hon. Gentleman was right to emphasise that.

Danny Alexander: I am grateful to the hon. Gentleman for that intervention. He makes a good point.

Also, I should have welcomed the Minister to his place at the beginning of my remarks. I am delighted to see him here and to congratulate him on his appointment. I look forward to working with him as the welfare reform process continues. I am sure that he will want to give due emphasis to that process in the coming weeks.

The partnership approach taken by One Nottingham is one that the Government should encourage not only in Nottingham but throughout the country. It is

[Danny Alexander]

important to bring together people and organisations from the public, private and voluntary sectors to deliver in a coherent, co-ordinated and locally driven way—that is an important consideration—policies and proposals to help back into the labour market people who have been out of or excluded from it for a long time, perhaps for reasons of incapacity. A lot of hard work is being done in Nottingham to bring people together, and that can be furthered. The hon. Gentleman set out clear targets, and made it clear that Nottingham will soon be ready to submit its application. That has been successfully advertised and highlighted today, and I congratulate him on that.

The hon. Gentleman rightly drew attention to the social and human waste that incapacity benefit creates. A number of people have been on incapacity benefit for a substantial time. He drew attention to the often-quoted statistic that people who have been on incapacity benefit for more than two years are more likely to die or reach retirement age than they are to find work. That is a damning indictment of the current system. Many different barriers prevent people in that situation from getting back into work, such as having a lack of educational skills or confidence, or having an illness or disability. There are also more physical and practical barriers to prevent people from returning to the labour market.

The hon. Gentleman has made important points about the local situation in Nottingham and contributed to the broader UK debate about the welfare reform that we hope is about to get going. The concept of the city strategies, in which available funds—often a multiplicity of funds; I know that in Glasgow there are many dozens of strands of funding devoted to helping people back to work—are brought together and other funds may be brought in, is a welcome approach. However, there are several issues that relate to that approach that I want to draw to the Minister's attention, and I will be grateful if he can respond to them.

The hon. Member for Nottingham, North talked about scaling up in Nottingham. One consequence of the greater focus on welfare to work is that current projects and programmes need to be scaled up dramatically to enable them to meet delivery targets, but such scaling up raises issues of local accountability and responsibility.

It is important that the Government's approach to welfare reform should not be to deliver it in a top-down way, but to allow local communities and organisations to develop their own strategies, programmes and ideas about how best to tackle the problems that they face in their own communities. The hon. Gentleman talked about the deprived areas fund that the Government are looking to set up. It is worth noting that that fund will be partly resourced through ending the action team for jobs model, which works in Nottingham, in Inverness in my constituency, and across the country. Can the Minister provide some reassurance that the areas that will be targeted by the deprived areas fund will, by and large, be those that currently benefit from the action team approach? In many parts of the country, including Nottingham, there could well be some concern that the important community engagement work of the action teams will be lost.

Mr. Allen: This is a rather paradoxical point. I am keen to have as much local discretion as possible and, going beyond this debate, I believe in constitutional independent local government, in getting off our backs. However, having been in this position of almost supplication for decades, it is not always easy to release people locally to get on and do the job. People are still unsure of where to go and how to take on those responsibilities. It is important that the Department is still there to offer advice.

We have had tremendous advice from officials in the Department for Work and Pensions and from people such as David Simmonds at the Centre for Economic and Social Inclusion that has been invaluable in pointing us in the right direction so that we do not miss this fantastic opportunity because of inexperience in running our own affairs at that level. I hope that the Department will continue to do that with a light touch and to guide us in the right direction.

Danny Alexander: I am grateful to the hon. Gentleman for that intervention.

I want to speak about the national role of the DWP in bringing to fruition some of the local ideas that we have heard about today. The Department's first role is to introduce legislation following the Green Paper, and any indication that the Minister can give us today about the likely timing of that will be gratefully received. Given the range and detail of the issues that have been rehearsed today relating to the strategy in the city of Nottingham and the rest of the country, it is important that sufficient time be allowed to scrutinise the matter in detail. I would be grateful for anything that the Minister can say about that.

Two other issues relating to the approach so far about which there are real concerns are, first, funding, and secondly, the arrangements for contracting with voluntary sector organisations such as those that the hon. Gentleman told us were involved in the consortium in Nottingham.

The overall package in the welfare reform Green Paper for funding the pathways to work scheme was £360 million. The hon. Gentleman drew attention to the importance of rolling out the scheme properly in Nottingham. I have looked at the pilots elsewhere, and it is clear—this is the view of many of the organisations that have commented on the matter—that £360 million is not enough to ensure that a roll-out on the scale that the hon. Gentleman wants in Nottingham and elsewhere can be taken forward. Even a calculation based on a written answer that I received suggests that the cost of the scheme is £400 per claimant, in which case over two years the total funding needed would be £440 million. However, that estimate does not include the cost of the back to work credit or the condition management programme.

I was surprised, to say the least, having tabled a parliamentary question to ascertain what proportion of that £360 million is for back to work credit and what proportion is for the condition management programme, to be told simply that the information was not available. That raises concern in my mind about

how the Department calculates the figures and whether we will see pathways lite, which is not what people in the One Nottingham consortium or anywhere else really want or need. A further point is that the £360 million will supposedly come from existing DWP budgets. I am keen to hear from the Minister where the axe will fall to release even that inadequate sum for rolling out the pathways to work project.

I mentioned the condition management programme, as did the hon. Gentleman, in relation to necessary medical assistance. A successful condition management programme rolled out nationwide is dependent on a supply of properly qualified professionals such as cognitive behaviour therapists, but there is a shortage of such therapists and they take up to five years to train. It is important that the Minister in his response addresses how to ensure a supply of properly trained condition management professionals and properly qualified employment advisers. I also want to know how the importance of having people in those areas comes up against the current cuts in DWP staff in a number of areas—and, as I know from my own experience, how that has an impact on morale.

The hon. Gentleman drew attention to the important issue of engaging the voluntary sector and the private sector in delivering many of the back to work schemes that are starting. The separation that that entails and the engagement of such organisations are very important. The Government have talked about that, which I welcome, because a separation between the benefit decision-making process and the back to work help can be an important tool in engaging people in back to work activity without their fearing that they will be challenged on or lose their benefits. That might lead to Jobcentre Plus and the DWP moving into much more of a commissioning role: rather than delivering back to work services themselves, they will commission voluntary and private sector organisations of the sort that the hon. Gentleman mentioned.

However, it is important to know how these contracts are to be set up. I think that that will be specified in legislation at national level; perhaps the Minister will spell that out. The Green Paper addresses the engagement of the voluntary and private sectors on a target-driven basis. In terms of the setting out of the contracts, it is important that there be sufficient flexibility to allow the kind of local initiative that the hon. Gentleman described. It is also important that sufficient time be available within a contract for a local organisation to develop and work through the best methods for engaging people in its area. Too often we hear about voluntary organisations coming up with programmes that, as the hon. Gentleman described, spend too much time working on next year's funding application rather than delivering the services that they are setting out to deliver.

It is also important, as the hon. Gentleman said, that welfare to work—welfare reform—provides real support for employers. I was privileged during the Easter recess to visit the Working Links project in the Parkhead ward in Glasgow; some such projects have been picked up on in the plans being developed in Nottingham. One of the most striking things about that Parkhead project is how it engages with employers to help individuals once they have been placed in work not to lose that job. It can often be found that for people who might never have been in work or who have not engaged with the workplace for a long period, the basics of being in employment—such as turning up on time and dealing with their employer on a day-to-day basis—are an entirely new experience, and having support to deal with that is very important. I hope that providing real support to employers, and beefing up the access to work scheme, which is very important for helping people with disabilities back into work, can all be part of what the Government introduce.

The hon. Gentleman rightly drew attention to the importance of mental health, and he will know that depression and anxiety-related conditions are now the largest cause of new on-flows to incapacity benefit, and that people once on incapacity benefit for other reasons often become depressed as an associated condition, so tackling those mental health-related conditions is very important. He said that the One Nottingham consortium was planning to do that.

That requires reform of the personal capacity assessment in particular. In the Green Paper, the Government talked about setting up a taskforce to look into reforming the Pca for people with mental health conditions. I understand that that taskforce has still not been set up. Will the Minister address that? Dealing with this issue is of great importance in terms of the wider point that the hon. Member for Nottingham, North made on the need to provide support that is as locally driven and flexible as possible, to help people in Nottingham who need it to get back into work.

10.24 am

Mr. David Ruffley (Bury St. Edmunds) (Con): Welcome to you on this fine morning, Mr. Olner, and welcome also the Minister, for whom I have a great regard. I want to say on the record for all those who will read this debate that I see it as part of my job as shadow welfare reform Minister to work co-operatively with him.

Welfare to work is a key part of social justice, which is an objective that I believe all politicians of good will sign up to. We may differ on the means but not the objective, and I am sure that everyone reading this debate will want my party to work co-operatively with the Government and the Liberal Democrats to take politics out of the issue as much as is humanly possible during debates on the Bill and beyond. I congratulate the hon. Member for Nottingham, North (Mr. Allen) on another typically insightful parliamentary contribution.

The debate is timely, as the introduction of a Bill to implement parts of the Green Paper and the city strategy is a key part of the Secretary of State's agenda. We do not know much about the city strategy models. Co-operative inter-agency work has been done in Edinburgh, Glasgow and Manchester, but the strategies are very much in their infancy. The Opposition believe in more localism and, as the hon. Gentleman mentioned, decentralisation, but we must ensure that councils and the public sector take the role of enabling authorities and do not seek to micro-manage.

The right noises are being made on page 10 of the Green Paper about how co-operation should work. It

[Mr. David Ruffley]

states that employers should be involved and that budgets should be pooled to simplify funding streams so that they are more accessible and comprehensible to claimants. We welcome the idea of fewer and simplified targets. Let us hope that the learning accounts are not individual learning accounts, as that model sounded good in theory but did not work too well in practice. Much detail needs to be chewed over, and I urge the Minister—as if he does not already know this—to understand that the devil lies in the detail, as the hon. Member for Nottingham, North said.

There is a discussion on page 18 of the Green Paper about vacancy rates in the cities with some of the highest proportions of incapacity benefit claimants. There is a reference to the 100 MPs to whom the Secretary of State wrote in January. The Green Paper states:

"However, many residents of cities do not take up these jobs even though they live within easy travelling distance of thousands of vacancies."

It would be extremely useful to have more detail when we debate this matter in the coming weeks and months. Can the Minister publish evidence to support that proposition, that there are literally thousands of vacancies in those cities? Those inner cities are some of the most depressing, sad and demoralising blackspots for people who feel that they are trapped on incapacity benefit. We need to help them, but we can do that only if we have more analysis, and in particular supporting evidence for that proposition in the Green Paper.

Mr. Allen: The hon. Gentleman has highlighted a phenomenon that I experience often in Nottingham, which is that people do not wish to move off their estate, whether for education or employment. One way to tackle that is to make provision on the estate for further education or other aspects of learning. Once those people are turned on to education and realise that they can get a job, they cannot be stopped from applying for further education or the vacancies that the hon. Gentleman mentioned. We must provide a trigger point in the locality for those people and then let them make the best of it themselves. I hope that that will become evident as we develop our city strategy.

Mr. Ruffley: I am grateful to the hon. Gentleman and hope that he is right. However, we need more evidence for the proposition that there are thousands of accessible vacancies in those cities. Perhaps the means that he outlined—I trust that he is right—is the way for people to access such vacancies, but discovering the distribution of vacancies among cities would be a starting point, and it is necessary before we can discover whether that is a true proposition.

Mr. Ian Davidson (Glasgow, South-West) (Lab/Co-op): Speaking as a Glasgow Member, it is undoubtedly the case that thousands of vacancies are available in Glasgow, and thousands of people are on invalidity benefits. One of the reasons why there has been such a take-up of jobs by the influx of eastern Europeans is that most of those unemployed or on benefits are essentially unemployable and no reasonable employer would take them on in their existing situation. Given a choice between a highly skilled and motivated eastern European and someone trying to return to the labour market who may have addiction problems and has been unemployed for 10 years or so, the latter would be found to be simply not job-ready. They cannot compete in such circumstances, and background help and assistance is necessary. A simple juxtaposition of vacancies and individuals is insufficient.

Mr. Ruffley: That is an important point, which is why I call for the Minister to publish some statistics. As the hon. Gentleman pointed out, the question is not quite as easy as it looks. If it were, many more people would be getting on buses and going from one side of Glasgow, Edinburgh or Manchester to the other, and we would not face this problem. I take his point.

In some quarters, such as the third and private sectors, the Green Paper's proposals have been judged to be rather sketchy. We look forward to seeing detail in the Bill and I urge the Minister to tell us the likely date of its publication, not just for my benefit but for that of the stakeholders outside this place. I shall make it easy for him: can he narrow it down to summer or autumn? A specific month is not necessary.

I want to raise some points that bear on the likely success of the city strategy model, which are applicable to all other means of welfare to work delivery, outside cities. The first is the key role of the voluntary and private sectors. In the Green Paper, we are told of the city strategy model and that

"Each consortium would also be expected to make use of private and voluntary sector providers to deliver additional employment support."

I shall not rehearse the arguments brilliantly set out in a document from the Oxford Economic Forecasting company prepared for the Employment Related Services Association. In essence, it argues for what the National Audit Office has urged: a complete top-to-bottom change in the letting of welfare to work contracts on the part of Jobcentre Plus.

There is not a level playing field. Private and voluntary sector providers already understand that some of the contracts let to them are of very short duration, which means that they cannot plan and invest for the future by hiring people and buying premises. There are low-value contracts for which it is not worth tendering. Short tendering times and last-minute tendering by Jobcentre Plus make it very difficult for the third and private sectors to make proper bids. Quite amazingly, there is sometimes a change in the specifications that a private or voluntary sector provider has to meet after their bid has been accepted.

Those issues must be flagged up because of the ambition that we regularly hear about from Ministers, which I share, to get more private and voluntary sector provision, provided it is as effective as or more effective than the public sector alternative. We are talking not about cost considerations but about what is effective in getting more people back to work more swiftly in more sustainable jobs. The private and voluntary sectors are not getting a fair crack of the whip. The city strategy will work only if we reconsider procurement.

My second concern relates to the target of getting 1 million off benefit within 10 years, and there is obviously a disaggregation of that figure: there will be

a target for each city. Of course, that will mean not getting 1 million people into work but getting them off benefit. There is a huge issue here for those of us who grind through the statistics with a great deal of joy in our heart—it is a genuinely fascinating subject. The destination of some of those who come off incapacity benefit will be to return to income support or jobseeker's allowance, or just to disappear altogether. We should place proper emphasis on getting as many of that 1 million as possible back into work, not just off benefit; they are two radically different things.

I shall not delve into the view of Her Majesty's Opposition and my views about whether getting 1 million off incapacity benefit by 2016 is too ambitious. The Secretary of State calls it a stretching target, but I wonder about it. I say that for one simple reason. I pray in aid only what the Work and Pensions Committee said in the past couple of weeks, that the

"Department has not met its commitment to produce incapacity benefits caseload forecasts to 2016"

and that it should do so immediately. It also stated that clarification of the baseline by which the aim will be measured is urgently required.

That must be right, because unless we know what the predicted off-flow is, particularly in respect of those over 50 who will reach retirement age between 2006 and 2016, we cannot get a sensible idea of how well the Government are doing in terms of hitting their target.

That brings me to my third concern, which the hon. Member for Nottingham, North will share: how far will the city strategy or any other strategy tackle the problem of existing claimants? That issue needs a good and thorough airing for the following reason. Having been an old Treasury hand pre-1997, I know how to qualify spending commitments and I noted that page 48 of the Green Paper states something about how the needs of the existing stock in pathways to work areas will be catered for:

"As resources allow, we will, over time, consider extending work-focused interviews to existing claimants".

Three qualifiers in one sentence—"as resources allow", "over time" and "consider"—is not bad. That bears on what so many of us have pointed out: the £360 million from existing budgets to roll out pathways to work nationally seems a serious underestimate.

Why do we say that? We know that incapacity benefit personal advisers will need upskilling, that there will need to be better training and that there is a shortage of therapists. Professor Layard is probably arguing on the high end of the spectrum when he says that 10,000 cognitive behaviour therapists might be needed to deliver pathways as a high-quality intervention in the condition management programme. Listening to this debate, I wondered whether the consortium in Nottingham will have the ability to tackle what seem to be serious supply-side constraints, be they in physiotherapy or cognitive behaviour therapy.

Employers are important in the area of welfare to work. The Work and Pensions Committee said that employers seem to have been

"largely overlooked in the Green Paper".

All of us who speak to the stakeholders—the voluntary, private and public sectors— agree with that. No matter how much help and support an incapacity benefit claimant or disabled person may receive, if employers do not change their culture there will be difficulties. They must also change it in respect of statutory sick pay and the 28 weeks for which someone who may still be under contract to a company can take time off work because of illness, be that a mental health condition or otherwise. Employers are not doing enough to intervene and give such people support, because they might have been off sick for six months before they do one day go on incapacity benefit. As we all agree, unless incapacity benefit claimants are helped and supported early in their claim, the chances of their returning to work reduce almost exponentially.

The Minister can help the city strategy model by telling us a bit more about his plans for changing statutory sick pay. What will he do to improve employers' attitudes when they work in consortiums of the kind that the hon. Member for Nottingham, North outlined? What plans does the Minister have to reform medical certification, which is first encountered by a claimant when they are on statutory sick pay and are going to their local GP? We need to hear more about what the Government intend to do with the new personal capability assessment, which is meant to be about what IB claimants—and those on statutory sick pay who are potential claimants—can do, rather than just focusing on the illness. To do that, we have to understand what the role of employment advisers in doctors' surgeries will be, not just for individuals on incapacity benefit, but—I stress this—for those on statutory sick pay who are not yet in the benefit system.

The Minister will want to consider all those points. I had a discussion with him before this debate; we decided—well, I did, anyway—that we are men of good will, and that what we were talking about, essentially, is an exercise in improving legislation in a crucial area of public policy and social justice as much as we can. If some questions raised cannot be answered today, I hope that they will be answered in Committee. I once again thank the hon. Member for Nottingham, North, who has, typically, raised an important issue, and has done so in his own special way.

10.41 am

The Minister for Employment and Welfare Reform (Mr. Jim Murphy): I am delighted to respond to this debate initiated by my hon. Friend the Member for Nottingham, North (Mr. Allen), who is not only a Nottingham Member of Parliament but chairman of One Nottingham. In the short time that I have been in this job, he is the Member I have seen the most of, but I am not complaining about that; there are others I might complain about. However, over the past week and a bit, I have on occasion felt as though I were being stalked by him.

I congratulate my hon. Friend on securing this Adjournment debate. It is an important time in the development of the city strategy. Given what he says, I would be surprised if One Nottingham were not first in submitting its expression of interest to the Department. I am not saying that it has to be, but given the interest shown by him and his colleagues in the partnership, that would not surprise anyone in the Department.

Mr. Davidson: Of course, the case for Nottingham is strong, but the case for Glasgow is similarly strong.

[Mr. Davidson]

Given that the Scottish elections are coming up next year, I should point out to the Minister that it is important that any launch does not get confused with that process. That requires bringing forward the announcement about Glasgow. The Minister was born and grew up in my constituency, but then left it to go to the other side of the world. He ought to put something back as soon as possible by recognising that Glasgow should be one of the cities chosen.

Mr. Murphy: I do not know whether I have to declare an interest based on what my hon. Friend says, but before I respond to that point, I should say that I welcome my hon. Friend the Member for Nottingham, East (Mr. Heppell), who, as my hon. Friend the Member for Nottingham, North, said, was not able to participate in today's debate simply because of the rules of this place, which we all understand; nevertheless, I am sure that he wished to contribute in the same passionate way that my hon. Friend the Member for Nottingham, North, did. I also welcome my hon. Friend the Member for Eccles (Ian Stewart). He, too, has taken a silent role, but I know that he is interested in the issues that we are discussing.

Mr. Olner (in the Chair): It is a role that he plays very well.

Mr. Murphy: Mr. Olner, I have to say that that is the first time that I have been intervened on by the Chairman.

Last, but of course not least, I should mention my hon. Friend the Member for Glasgow, South-West (Mr. Davidson), who rightly pointed out that I—and almost all my family—grew up in his constituency, in whatever configurations it has found itself in the past few years.

In the short time available to me, I shall not be able to answer all the questions raised during the debate. My officials have written an excellent speech, for which I thank them, but I shall not use much of it. I would rather respond to as many points as I can and save that text for another occasion.

My hon. Friend the Member for Glasgow, South-West was right to say that I grew up in his constituency. It is the most significant reason for my having energy and determination for my job, especially in respect of the city strategies, the opportunity for people to find work—it was not always there for my immediate family—and the challenges of child poverty. All of us have had different upbringings, and different experiences of income, and of the difference between wealth and poverty. Some have managed to escape poverty, but those who do so must not forget those experiences. Despite the remarkable improvements of recent years, we should remember that too many children continue to grow up in shameful poverty. We need continually to challenge it.

I need no encouragement or additional commitment to get the work done; it gives me the opportunity to restart social mobility. I have spoken about it in the past, but I was limited in my ability to make the changes essential to driving it. Working at the Department for Work and Pensions gives me an enormous opportunity to help change that cycle of social mobility, but that change has stalled. We could debate why, but it is a generational problem.

The changes in social mobility have come about over the generations, but there are three big drivers of social mobility. The first is the family and the mechanisms that the family employs to support the children; that is partly to do with the culture of work and partly to do with the culture of aspiration. The second is education. Education is a phenomenally important driver of social mobility, particularly early-years education—and even early-months education—pre-school education and support during the first few years of primary education. The third is poverty, especially child poverty. As we know, a child born in poverty is four times as likely to live in poverty in adulthood.

We need to break that cycle of generational poverty, that inherited lack of aspiration. The Department and others are helping to overcome that problem. Although I say that it is a generational problem, we none of us have the luxury to say that the solution is generational. The problem has built up over the generations, but it cannot and must not be solved over the generations. Instead, we have the target dates of 2010 and 2020 for alleviating child poverty and gaining the aspects of full employment of which we have spoken before.

The reason why we have a city strategy—I will respond soon to the specific points raised by my hon. Friend the Member for Nottingham, North—is that we have a target of 80 per cent. employment for the United Kingdom. We are currently hovering at just under 75 per cent. The employment rate in our great cities of Glasgow, London, Manchester and Liverpool is at or just below 70 per cent. Despite that, the greatest progress in the past nine years has been in the cities with the highest levels of unemployment and the highest levels of economic inactivity.

However, there are still real problems. There are problems not only in Nottingham, as we heard earlier, but in the five cities that we talk of most often—London, Birmingham, Manchester, Liverpool and Glasgow. For those five cities even to reach the current national average—not the 80 per cent. target but the national average of 75 per cent.—a further 400,000 people will have to find work .

Mr. Davidson: Is the Minister aware that since 1997 unemployment in my constituency has fallen by more than 50 per cent., that youth unemployment has come down by more than 80 per cent. and that long-term unemployment has been reduced by more than 90 per cent.? He would have known that if he had delivered my election leaflets. However, there is much more to be done.

Mr. Murphy: My hon. Friend is right. There has been remarkable progress. The areas where the problem has been greatest have seen the most remarkable improvements and turn-around. There has been genuine progress in the transformation of individual families' material well-being and employment has changed the culture within families. However, even within those families who have an adult in work, there are still too many—I think it is about 40 per cent.—in which the child experiences material poverty.

Listening to the hon. Member for Inverness, Nairn, Badenoch and Strathspey (Danny Alexander), I think that the good people of Parkhead will be over-visited, as I, along with the local Member of Parliament, my hon. Friend the Member for Glasgow, East (Mr. Marshall), will be visiting the area this Friday to talk about the specifics in the east end of the city.

London is the richest city in Europe, yet almost half the children in inner-city London still experience real poverty. That cannot be right. We all agree that it cannot be right. The city strategy, pathways into work, the new deal, the national minimum wage and investment in primary education are all about driving those children out of poverty and into opportunity, so that they can help break what is an all too common cycle in generations of families.

I shall respond to some points that hon. Members have made during our thoughtful debate. I hope that it sets the tone for our dialogue throughout the entire welfare reform agenda. I thank hon. Members for welcoming me to this new post.

My hon. Friend the Member for Nottingham, North made some points about local flexibility for Jobcentre Plus managers, and I shall take him up on his invitation to reflect on whether we have the flexibility right at local level. Our approach to local flexibility must be consistent. If we say that in city strategies, local people who know the local specifics should design a mechanism that helps to drive up employment and alleviate child poverty, it is right that we should provide opportunities for people to tell us what barriers exist in national and regional policies, structures or mechanisms as they roll out those strategies and make their expressions of interest. We will do what we can to remove as many of the barriers and working operations that those who submit well-founded expressions of interest say get in the way of their ambition to deliver a locally designed, effective way of finding people employment.

Several hon. Members made the point about qualifications. I have said this before, but the generation currently in education is the first for whom the global economy is the norm. People are no longer competing with the person in the same street, country or on even the same continent. It is a global competition. To equip those children and teenagers in the global economy, skills and qualifications are crucial. One sobering statistic is that 40 per cent. of lone parents who are out of work have no qualifications whatever. That is one genuinely worrying statistic.

My hon. Friend the Member for Glasgow, South-West alluded to how we provide an opportunity for those folk who have no formal qualifications, are not in employment but have the phenomenal responsibility of bringing up children. We must strike the right balance to ensure that they learn and acquire skills and qualifications, whether academic or others, to make them more employable in the global economy. He gave his own sense of that in terms of the challenge from eastern Europe.

A question was asked about the city strategy timetable. My hon. Friend the Member for Nottingham, North will receive over the next few days detailed guidance about the expression of interest. Some very good work is being done in Nottingham, but I know that he accepts that if we are going to deliver on our collective ambition, we have to take that good work delivered by good people to a different scale and reach. That is the case for all cities that submit an expression of interest. We expect a delivery plan over the following three to four months. Our current thinking is to have 10 to 15 pathfinders in the first tranche of the roll-out. There is flexibility in that, too, because if there are more than 15 high-quality expressions of interest, we may go further.

I thank my hon. Friend for his compliments on the support that he received from officials at the Department for Work and Pensions. They will welcome his words, because they put enormous energy into the initiative, as did my predecessor, the right hon. Member for Barking (Margaret Hodge), who has now gone to the Department of Trade and Industry. She had a personal interest in the initiative. The appropriate level of support and guidance—but not interference—will remain available for local consortiums that want additional support and to share best practice.

The hon. Member for Inverness, Nairn, Badenoch and Strathspey raised points about capacity in the health service and the attitude of employers. We are in constant dialogue with officials and Ministers in the Department of Health and elsewhere on the matter. We all share an ambition—it is shared across Government, so that there is no lack of will and determination to achieve it—and we are engaged in detailed conversations about capacity.

As the hon. Member for Bury St. Edmunds (Mr. Ruffley) pointed out, if we are to reduce the number of incapacity benefit recipients by 1 million, supporting people in getting work is not all that is needed. We must prevent people from going on to incapacity benefit in the first place. That is a matter of working with GPs, primary care trusts, and, crucially, employers.

The initiative is not just a matter of employment opportunities and the changing of employers' attitudes towards people on incapacity benefit and people with mental health problems; it is about working with employers to prevent people from slipping out of economic activity into the depression and lack of confidence that we heard described by my hon. Friend the Member for Nottingham, North, which leads them to leave the workplace and claim incapacity benefit. This is not just about getting people off incapacity benefit; it is about a sensitive approach to preventing them from going on to it—something that I am sure we can profitably discuss in the next few months. I have already engaged in conversations about that with the national employment panel.

The hon. Member for Bury St. Edmunds raised points that also arose in other hon. Members' speeches this morning. We expect that the national roll-out of pathways will largely be achieved in partnership with the voluntary and private sectors, with the proviso that he suggested that it should provide value for money and be effective. We think that working in partnership with local agencies will provide the dynamism, flexibility and spark that will help us with the national roll-out.

I have two things to say about the voluntary sector. First, now that we have greater ambitions for the voluntary sector and are asking it to do more, we

[Mr. Jim Murphy]

cannot ask it to do so on a cycle of annual budgets and annual contracts. It is not feasible, fair, effective or cost-effective, and it will not deliver on our collective ambitions. As we all know from our conversations with representatives of the voluntary sector, when organisations are asked what they want to do first, they often say, "My first priority in my one-year contract is to get a renewal for next year. My main role in week one is to scope next year's funding plan." It is not reasonable to request the voluntary sector to work in that way, particularly if we are asking it to do more. I hope that the hon. Member for Bury St. Edmunds is reassured by the fact that the pathways contracts, for example, will build a three-year cycle, which will give a greater sense of stability.

My hon. Friend the Member for Glasgow, South-West gave his own interpretation of the point about vacancies in cities, but it is my understanding that the Department for Work and Pensions has published a detailed analysis. I shall look at it, and if there is a gap in the analysis I shall of course do as my hon. Friend suggested. As to contracting, external consultants are currently reviewing how we contract, and whether we do so in the most cost-effective and productive way. Once we conclude that work, I shall of course share it with hon. Members.

We have come to the conclusion of a helpful discussion. I congratulate my hon. Friend the Member for Nottingham, North again, and not only on securing the debate. He and my hon. Friend the Member for Glasgow, South-West have taken a keen interest in how we support those who are economically inactive, how we drive up employment opportunities and how we end the cycle of low aspiration in families. Cities are key parts of that. They are engines of economic regeneration and development and I thank my hon. Friend for securing the debate.

London Olympics

11 am

Dr. Vincent Cable (Twickenham) (LD): It is a pleasure to introduce this debate. I suspect that we will have quite a few debates on the financing of the Olympics in the next six years. It is appropriate to visit the subject now, because we are getting past the stage of general concept and into the practical, gritty reality. The Olympic Delivery Authority has been established and the chief executive of the London Organising Committee for the Olympic Games is now in place. There is also the public inquiry into the site, and people are beginning to talk seriously about funding.

In the past few weeks, David Higgins, in almost the first words that he has uttered in his capacity of chief executive of the ODA, has suggested that the infrastructure costs would be not £1 billion, as originally thought, but £3 billion. It was not clear exactly what those costs referred to, but the implication was that the man running the show has a much more realistic—and pessimistic—picture of costings than has hitherto been portrayed.

Also, the Mayor has indicated in the past few days that he might have to acquire land, at considerable cost—pessimists have argued that an equivalent of possibly double the London council tax contribution will be needed, which is not something that was considered previously. I do not know what the truth is on those items—we shall come to questions about that later—but costings are now crucial and the issue of a properly financially disciplined games needs to be firmly set out.

I share the all-party consensus that hosting the games is potentially good for Britain and good for London. We should support the games and ensure that they are a success. Success is not just about sport but about funding and the wider economics. My other motives for approaching the issue are several, the first of which is that I represent a constituency in south-west London.

I was surprised and a bit taken aback by the strength of feeling that I encountered on the doorstep in the past few weeks from people who had realised for the first time the extent of the council tax increases that they face—because of the nature of property valuations in London, many are nearer £40 than £20 a year. It is not so much the cost, which I guess most people can afford—at least at the upper end of the income scale—as the feeling that things are open-ended and there is much more to come.

In trying to justify the games and explain things to my constituents, I appreciate that their response is not just a grumpy reaction to paying for the games. Twickenham is already a sporting Mecca and we are proud of that. There are the usual frictions associated with stadium communities, but we are proud of our association with rugby union. However, the key thing about the sport is that its big events—from the World cup down to internationals—are self-financing. It does not depend on largesse from London or the Government. Indeed, one of the gripes of rugby union is that corporation tax has to be paid on its profits, just as if it were a company, and the surpluses go to the

Treasury, not back into grass-roots sport as they should—a point that I have made to the Minister and the Chancellor.

We now have another big spectator sport in Twickenham. As a fellow Yorkshireman who grew up with rugby league, I know that the Minister will be pleased that Twickenham now boasts a rugby league side that sits above the mighty Wigan in the premier league. Like rugby union, however, rugby league is a self-financing sport and does not depend on subsidy.

We have also had bad experiences locally of national funding of sport, which has jaundiced an awful lot of people's thinking. I suspect that the biggest participant sport locally is swimming. We have one public swimming pool, which is open and heated. For my first five years as an MP, I battled with Ministers and Sport England to get some support from the lottery for the pool. Initially that was ruled out on grounds of pure dogma—in no circumstances would the lottery support open pools—but, with the help of the then Sports Minister, we got the fatwa lifted. However, we were then told that although the pool was an admirable project, which would serve many thousands of people and was no longer barred on principle, Sport England did not have enough money, so we had to go for a cheaper patch-and-mend solution. Unfortunately, a few months after the announcement we were told that there were hundreds of billions of pounds available from the sports lottery for the Olympics. I think the Minister will understand that a lot of my constituents—the tens of thousands who use this community facility—are a little jaundiced when they hear about the way in which the Olympics are being funded.

My final local point is that, like all communities, we have local athletes of whom we are very proud. Unfortunately, in the case of Twickenham, the most celebrated name recently has been that of the gymnast Ben Brown, who publicly announced that he was no longer able to continue training for the Olympics because there was no support for him. I know that the Chancellor has subsequently come forward with a handsome sum of money, but I think it was too late in his case.

I paint this picture because I want to try to convey to the Minister the fact that in my area, as in many parts of London, let alone other parts of the country, there are mixed feelings about the way in which the Olympics are being funded. There is a general sense of pride and optimism, but also grumbling. I am anxious that the grumbling should not become anger, and to that end we must ensure that things are properly managed financially.

A second personal reason for wanting to introduce the debate is the work that I did before I became an MP. I was involved in the oil and gas industry, with projects that were often as big as the Olympic games. In the private sector, no less than in the public, there can be massive errors and cost overruns. I have recently been reading about the travails of my former company in its projects off Sakhalin island in Russia, where costs are several hundred per cent. more than budgeted. In the private sector, there are disciplines to deal with that, which we used to call scenario planning. Managers are forced to set out what could happen rather than what they would like to happen and think will happen. In the funding of the Olympic games, I do not sense a hard scenario planning discipline. Are people looking at worst case scenarios, budgeting for them and preparing for the worst possible outcome, not in order to knock the games or undermine them but to be hard-headed and ruthlessly realistic about the prospects? That is my background and why I have come to the debate.

We are all concerned with trying to make a success of the games. Success is about money as well as sport. As the Minister knows, recent Olympic games have a mixed history. Some have been unambiguously successful: Seoul, Los Angeles and probably Barcelona—although there has been an argument about the legacy of the buildings there—are normally included in that category. Some have been commercially successful, although perhaps not successful in sport: Atlanta is the obvious case. Some were disasters, some for purely political reasons: Moscow and Munich. We have had commercial disasters, of which Montreal is the obvious example. Sydney massively overran and, most recently, in Athens costs escalated from £2 billion to £8 billion in broad global terms, and there is continuing anxiety about how Greece will cover that. We clearly want London to be at the top end of the range, rather than the bottom.

In order to try to analyse the problems, I have been trying to get a handle on the costs of the games. One of the difficulties is that quite apart from the big document that the costs are contained in, they are being presented in many different ways. Revenue and capital are also mixed up, there are differences between cash flow and balance sheet accounting and all kinds of conventions are being used, so it is difficult to get a handle on the costs that we are talking about and how they are being set off against revenue streams. In simple terms, so we can talk from a common base, my understanding is that the cost of the Olympics can be roughly put into three main categories.

First are the operating costs of £1.5 billion, which are predominantly commercial and are covered by TV rights, tickets and sponsorship, although there is an explicit Treasury guarantee on that component. Secondly, there is £2.4 billion in funding from the lottery, London council tax payers and the London Development Agency for the village's essential infrastructure, the transport, the stadiums and the security costs. The third, slightly ambiguous bit includes elements that were to be funded anyway, such as the Lea valley development and the village, which was originally seen as a purely commercial project, but which might not be now, given the Mayor's comments. It also includes the £7 billion envisaged for transport, which may or may not be necessary, but which would be desirable. We therefore have a rough range from about £4.5 billion to £12 billion, depending on what we do or do not include.

The big challenge for the organisers—the Government are, of course, centrally involved—is how to ensure that the costs do not explode as they have in other public and private sector projects. I am sure that the Minister is fed up to his eyeballs with all the pessimistic stories about previous public sector projects, but what amuses me is that people always choose the Wembley stadium project as a bad example, when in fact it has been pretty successful compared with many other projects, because the cost overrun is

[Dr. Vincent Cable]

only 20 per cent, the project is overdue by only a year and almost all the extra costs have been borne by the commercial partner, Multiplex. That is rather a good outcome compared with many other projects, such as the Jubilee line, let alone real horror stories such as the Scottish Assembly or the British Library, which is probably the ultimate disaster case, having cost 10 times the original estimate and been 10 years overdue. Clearly, we are not heading down that road, but a lot of discipline will have to be exercised if we are to get close even to the outcome of the Wembley project, although of course the Government and the organisers cannot allow such an outcome, because the Olympics must be delivered on time.

The central problem is that the organisers must ensure that the project is delivered not only on cost, but on time. Some pretty sophisticated thinking is going into understanding how we can improve on previous public sector experience with big projects by drawing on best practice, as happened in the case of the T5 terminal, which is the model that is now being used. The central problem, however, is that although the Government, the Mayor and the people who will be operationally responsible are thinking about best practice, the people in the construction industry are also learning from experience. People do not get to be the chief executives of big construction companies by being Mother Teresa—they are hard-headed people and they have learned the lessons. Companies do not want to be the next Multiplex, so they will put in very high bids for contracts that involve rewards for coming in under cost and penalties for going over cost—nobody will take the risk of overshooting. When the bids come in, I suspect that we will be shocked by how big they are, and Mr. Higgins has perhaps been preparing us for that.

I want to set out a long series of questions. I hope that the Minister can answer them and that they will trigger discussions among colleagues in the Room. I think that they will form the basis for a process of questioning and public accountability in the months and years ahead. First, can the Minister explain what Mr. Higgins meant? Which infrastructure costs was he talking about? Was he talking out of turn or was his estimate of the cost escalation sensible and prudent?

Secondly, and related to that, when will the KPMG study on the cost of the Olympics be published? What is the Government's estimate of construction cost inflation? We do not need to get such information from an expensive commercial consultant, because it is presumably available to the Bank of England and the Treasury. According to unofficial estimates, cost escalation is about 7 per cent. a year, rather than 3 per cent. a year, but is that correct?

Leading on from that, once the KPMG study has been finalised, who in the Government or the ODA will be responsible for monitoring and modelling the construction industry over the next five to six years? I ask that because an awful lot of work will be going on. I think that the hon. Member for Cities of London and Westminster (Mr. Field) spoke about this in a recent debate. Although the transport projects, the London Gateway project and the bridge are complementary to the games, they are also competing with the games for construction raw materials and labour. Who will monitor supply and demand in the construction industry? Has anyone got a grip on that? Presumably it is not the Department for Culture, Media and Sport. Is it the Department of Trade and Industry or the former Office of the Deputy Prime Minister? Is anyone in Government or involved with the project considering the overall flow of supply and demand in the construction industry and how that will affect costs as the project rolls forward?

There is a question about new items of cost. There is the possibility, raised by the Mayor, of the compulsory acquisition of land—of London buying land that was hitherto assumed to be part of a voluntary, purely commercial exercise. Will that happen? I do not know what the risks are, the current state of play or the Government's assessment of it.

There is a series of questions about how the ODA and the various partners to the Olympics will deal with the pressures that I have described. One question is about how they will deal with issues of design. There is clearly a big difference of strategic focus between the Mayor and Lord Coe. I am not a great fan of the Mayor of London, but I believe that he said the appropriate thing for an elected politician when he said that London

"was not in the position of spending additional monies on iconic buildings",

but he was promptly contradicted by Lord Coe, who rather tartly observed:

"We wouldn't want a tin-shed Games on the edge of a city."

Reading those quotations, one sees that there are very different perspectives on how the games and the facilities should be designed and costed. It is appropriate to ask the Minister where the Government sit in that controversy. What end of the spectrum are they at? Do they broadly agree with the Mayor or with Lord Coe? Where will they throw their weight in the argument?

Another question about how the Government in particular could help with the management of potential costs relates to the subcontracting of much of the construction work. One of the more worrying documents that appeared in the past few weeks was the report by PricewaterhouseCoopers, which I am sure the Minister has seen. It says that whereas London's GDP will benefit by some £6 billion, non-London will lose £2.8 billion. In other words, the rest of Britain will be worse off than if another country had staged the event. I present that not as a negative debating point but to make the point that the provinces of Britain could benefit from large-scale outsourcing and prefabrication in respect of a great deal of the work. They will have lower construction inflation, too. Clearly, the process needs to be managed, and I ask the Minister who is managing it.

There is a series of questions about sponsorship. The £1.5 billion needs to be met through aggressive and successful sponsorship. We all wish the sponsors well. It is a worthy cause and I hope that they are able to raise the money, but it is a big ask, because we are talking about more being raised in sponsorship than the whole marketing budget for British sport in any one year. What happens if the sponsorship falls short and the £1.5 billion operating budget cannot be met? Who

is first in line to take up any slack if the sponsorship does not come in as we hope it will?

My hon. Friend the Member for Bath (Mr. Foster) has been pursuing a series of issues relating to the link between sponsorship and the integrity, the copyright, embedded in the Olympic symbols. Quite rightly, the Government have been tough in insisting that those symbols should be protected. There is real intellectual property there, and protection is essential to encourage sponsors to come forward. There is an issue of detail, because we are all beginning to hear from small businesses that are irritated or frustrated that they cannot muscle in on the Olympics. The question for the Government is about when they will produce the guidelines that explain exactly how the integrity and intellectual property elements of the Olympic symbols are to be protected. What guidelines will govern people who try to encroach on that terrain?

There are also questions about security; we know from the Athens experience that that can blow the financing of the games wide open. Clearly, the Government have to give security priority. If the security budget goes way beyond what was in the bid document, where will the slack be? To what item of the budget will the Government look to offset any escalation in security costs, as could well arise for very good reasons?

There is also an issue about the legacy and its costing. Who will benefit from the legacy? In the past few months, a change in the concept of the Olympic village has emerged; the village could become a more valuable, high-density development than was originally envisaged. Presumably, that means that after the games it will be worth a good deal more. That is positive, but who will have first access to that money? Will it be London, the Government or the International Olympic Committee? Under what formula will any upside be apportioned between the various partners? Similarly, who will take the first hit if it all goes badly? I am not clear that there is a clear protocol that defines which of the various supporters and guarantors will be first in line to take both the benefits and the losses that might arise.

How far have we gone in clarifying what will happen to some of the legacy buildings? I am aware that the IOC has praised the London Olympic bid for the thinking that has gone into legacy work. That is a very positive sign. As one who represents the rugby Mecca, I was somewhat struck by the proposal, current until recently, that the main likely future for the big stadium was to downsize its capacity from 80,000 to 25,000, and that it would probably then be used for a London rugby club. Harlequins, my local rugby club in Twickenham, is good and well supported, but even with the recent expansion of capacity, it operates at about 10,000. It is not at all clear how any London rugby union or rugby league club operating in the east end close to West Ham will be able to pull in anything remotely like 25,000 spectators. The concept I have talked about may have disappeared, but it would be useful to have clarity on whether the issue has been resolved, and if so, in what form.

We acknowledge that it was necessary to enter various guarantees, involving notably the Treasury, but also London as a result of the memorandum of understanding with the DCMS. The lottery is also a potential support. However, from what I have read and discussed, what is missing from the picture is the exact relationship that would exist between those three potential guarantors and support bodies in the event of things going wrong. Who will take the first hit when, and under what conditions? We need more clarity on that.

Among my constituents there is a mixture of pride and hope on the one hand, and worry, anxiety and even a degree of cynicism about the funding of the games on the other. The feeling is that the present generation of politicians of all parties is only too happy to scoop up the credit for having brought the Olympics to London, but in six, seven or eight years' time somebody else will have to pay the bill. If we are to prevent that anxiety from degenerating into outright cynicism, it is important that we should be absolutely up front and clear about the costs, risks and potential dangers, and that we should face them now.

11.24 am

Mr. Christopher Fraser (South-West Norfolk) (Con): Initially, I came only to listen to the hon. Member for Twickenham (Dr. Cable). However, having understood and appreciated what he has said, I should like to make a few comments.

Financial commitment is an important aspect of the games, because we have, dare I say it, been here before. Contingency planning has come before the House for many years. I remember when we discussed and managed the preparation for and development of the millennium dome, when I sat on the Select Committee on Culture, Media and Sport. Over a period of two years or more, we had the then Minister, Mr. Mandelson, in front of the Committee—I hope that the Minister will spend some time looking back at some of the evidence given then—and our biggest issues and complaints were about contingency planning.

Of course, things happen, as part of a development process, that one does not anticipate at the beginning. The hon. Gentleman's earlier questions on this issue are particularly timely, because we now have an opportunity to overcome some of the problems from which we have suffered on issues such as the millennium dome.

The hon. Gentleman pointed out that sponsorships have to come in. One of the problems with the millennium dome was that sponsorships did not come in on time, and the Ministers and other people involved with the commissioning of the dome had to back-pedal on many occasions. We all know that the costs spiralled enormously. Having said that, the dome opened on time, but then there was a big question about its legacy. Unfortunately for the Government and all those who supported the dome, the press had a field day and the dome became a great white elephant. The issues of the dome and its legacy still have not been resolved, and I do not want to see what could be a fantastic event for this country, with a fantastic legacy, being handled in a way that does not close off all the financial issues that were not closed off for the millennium dome.

The Culture, Media and Sport Committee also studied the preparation and build-up of the Olympic games in Sydney. Our Chairman decided that it would

[Mr. Christopher Fraser]

be appropriate to go out to Homebush, and we spent some time there. I was extremely impressed by the work done by the Australians in preparation for and in the build-up to those games. I may have this wrong, but I remember being told that they had sold off the competitors' village in advance to raise funds. We all thought that was fantastic, but at the end of the games—like many others, as was well described by the hon. Gentleman—even though their contingency planning was, in my opinion, well scrutinised in advance, they came across some extremely large financial costs which had to be supported by the Australian nation.

We cannot take anything for granted. We want the games to be a success. I want that not only for my constituents but for the nation. Importantly, we must accept that although not everyone can participate and compete in the games, everyone can be a part of the process. I would like the Minister to accept this morning, in terms of the planning commitments and finances that go with them, that we should have a nationwide project through our schools, sports clubs, regions and local authorities to encourage people to participate in a successful launch and games. That could do many things: it could mean that everyone says, "I didn't compete, but I participated," it could help to raise funds, and it could make people buy into the concept, so that when the games happen, everyone owns part of them. The nation's ownership of the games is a fundamental part of everybody understanding the financial commitment that goes with them.

I have a specific point to put to the Minister about the games and their legacy, and about contingency planning in order to get the "best of British" flag flown from the beginning. Does he agree that an environmentally sustainable Olympic park that demonstrates the best in UK green landscaping and planting would be a valuable contribution to the games? I speak with a vested interest: I am vice-chairman of the all-party group on gardening and horticulture, and in my constituency there are many companies that can and will produce first-class plants, trees and all sorts of landscaping products for use at the games.

My point—and it has been amply demonstrated that this was not well handled at the Athens Olympics—is that such activity is always considered last and not first. If we want to give a commitment to make the park an environmentally sustainable place where the whole nation can participate and it becomes a British park—not a world park, because we are flying our flag and nobody else's—I have to ask this question of the Minister: as part of the financial commitment, will he join me in calling on the Olympic Delivery Authority, by ring-fencing funding early in the development process, to allow this to happen, because I assure hon. Members that it would pay dividends in the end?

May I draw to the Minister's attention my early-day motion asking for this commitment? It currently has all-party support, but not enough people recognise the need for us to fly the flag for Britain. We need to make a financial commitment now, and we must ensure that that financial commitment, and the contingencies that go with it, are fulfilled before, during and after the games.

10.31 am

Mr. Don Foster (Bath) (LD): I congratulate my hon. Friend the Member for Twickenham (Dr. Cable) on securing the debate. It is traditional to say that, but I also congratulate him on the content of his contribution. He made it very clear that the Liberal Democrats are fully supportive of all the work being done to ensure that London in 2012 has the best ever Olympics and Paralympics. However, he also made it crystal clear that our support comes with a clear understanding that we will be critical friends of the project, and that we will not be prohibited in any way from seeking answers to some of the crucial questions—questions that were raised not only by my hon. Friend's constituents in Twickenham but by people across the country. I am delighted that he had an opportunity to put a series of questions to the Minister, and I am sure that we all look forward to the responses.

There have been many debates in this Chamber and elsewhere about the Olympics and Paralympics. During them, it has been traditional for the relative merits of the cities of Loughborough, Bath and Sheffield to be aired, and for the virtues that they have to offer in respect of the Olympic movement to be extolled. I am prepared today to agree to a self-denying ordinance to make mention no more of my wonderful city and the contribution it can make, if we get a similar assurance from the Minister in relation to Sheffield.

The crucial thing so far has been the cross-party support for the Olympics. In a recent letter from the IOC to the Secretary of State, the IOC praised that cross-party support and made it clear how important it had been in securing the Olympics and Paralympics for London in 2012. I must place on the record therefore my considerable disquiet at the winning of the Olympic games having been used in a Labour party election broadcast in the run-up to the recent local elections. I know that that concern is shared by the hon. Member for Faversham and Mid-Kent (Hugh Robertson). We have raised it with the Secretary of State, and we have been given a clear assurance that such events will not be repeated, which I welcome. We have also been assured that there will continue to be the opportunity for members of Opposition parties to work closely with the Government on the various issues that will no doubt come before us over the next few years, because this is a crucial project. It has not been said so far in this debate, but it has been said elsewhere, that seeking just to build the Olympic park and to make the associated transport arrangements is the equivalent of seeking to secure within just six years two terminal 5s. This is a huge project. My hon. Friend the Member for Twickenham is absolutely right to say that it is critical that we examine and question issues relating to the cost of this mammoth undertaking at all stages and to what happens if things go wrong, as they are likely to in one way or another. He rightly asks questions about who will pick up the tab and who will get the huge benefits that may come.

It is crucial that we do not see the winning of the games a year ago as the end of the matter. One of the

diligent researchers in my office came across a quotation from Polybius, made over two and half millennia ago:

"Those who know how to win are much more numerous than those who know how to make proper use of their victories."

In a sense, that is what our debate is about: ensuring that we make proper use of our success in Singapore a year ago. Scrutiny mechanisms must be in place to ensure that we do not have the sort of fiasco we had with the millennium dome or the many other public sector projects to which my hon. Friend referred.

We must ensure, as the hon. Member for South-West Norfolk (Mr. Fraser) rightly said, a sustainable legacy. That includes an environmentally sustainable park and many other aspects. We will be critical friends of the project, but from the outset enormous praise must be given because of the huge progress already made. That progress was recognised by members of the visiting IOC delegation recently. They rightly said that we were years ahead of some other cities that had previously won the great honour of hosting the Olympic games in their countries.

The London Olympic Games and Paralympic Games Act 2006 was passed in record time, and it will set up the various bodies that run the games. The Olympic Delivery Authority and London Organising Committee of the Olympic Games are both now well under way, and soon we shall see the official launch of the ODA, even though it already has some excellent people on board—people in whom I have a great deal of confidence. The organising committee has begun to search for the first tier of sponsors, which is an example of good, early progress.

London 2012 now controls 90 per cent. of the land at Stratford and has done deals with the majority of landowners. As my hon. Friend the Member for Twickenham says, we still have the compulsory purchase order inquiry to come, but good progress has been made. Work has already begun on the Olympic site with the burying of what were previously overhead power cables. Recently, Stratford International station has been completed, which will open next year once the final stage of the channel tunnel rail link is completed.

During the past 48 hours, we have seen the success of the national lottery, not just in meeting the £14 million target for this year's Olympic lottery games but in exceeding it by more than £2 million. We know that work is under way to consider all aspects of cost. My hon. Friend rightly referred to the KPMG study, and we look forward to that report. I hope that it will touch on the issue that he raised of inflation costs. A figure of roughly 3 per cent. has been assumed, but many people are saying that inflation costs in the construction industry are running somewhere in the order of 7 per cent.

Understandably, there will be concerns. My hon. Friend said that we should be "ruthlessly realistic" about the cost of the games, and that notion should apply at all stages. The fullest information must be made available, so that as many people as possible can be engaged in the necessary scrutiny. We do not wish to be left in the same situation as Athens—some are saying that it will still have to find about €9 billion or €10 billion.

We know that there are huge challenges ahead, and my hon. Friend mentioned many of them. I do not wish to repeat things, but I shall discuss additional concerns. A huge challenge is being given to the national lottery in respect of the money that it is to secure both from its traditional funding sources, where money will be taken away, and from the money raised through the specific Olympic promotions. Despite the recent successes—overall lottery ticket sales have increased for three years on the trot, which is welcome because of the money that is going to good causes—there are some clouds on the horizon.

One such cloud relates to lottery-style games, which are increasingly being run by gambling operators and have no mandate to raise money for good causes, yet offer lottery-style arrangements. They confuse consumers, are at odds with the duty of the Gambling Commission to ensure that gambling is conducted in a fair and open manner, and are increasingly diverting money away from the national lottery and the good causes that it supports, including the Olympics.

I also have a concern about possible impacts on the national lottery of the newly-established online lottery, monday. Recently, on the Floor of the House, I asked the Minister whether it had been set up as a result of a loophole being found in the existing legislation. I was told that that was certainly not the case and that it was all perfectly above board. It seems odd that monday is claiming that it is offering a prize of £1 million, yet the operators are set up as a so-called society lottery, for which the legislation requires that the maximum prize be £200,000. The only way in which it can offer £1 million is by linking five individual lotteries, but I understand that such linking is also not permitted.

We have concerns about how that particular online lottery is operating. It is setting itself up very deliberately—its advertisements are clear—in competition with the national lottery. I recall the Minister assuring me during debate on the Gambling Bill that everything possible would be done to protect the national lottery. I am in favour of society lotteries. I moved amendments to propose that such lotteries that provide funding for hospices, for example, would be protected. The monday operators have found a loophole in the legislation, which I hope will be examined quickly.

My hon. Friend and I share the growing concerns of some Londoners about the contribution that they will have to make. My party has argued, and the Conservative party has supported us, that there should be a cap on the total contribution that London council tax payers should make to the running of the games. Londoners will benefit more than those in other parts of the country, but there is a limit to what they should realistically be expected to pay. They should not be put into a situation where they have no certainty about how long they will have to make the contribution for. I must point out something that is rarely said in a debate about London council tax contributions. The total contribution is estimated at £625 million, but the Mayor of London has always made it clear that that represents £550 million going towards the Olympics and Paralympics, and the further £75 million has been included for potential cost overruns.

I am also concerned that Londoners may not get the full benefit that they seek. One concern is whether we are doing sufficient to ensure that people in London have the necessary skills to acquire the jobs that will be

[Mr. Don Foster]

created. A recent Local Government Association report expressed concern that not enough was being done about that.

Another area of concern relates to tourism, for which the Minister also has responsibility.

The Minister for Sport (Mr. Richard Caborn): No longer.

Mr. Foster: I apologise to the Minister. He has been stripped of that responsibility, but he had it until recently, and I know that he is an expert in these matters, so he will have no difficulty in responding to my point. I say to him in the gentlest possible way that I for one am confused by the Government's policy on tourism. Before we had won the games, the Secretary of State proudly boasted that she would get behind tourism and that, consequently, by 2010 we would achieve income of £100 billion from tourism. That was her tourism target. The Minister looks puzzled. It was published on 19 July 2004.

We won the Olympic games, there was a pause and then the Prime Minister decided to get in on the act. He produced the Prime Minister's Olympic tourism charter. When we asked for a copy of it, nobody could give us one. Eventually we got one—it was printed on one side of an A4 paper—but nobody has heard any further details. The interesting thing was that it set a target of £100 billion for income from tourism by 2012. Having won the Olympics, the Government appear to have downgraded their aspirations for income from tourism.

Finally, on the nations and regions, I have spoken to the Minister about the commitments that we all made to our electorates that all parts of the country would benefit from the Olympics and Paralympics coming to London. It is critical to ensure that that is the case and that at the earliest possible opportunity people in every part of the country who were so supportive of the bid for the games are given information on how they will benefit not just from one-off contracts, although those are important, but from lasting legacies in each nation and region.

I note with some concern that the chief executive of the British Olympic Association is urging the Minister, as did my hon. Friend in his excellent contribution, to publish at an early stage a set of guidelines on how plans for—rightly—protecting the Olympic symbols and names will be put in place in a way that enables firms, businesses, organisations, charities and so on in each of the nations and regions to feel that they are able to contribute.

My hon. Friend asked a series of excellent and important questions. We look forward to the Minister's answers, but I end where I began, by saying that, notwithstanding the fact that we are critical friends of the Olympics and Paralympics, we believe that significant progress has been made. The games are a huge opportunity for each part of this country as well as for London, but a great deal of work must be done to ensure that we grasp that opportunity in such a way that our preparations are not only on time but on budget.

11.48 am

Hugh Robertson (Faversham and Mid-Kent) (Con): I, too, congratulate the hon. Member for Twickenham (Dr. Cable) on securing this debate on the financing of the Olympics. It is of course only six weeks since the London Olympic Games and Paralympic Games Act 2006 passed through the House, but three key things have changed since then. The first is that the Olympic Delivery Authority has been formed as a result of the Act. It is focusing its attention on land acquisition, site assembly and, particularly, the businesses. Secondly, the Olympic precept has hit the doorsteps—people are now paying for the games.

Thirdly, the local elections have taken place. We had the same feedback in west London that the hon. Gentleman described. There is a clear feeling that people in the west of the capital are not benefiting from the process at all, and that came back time and again during the local election campaign. We have already spoken to the Minister and voiced our dissatisfaction about the party political broadcast. I suspect that in some subconscious way people's feelings were stirred up. There are many people in the west of London who believe that the games are very east London-centric and that they are not benefiting them. The first of five questions that I want to ask the Minister is about the plans of the Government and the Mayor to ensure that west London benefits from the Olympics in the same way that east London evidently will. I want to concentrate firmly on the financing of the Olympics.

As the hon. Member for Twickenham said, the issue is a jungle, but it is best explained by breaking the Olympics down into four departments. The first is the area for which central Government are responsible. They have responsibility for the overall strategic direction, the legislation and the funding through the Exchequer and lottery. As the hon. Gentleman said, tied up in that are generic infrastructure improvements—exact cost unknown. The second department—these divisions correspond exactly to the four seats on the Olympic board—is the responsibility of the Mayor and the ODA. They are responsible for infrastructure; the estimate for that is £2.375 billion.

The third department is that managed by LOCOG, which is effectively the event manager. It raises its income through sponsorship and merchandising. When we considered the Bill, we were told that LOCOG had to raise £1.5 billion, as the hon. Gentleman said. In a written answer to me this week, the Minister for Sport suggested that that sum was too big. Finally, there is the BOA, which is responsible for training the athletes.

The best analogy for that structure that I have heard is that of a theatre: the Government decide that having a theatre would be a good thing; the ODA and the Mayor build the theatre; LOCOG is the events manager who lays on the show; and the BOA ensures that the actors turn up ready to go, having learned their lines. That is the rough division.

Let us consider those four areas one by one, starting with the Government. We debated the Government's part extensively during proceedings on the London Olympic Games and Paralympic Games Act, and there are two points worth emphasising. First, there is still a

crucial lack of protection for Londoners from any cost overruns that may occur. We suggested to the Minister—we proposed an amendment, supported by the Liberal Democrats, to this effect—that there be a cap on Londoners' contributions. In the absence of that cap, the feelings that the hon. Member for Twickenham mentioned will continue. There is a real worry—particularly in west London, where the hon. Gentleman's constituency is—that costs will overrun and that Londoners will be left to pick up the tab. Until the Government address that, those concerns will continue.

The second point to emphasise is that the Minister could have been spared the battle with the Treasury over funding that characterised the autumn and the spring and that caused so much unpleasantness if the Government had adopted either or both of the policies that we advocated at the time. They were: to return the tax on the Olympic lottery game as a one-off—that would have provided £320 million, which would have comfortably paid for all the elite athlete provision—and to put back the four original pillars of the lottery. The other day, I was interested to note figures from the Library showing that since the lottery was reformed in 1998, £3.2 billion has gone away from those four original pillars, although some of it has come back. That is quite a headline figure. If sport had received a quarter of that—£800 million—it would be in a dramatically different place.

The second of the four areas is the part played by the Mayor and the ODA. That is at the heart of this debate. London council tax payers are expected to contribute £625 million. A KPMG review is in progress, and that will look into where costs have increased and where value can be added to the site, and so where the bill can be adjusted. However, there are five key things that give us worries about cost overruns. The first is the evidence. I am afraid that the evidence is simply that every single Olympic games up to now have substantially overrun their budget. Local taxpayers in Montreal are just now paying off the debts incurred in 1976. Sydney's budget was £1 billion, but the games eventually came in at £2.8 billion; the hon. Member for South-West Norfolk (Mr. Fraser) alluded to that. The Athens budget of £1 billion went up to £5 billion. So the evidence is not at all encouraging; indeed, the one thing of which we can be sure—apart from death and taxation, of course—is that there will be an overrun on the Olympics.

The second worry is that security costs are likely to soar. The budget was decided on before 7 July last year. No Member of this House can believe that the international security situation will improve dramatically in the near future. I think that we would agree that, if anything, it is likely to get worse. It was the rising cost of security that caused Athens to run over budget so dramatically. I believe that the security budget is £220 million. The question is whether the Minister still holds to that figure.

Mr. Don Foster: I urge caution on the hon. Gentleman. Was not a new Tetra security system established as a result of the increased cost of security in Athens, which has provided a lasting legacy? That could have been borne outside the Olympic costs. We have to be careful about where the different costs lie.

Hugh Robertson: I entirely take the point. However, the central point is that the original budget of £220 million is unlikely to sustain the post 7 July environment.

Thirdly, I have always felt that there is a contradiction at the heart of the process. The Mayor has always been commendably honest about his reasons for supporting the Olympics: he wants to regenerate the east end of London; it is his lifetime's passion. However, that is not the Government's key priority; they want to deliver the 2012 Olympics on time and on budget, as the best games ever. The temptation for the Mayor to try to get a little more for his key lifetime's project of regenerating the east end will be irresistible. That will necessarily add to the pressures on the budget.

Fourthly, the cost of acquiring land in the lower Lea valley—and therefore of site assembly—is bound to have risen dramatically since we secured the Olympics. That is an inevitable product of the market.

Finally, to pick up on the point made so clearly by the hon. Member for Twickenham, I looked up the inflation rate of building costs, and the current estimate is that it stands at 7 per cent. However, the bid document shows it to be 3 per cent. My second question for the Minister is therefore this: is the funding package of £2.375 billion still accurate, and in particular how have the estimates for security at £220 million and for construction sector inflation at 3 per cent. altered since we debated the Bill?

The third area of concern is to do with LOCOG. It has rightly received wide praise for the progress it has made since the bid was won—particularly, as the hon. Member for Bath (Mr. Foster) said, during the IOC visit. When the Bill was going through Parliament, we were told that LOCOG would have an operating budget of £1.46 billion. That was made up of £550 million from the IOC; £310 million from ticket sales in its role as an event manager; £100 million from revenue, licensing, merchandising and the like; and £500 million from sponsorship. However, in answer a week ago to a written question that I tabled, the Minister told me that LOCOG's budget is now £2 billion. My third question to the Minister is why has the budget risen from £1.46 billion to £2 billion, and when was that increase announced? In connection with that, does the Minister still stand by LOCOG's original expectation that it would produce a profit in excess of £100 million? Clearly having to raise so much more must throw that profit forecast into doubt.

My fourth area of concern is the BOA—the fourth pillar of the Olympic board. It is in the market looking for sponsorship. We have raised the issue with the Minister before. Private sponsorship is now an extraordinarily congested field—a point made by the hon. Member for Twickenham. As far as I could see in my brief survey, LOCOG is in for either £1.5 billion or £2 billion; UK Sport is looking for £100 million, as announced by the Chancellor in the Budget; the Youth Sport Trust, albeit a charitable organisation that has already secured sponsorship for the UK school games, is also in the market looking for money; and the National Sports Foundation, which the Minister launched in April, is looking for private sponsors. That strikes me as an incredibly congested field. A number of sports bodies are likely to be competing with each

[Hugh Robertson]

other and possibly against each other, so my fourth question for the Minister is how does the DCMS, which is the only body that can regulate or act as umpire, plan to regulate the market, and what are its priorities?

London 2012 has two central sporting objectives. The first is to put more British athletes on the rostrum, and the second is to increase the number of people who take up sport. The first has been dealt with as a result of the Chancellor's announcement in the Budget, but the second very firmly has not. Many people are making encouraging noises about how we want to get more people, particularly young people, involved in and taking up sport for all its health and educational benefits. So far, however, no pot of money will pay for those improvements, and they will not happen by magic. The Greeks tell me that fewer of them participate in sports now, after the Olympics, than before. The Australians, whom I visited last month, told me that there was no discernable take-up in sport as a result of the 2000 Olympic games. The fifth question is how can the improvement in mass participation be financed? Connected to that, does the Minister believe that through Sport England, the structure is capable of delivering the improvement?

In conclusion, I congratulate the hon. Member for Twickenham on securing this timely and useful debate. I thank all those who have contributed, including my hon. Friend the Member for South-West Norfolk, and of course the hon. Member for Bath. I would like the Minister in his winding-up speech to address five key questions. First, what plans does DCMS have to ensure that the whole and not merely the east of London benefits from the games? Secondly, is the funding package of £2.375 billion still accurate, and what are the estimates for security and construction sector inflation? Thirdly, why has LOCOG's budget risen from £1.5 billion to £2 billion, when was it announced, and does it still hold to its target of producing more than £100 million in profit? Fourthly, how do the Government plan to ensure that the sponsorship market is properly regulated? Finally, how are the improvements in the mass participation agenda to be structured and delivered?

12.2 pm

The Minister for Sport (Mr. Richard Caborn): I shall try to answer the many questions that have been asked, but first I congratulate the hon. Member for Twickenham (Dr. Cable) on securing the debate. It is always good to update the House, and this is an opportune time to do so. I shall try to answer the questions as I go through my response to the hon. Gentleman.

As has been reflected again this morning, 6 July 2005 was a momentous day. There was great rejoicing and a great feeling of pride when Jacques Rogge said London. Several of us present today were at the announcement, and we also saw the fantastic celebrations in London and the length and breadth of the United Kingdom. We must now manage those expectations into reality, and the hon. Gentleman brought us down to earth to start analysing how we are doing so. I hope that what I shall say will provide some assurances that we are well on the way with the management of the project. It will be managed probably as no other major project in which Government have been involved has been.

We are determined that the London Olympic and Paralympic games will be a memorable and inspirational event that leaves a lasting sporting, social and economic legacy, and that not only London but the nations and regions throughout the United Kingdom benefit and gain from it. It has rightly been said that the challenge facing us is formidable. As the hon. Member for Bath (Mr. Foster) said, the biggest construction project in Europe is terminal 5, which is running at £5 billion, but we are embarking on a project twice the size in half the time. By any standards, it is a challenge, but the prize is a legacy that will last for generations.

The regeneration of the Lea valley—one of the most deprived parts of the UK— will make it into a stage fit for the greatest sporting and cultural show on earth. Although we rightly focus on the Olympic games, we must put the event in context. It is the gateway to the Gateway: the gateway to the Thames Gateway, which is a 20-year project and, again, probably one of the largest investments in transport, social and housing infrastructure anywhere in Europe. What we are discussing will bring about between £13 billion to £15 billion of investment, with a lasting legacy of not just a stadium or other sports facilities but housing, as we have heard, improved transport infrastructure, schools and health care. That is an integrated regeneration package, of which the Olympics are part.

The games will also bequeath a powerful sporting legacy to the whole UK, as I have said. Those 60 days in 2012 will give many young people throughout the UK the unique opportunity to see elite sportsmen and women competing at close hand. I have talked to people who saw the 1948 Olympics, and the experience is vivid in the mind of many of them. I hope that tens of thousands of young people will for years to come be affected in that way.

We have heard many times about the inspiration of competing in one's own country. We are determined to capitalise on that, creating a new generation of elite sportsmen and women in the UK. London will inherit major new sports facilities, including an aquatics centre, a velo park, a hockey arena, an indoor sports arena and the main stadium, but the UK will also benefit from top-class sports facilities. That is how what we are doing differs from Australia's approach and that of many other countries that have won the right to stage the Olympics in the past. Through the nations and regions group we shall invest—and are already investing—in sport and recreation facilities. An impetus is added in the Olympic context.

The work will also bring considerable lasting benefit to business and the economy throughout the UK. The games are expected to create 7,000 jobs in the construction industry alone. In addition, a further 12,000 jobs could be created as a result of the legacy development of the Olympic park area. A cultural Olympiad is planned to coincide with the games and a wide range of cultural events will be staged throughout London and the UK. Jobs are likely to be created in the cultural sector as a result, and stage managers, lighting

technicians, producers and artists will co-ordinate a massive programme of events.

The games will also offer a considerable boost to the tourism industry in the UK, by putting this country in the biggest shop window in the world. The games are seen by billions of people, and visitors will naturally want to see what else the UK has to offer. It is essential to consider tourism—a matter that the hon. Member for Twickenham raised. It has always been difficult to get visitors to one of the most famous capitals in the world, if not the most famous, to go to other parts of the United Kingdom. The games give us an opportunity to do that. Only yesterday I was discussing with representatives of visitBritain how we could capitalise on the Olympics and other sports events and use London as the gateway to the rest of the UK. We are now receiving a level of co-operation from Visit London that we have not had before.

I am fairly confident that we shall be able to do what was done in Sydney where there were an extra 1.6 million visitors between 1997 and 2001, with a spending power of 6 billion Australian dollars between them. We should expect to do equally well or, I should hope, better, in 2012. Tourism industry leaders forecast that hosting the 2012 games should be worth at least £2 billion to our visitor economy. Those benefits will fall particularly on London. However, we are committed to ensuring that the 2012 Olympics will maximise the potential for job creation, training and business growth throughout the UK.

Early progress has been made, as both Government and Opposition Members have I think acknowledged, as, recognising the need for fast progress, we either passed or at least framed much of the relevant legislation ahead of 6 July, to get a flying start if London proved successful. By 31 March this year, more than £40 million had been spent on essential preparatory works. To date the Chancellor has announced an additional investment of £200 million in our most talented athletes between now and 2012. The London Olympic Games and Paralympic Games Act 2006 has received Royal Assent, and I want to acknowledge the support that we received from all parties in the House, and indeed in the other place.

The Olympic Delivery Authority has been established and its board appointed. Its board is one of the most significant to have been created while I have been the Minister, and I was very pleased at the number of people who came forward.

Let me digress slightly, however, on the issue of the Olympic board. The IOC delegation came here to look at the progress that is being made, and everybody will acknowledge that its report was very good, but I get very concerned when I see articles that are as ill-informed as the one in yesterday's *Evening Standard*. It was headed "Get a grip now on the Olympics, Ms Jowell" and was written by Rowan Moore, who I understand—I have never met the guy—is the paper's architectural critic. The IOC delegation made it clear that it gets all the cuttings from the British press, and its members are incredibly well informed—they know what goes on in Select Committee and in the press.

Let me quote just one bit of Rowan Moore's article to show how ill informed he is. He writes:

"For much of the time since the bid was won, it has been hard to know who is in charge. It took months to announce the chief executive of the Olympic Delivery Authority, when it could usefully have been done a day after the victory."

A 10-year-old student of politics would know a lot more about how this place works than Rowan Moore does, and the headline ought to be "Rowan Moore, get a grip on the facts", but the fact remains that the article will now appear in the IOC's files. Rowan Moore is doing a disservice to the Olympics and to this nation. As Opposition Members have said, no one could have been more open than the Department, and I invite Rowan Moore to check his facts.

What concerns me more, however, is that when the Secretary of State asked the editor of the *Evening Standard* whether we could have the right to reply to the article just to put the record straight—after all, we are talking about a national programme—she was denied that right. I say this more in sorrow than in anger, but that article, with its ill-informed commentary, will now be in the IOC's file, and we do not even have the right to reply to put the record straight. Broadly speaking, in the run-up to London winning the bid, editors and the press were very supportive—

Mr. Fraser: Will the Minister give way?

Mr. Caborn: In a minute.

The press were very supportive, and we welcomed that. All I am saying to them is, if they want the information, they can come and get it, but will they please not put such ill-informed articles in newspapers and then try to argue, on the back of that, that the thing is likely to go wrong? As the hon. Member for Bath said, there will be constructive criticism, and that is absolutely right—we can accept that.

Mr. Fraser *rose—*

Mr. Caborn: Wait a minute. Don't get excited.

Mr. Fraser: I am not excited. I am trying to get on with the debate.

Mr. Caborn: We will scrutinise this issue—that is what these debates are about. If the press want the information, they should please come and ask for it, and we will give it to them. I hope that the *Evening Standard* will give us the right of reply and that Mr. Moore will make sure that he gets his facts right in future.

Mr. Fraser: May I draw the Minister back to the debate? As I sat on the Back Bench, I noted that he was asked more than 37 questions, but he has spent the past three and a half minutes on what I would suggest is a rant about an issue that he should take up outside the Room. He should perhaps spend the next 13 to 15 minutes answering our questions, which are totally relevant and which would give him the opportunity to put on the record his support for our comments and to let us know that the financial probity of the games is secure, rather than spending time on a rant against a newspaper.

Mr. Caborn: I totally reject that. I would not have had to come here to say what I did had the *Evening Standard* been reasonable about a national project and given us the right of reply. This is the only place where I can say that that was fundamentally wrong and that it will do a lot of damage to the British case—it is power without responsibility. If people write such things and know that they are fundamentally wrong, but then deny us the right of reply, the issue needs raising. However, I will leave it at that.

Mr. Fraser: Thirty-seven questions, 15 minutes.

Mr. Caborn: If the hon. Gentleman wants another Adjournment debate, he can have one. I am more than willing to spend hours in front of hon. Members.

The EDAW consortium has been appointed to design the Olympic park and infrastructure. The relocation of high-voltage overhead power lines into tunnels underground is under way to deliver an essential improvement to the environment of the Olympic park. A charitable trust to support cultural and sporting initiatives associated with the games has been announced. That initiative is worth £35 million and will see the end of the Millennium Commission with the funding going to the trust. On 24 January, the Department for Culture, Media and Sport hosted a business summit, which was attended by more than 300 business representatives and was massively oversubscribed. The summit set out the key challenges and opportunities facing business, including up-to-date information about procurement. That was followed up with a further business summit in the west midlands on 9 May, which was organised by the regional development agency, Advantage West Midlands, which is very proactive. On 30 January, the Olympic Delivery Authority announced updated plans for the Olympic park site. Camelot's income target for raising lottery income for 2005-06 was met, and indeed exceeded by some £2 million.

The first "Go for Gold" scratchcard was launched on 28 July and sold faster than any other £1 scratchcard launched by Camelot since November 2002. A second edition was issued in September 2005. On 1 February 2006, a new £1 winter sports scratchcard, "Win Gold", was also launched. During its recent visit, the International Olympic Committee expressed itself well pleased with the progress that is being made.

In 2003 the Government agreed a public sector funding package of £2.375 billion to deliver the Olympic venues and infrastructure and to secure the development of athletes. The package will be funded from the Olympic lottery, the sports lottery, other lotteries, the Greater London Authority and the London Development Agency. The bulk of the package—£1.5 billion—will be met from the lottery. The Olympic lottery has already raised some £16 million. It is expected to raise a total of £96 million in 2006-07 and to deliver a total of £750 million by 2012. The sports lottery will deliver £340 million for elite athletes and associated sports infrastructure. The £200 million of Exchequer money that the Chancellor announced in the Budget is on top of that.

Hugh Robertson: That is at the heart of the debate. Is the Minister saying that the £2.375 billion is robust?

Mr. Caborn: I will come to that.

Other lottery funding of up to £410 million will come on stream from January 2009-10. The London Development Agency will deliver up to £250 million from 2008-09. The GLA has agreed to contribute up to £625 million from the London council tax precept. The funding that comes on stream this year accounts for around a quarter of the public sector funding package. I recognise—this was clearly spelled out during the London local elections—that hon. Members are concerned about the impact of the precept on London council tax payers, particularly in west London. However, to put the financial impact in context, it is expected that average London home owners in band D properties will pay 38p a week, or a total of £20 a year. As hon. Members know, that formula has been used in many United Kingdom cities, including Manchester for the Commonwealth games and Sheffield for the World Student games. That is reasonable because those cities received considerable investment in their infrastructure. The formula has been tested, and given the massive benefits that the games will bring to the UK and particularly to London as a whole, we feel that it is justifiable to put that financial burden on London.

I recognise that hon. Members are concerned about the risk of increased gambling addiction—the hon. Member for Bath raised the matter—resulting from the Olympic lottery. The Gambling Commission will be looking at the monday lottery, and if there is a move away from what Parliament intended, we will revisit the matter. We believe that the risk of problem gambling will be very low. The national lottery is not generally associated with problem gambling. Indeed, around 70 per cent. of the adult population play the National Lottery, but spend relatively small amounts of money. The average weekly spend on the lottery was just over £2.84 in 2004-05. In 2004, only 3 per cent. of calls to GamCare—the organisation that looks into problem gambling issues—concerned national lottery products. Olympic lottery games need to be approved by the National Lottery Commission, and the NLC's statutory duties include preventing excessive play. It would not license a game that it considered encouraged that.

The hon. Member for Faversham and Mid-Kent (Hugh Robertson) raised the issue of how cost increases would be addressed. We went round the world and looked at cities that had staged the games: Munich, Barcelona, Sydney and Moscow. We also looked at what Athens and Beijing were doing. The cities that we looked at, Sydney especially, were generous in giving us advice. As I have said before, two or three major themes emerged from that. One is that the first two years are crucial if people are to keep costs on track. What is needed is a company with the powers of compulsory purchase, which we have, and planning, and a robust budget.

It is also important to ensure that there will be a sustainable legacy. If there was any failure in Sydney, it related to the legacy. Sydney is spending £10 million a year servicing not debt but a main stadium that does not have a tenant. Another problem is that there are now two arenas in Sydney, although it wishes that there

was only one. The tennis went down to Melbourne, which now has a massively underused tennis park. The legacy is important in terms of both sports infrastructure and the cost of that. We have considered the issue carefully as we have gone through the process.

It also became apparent to us that there are three stages to an Olympics. One is winning the right to stage the games, and we put together a formidable team to do just that for 2012. The second stage is producing the infrastructure, which basically involves construction and which we are doing through the ODA. The third stage is to deliver the games, which is the role of LOCOG. That body is chaired by Seb, and Paul Deighton is the chief executive.

The overarching body is the Olympic board. There are three stakeholders: the Government, the Mayor and the British Olympic Association. The Olympic board provides a strategic overview. The Government have learned the lessons of Wembley and the dome. There will be no Government interference in the ODA other than to give clear instructions and to ensure that it carries out its duty within a budget that will be defined and negotiated with the ODA. The ODA board is skilled; indeed, it has expertise like no other board that we have put together. I am very confident that the chief executive, the chairman and indeed the entire board will carry out the project and will do so with transparency.

We are committed to tight control of the funds, but we have never shied away from the possibility that costs will increase. The Government have given assurances that they will act as ultimate financial guarantor should there be a shortfall between Olympic costs and revenues. The 2003 memorandum of understanding between the Government and the Mayor envisages how any cost increase would be managed. We have rehearsed this many times in Committee, but I repeat that the memorandum explains that, should the shortfall between Olympic costs and revenues exceed £2.075 billion, the Government would expect to discharge that responsibility in a sharing arrangement to be agreed as appropriate with the Mayor of London, and through seeking additional national lottery funding in amounts to be agreed at the time.

A number of hon. Members are suggesting that we place a cap on the amount of London council tax that can be drawn on to support the development of venues and infrastructure for the Olympic games. As we have rehearsed, we do not accept that proposal. Capping the share of one contributor would simply increase the amount required from others. That would not be consistent with the pressure that needs to be exerted to keep costs down. Nor does it seem reasonable that council tax payers in west London should not make a contribution to the cost of the games. London as a whole is a major beneficiary of the games, so it is only fair that council tax payers in London as a whole should bear an appropriate share of the costs.

Hon. Members will know that we are undertaking a review of costs, which includes building inflation. In the light of that review, we shall consider how any additional costs should be met within the terms of the arrangements agreed. The cost review work embraces many strands, including security, venues and infrastructure, reducing risk, contingencies and taxation. Maximising private investment is also important in the review. Any revised estimates will be reported only when they have been agreed and when the cost review has been completed.

The staging of the games is the responsibility of LOCOG, whose budget is now £2 billion, which takes into account inflation from 2004 through. The move from £1.4 billion to £2 billion is due to the costs of inflation over the period of the games.

Hugh Robertson: Wait a minute. Inflation over a six-year period cannot be 33 per cent. If the budget has gone up from £1.5 billion to £2 billion, that is a £500 million or 33 per cent. increase. Is the Minister really saying that he expects inflation to equal 33 per cent. over the relevant period? That would be far in excess of the Treasury's estimates.

Mr. Caborn: The advice that I have been given is that the reason for the move from £1.5 billion to £2 billion is the calculation on inflation. If the calculation is less, the figure will be less than £2 billion, but that is the calculation that has been made, and that is why the figure has moved from £1.5 billion to £2 billion. If the hon. Gentleman wants, we can go back to that issue. I shall write to him.

Mr. Foster: For clarity, will the Minister confirm that he is saying that the operating costs of LOCOG to run the games are, on a real-cost basis, exactly the same now as when we first discussed them, and that the only difference is in which year's base we are talking about?

Mr. Caborn: Yes, the advice that I have been given is that the reason for the move from £1.5 billion to the figure that I have given was the calculation on inflation. If that is wrong, up or down, we shall adjust the figure.

Hugh Robertson: One final problem: it seems extraordinary to me that that figure should not have been used in the first place, because presumably that calculation can be made. Will the Minister guarantee that the same problem will not occur with all the other budgets, and that they have been done at 2005 figures? Will the £2.375 billion, for example, need to be compounded by 33 per cent. as well?

Mr. Caborn: As I said, there has been a review on costs. The hon. Gentleman asked me about LOCOG and I gave him the answer on LOCOG. We are reviewing those costs. In 2004, the figures in the 17 chapters of the candidate file were costed at 2004 figures. That is now under review. As the hon. Gentleman knows, before we won the bid on 6 July, we had to keep very firmly to those 17 chapters because we were making a bid. From November 2004 to 6 July 2005, we kept to that very religiously, as any change in cost would have been detrimental to our bid.

Since 6 July 2005, we have gone through the cost review to which I referred. The KPMG study will be built into the ODA's. It is looking at areas such as construction inflation as well—the hon. Gentleman

[Mr. Caborn]

said that that was 7 per cent., although I do not know whether that is true. These are exercises that we would expect to go through after making the bid. I have said clearly that once the cost review has been completed, we shall come back and report.

Hugh Robertson: I am confused. Thirty-three per cent. is a hell of a hit and considerably in advance of the Treasury's estimates. Inflation is running at about 2 per cent.; if one compounds that over six years, there is no way that it comes to 33 per cent. Clearly, we are not going to make much further progress on the issue this afternoon. Will the Minister agree to write to all Members who have attended this debate to explain the situation? There is a disparity between 2 per cent. compounded over six years and 33 per cent.—one does not need to be a banker to work that out. We need to nail the issue down.

Mr. Caborn: I was asked why the figure had moved from £1.5 billion to £2 billion. My answer was based on my officials' advice, which was that the later figure included the inflation from 2004. If the figure is greater or less than £2 billion, I shall write to the hon. Gentleman to inform him. However, that is the reason for the increase.

A substantial proportion of LOCOG's expenditure will be met by sponsorship and the legislation has been drafted specifically to protect LOCOG's right to raise sponsorship. LOCOG has the rights to deal with the sponsorship and any illegal actions, as was clearly explained when the Bill was going through Parliament.

Finally, we have a lot more to do to convince people that the games are going to be beneficial throughout the UK, and not just in London.

Further Education and Adult Learning

12.30 pm

Helen Jones (Warrington, North) (Lab): I begin by congratulating the Government on the improvements that they have made in further education and on recognising the importance of the sector in their White Paper. The contribution that FE can make to improving our skills base, widening opportunities for 14 to 19-year-olds and addressing my particular concern of giving second chances to those who may not have had the educational advantages that they deserved is vital if we are to improve our educational standards and maintain a vibrant economy. It is fair to say that the Government have recognised that with the investment that they have put in; I believe that it has increased by 48 per cent. in real terms since 1997.

The results can be seen in bricks and mortar in constituencies such as mine. My local college has a £27 million new build, which will replace outdated and unsuitable buildings with something fit for the 21st century. In turn, the investment has produced rising success rates in FE; there has been a rise from 59 per cent. in 2001-02 to 72 per cent. in 2003-04. We know that more 19-year-olds get level 2 qualifications and that more people are completing apprenticeships.

Nothing that I say today is intended to detract from that success, which is real and life-transforming for many people. I do not suggest that we do not need to focus on skills and on ensuring that more people stay on at 16. That has been a blot on our educational record for far too long in this country, but we are making progress in that area. Some 8 per cent. of people in their 20s do not have any qualifications, and although that figure is still far too high, we are making progress.

We have a mountain to climb in respect of the people who left school 20, 30 or 40 years ago. We should focus on one stark fact: 24 out of every 100 adults aged between 40 and 64 have no qualifications. Those adults will need to reskill if they are to participate in the labour market. It is estimated that in the next decade two out of three jobs will be filled by adults rather than by new entrants to the labour market, so we should not neglect their needs. The difficulty that we need to discuss is how we get such people, particularly those with no qualifications, back into education. That is not always done in the way that we might expect. In my experience, many people first come back into education by doing shorter courses at venues that are not threatening. We should not underestimate how difficult it is for people who have failed in the past just to get through the doors of a college.

If we do not succeed, the penalties will be stark. I looked at the latest figures that I could find—those for 2004—and they were clear. Some 49 per cent. of those with no qualifications were in employment, whereas 71 per cent. of those who had a level 1 qualification and 75 per cent. of those who had a level 2 qualification were. I am sure that the figures have risen since then, but the ratio will have remained similar.

The penalties for a lack of learning are low income, periods of unemployment and even an effect on people's health. I looked at the 2001 census, and it struck me starkly that the rate of limiting long-term

illness among men who are long-term unemployed or who have never worked is three times that among people who have worked. Of course, some of that is because such people have been ill and cannot work, but some of it represents a consequence. There is an associated set-up of low income, unemployment and ill health, which costs not just the individuals, in wasted talent and blighted lives, but all of us.

I understand why the Government wanted to focus adult learning on those without qualifications and set key targets on skills for life and on first level 2 qualifications. Rightly, there are now no fees for people seeking first level 2 qualifications, and under the train to gain programme employers can obtain free training and development for those working towards a level 2 qualification. I applaud that, because it is the right thing to do, but I want to examine its unintended consequences—I stress that they are unintended.

We are losing many courses that bring people back to education in the first place. Let us be frank. We have not been very good at reaching those with no qualifications in the past. The last time I asked, last year's national adult learning survey was not available, but the trend in previous surveys is clear. Participation in adult learning is highest among people with professional and managerial jobs and lowest among unskilled manual workers.

The National Institute of Adult Continuing Education surveys show the same sort of pattern. We have been much more successful in increasing participation among people in socio-economic group C2, but the participation rate of people in groups D and E has remained almost constant from 1996 to 2005; it is still 26 per cent. My hon. Friend the Minister will know that the one area in which that trend is bucked is adult and community learning. In the winter of 2002, 9 per cent. of people in adult and community learning had no qualifications. By winter 2004, that had gone up to 17 per cent. At the same time, the rate in FE hardly rose. It went from 6 per cent. to 7 per cent. We need to learn the lessons of that and apply them elsewhere.

I fear that our targets might have different effects to those intended. It is easy to meet the targets for people getting a level 2 in colleges by taking on people who are already close to that level. I was surprised to learn, when the Learning and Skills Council came before the Education and Skills Committee, that it did little in the way of considering the social profile of adult learners. The council admitted that it could have the same number of people on courses but an entirely different profile to the target group. In other words, it could be that while targets are being met, some of those who are most in need are being neglected. Although the council considers the socio-demographic characteristics in an area before planning its courses, we need to do much more research into those who are actually engaged in learning. I have not seen the results of the Mosaic pilots, but I hope that we will see them soon, because there needs to be more research in that area.

The Government rightly want to improve qualifications among 16 to 19-year-olds, but while spending on them will increase by 4 per cent. in the coming year—we are spending more on people with disabilities and on learning difficulties—part of the adult learning budget will be squeezed. I asked a parliamentary question about the changes in the budget for adult and community learning in different LSC areas, but have not yet received an answer. The Association of Colleges estimates that there will be a 7 per cent. drop overall. We therefore assume that asking colleges to increase their fee income from certain courses would mean focusing money on those most in need. I accept that that is the Government's intention, but I do not think that it always happens in reality. Some of the reductions being made are in courses such as first aid, food hygiene and health and safety, which are often the first courses that people take which bring them back into education.

Liverpool community college—I know that my hon. Friend the Member for Liverpool, Riverside (Mrs. Ellman) has secured a debate on Liverpool later today—is looking at a reduction of £1.5 million next year. In North Yorkshire, there was a 16 per cent. cut from 2004-05 to 2005-06 in the adult learning budget. Some of the courses that went were courses for classroom assistants and on British sign language, and some craft courses. There is an argument that some of the people on those courses can afford to pay, but there is also an argument that some people take them precisely because they are not threatening. They are the courses that get people through the door to adult learning in the first place.

To give the Minister an example, the college in my area ran very successful courses in schools and community centres on subjects such as "Help your child to read", first aid, and the one that I always call "Computing for the terrified", although that is not its name. A lot of mothers went on those courses because they were directly relevant to their children, but I can point to people who went on to further education after one of those courses. Some have become classroom assistants, and highly qualified classroom assistants at that, but normally we would never have got them through the doors of the college in the first instance, and that is the key. We need to know what motivates people to take up learning.

Let me give the Minister another example. The union learning fund and the college run a learning centre in a council depot in my constituency. A lot of our bin men take courses there, and when I went to ask what the most popular were, they said computing. Also, a lot of them learn Spanish for their holidays. Are those courses directly relevant to being a bin man? No, although I would like to say that they are very good bin men and they never drop things on the paths and so on. Do courses then spark people's appetite for learning, because through them people achieve things that they never thought they could? Yes.

The problem is that we do not have real research on what sparks people's appetite for learning; we do not really know. However, the history of adult education in this country shows that it has been most successful when it has built on people's interests and led them on from there. We need to learn those lessons. The union learning fund, which is one of the unsung successes of this Government, and the adult and community learning fund are very good at doing that, but adult and community learning is only 6 per cent. of the Learning and Skills Council's adult learning budget, which is itself being squeezed. According to the

Department's own estimates, the result will be a loss of about 500,000 adult learning places from one year to the next.

I know that my hon. Friend the Minister will quote the neighbourhood learning in deprived communities fund, and that is an excellent initiative, but when I last looked, there were only 30,000 places under it. That does not replace the other adult education places that are being lost.

Mr. David Anderson (Blaydon) (Lab): My hon. Friend has talked a lot about adult courses being lost, and that is a concern for a college that I represent in Gateshead, but there is a further point that she has not picked up on; I do not know whether it applies only to Gateshead—perhaps the Minister can help on that. It is the loss of dedicated courses for people with learning difficulties. Rightly, the learning opportunities for people such as bin men, who I have had the privilege of representing for many years, are about much more than just what they do at work. However, for people with learning disabilities, the issue is actually about their whole life; not just education but what they do if they are not in education. What do they do with their lives during the day?

Helen Jones: My hon. Friend makes a valid point. Clearly, in some areas there is a difficulty for colleges and social services about what should be provided for people with learning difficulties and where that should be provided. We see that in my area, too.

My plea is for the Minister to look again at the subject. I accept that the Government did not intend there to be such consequences; the law of unintended consequences operates in so many areas. We should get some proper research on the effect of the policy on some of the people whom we most need to bring back into education. I ask him to imagine what the situation would be if he had failed in education in the past, and had had a very bad experience of education. What would bring him back? I suggest that it would be something immediate, fairly short and with an attainable goal; something not directly related to work skills at first, but that could lead on. If there is to be progression, which the Government want—and I accept that that is the right goal—we must first get people through the doors. If we do not do that, they cannot progress.

I hope that the Minister will look at the 1999 report from the policy action team in the social exclusion unit, which said that we needed to take a much broader view of the skills needed. People need a wider range of skills to keep themselves in employment, including confidence, motivation and the ability to present themselves and navigate the labour market. A lot of courses give people confidence and motivation. We could have an entire debate about the structure of adult education and education as a good in itself, which I firmly believe in, but I am concentrating on those who might fall through the net because courses are disappearing.

I urge the Minister to look at our successes in adult and community learning, at how the trade union learning fund has worked and at some proper research on what is happening and who is losing out, and not to see all adult education or adult and community learning as the same thing. I urge him to remember that those adults whom we need to get into learning and on to the skills path will be the mainstay of our economy as the population changes and ages.

The Minister is interested in the issue and has some concerns about it, so let me tell him that the experience of many of us on the ground is that sometimes what happens is not necessarily what those in Whitehall think happens. Let us take a real look at what gets people back on to the learning path. We talk about the learning society, but we always talk about the supply side. Let us also talk about how we create the demand for learning and try to ensure that we do not let people with no qualifications at all lose out.

12.46 pm

Mr. Christopher Fraser (South-West Norfolk) (Con): I indicated to the hon. Member for Warrington, North (Helen Jones) that I would like to intervene in her speech, but having listened to what she said, I should like to congratulate her on the timeliness of this important debate and to take a minute to make a few points to the Minister.

Self-improvement is important to all members of the community. Does the Minister agree with the women's institute in my constituency, which says that cuts in the adult learning budget are "very short-sighted" and that they will impact on local communities and social groups, as well as on individual learners? I am sure that the Minister agrees that democratic adult learning, as part of a tradition of self-improvement, has changed the lives of people who, for social or economic reasons, have had little or no access to education, and that it should be safeguarded by public funding policies. Does the Minister understand the dismay that women's institutes throughout the country have expressed at older learners being excluded from adult education because of the cut in funding? Older learners are being denied their right to lifelong learning in the way that the hon. Lady so well articulated.

12.47 pm

The Minister for Higher Education and Lifelong Learning (Bill Rammell): I congratulate my hon. Friend the Member for Warrington, North (Helen Jones) on securing a genuinely important debate and on the consistency with which she pursues such issues. It is right and proper that we should be having this discussion.

I am grateful to my hon. Friend for rightly giving credit for what has happened in the further education sector generally since 1997. We can collectively be proud of what we have achieved. She referred to the 48 per cent. real-terms increase in funding since 1997, which contrasts favourably with the 14 per cent. real-terms cut that took place in the five years running up to 1997. I agree with her that that transformation can be seen most effectively in capital expenditure. I visit further education colleges up and down the country, so I have seen the practical progress that is being made, including in qualifications. The latest figures show that the success rate has risen from 59 per cent. to 75 per cent. That is a genuine improvement.

My hon. Friend raised a number of issues to which I want to respond, but before doing so I should like to outline the backdrop, to explain the policy direction in which we are moving. Our overall objectives are to meet our future skill needs; to ensure that people maximise their potential through learning both as individuals and as members of families, local communities and a flexible and adaptable work force; and to establish the priorities for public funding of adult learning and a new balance of who pays for what, between the state, employers and individuals, in line with the benefits that they receive. Finally, we aim to reform the further education sector, to make it more responsive to the needs of the economy.

The skills strategy is at the centre of the debate. We live in a world where new markets, new places of production and new skilled work forces are emerging with astonishing speed. World trade is doubling every decade. Last week I visited China with a higher and further education delegation, where, unbelievably, trade is doubling every three years. Chinese wage costs are still just 5 per cent. of those of the European Union. We face a colossal challenge from those pressures, and if we do not respond we will be blown away by the global competition.

A few figures bring home the scale of the challenge and the skills gap that we face in this country: one third of adults are not at full level 2, which is the basic school-leaving qualification; 6 million adults are without functional literacy; and 17 million adults are without functional numeracy. The matter is a social and an economic imperative. The most effective way to tackle poverty and social exclusion is to give people skills so that they can get into the workplace.

Mr. Anderson: I made the point earlier about what happened at Gateshead. There is an economic impact as 30 jobs might go among the teaching staff because of the decisions that have been made, but there is also an economic impact on other public bodies. If disabled people are not in the classroom learning, they will probably have to go to day centres or hospitals, where they do not necessarily need to be. That will be the upshot of a policy that is not at all welcome in our area.

Bill Rammell: I thank my hon. Friend for that contribution. I actually signed a letter to him last night about the situation at Gateshead college. One of the points I made is that the Learning and Skills Council has gone through a very elongated process during the current allocation round in order to allocate funds to colleges. That happens at various stages. I ask my hon. Friend to wait until the end of the allocation round before passing judgment about the end game. I am reasonably confident that once we reach that stage the picture of overall funding for FE colleges will be very different from the one suggested by some. Regarding his second point, which he made earlier, the LSC has made it clear, as have the Government, that people with learning difficulties remain a priority. The figures that I have seen suggest that an overall cut is not taking place, but we undoubtedly need to keep the issue closely under review.

The skills strategy is an imperative, and like my hon. Friend the Member for Warrington, North, I believe that the impact of qualifications and skills on people's health, overall participation in society and access to income-generating jobs is crucial.

I shall now respond to some of the detailed points raised by my hon. Friend. She talked a lot about the danger of unintended consequences. In driving the policy through during the past year, both the Under-Secretary of State for Education and Skills, my hon. Friend the Member for Corby (Phil Hope), and I have been very conscious of the danger of unintended consequences, and we will keep the matter under active review.

I assure my hon. Friend the Member for Warrington, North that we do not want to lose good courses that demonstrably lead to progression. We made that clear in the grant letter from the former Secretary of State, when we asked for a good balance of learning opportunities for adults in every area. However, we also know that too much of the current provision, which is called "first steps" or "return to learn", is more of a revolving door than a true pathway to progression. I shall explain what I mean by that.

Our research suggests that the average number of years between attaining a qualification below level 2 and studying for full level 2 is 14 years. Most of us feel that that is far too long, which is why we announced in the recent White Paper the development of a new foundation learning tier. Through that, we intend to turn the current complex range of qualifications below level 2 into a coherent system of units that are easier for learners and employers to understand and which are based fundamentally on employability and life skills. The foundation learning tier will encompass a range of programmes, including clear pathways to progress to level 2. For those not able to achieve a full level 2, the foundation tier will also provide a rich mix of courses. As we made clear in the FE White Paper, over time and as resources allow, we intend to make that an entitlement.

Helen Jones: Will my hon. Friend undertake to look at the effect on women of the disappearance of some community courses? In my experience, a lot of women access learning in that way. Will he keep that matter under review?

Mr. Fraser: The women's institute.

Bill Rammell: I will keep the matter under review, and to answer the hon. Gentleman, I shall meet the women's institute shortly to discuss some of those issues. The figures that I have show that women are well represented in the further education sector. We want to maintain that, and we must keep the issue under review.

My hon. Friend also made important points about the social profile of learners. I take her point that there is concern that the lowest take-up is among the poorest groups. However, we have more information on the social profile of learners than is sometimes suggested. For example, of those doing their first full level 2 qualifications, almost one in four had no qualifications at all, and the remaining 76 per cent. had a qualification below level 2. I cite that example just to suggest that the targeting strategy has an effect and is working. However, I accept her point, and we must

[Bill Rammell]

keep the matter under review and conduct more research into who benefits. I intend to take that work forward, and I shall keep in contact with her about that issue.

I very much take my hon. Friend's point about family learning and extended schools. She gave as an example local courses where parents have the opportunity to help their children and, at the same time, help themselves through reading. There is no reason why such courses, where they are valued, should be lost. For example, we have specific programmes through the Learning and Skills Council, often run by local authorities and aimed at helping families learn together. The wider family learning programme is worth £12 million a year and helps 50,000 families. The specific programme for family literacy and numeracy is £25 million a year and helps 70,000 families.

In addition, the Government have committed £680 million in start-up funding during 2006 to 2008 to enable schools to provide access to the core offer of extended services. Part of that offer is parenting support, including sessions for parents to read with their children. It is an important initiative, and I am sure it will be welcomed.

My hon. Friend also talked about short courses and the policy that we are pursuing of moving away from short courses towards longer courses. The issue must be seen in perspective: the majority of short courses are short skills for life programmes and other—particularly IT—courses. The short skills for life courses should be part of larger programmes aiming for the achievement of qualifications. Other short courses appear to be of limited benefit to the progression of learners, and we must consider the issue in that context.

My hon. Friend talked about the importance of personal and community development, and as she knows, we have maintained its level of funding. However, we have rightly said that we want LSC partnerships at a local level to determine better the priorities for that expenditure. We do not want it centrally driven to the same extent.

My hon. Friend discussed the union learning fund, and like her I think that it is an unsung success story of this Labour Government. If I may make a political point, it is one of the most effective ways in which the Labour party and the trade unions work together. It has brought real benefits by introducing into the education and training system, through the support of their peers, people who would otherwise not have taken that approach.

My hon. Friend talked about having a mountain to climb in terms of people who left school or college 20, 30, 40 years ago with no qualifications. It is the most significant challenge that we face. On all the evidence they are the people who miss out on social, economic, health and other advantages. We need to focus on reskilling those adults, and we are doing so through the level 2 "Train to Gain" initiative. It is one of the most radical policies that this Government have pursued: for the first time saying to adults in the workplace who do not have a full level 2 qualification that the state will guarantee that level of education and training.

The recent change that we made in the further education White Paper to extend the free entitlement up to level 3 and the age of 25 is a significant step forward, as is the foundation learning tier to which I referred earlier. However, all that comes down to priorities, and we are a Government who have significantly increased investment in the further education sector. In that context, we have rightly said that the priorities must be 16 to 19-year-olds, adult basic skills, and the roll out of "Train to Gain". We want to do more than that, but we cannot say that we have those priorities and then have a set of other priorities. I know that that is not what my hon. Friend is saying, and we need to keep the issues under review to monitor their impact. However, if we are saying that those core priorities are genuinely important, we must commit resources to them—

Hywel Williams (in the Chair): Order. We must move to the next debate.

Tax Credit System (Angus)

1 pm

Mr. Mike Weir (Angus) (SNP): I am pleased to appear for the first time under your distinguished chairmanship, Mr. Williams, and I am sure that this will be the first of many such occasions. I should say at the outset that the debate is not about the effectiveness or desirability of tax credits but about the way in which the system that is used to calculate and deliver them fails many of my constituents. Although I shall be referring to specific cases, they illustrate a general problem with the tax credits system.

In my first term in Parliament, by far and away the most complaints that I received concerned the Child Support Agency, and no one was at all surprised when the Government effectively threw in the towel, conceded that the agency was unworkable and ordered a redesign. Sadly, over the past two years, the number of complaints about tax credits has risen substantially and now rivals the number of complaints about the CSA. Unless the Government take urgent action to tackle the problems, they will simply multiply, and we will end up in the same situation as we did with the ill-fated CSA. Several constituents have told me that they are so dispirited and worn down by the problems that they have encountered that they will no longer claim tax credits, even though they are entitled to them. That is a terrible indictment of a system that is supposed to help those who are most in need.

The problems that I shall describe affect constituents across my constituency and, I assume, across much of the rest of the country. The first case that I want to bring to hon. Members' attention is that of Katie Adamson, from Forfar, who first came to my office in December 2005. She applied for child tax credit first as a single claimant and then jointly with Anthony O'Hare. Her problems began with the annual review in September 2005, when she received a letter asking whether there were any changes in her circumstances. There were not, so she phoned the department, and the person she spoke to told her that she could send the form back blank or not send it back, because confirmation that there had been no changes had, in effect, been recorded as a result of her call. Being a cautious and sensible young woman, however, she sent the form back anyway.

Soon afterwards, Katie received a letter from the tax credits office informing her that it had heard nothing further regarding changes in her circumstances, so her tax credit would be stopped. At that point, she contacted the citizens advice bureau. The tax credits office told the bureau that it acknowledged the error and would recommence the payments. It may come as no great surprise, however, to hear that that did not happen, and that brings us to the crux of many of the problems with the system. As MPs, we contact the tax credit hotline or the tax credits office, and those involved acknowledge that a mistake has been made, but they seem incapable of rectifying it, because of the computer system that they operate. In many cases, we seem to have slipped into the "Little Britain" sketch in which the computer says no, and that is it.

To return to the long-suffering Katie, however, nothing happened for 11 weeks, and the arrears accumulated. The computer system was blamed for the problem, although, to be fair, the department agreed to make a manual payment for four weeks. However, Katie had to make a 40-mile round trip to Dundee, at a not inconsiderable cost, to collect it, and she received nothing further after that. After she contacted my office, we contacted the technical department and were assured that the error had been sorted out and that payments would be made to her bank account as normal. Bizarrely, however, she was then told that she would receive the full arrears for 11 weeks, but that she would have to pay back the four weeks that she had received as a manual payment in the interim. Quite how that was a sensible way to deal with the situation escapes me.

Finally, my office managed to secure arrears payments of £224.94 for Katie. Even then, however, we noticed that she was still due £85.96, so we contacted the department again to point that out. It accepted that there was an error and agreed to forward the arrears, but nothing has been received to date. That was bad enough, but at least Katie had got through the maze and got most of the money that she was due. However, nothing about the tax credit system is quite as simple as that. She and her partner Tony then received three award letters on the same day.

The first letter related to Katie's single claim prior to December 2005 and claimed an overpayment of £1,383.12. The tax credits office has since agreed that that was sent in error. The second notice claimed an overpayment of £224.92. Yet that related to the period for which it had already been agreed that a payment of £85.96 remained due to her. That contradicted what she had previously been told. The last letter referred to the new tax year, 2006-07. However, a portion of the overpayment referred to in the previous letter had been deducted wrongly from the award. We are still chasing the office about that. I do not know whether hon. Members can follow those complications, but I am sure that they can begin to appreciate the "Little Britain" sketch.

Worse still, the tax credits office claimed an overpayment of £1,210.20 for the tax year 2004-05. My office raised that several times, until the tax credits office finally responded that there was no record of any overpayments for that year, but repeated the claim that there was an overpayment of £1,383.12 for 2005-06. That was the sum that it had previously agreed in writing was an error. It was going back and claiming something that it had already said was not due.

This is just one case, but it is a complete mess and it illustrates a problem. Both my constituent and my office have been told one thing, only to receive correspondence totally at odds with the verbal advice and sometimes at odds with previous written advice. The computer gets the blame, but is there no point at which human interventions in the system can stop cases spiralling out of control and creating havoc for people like Katie Adamson?

If the case were an isolated one, I should put it down to bad luck, but it is far too general a problem. I shall briefly note a few points about other cases. Another Forfar constituent—Forfar seems particularly unfortunate in experiencing such cases—faced a claim

[Mr. Mike Weir]

for more than £10,000. The couple had made an application and received an award. Before it was paid, the husband was paid off, but quickly got another job at a reduced income. They received a letter telling them how much they would be paid, which they queried, saying that they thought it was incorrect; but they were assured that it was correct.

Eventually, when the inevitable happened and money was reclaimed from them, they were told that the problem was that their two children had been input into the computer system twice. They appealed on that basis, only to discover later that the real reason was that the wrong income had been entered on the computer. Part of the problem appears to have been that the couple never received a formal award notice after the change of job setting out how the amount was calculated, but the tax credits office refuses to accept that.

I can do no better than to quote a paragraph from a letter from my constituent:

"I still get the impression, from the person I spoke to, that the only way they will reconsider the matter is for me to prove that I did not receive a proper award notice, which is impossible. She said that the computer showed an award notice was sent and that would be correct—she could not answer when I asked whether their computer showing that I worked forty hours a week for nil pounds while claiming for child care would be correct too."

Again, the computer says no. That seems to be the crux of the problem. The department relies on the computer absolutely, but will not consider that it could be wrong. It reminds me of the constituent who repeatedly questioned the amount that was awarded, and was assured that it was right. When, inevitably, a repayment was claimed, she received a letter saying that although she had been assured that it was correct, it was not reasonable for her to accept that. What definition of "reasonable" does the department use?

Yet another Forfar constituent had been receiving working tax credit since 2003. In October 2005 she was told that she was no longer entitled to it, and a repayment of £1,200 was demanded. That was queried and the office agreed that it was a mistake and that she was still entitled to working tax credit. However, no payments were made in November, which left her very worried. When she contacted my office we contacted the department, which again pleaded computer error and promised manual payments. A manual payment was made in December, but in the same month she received three applications to complete and two demand letters, one for £1,000 and one for £700. She went to the Dundee office and was advised to appeal on both demands. She was then also told that the computer had now ended her claim—the computer seemed to be dealing with things all by itself.

My office contacted the tax credits office and received a letter in response that was totally incomprehensible. I am a lawyer, and I could not understand what it said, so we contacted the tax credits office. Surprise surprise, it could not understand the letter either, even though it had sent it out. Perhaps the computer had moved on to composing the letters as well.

In early March, the department promised to cease sending demand notices and to try to resolve the problem. Thankfully, for once, no more notices have been received but there has been no resolution either. That lady is still not receiving the money to which she is entitled. The case is unacceptable, and it has left this lady in worry. I wrote to one of the Minister's colleagues on 3 April, but I await a response.

It is not just the people who have come to see me in my office who are having problems. After I secured the debate, Arbroath citizen's advice bureau—we have left Forfar, for a change—contacted me and brought to my attention a case that it was dealing with. A young couple had received an overpayment demand for more than £19,000 for the period between 2003 and 2005. On 7 November 2005, the CAB wrote to the Department and said:

"Please treat this case as a matter of urgency as it is having a major impact on the well being of our clients as well as creating a crisis in their ability to manage their finances."

The department asked for a copy of the original application, which had been made online and of which the constituent had no copy, although I appreciate that that system has been changed in the interim. No response was received until April of this year, when the constituent received another demand notice. The CAB wrote again on 10 April, and made a formal complaint. It has now received an acknowledgement and a promise of a full reply, but that came only after a formal complaint was made. It is simply not good enough that it has taken six months from when the original application was made to reach that stage.

Even this morning, I got yet another letter. A constituent had come to my office who had been chased for a repayment. The tax credits officer said that the payments had been made to their employer, but the employer denies that any such payments have been made. The letter states that due to technical difficulties the office is unable to bring my constituent's records up to date. Again, the computer is unable to deal with it.

It seems to me that the problem is that the system is too complex and relies on a computer system that is not up to the task. There appears to be no process that allows human intervention to deal with a problem once it occurs. The demands keep coming, irrespective of what is said to me or to anyone else. Even when it is agreed that manual payments will be made and the person goes to collect them, the situation is not resolved, the computer does not deal with it and there seems to be no way to break into the cycle of the computer program. That is exacerbated further by the forms and letters, which are very difficult to understand. As I say, I am a lawyer and I find them difficult. Many of my constituents, who are far from being lawyers, simply cannot follow the information that is given to them.

The time frame for dealing with cases often means that people are trying to reconstruct information from a number of years with little written information from the applicant, but a mountain of often contradictory information from the department. As I said at the outset, it seems that the complaints about tax credits are now rivalling those about the Child Support Agency. I appeal to the Minister to consider the problem seriously. I am sure that he will tell me that tax credits are a good thing, and are helping a lot of people. I am not here to dispute that or agree with it. I am here to ask about the system, in particular the

computer system that seems to have a will of its own in dealing with my constituents. Unless the problem is tackled now, things will continue to deteriorate until, like the CSA, the tax credit system cannot continue. I appeal to the Minister to deal with the matter now, and to tackle that dreadful computer system.

1.15 pm

The Chief Secretary to the Treasury (Mr. Stephen Timms): I begin by welcoming this debate, which is the first that I have answered as Chief Secretary. I am grateful to the hon. Member for Angus (Mr. Weir) for raising the topic and for his interest in and concern about the tax credit system. The debate is focused on Scotland, and the hon. Gentleman gave a number of examples of the unhappy experience of some people in Angus. However, it raises United Kingdom-wide tax credit policy issues. Alongside child benefit, the tax credit system now delivers significant financial support to the vast majority of families with children in the UK.

I shall not even begin to attempt to defend the unhappy sagas described by the hon. Gentleman. He named Katie Adamson, but he did not name the individual concerned in the second case.

Mr. Weir: I specifically asked Katie Adamson whether I could name her, because of the complexities of her case; for obvious reasons, other constituents preferred anonymity. However, I am happy to give full details to the Minister if he wants to look into them.

Mr. Timms: I would be grateful if the hon. Gentleman did so, because I shall certainly want to take up those cases with officials.

As the hon. Gentleman anticipated, I want to tell the Chamber that we must not lose sight of what has been achieved through the tax credit system. It has been vital in two important areas. First, it has reduced the extent of child poverty; and, secondly, it has made work pay.

The system provides financial support, which is worth more than £15 billion this year, to nearly 20 million people. In Scotland, it is worth about £1.5 billion; and in the hon. Gentleman's constituency last month, 7,100 families benefited from tax credits, including 10,900 children. The hon. Gentleman is right to highlight the problems faced by some of his constituents, although they form only a small proportion of the 7,100 families who benefit from the system.

The hon. Gentleman has raised 10 cases this year in which people have had a problem with tax credits, and I readily concede that it would have been much better if he had not had to raise any. My right hon. Friend the Paymaster General and I will be happy to look at the cases that he has referred to today, but I hope that he will acknowledge how much the tax credit system is delivering to a large number of families in his constituency.

We have set a target—I am sure that the hon. Gentleman supports it—to eliminate child poverty within a generation. Tax credits have helped lift some 700,000 children out of relative poverty since 1997, including 80,000 in Scotland, which is broadly in line with the milestone that we set to reduce the number by a quarter by last year. The UNICEF report "Child Poverty in Rich Countries 2005" states:

> "The proportion of children living in poverty has risen in a majority of the world's developed economies."

However, it says that there are exceptions, and the country achieving the biggest reduction in that proportion has been the UK. It points out:

> "Until the late 1990s, the United Kingdom had one of the highest child poverty rates in the OECD."

It then says that

> "over the last six years, the UK government has pioneered an approach to the monitoring and reduction of child poverty that seems to be working."

The tax credit system has been key to that success.

For a family with two children on half average earnings, the tax credit system provides £4,400 a year. The least well-off can now receive up to £107 a week, compared with just £20 per week in 1997; and the number of people receiving tax credits is seven times higher than the number of those who received family credit.

Mr. Weir: As I said at the outset, I am not here to criticise or agree with tax credits; it is the system that bothers me. Although I appreciate what the Minister says, does he not accept that, if constituents are telling me that they are no longer prepared to go through the hassle of claiming tax credit because of the situation that they find themselves in, something is wrong and that a simplified system is needed to deal with the problem?

Mr. Timms: I am hoping that the hon. Gentleman will acknowledge the strengths of the system. He takes a neutral view that perhaps it is a good thing but perhaps it is not.

Mr. Weir: To be fair, that is not what I said.

Mr. Timms: That is what I understood. I would be happy to give way again in a moment, but it is important in the backdrop to this debate to set out why the system was introduced, why it has the characteristics that it has and what a great deal has been achieved through it, including for more than 7,000 families in his constituency.

I accept that the system ought to work smoothly and that the problems to which the hon. Gentleman rightly drew attention must be put right. We have made several changes. Last year, my right hon. Friend the Paymaster General made some announcements which I shall outline in a moment. They started to take effect from last month and will continue progressively to take effect in the coming year. I hope that in the hon. Gentleman's constituency they will tackle effectively the kind of problems that he described.

I do not for a moment want to gloss over the problems that he described or pretend that they do not exist. I know that there are significant problems exactly along the lines that he described. However, I should point out, first, that the system has achieved a great deal and, secondly, that we are on the case. I hope that

[Mr. Timms]

he will detect over the coming weeks that we are putting right the problems that he drew to our attention.

The tax credit system has had a big impact in reducing child poverty. Take-up has been high from the start—much higher than for predecessor income-related benefits. The system has also had a big impact in helping to make work pay. Together with the national minimum wage, it can guarantee a minimum level of income for people moving into employment, thereby helping to ensure that work pays over welfare. For example, a lone parent with two children moving into full-time work on the national minimum wage will have an income gain from working that is 40 per cent. greater in real terms than would have been the case in 1997. That contributes to stability in the economy and has helped to increase the number of people in work by 2.3 million to the historically high levels of employment that are such a positive feature of the UK economy today.

As I said, it is certainly not my intention to gloss over the serious difficulties that the hon. Gentleman highlighted. The system is complex and has to be because of the complexity of people's lives. Every year, 3 million people change jobs, and 200,000 men and women move into new or better jobs and raise their family income by more than £10,000. We need a system that reflects that and that can support people as they move between jobs and change their circumstances, and that is what we have designed the system to do.

Overpayments, which the hon. Gentleman mentioned, are a consequence of a responsive system. Under an annual system, given that a family's final entitlement cannot be known until the end of the year, we have to be able to make end-of-year adjustments. We can avoid that only with an entirely inflexible fixed system that would not offer the flexible support that is such a valuable feature of the present system.

Mr. Weir: I understand what the Minister is saying, and I do not dispute much of it, but does he not accept that if the system is to be responsive, it is vital that notified changes are correctly put in the computer and that the computer is able to deal with them? From the cases that I have come across, it appears that that is not happening. Either the information is wrongly inputted—perhaps it is not inputted—or the computer does not react to it. In some cases, it does not seem to be able to take on board the changes that are given to it. That is a serious drawback to the system.

Mr. Timms: I completely agree with the hon. Gentleman. The system should not fail to work because of that, and we have made some important improvements to tackle the problems. This is the first time that I have had the opportunity to look in detail at it, but the incidence of problems is limited, as far as I can see. There are 10 too many problems in his constituency, but that is 10 out of 7,100. It is not the normal experience of people who send in information about a change of circumstances that the system fails to register it. I agree that no one should have that experience and that too many do at present, but they are a small proportion of the total and I hope that it will get smaller over the coming months.

We have made changes. From last month, the disregard for income increases between one tax year and the next has risen from £2,500 to £25,000. Almost all families with rising incomes will not have their tax credit entitlement reduced in the first year in which the increase occurs. We believe that that will lead to a big fall in the number of overpayments. Other changes will be introduced in the coming months.

The aim is to provide more certainty for tax credit recipients—the hon. Gentleman's constituents—particularly for families who see a rise in income, and to keep the benefits of the system's flexibility to respond to falls in income and changes in circumstances. We estimate that overpayments will be reduced by around one third. Families will have a clear responsibility to report changes promptly and will be helped to keep their records up to date. Her Majesty's Revenue and Customs will take a more proactive approach.

There have been significant further improvements in our administration systems. With effect from last month, a new award notice is being issued to give claimants a clearer summary of their award, explaining how it was calculated and what they will be paid. I hope that that will help people in the circumstances described by the hon. Gentleman. The guidance notes that accompany claim forms have been replaced with a clearer, shorter version. The tax credit section of the Revenue and Customs website has been redesigned to make it easier to access information.

Since the beginning of the year, there has been a publicity campaign reminding people to notify us promptly of changes in their circumstances. The helpline, which dealt with 22 million calls in 2004-05, has been improved. Call-back arrangements providing more targeted, fuller support in the most complex cases are now in place, and I hope that the hon. Gentleman's constituents will see improvements as a result. Major software releases were successfully implemented in November last year and again last month and are delivering real improvements in operational performance. Again, I hope that that will directly address the concerns that the hon. Gentleman expressed. New procedures to suspend recovery of a disputed overpayment were also introduced last November and we published a revised and clearer version of HMRC's code of practice on overpayments. I hope that that will also help.

I know that hon. Members on both sides of the House have appreciated the willingness of my right hon. Friend the Paymaster General—who is out of the country on ministerial business today—to meet hon. Members about the problems that we have had, to assist in resolving them and to make changes to put them right.

Today, tax credits are helping millions of families throughout Scotland and the UK. We are determined to improve the system further, to remedy the defects that have affected a minority of tax credit recipients in the way outlined by the hon. Gentleman today. We want to give families more certainty about their tax credit awards, but we want to hang on to the crucial ability that characterises the current system of being able to respond to changing circumstances.

I am grateful to the hon. Gentleman for setting out on behalf of his constituents their wholly proper concerns and for helping us to ensure that the system provides the help that it was designed to provide. I hope that over the next few weeks or months he will notice the significant improvements that are being made to the administration of the system and that the incidence of the problems that he described will become significantly less frequent than in the past few months.

Finally, I note that we received a helpful and interesting brief from the National Council for One Parent Families to coincide with the debate. It made a number of points rightly emphasising that there is more to be done to ensure that the system delivers what we want it to. It started by welcoming the fact that the Government have listened to concerns about the operation of the tax credit system and that we are introducing changes that should improve income stability for claimants and reduce hardship. That is our aim and I hope that we will be successful.

Second Chance Education

1.30 pm

Mrs. Louise Ellman (Liverpool, Riverside) (Lab/Co-op): I am pleased to have been able to secure this important debate. I am aware that there is a great deal of interest in this topic, and I wish to associate myself with the comments of my hon. Friend the Member for Warrington, North (Helen Jones).

I want to draw attention to the problems that are being experienced in adult education in Liverpool and in other large urban areas as the unintended consequence of changes to Government funding for further and adult education. In particular, I want to focus on a highly valued course at risk, "Second chance to learn", in the hope that the course's future can be secured.

There are three key players in this matter: the Government, the Greater Merseyside learning and skills council and Liverpool community college. Government provide major funding and set national priorities, the Greater Merseyside LSC allocates funding based on those priorities, and the college itself makes decisions on specific courses, although that is strongly constrained by the priorities already set and the funding allocated.

The Government, through the Department for Education and Skills, have given priority to securing employable skills and expanding participation among 16 to 18-year-olds. They prioritise level 2 and level 3 qualifications to be funded partly by transferring money from level 1 and courses inauspiciously designated "other". That is where the problem lies. The transfer of funds threatens the adult skills for life provision and second chance learning, where Liverpool community college has been judged as "outstanding" by Ofsted's adult learning inspectorate in its 2005 inspection.

Greater Merseyside LSC's initial allocation to Liverpool community college reduced its adult further education budget by £2.7 million—8 per cent. That was in order to transfer money to fund higher priority courses. Following representations, the allocation has been increased by £1.2 million, and I understand that further negotiations are still under way.

The Government's national priority of improving employability is to be commended, and is highly relevant in Liverpool where, despite the city's growing economic success and a 43 per cent. reduction in unemployment since 1997, high unemployment persists. For example, in the Riverside constituency the unemployment rate is 12 per cent. and male unemployment runs at 18.1 per cent. If we look more closely at local areas, we see that those figures increase. For example, in the Granby ward, the unemployment rate is 26 per cent.

It is essential that people are equipped with the skills to take up growing opportunities provided by successful regeneration. The unanticipated consequence of this national policy is, however, to reduce funding for people who either need support to enable them to step on the skills ladder or require education that boosts their confidence as individuals and as active citizens. The courses at risk include those that address that objective.

[Mrs. Louise Ellman]

The courses may well become the gateway to further qualifications, but they are valid in their own right.

The courses are highly relevant to Liverpool, where long-term deprivation persists: 46 per cent. of Liverpool's special output areas are in the highest 5 per cent. in England, and 23 per cent. of Liverpool's SOAs are in the 1 per cent. of most deprived areas in the country. According to the Basic Skills Agency, 27.3 per cent. of Liverpool people between the ages of 16 and 60 have poor literacy skills; the corresponding rate for England is 24 per cent. In addition, 32.3 per cent. of Liverpool people in this age group have poor numeracy skills, compared with a figure of 24 per cent. for England. The constituency of Liverpool, Riverside alone has 10,900 people on incapacity benefit—the highest number for any constituency in the country. For many families with that long-term problem, formal education has not been seen as a high priority and there is a high level of alienation. That is why provision characterised unflatteringly as "other" is so needed.

Liverpool community college remains the arbiter on the provision of specific courses, although, as I said, its decisions are heavily constrained by funding decisions taken elsewhere. It is an exceptional college, whose skills for life agenda and approach to social inclusion and widening participation were judged by Ofsted to be "outstanding". The Ofsted inspection also found that there is "consistently good teaching", "strong strategic leadership" and "strong financial management" at the college. That is praise indeed.

I am concerned that a range of the college's courses is at risk because the national funding priority does not take full account of Liverpool's needs; similar problems are also found in respect of other urban areas. I wish to draw attention to the future of the long-standing course, "Second chance to learn", which is now in jeopardy. That stand-alone course is provided at the college's new city centre, Duke street premises, and attended by 180 students. It has run for 30 years, originally through the Workers Educational Association and the Liverpool university Institute of Extension Studies. During that time, 3,000 students have participated.

Although there are exceptions, most students are aged over 50, have limited formal educational qualifications—many have none—and do not progress to higher education. They do not fit employment-oriented priorities. Yet the course is highly valued. Recently, I met students who attend the course. They described their experience as "life transforming" and explained how it had given them new confidence, encouraging them to be active citizens fully engaged in the regeneration of local communities. They recounted how they had influenced younger members of their families, who otherwise would not have been so influenced, to become interested in education. That demonstrates how second chance learning has helped individual development and community cohesion.

The college, under the pressure of funding constraints, now proposes to disband the stand-alone course in the city centre. It plans to provide the individual subject options in the course through local drop-in study centres or DISCs. Those would become part of foundation programmes that address basic skills needs and work towards level 2 entitlement. The proposal has been met with consternation. It means the end of the stand-alone "Second chance to learn" course, which will no longer remain an entity in its own right and no longer be held in the city centre.

Students have told me how coming to a stand-alone course has made them feel part of something important and given them a feeling of belonging. They have explained how meeting in the city centre is stimulating and enables them to join students from other parts of the city whom they would not otherwise have met. They talk about how misconceptions have been broken down and how prejudice has been addressed. They talk avidly and enthusiastically about how going to a course in the city centre brings them into contact with younger students. They find that to be part of an important learning process for themselves as individuals. One student who had no formal qualifications told me:

"I have a thirst for knowledge. A light has been switched on; now it is to be switched off."

Another said:

"The course should stay city centre-based so that students like me, who have never wandered out of my own neighbourhood, can meet other students from across the city."

The students on the course are predominantly older people with few formal qualifications, who had a gross lack of self-confidence but found a new sense of well-being and optimism by attending the course. The local newspaper, the *Liverpool Echo*, has drawn attention to the city centre, stand-alone course. Numerous students, some of whom progressed to employment and others who found a new sense of confidence, praised its worth. They stressed its value in making them more aware and active citizens as an essential part of the widespread regeneration in Liverpool.

I appreciate the context in which the decision is being made. The Government's stress on employability is commendable, and certainly highly relevant to Liverpool, but it has led to a reduction in funds for confidence-building courses that develop and educate individuals, which are also required. Such courses might be the gateway to qualifications, but they are also important in their own right in encouraging active citizenship, awareness and confidence, and are part of urban renewal and local need.

More joined-up thinking at Government level is required. Civic engagement and social cohesion are important parts of the Department for Communities and Local Government's strategy on urban regeneration. Liverpool has benefited greatly from those regeneration strategies, with significant funds coming to the city, particularly into my constituency, to develop local neighbourhoods, improve housing and employment prospects and develop a sense of civic renewal.

In 2001, the Department of Health launched the national service framework for older people. That identified the importance of lifelong learning. The Centre for Educational Research and Innovation at the Organisation for Economic Co-operation and Development highlights the link between learning and health for older people. It seems perverse to jeopardise courses that have such a positive effect on both of those areas.

The Government's national priority of increasing employability is extremely important to Liverpool, but so is the need to build confidence and develop the individual. The facts that I have recounted today about the long-term deprivation in Liverpool, the need to upgrade basic skills, and the long-seated deprivation that leads to too many people feeling that education is not for them, emphasise the importance of courses that boost self-confidence and self-awareness. Those issues are being addressed successfully by Liverpool community college, which is an outstanding institution, but they are being put at risk by changes in funding priorities decided nationally.

Liverpool community college is renowned for its work with under-achievers. It has already secured, from its initial application, additional funding from Greater Merseyside LSC, which is aware of local needs, but is constrained by national priorities. A significant funding gap remains, and I urge the three players—the Government, the LSC and Liverpool community college—to ensure that those important parts of adult education do not fall victim to the schools-based priority. I urge both the Government and the LSC to make funding available so that both local priorities can be addressed.

Liverpool's needs require a combination of employment-related courses following the national priority and others that develop citizens as individuals. Those two objectives might well go together, but do not necessarily do so. This is an essential part of adult education in the area of under-achievement. Both aspects are important and a part of regeneration. "Second chance to learn" should remain a stand-alone, city centre course, and I call on Liverpool community college to review its proposal. I ask the Government to look again at the implementation of the strategy and to increase flexibility, so that national Government policy can bring the maximum benefit to areas such as Liverpool.

1.45 pm

The Parliamentary Under-Secretary of State for Education and Skills (Phil Hope): I congratulate my hon. Friend the Member for Liverpool, Riverside (Mrs. Ellman) on securing the debate. I am aware of the level of interest that people in Liverpool are showing in the proposals of Liverpool community college to reorganise its "Second chance to learn" programme. I have also had representations from my hon. Friends the Members for Liverpool, Garston (Maria Eagle), for Wallasey (Angela Eagle), and for Wirral, West (Stephen Hesford) and from my right hon. Friend the Member for Knowsley, North and Sefton, East (Mr. Howarth). I appreciate the opportunity to explain the Government's and the Learning and Skills Council's strategy in this context.

In response to my hon. Friend's opening remarks, I want to outline the Department's overall strategy for dealing with the nation's skills needs, and then to consider local issues in Liverpool and describe our commitment to providing learning to all those who missed out earlier in life, as she described, and to those who want to update their skills or to continue learning.

The Government have developed what I believe is a strong and coherent strategy. To meet our future skills needs, we shall ensure that people realise their potential through learning, both as individuals and as members of an adaptable and changing work force. We shall reinforce the priorities for the public funding of adult learning and we want to find the right balance between the state, employers and individuals for the costs of adult learning. We are reforming the further education sector to make it much more responsive to the needs of the economy, employers and individuals.

My hon. Friend described the situation in Liverpool in graphic terms, and I think that we all know that the global economy presents some unique new challenges. We live in a world where new markets, productivity and new skilled work forces are emerging with extraordinary speed. However, as my hon. Friend probably knows, our productivity levels are still among the poorest in western Europe, so boosting our productivity will be a key factor in our long-term future economic success; that is true for the whole of the UK, and for Liverpool in particular. Our skills gap—the gap between our skills and those of other countries—is one of the main reasons for our productivity being poorer than it should be in comparison to those countries. That is the challenge that faces us, and it is a stark one.

The Chancellor said in a recent Budget statement:

> "It is because education is the 21st century road to prosperity that Britain must become the best educated, best trained, best skilled country in the world. ... Unleashing the potential of every individual in the country is key to the economic success of the future of our country."—[*Official Report*, 16 March 2005; Vol. 432, c. 267-8.]

The Government's skills strategy is essential.

I want to give some figures to bring home the scale of the skills gap. There are 12 million adults who lack a full level 2 qualification—the basic school-leaving qualification, the equivalent of five good GCSEs. Some 6 million adults lack basic literacy skills and 17 million adults lack basic numeracy skills. It is true that our plans to transform the fortunes of young people will improve those figures over time, as young people leave school better equipped with skills. However, as Lord Leitch demonstrated in his report, that is not enough.

Today more than 70 per cent. of what will be the 2020 work force has completed compulsory education, so if we are to tackle the figures that I have just given we shall have to transform the fortunes of our adult population at all levels. It is not only an economic imperative that we face; we know that adults with low skills have lower than average levels of employment and lower earnings. That is a point that my hon. Friend made. We have a stretching public service agreement target for 2010, which is to reduce by 40 per cent. the proportion of the work force without a level 2 qualification. However, as many as 25 per cent. of the work force lack that level 2 qualification today. Those with level 2 qualifications are three times more likely to receive further training than those without qualifications. It is a key to unlocking future individual success.

How do we match funding with those priorities? We have records of public funding for adult learning. Our planned funding for the Learning and Skills Council's major adult programmes is nearly £3 billion for both of the next two years. However, we cannot transform skills at every level through public funding alone. We have to

[Phil Hope]

prioritise where public funding is targeted. We have made it clear that our priority is to give help to those adults who need it most. We have prioritised for free provision those without functional literacy and numeracy and those without the foundation of employability skills, as represented by a first full level 2 qualification.

To support that shift, there must be a new balance of responsibilities between the state, employers and learners. We do not accept that the withdrawal of LSC funding—where that happens—means that a course automatically has to close. If employers will benefit, it is only fair that they share the cost. Where learners and employers are prepared to pay more, we expect providers to provide courses on a full cost-recovery basis.

We need a cultural shift that will lead to new and better targeted investment by employers in their work force and to individuals investing in themselves. There is a lot of evidence that individuals accept the case for investing in their own learning. MORI polling and recent research by the National Institute of Adult Continuing Education show wide acceptance that adults should make a contribution to the costs of learning.

There is a long backdrop to the moves by Liverpool community college to restructure its provision to meet the priorities that I have outlined. I mentioned earlier the national figures for adults without a level 2 qualification or with basic literacy and numeracy needs. My figures—I hope that these are in accord with the ones that my hon. Friend mentioned—show that 120,000 adults in Liverpool are without a level 2 qualification. That is 44 per cent. of the working population in Liverpool, as compared with 27 per cent. in England. That is a major gap that we have to fill. Some 80,000 adults in Liverpool are without basic literacy and 89,000 are without basic numeracy. My hon. Friend was right to highlight that need, and I am highlighting it too. It is because we have identified that need that we have no choice but to prioritise our resources to address the demand for learning. That is what Liverpool community college is doing.

Liverpool community college's "Second chance to learn" programme has been part of adult education in Liverpool for nearly 30 years. The programme currently helps 180 individuals, out of the college's 17,000 adult learners. Many of those 180 learners have been attending courses for a number of years—I have received correspondence from hon. Friends on that. Some of those learners travel into the city from the Wirral and elsewhere. However, the college has decided that the programme no longer meets the needs of many learners, mainly because it does not encourage progression to higher qualifications.

Mrs. Ellman: Will my hon. Friend give way?

Phil Hope: If I may say a little more but do not address my hon. Friend's concern, she may intervene on me.

The college recognises that the "Second chance" curriculum is an ideal base to support the recently established foundation programmes. The "Second chance" subjects have been tried and tested throughout the course's long history. They will attract a wider range of students if they are delivered in the college's local drop-in study centres, which my hon. Friend mentioned. The college will retain the best aspects of "Second chance" as part of a foundation programme for students that addresses their basic skills needs and works towards level 2. The broad range of subjects available through the programme will continue. That includes courses such as "Introduction to history", women's studies, creative writing, citizenship and sociology. Many students will have the opportunity of a second chance to learn when those subjects are delivered in local communities.

My hon. Friend mentioned the need for joined-up government and neighbourhood renewal programmes being funded through the former Office of the Deputy Prime Minister—the Department for Communities and Local Government, or the DCLG, as I shall get used to calling it. By delivering those courses in drop-in centres in local communities, we shall see a greater joining up between the needs of local communities and the courses that the college offers, because they will be provided where more students can access them.

Mrs. Ellman: I thank the Minister for his comments, which give a full explanation of how the Government see their policies unfolding. As I have said, I support a policy of creating greater employability, but my concern is that the needs of people who may not progress to further qualifications but who nevertheless get a sense of self-confidence and of becoming active citizens—another part of the Government's programme—are being put to one side in the search for greater employability.

Phil Hope: It gets complicated, in that there is a strand of funding that we call PCDL—personal, community and development learning—which funds learning for its own sake; it does not have to lead on to a qualification. That fund covers some of the themes that my hon. Friend described. We have protected the budget for PCDL at £210 million across the country, but the way in which that money is spent in different parts of the country is patchy. That is why I have asked the learning and skills councils to bring together the local partnerships, including themselves, providers, local authorities, the health service—which often provides education for health reasons—and voluntary, third-sector organisations, and to consider how the money allocated to PCDL is spent in their area, who goes on what courses, and how PCDL can be developed further. We are alive to, and committed to, that concept of learning for its own sake, but we are mindful that the ways in which budgets are spent locally do not necessarily meet all the needs or cover all the gaps.

As the hon. Lady mentioned, Liverpool community college recently received recognition from a number of sources for being a place of high-quality learning. It has two centres of vocational excellence and is involved in another, too. It has had good inspection results, and is a beacon college. It will receive extra funding for personal and community development learning in recognition of that excellence. This year, Liverpool

community college received some £32.7 million—that is 61 per cent. more than five years ago. My hon. Friend mentioned £1.2 million that had been brought back to help the college. I can tell her that the Learning and Skills Council has now agreed to give the college an additional £450,000 to support adult learning, so there has been recognition of the local priorities and needs, and of how the college can respond to those needs.

We have mentioned further education, adult learning, particular courses and so on, but on the wider policy area and the direct funding that we are giving, we expect colleges to focus on meeting people's needs at work. Particularly for employers, there is the "train to gain" stream of funding, which is rolling out nationally from 1 August this year. That is a £230 million programme to help employees who do not have basic skills and level 2 qualifications.

Finally, on the worry about focus on level 2 leading to the withdrawal of adult courses, it is not our policy to lose good courses that lead demonstrably to progression and to level 2; we make that clear in our grant letter to the Learning and Skills Council. I say to my hon. Friend that too much of the kind of provision that is called "First Steps" or "Return to Learn" is not so much a pathway as a revolving door; people go round and round on courses and do not move on. That is why we announced our new development value, the foundation learning tier, in the White Paper.

Question put and agreed to.

Adjourned accordingly at one minute to Two o'clock.

Westminster Hall

Wednesday 17 May 2006

[MR. ERIC MARTLEW *in the Chair*]

Tourism (Northern Ireland)

Motion made, and Question proposed, That the sitting be now adjourned.—*[Mr. Alan Campbell.]*

9.30 am

Mr. Gregory Campbell (East Londonderry) (DUP): I welcome the opportunity presented by this debate. It gives us the chance not only to examine the potential of Northern Ireland as a tourist destination but to ask why more has not been done to maximise opportunities for tourism. I am sure that the new Minister is quickly coming to terms with her brief, but if she is not already aware of this, she will quickly learn how much Northern Ireland has to offer, both today and thereafter.

We have the natural resources to attract people for city breaks, weekend breaks and for longer stays, and it is essential that they know what is on offer, where it is, and how to benefit from it. We have much in the way of natural resources. Northern Ireland may not be the prime target for those seeking a two-week holiday in the sun— *[Laughter]*—but it is undoubtedly a fantastic place for short, and even not so short stays. I do not know why my colleagues are laughing; anyone would think that it occasionally rained in Northern Ireland.

Last weekend saw one of the largest and most spectacular outdoor events anywhere in the United Kingdom—the North West 200 motorbike races. The event lasted five days, and more than 100,000 people were attracted to it. Of course, I would be promoting that event, because it takes place in my constituency, on the north coast. None the less, it was a spectacular event and millions more saw it on satellite television. That is but a small indication of what can be achieved throughout the Province.

Because of our history and geography, our culture and our sport, Northern Ireland can offer attractions that cannot be found elsewhere in the United Kingdom. With a more peaceful environment and greater access to the Province through the better transport links that we now enjoy, we should be able to attract even more visitors, not only from Great Britain but from the Irish Republic, Europe and beyond.

Tourism is one sector in which we have lagged behind the others parts of the UK and our neighbours in the Republic, but that is finally beginning to change. Belfast has begun to discover itself as a prime venue for city breaks. Indeed, in the past two weeks both Portrush and the mountains of Mourne have featured in UK-wide competitions as the most desirable places to visit. It could be said that Northern Ireland's tourist time has arrived.

We are home to some of the most scenic areas in the UK. We have nine areas of outstanding natural beauty, and we hope that more will be added to the list. We have some of the finest fishing waters in the British isles, and we have the potential to develop a market catering for those interested in specific activity holidays. The development of such holidays—especially golfing or fishing—will spread the benefits of tourism beyond the cities.

I have not yet mentioned the giant's causeway, but despite the famously reported comments of Samuel Johnson, it is worth going to see it. All those assets mean that Northern Ireland has a natural resource base upon which tourism can be promoted. Although the problems of the past 36 years have resulted in us lagging behind historically, I believe that we have the potential to develop tourism immensely in the foreseeable future.

The job of marketing Northern Ireland falls primarily to the Northern Ireland Tourist Board. I believe that that organisation can do much more to improve the marketing of Northern Ireland, both to those who live close to the product and to those overseas. In any attempt to market a product, even one as excellent as ours, it is important to create a distinct brand identity. I believe that NITB needs to work to carve out that distinct identity—one showing that we are not just another part of the island of Ireland, to which people may take a day trip while staying in the Republic, but a destination worth coming to in its own right. That time spent will, of course, mean money spent in hotels, shops and restaurants, and ultimately the improvement of the overall economy for everyone in Northern Ireland.

Part of that distinct identity has to be rooted in the culture and traditions of the Province. It will come as no surprise to anyone that I will mention some cultural events and traditions with which I am familiar, which offer huge potential for tourism. If the Northern Ireland product is marketed solely from an "Irish" perspective, many visitors will, unsurprisingly, see the potential for exploring that Irishness from the Republic of Ireland, and will see little added value to be gained from coming to our country.

In my home city of Londonderry, the Maiden City festival is a very successful sequence of cultural events, held for a week every August to celebrate the relief of the city from the longest siege in British military history. It is a pioneering festival, which has led the way to this kind of tourism. Moreover, it has grown and developed despite a level of funding far below that granted to other events such as the West Belfast festival, although it is the type of event that is cherished and developed by tourism bodies across the globe. That example must be developed and replicated in other parts of Northern Ireland.

Throughout July and August, the Orange Institution and other groups have begun to take steps to help develop and market the commemorations and parades that they organise. They hold activities around them in order better to explain their history and significance, as well as to attract a wider audience. The July commemorations are some of the largest cultural displays seen not just in the British Isles but beyond. They are all organised and held with very little Government support or funding. Indeed, on occasion the NITB treats those events as unavoidable irritants. There is a sense that it includes such cultural events in passing, simply because they are difficult to ignore, but there is no real effort to develop the tourist trade

[Mr. Gregory Campbell]

surrounding them. I would like that to change, with the tourist board working in a real partnership with the organisers of those large-scale events to market them and exploit their full economic potential.

We have a rich history, which has not always been marketed to the wider international audience—and I now turn to what is known as the Ulster-Scots tradition, sometimes referred to in America as the Scots-Irish tradition. Yet when most Americans think of researching their ancestry and their roots, they more often than not look to the Republic of Ireland, and not to the region that history most definitely pinpoints as the area where they would be better off beginning their search.

I recently posed a parliamentary question asking what links there were between NITB and VisitScotland, to target potential visitors from the United States to both Scotland and Northern Ireland. I was informed that there were no such links, except for the usual meetings that would happen between officials in organisations like that. In recent years we have seen the establishment of Tourism Ireland, which has the remit of promoting the tourist potential in both countries on the island of Ireland. However, as is so often the case with such bodies, there appears to be an automatic assumption that the answer to most issues lies in Northern Ireland looking south. Yet Rabbie Burns country is as close to Larne as it is to Lanarkshire, so the NITB should look east as well as south.

My party and I have made it clear that we have no objection whatever to north-south co-operation where it is practical and brings a benefit. There will be some issues within tourism where that will obviously be the case. However, for many other aspects, there are east-west links that equal or far outweigh any north-south promotional links. The Government must take that issue seriously and start to put together official structures that recognise those deep cultural and historical links—in this case, to develop tourism and the wider economy.

The Northern Ireland Tourist Board should develop a specific Northern Ireland brand, and there needs to be acceptance in Tourism Ireland that Northern Ireland has a clear and distinct culture. That needs to be exemplified even when it comes to a very basic matter such as the commissioning, supply and promotion of mementos and souvenirs that reflect that ethos. If people look through information on the events and activities that Tourism Ireland promotes, they will find much devoted to Irish literature and culture; it is only very recently—within the last 18 months—that Ulster-Scots music and culture has featured at all.

I have made some criticism of the NITB today, but its recent publication of the proposed cultural and heritage tourism action plan is to be welcomed as a step in the right direction. The plan at least recognises some aspects of Ulster-Scots culture and associated aspects such as the plantation. I urge the Minister and the NITB to develop that process and carry forward those ideas, which could help to turn around some of the problems that I have outlined. Those ideas could also be allied with the focus on what Northern Ireland has offered to countries such as the United States, where there is a rich history to be explored and explained to many Americans who are interested in their heritage. That could not only lead to the promotion of tourism links between the United States and Northern Ireland, but could aid the economy and help to build economic links between the United States and Northern Ireland.

With Tourism Ireland, however, we start from a significantly lower base. There must be a cultural change in that organisation so that it recognises the product that it is helping to sell and the uniqueness of that product. Unfortunately, on some occasions, nationalists in Northern Ireland have focused on the political gain that they perceive is made through the establishment of a body such as Tourism Ireland, rather than on the fact that it is failing the area that they should want to be served. I hope that we can all unite in wanting to see a significant improvement today and in the future.

I stress that we have a massive marketing opportunity. It presents itself now, but will not last long. Northern Ireland will be featured next year in the Smithsonian Institution's annual folklife festival in Washington DC. That will be an opportunity for Northern Ireland to present itself on one of the biggest stages in the world. Millions of people go to that festival every July, and next July Northern Ireland will be centre stage. We have the opportunity to express to those millions of people the desire and the hope that they will come to the festival next July. I hope that the opportunity presented by the festival will be used to develop some of the themes that I have outlined, and that it will show the American public in particular what Northern Ireland has contributed to the development of their own nation, as well as building links for the future. The London Olympics in 2012 will also give Northern Ireland a tremendous opportunity to attract those who are visiting the games, as well as offering training for competitors. That applies to the United States and to other nations.

The Government, of course, cannot be held responsible for the weather—I hesitate to mention the weather again, because it seemed to cause much merriment earlier.

Mr. David Lidington (Aylesbury) (Con): We could do with a bit of it here!

Mr. Campbell: We will endeavour to see whether we can transport some of the water that we have in Northern Ireland to the south-east of England. That would be an excellent way to promote east-west relations, although it might be somewhat expensive. However, other important issues can be given priority to develop a tourism industry with a lot to offer. It can deliver much, but it needs a promotional push to take it forward.

9.45 am

Mr. David Anderson (Blaydon) (Lab): May I say what a pleasure it is to speak before you, Mr. Martlew? I give you my best regards for your football team's performance in winning the championship this year. I welcome the debate—*[Interruption.]* It is halfway to Belfast.

I thank the hon. Member for East Londonderry (Mr. Campbell) for securing the debate today. I agree with a lot of what he said, particularly the fact that we cannot look at the situation in Northern Ireland as just an add-on to what is happening in the Irish tourist industry. It is different in many ways, and we should recognise, appreciate, respect and promote that difference.

I bring apologies from the hon. Member for South Staffordshire (Sir Patrick Cormack), Chair of the Select Committee on Northern Ireland Affairs. The Committee has agreed to look next at what is happening in the tourist industry.

I shall speak about my experiences, which go back almost 20 years. Despite having a grandmother born in County Cork, I never managed to get to Ireland until the summer of 1989. I had just been made redundant from the coal mines, and my 68-year-old father and I decided that it would be good fun to go camping. We camped in south-west Scotland, and while we were there we saw an advert for a day trip to the Bushmills distillery, which is quite a long way from Kirkcudbright. It meant waking up at 4 o'clock in the morning, getting to Stranraer for 6 o'clock, taking a three-hour ferry trip and then hitting the road, going around the coast to Ballycastle.

Ballycastle was the first place in Northern Ireland where I spent any time, and if I do one thing before I die, it will be to go back there and take the boat to Rathlin island, which I understand is a very impressive place. Perhaps we could build that into the Northern Ireland Committee's itinerary.

We went to the Bushmills distillery, my father being something of an expert on whiskey. He was certainly an expert in how much he could drink. I do not know about quality, but he certainly understood quantity. That made the bus drive back to Belfast very interesting.

That was the start of a lot of happy trips to Northern Ireland. My old man and I used to go together and just bum around. We would take the car with no idea where we were going, stopping by the roadside, in hostels and in bed and breakfasts—whatever suited.

There was one occasion when I was more worried than on any other. My dad was what I would call a quiet-man republican. He believed in the cause, he sang the songs and he had the craic, but he did not have very good political antennae. One night, we were welcomed into a British Legion—I cannot remember whether it was in Portrush or Portstewart—by an old man wearing a white tuxedo with the biggest bow tie I had ever seen in my life. I said to my dad, "If you start singing republican songs in here, you're dead." Thankfully, he concentrated more on playing dominoes than on singing that night.

Mr. Campbell: Wiser counsel prevailed.

Mr. Anderson: Absolutely.

Despite the fun that we had, it was a worrying time. Daft things happened. My car had a Great Britain registration; were we in danger? We were stopped at checkpoints and when crossing the border. The sight of watchtowers and of helicopters in the air was not something that we were used to, although over the years I have come to know that my Northern Ireland colleagues had to live with it day in and day out for far too long.

In 1993, I became a member of the national executive committee of the trade union Unison. During my time there, I worked with people in Northern Ireland and had many happy times trying to find a way forward in the peace process for working people over there. One of my happiest memories is of 1996, when we had a conference in Newcastle, County Down at the Slieve Donard hotel. I recommend it to everyone. They should go there, too, before they die.

We also stayed in Kilkeel. We decided to make a holiday of it—we had gone across there and the union had paid, so we thought we might as well stay. We visited a place called the silent valley. If there is a more appropriately named place on this earth, I do not know what it is. It is for those who want real solitude. We could see the town below us, but we could not hear a thing. I would recommend it to anyone. It is an absolutely fantastic place.

The hon. Gentleman mentioned the lakes in Ireland and the giant's causeway. That is one of Ireland's most visited places. So it should be, and so should other places like it—but the greatest reason to go to Northern Ireland is the people. They are genuine people, hospitable and warm. It does not matter what part of the country they come from; all of them make people feel welcome. Like me, and like some other people in the House, they come from a tradition of hard times and hard work. They have the attitude, "We don't have very much, but we'll share it with you." That is one of the greatest reasons to go there.

The place is now completely different from how it was 20 years ago—thanks in no small part to the people sitting in this room. Northern Ireland is vibrant, buzzing and alive. It has a positive future and our Government will play a major role in that future. There are new opportunities. There is now what I would call the "terrorist trail" in Northern Ireland—going round and viewing the murals. For people who have never been, that is probably one of the things that they most want to see, but there is so much more than that, and I hope that people will tap into it.

Last week that well-known entrepreneur, my hon. Friend the Member for Jarrow (Mr. Hepburn), organised a tour of the historic pubs of Belfast for us the night before the sitting of the Northern Ireland Affairs Committee. The event was purely investigatory—nothing else—but it was really interesting. That sort of trip has become an opportunity for people working in the tourist industry in Belfast, and shows visitors a whole new side of the place. The other good thing is that, as we were waiting for the plane at Newcastle airport at 3 o'clock in the afternoon, we noticed that the traffic was two-way. Geordies were going to Belfast and Belfast people were coming across to Newcastle. That is good for our country and for working together, and there is now a lot of hope.

The Committee is conducting an investigation into organised crime, and last week we split into two groups. Some of us flew to Crossmaglen, which is the only way for security staff to get in there. It was worrying to arrive by helicopter, walk out of the front door of the police station, look down the street at a beautiful village

[Mr. David Anderson]

square and know that the people in the station would almost certainly not dare to go out there unattended. The good news, however, is that watchtowers are coming down and last year, for the first time in 26 years, the police started patrols, albeit in armoured vehicles, from the road to Newtownhamilton, so in a sense things are improving.

After the Committee produces its current report we will begin an investigation into tourism. We hope that what we come out with will promote the good news and build on the advice, information and evidence that we have seen. We want to do justice to the situation, and as part of that, we are going to Northern Ireland on 12 July to look at cultural activities that many of us have never been involved in before.

Dr. William McCrea (South Antrim) (DUP): Hear, hear.

Mr. Anderson: I am looking forward to that—and I hope that I can get a hat big enough to wear.

To a certain extent, I have been involved in Irish politics for a long time, and I am not naive enough to believe that what has happened this week is anything more than a tentative start. Colleagues, both those in this Chamber and others in Northern Ireland, have got together to move forward, I hope, but we cannot move forward on terrorism, the peace process or anything else unless we are clear about three things. In our democratic society, there is no room for terrorists, criminals or wreckers. We do not want any of those people. We want to work together and, by using the tourism angle, we have a chance to build a new future not only for the people of Northern Ireland but for the people of the whole United Kingdom. I hope that the Government play their part in a big way, and that we will be led in this work by the people of Northern Ireland.

9.53 am

Sammy Wilson (East Antrim) (DUP): I am pleased to follow the hon. Member for Blaydon (Mr. Anderson), who has done as good a job as the Northern Ireland Tourist Board has done—it will probably offer him some commission for the adverts that he has given us today. I noted what he said about the people of Northern Ireland—but I have to say that if his dad had started singing republican songs in the British legion in Portstewart, he might have had to revise his opinion somewhat.

I congratulate my hon. Friend the Member for East Londonderry (Mr. Campbell) on securing this important debate. As has been mentioned, the Northern Ireland Affairs Committee will investigate tourism and we intend to spend some time sampling some of the tourist delights. It will be hard work, of course, and certainly not a junket or a holiday. We will discover some of the things that the hon. Member for Blaydon mentioned.

I want to reinforce the final point that the hon. Gentleman made. If tourism is to be developed in Northern Ireland, it is essential that we put the past of terrorism and criminality behind us. The Government and everyone in the Chamber have an important part to play in pushing those who are reluctant, and still look over their shoulders at their past and want to keep some connections with that past, towards democratic behaviour.

Tourism in Northern Ireland has the potential to achieve one of the objectives that the Secretary of State has rightly said is important if the economy of Northern Ireland is to develop. It will help to move Northern Ireland from public sector dependence to a greater emphasis on the private sector. It is significant that tourism is now the fourth largest private sector employer in Northern Ireland, and it has great potential if we use the tools we have at our disposal to help it to grow even more.

The magnet for tourism, of course, is the city of Belfast. Nearly 70 per cent. of those who come to Northern Ireland come through Belfast and stay there at some stage. We have to recognise that if that is the magnet, attention should be paid to that part of the market. However, I represent a constituency on the edge of Belfast that opens up a different dimension, away from weekend city breaks—towards the natural heritage of Northern Ireland along the Antrim coast and the glens, the built heritage of Carrickfergus with its historic castle, walls and churches and the associated pageants, or the natural heritage, coastline and wildlife and opportunities for bird watching, walking and so on presented by the Antrim glens.

My hon. Friend the Member for East Londonderry pointed out that there is an east-west dimension to tourism. The town of Larne, which I represent, presents the gateway to the western coast of Scotland, through which nearly 600,000 people come every year to Northern Ireland as tourists. That is an important link that needs to be developed. It is significant that the strategic transport plan published recently by the Scottish Parliament does not even mention that gateway and that link. That is one of the reasons why we must emphasise the importance and potential—not only for us but for Scotland and the north-west of England—of that gateway and the way in which it can help develop tourism in both parts of the United Kingdom.

However, there are a number of issues that need to be addressed, and the first is promotion. Two thirds of the budget spent on promoting tourism goes to Tourism Ireland, which promotes the island as a whole but does not specifically promote Northern Ireland. I have no doubt that there is a need to promote both Northern Ireland and southern Ireland on the international stage and I also accept that many people who come to southern Ireland will eventually come to Northern Ireland. The flaw is that with no specific reference to Northern Ireland in much of the promotional material, on which two thirds of the budget is spent, a huge gap is left. It is significant that if there is to be any specific reference to Northern Ireland in the promotional material, extra money has to be paid. We have not sufficiently grasped that.

The Northern Ireland Tourist Board does its own promotion of Northern Ireland, of course. On top of that, local councils do some promotion. That creates a difficulty, which I find in my constituency with people who have bed and breakfasts, for example, or hotels. Much of the private sector is at the small business end of the economy. Those people do not know who to go

to. Which agency should they focus on to promote their product? Should they go to Tourism Ireland, the Northern Ireland Tourist Board or their local council? At what level should they pitch and promote their particular facilities? That needs some attention.

Of course we need an overall strategy, and I believe that that is best done by the big agencies that operate on a world-wide platform. Once that platform has been created, we must look at ways of outsourcing it so that it is friendly to particular areas in Northern Ireland. The review of public administration and the creation of larger councils offer an opportunity to do that, and I see no reason, other than perhaps job insecurity, why the Northern Ireland Tourist Board should not outsource the promotion of what is available locally to the larger local authorities. That at least would provide a local connection between the small businesses involved in tourism and the local agencies, which are better placed to know what is available.

As my hon. Friend the Member for East Londonderry pointed out, because much of the development and growth of tourism takes place in rural areas, it can be environmentally sensitive. That tends to create difficulties in applying for planning permission. In the last three weeks there have been instances of such difficulties in my constituency. For example, an individual who sells fishing licences—fishing is a big tourism sector in Northern Ireland—operates in a small village off the main road, but bureaucracy in the Roads Service prevents him from putting up a sign pointing to where people may get a fishing licence so that they can enjoy that aspect of tourism. For the same reason, bed and breakfasts off the main road are also prevented from highlighting their location.

We have to be sensitive to that. There might be regulations, and we do not want road sides cluttered with a host of signs, but if we are to promote tourism, agencies such as the Roads Service in Northern Ireland need to be more sensitive to the need to promote businesses in that way.

Then we come to planning. Only last week, I spoke to someone who had diversified from farming into holiday cottages, had turned three of the farm outhouses into holiday cottages and was booked up throughout the year—even in the winter. That person wanted to add another cottage, but because of the area in which it would have been placed, even though it was within the curtilage of the farmyard, they were having to fight the planners. Again, the authorities were applying the planning rules too rigidly rather than considering the potential for further diversification in the countryside, and the further promotion of alternative sources of employment now that farming is in decline, especially in some of the hill areas.

A major project involving a disused quarry just outside the town of Larne in my constituency is fighting for planning permission. A company plans to build a cycle track of international standing and provide various ancillary and associated activities that could attract thousands of people to the area, but already there are planning difficulties. We need more sensitive planning policies if we are to develop tourism, as well as proper training, especially in the hospitality sector. Without that proper training, we will drive tourists away. Those are some of the issues that need to be addressed. Tourism is an important sector of the economy and it must be allowed to grow. I hope that the Minister will pay attention to some of the points made here today.

10.4 am

Mark Durkan (Foyle) (SDLP): I join other hon. Members in congratulating the hon. Member for East Londonderry (Mr. Campbell) on securing this debate. He is my constituency neighbour; indeed, he has the very proud honour of being my constituent. Like me, he lives in a city that should be very attractive as a tourist destination and has great ambitions and aspirations in that regard. It is a city that is well located in a river valley and has much history, some of which the hon. Gentleman touched upon. It is luckily located, with the giant's causeway not very far away on one side, with all that the causeway coast and beyond has to offer, and Donegal and all its riches on the other side. It also has everything that the Sperrins and Erne areas of Fermanagh and Tyrone have to offer. As a tourism region, the north-west of Ireland has much to offer.

In taking forward the opportunities for tourism, we must examine all elements of the tourism industry, including what makes successful tourism experiences in other parts of the world that we visit and in other parts of these islands. As someone who holidays not on the continent but throughout these islands, I am constantly struck when visiting the south-west of England and the south-west of Ireland by the ease of reference from one amenity to another, and by the constant cross-promotion of information on all the different amenities and events. That can be compared with the difficulty that many visitors to Northern Ireland have in finding out even what visitor amenities and attractions are within a 20 or 30-mile radius of where they are staying. There is a lack of integrated information and promotion to give people a good, effective, attractive tourism experience. Too often tourists are left to do much of their own work in finding out what is there.

Councils and others at a local tourism level have been trying to do something about the problem, as have the regional tourism organisations in recent years. They have tried to sell not just one isolated location but a whole region, so that people have plenty to occupy them and a range of experiences over a period of days. Unfortunately, the regional tourism organisations have had their funding cut. They have now been replaced by regional tourism partnerships, which the Government tell us will have a wider brief, but which will also have smaller budgets.

If we are to gear up our tourism and all the sub-regions are to play their part, it is hard to see how they are meant to do so with diminishing Government funding and the loss of some of the European money that has supported tourism projects and initiatives introduced as part of the peace programme, under the heading of seizing the opportunities of peace. There are issues that the Government need to address. It is all very well to produce documents that highlight the room that exists to grow the tourism sector, and show the relatively low tourism figures in Northern Ireland compared with other parts of the UK and the Republic of Ireland, but expansion will not happen unless we invest in it.

[Mark Durkan]

The hon. Member for East Londonderry and others raised the role of Tourism Ireland. As one of the people involved in the package of decisions that led to the creation of that company, I stress that it was created not as some sort of political gesture or gimmick but as a marketing company to enhance tourism marketing for the island of Ireland as a whole, and bring more tourists to it. We must all work hard to ensure that tourists who come to the island experience all that it has to offer. It is not just Northern Ireland that believes it sometimes misses out on the tourist traffic that comes to Ireland. Many of the counties in the south, above the Dublin-Galway line, feel that they too miss out, and that not enough of the coach tours take in enough of the whole island. That is not Tourism Ireland's fault; the southern half of the island simply has a well-beaten tourist track and a much more developed tourism infrastructure. That is all the more reason for us to invest more in our infrastructure in the north of the island, and particularly in Northern Ireland.

Some hon. Members present were recently in Killarney, at a meeting of the British-Irish Inter-Parliamentary body.

Mr. Campbell: As tourists?

Mark Durkan: They would probably count in the tourism statistics. *[Interruption.]* I am sure that Kerry will find a way of counting them as tourists—they are cute at that sort of thing in Kerry. However, the town of Killarney has more hotel beds than the whole of Northern Ireland, which tells us something about the scale of the opportunities that we are missing out on. Given that level of supply, and all the attractions in Killarney, it is obviously not Tourism Ireland's fault that foreign tourists very much want the south-west of Ireland to be part of their experience. We must therefore ensure that we build up our infrastructure, amenities and accommodation so that people know that is worth while being up in the north-west and other parts of the north of Ireland.

As we manage tourism in government terms, we must also tackle the disparate way in which so many tourism issues and visitor attractions are dealt with. When Departments were created on devolution, some of us proposed that tourism should be part of the brief of the Department of Culture, Arts and Leisure, but others argued that it should stay with the Department of Enterprise, Trade and Investment. Our hope and understanding was that the Department of Enterprise, Trade and Investment would deal with the hospitality sector—that is, hotels—and with selective financial assistance, but that the Department of Culture, Arts and Leisure would take responsibility for co-ordinating tourism amenities.

Some heritage sites are with the Department of the Environment, while other attractions for tourists and local visitors, such as some of the forests, are with the Department of Agriculture and Rural Development. Many visitor amenities are owned by councils, while other amenities and interpretive centres are owned by arm's length companies, and community and voluntary bodies. They all have very different opening policies, and there is a lack of a clear, integrated information system. The idea was that the Department of Culture, Arts and Leisure would marshal resources and deal with that side of things, but that never happened, and we have all missed out quite a lot since. There are therefore things that we need to rationalise and fine-tune if we are to determine which parts of the Government relate to and take responsibility for which parts of our tourism potential.

In all this, there is also the question of developing the tourism work force. One problem is that many people do not see the tourism sector as offering a long-term career. In addition, many business players in the sector feel that if they invest in work force development, somebody else or somewhere else will simply poach the fruits of their work. There is therefore a disincentive to such investment, and we need to look at how we can develop and improve our tourism work force properly, because the lack of investment clearly comes through in the tourism experience and perhaps sometimes leaves people who come to parts of Northern Ireland feeling a little less satisfied than they do when they go to other places.

Northern Ireland also needs to understand that as we grow tourism, the tourist trade will include not only the hotels and the bars but the small shops, the cafés and everything else; they are all part of selling the area and providing the information and added direction. Again, we need to develop that sense of awareness. In all that, the Northern Ireland Tourist Board and regional tourism partnerships have a strong role to play.

It is wrong for people to create a false tension between the role of a regional body such as the tourist board and the sub-regional bodies, such as the tourism partnerships, and the clear international marketing role of Tourism Ireland. Working all such systems and networks together, we can increase the number of tourists and ensure that they go away with positive experiences and, in turn, bring in more tourists.

Hon. Members have referred to signage. I agree with the hon. Member for East Antrim (Sammy Wilson); people with small businesses who are stepping out and saying, "Yeah, we're going to take the risk and invest in the tourism potential of this place," should not find themselves rationed to one brown sign, and having to pick which of three or four perhaps very relevant roads it will be on. That is simply nonsense; people should not lack such basic support and co-operation.

We need to remember that growing our tourism industry will involve a lot of small firms and individuals diversifying, not least in rural areas. As they choose to diversify, make that investment and take that risk, people should not be handicapped by needless regulation and controls, without the assistance that—given all the noises that they hear from all the politicians, not least the Government—they have every right to expect.

I look forward to hearing about how the Government intend to address some of the budgetary issues of tourism support and the Northern Ireland Tourist Board's spend in the south of Ireland at the minute. Never mind marketing Ireland north and south together through Tourism Ireland; Northern Ireland has a very ready market to the south.

The Northern Ireland Tourist Board's spend in the Republic of Ireland was reduced this year and last, yet

big money is about to flow into households in the south of Ireland, as the special savings incentive accounts are maturing. Big money is going to come in; there will be big disposable incomes. People are looking to spend the money in different ways; one has only to look at the Irish newspapers to see how many ads there are for this, that and the other, all based on that big money boost. We could bring in some of the money that is floating about there if people from the south come to Northern Ireland as tourists. But what are we doing? The Northern Ireland Tourist Board's tourist promotion budget in the south is being cut. That seems utter folly.

Again, I ask the Government to think again about how they can better assist what they say they want to assist through sensible and accommodating budgeting.

10.19 am

David Simpson (Upper Bann) (DUP): I, too, welcome the new Minister. This is her first encounter with us in an Adjournment debate, and I congratulate my hon. Friend the Member for East Londonderry (Mr. Campbell) on securing this one.

My hon. Friend the Member for East Antrim (Sammy Wilson) spoke well about tourism in Northern Ireland. He has a reputation—a very decent one, I have to say—for being keen on motorcycles. Your predecessor was given the offer of a lifetime: to jump on the back of my hon. Friend's Harley Davidson—*[Interruption.]* My understanding is that she was about to take up the offer, but then—[Hon. Members: "She was rescued."] She was moved, and my hon. Friend was very disappointed because he had thought that the two of them could sail off into the sunset along the coast of East Antrim and away round by Larne. As I said, we would give you an insight—

Mr. Eric Martlew (in the Chair): Order. I am not interested in going on the back of a motorbike, although the Minister may be.

David Simpson: We could give the Minister an insight into tourism at first hand.

I will be brief; I just want to raise a number of points—more bullet points than anything else—on tourism. Because Northern Ireland is part of the United Kingdom, I believe that we should emphasise the British link more. The British tourism market is worth £74 billion annually, and that is rising, whereas the tourism market in the Irish Republic is worth a mere €4.5 billion. While it is certainly worth getting a slice of that, there is more to be gained by promoting in tourism the Britishness of this part of the island, to get a slice of the £74 billion.

I also wish to emphasise a couple of points to do with the Northern Ireland Tourist Board, relating to the constituency of my hon. Friend the Member for East Londonderry. In 2005 London attracted 27 million visitors with a spending power of more than £9 billion—far more than the value of the entire Irish Republic tourism industry. It is time that the Northern Ireland Tourist Board started promoting the London link and heritage of the city, to tap into that lucrative and growing market. The Northern Ireland Tourist Board has on its website a map of Northern Ireland which depicts the city of "Derry" and refers to the "Walled City of Derry". Astonishingly, it also states that the city of Derry is also known as Londonderry, when it should in fact address the city by its proper title of Londonderry, and state that some locals refer to the city by the nickname of Derry. It is wrong that the Northern Ireland Tourist Board does not give Londonderry its proper name, and that should be rectified immediately. There is also no mention on its site of St. Columb's cathedral, which is a massive tourist attraction. That is another thing that the Northern Ireland Tourist Board should examine and rectify.

We should redirect money from politically driven north-southery to invest in the Northern Ireland infrastructure. I believe that between 2005 and 2008 the Government plan to spend some £30 million each and every year on seven separate north-south bodies such as Waterways Ireland, the Foyle, Carlingford and Irish Lights Commission and the Food Safety Promotion Board. I ask the Social Democratic and Labour party to join the Democratic Unionist party—not literally, but in calling for savings and efficiencies—

Mark Durkan: Do a David Ervine?

David Simpson: Yes, that would make news.

I ask the SDLP to join the DUP in calling for savings and efficiencies in the north-south set-up to help fund the Northern Ireland infrastructure. There can be no justification for continuing to spend more than £30 million a year on what is basically a political project aimed at mollycoddling nationalists and republicans. Millions of pounds can be saved from the cross-border budget. Why should roads and railways suffer because money is needed to run bloated cross-border bodies?

I turn now to the international airport in the constituency of my hon. Friend the Member for South Antrim (Dr. McCrea). I am sure that he will discuss that point, but I want to refer to it briefly. Secure access to Heathrow is vital for the economic development of Northern Ireland. The Government need to take action and seek changes to the EU rules that will allow protected access to secure the long-term future of our air link.

Northern Ireland recently enjoyed some good news on the air front: new routes have been introduced. They are welcome, but not all the travel needs of passengers will be met, which is why our links to Heathrow remain so important. It provides a gateway to the rest of the world on a scale unmatched by any other UK airport. Our location and lack of direct air services to destinations outside the UK mean that Heathrow is essential for local passengers and businesses—but in recent years, the daily number of Belfast-Heathrow flights has decreased from 15 to just eight, and that situation must be addressed.

Despite all the problems that Northern Ireland has had, we remain a warm and friendly people. In saying that, I am referring not only to members of my own party but to the wider spectrum of the community. We have a great future in tourism. As has been mentioned, we had a meeting yesterday in the Assembly in Northern Ireland involving the Business Alliance. It gave us some startling figures: over the next 10 years we

[David Simpson]

will have to create about 140,000 jobs—an average of 14,000 a year, which will be difficult to achieve. That figure relates to the people who are already up and coming, and does not include people coming from other countries who will try to get jobs. The tourism side can help in that process. As many Members have said, we have work to do, but we are looking forward to it and I have every confidence that the people of Northern Ireland will achieve that aim.

Several hon. Members *rose—*

Mr. Eric Martlew (in the Chair): Order. I would like to start the Front-Bench wind-ups at about 10.35 am.

10.27 am

Mr. Nigel Dodds (Belfast, North) (DUP): It is a pleasure to serve under your chairmanship, Mr. Martlew. I congratulate my hon. Friend the Member for East Londonderry (Mr. Campbell) on securing this important debate, and I join other hon. Members in welcoming the Minister to her new responsibilities. I look forward to working with her.

I shall not go over many of the arguments that have been put, but I want to deal briefly with several issues. It is a pleasure to listen to the comments made by the hon. Member for Foyle (Mark Durkan). I was born in the city of Londonderry, so I have a fond attachment to that part of the country. My parents live in County Fermanagh, in Ulster's lakelands, so I have good connections there as well. In respect of the tourism industry in Northern Ireland, I have good connections all over.

As a Belfast Member, my prime interest and responsibility relates to the city of Belfast. It has been mentioned that Belfast is the regional driver for tourism in Northern Ireland, and that is very much the case. Visitor numbers have risen between 1995 and 2005. While the number of overnight visitors to Northern Ireland has increased by 19 per cent. during that period, the corresponding figure for Belfast increased by 95 per cent. In those earlier days, Belfast was a byword for troubles, difficulties and all sorts of things, so we are starting from a fairly low base, but those figures show the extent to which it is a major driver in the tourism industry, especially for weekend and overnight visitors who come to the Province.

There is enormous potential. In 2005, it was estimated that Northern Ireland's tourist industry was worth £350 million, whereas the Irish Republic's was worth £2.3 billion. That shows the discrepancy that exists, and hon. Members have mentioned some of the reasons for it—the well-developed infrastructure and all the rest of it. There is enormous potential for the development of tourism to create jobs and economic regeneration in Northern Ireland.

I understand that Dublin is the third most visited city in Europe, in terms of weekend visits and so on. Belfast is coming up the list, but we should be attracting far more visitors to the city. On that front, I am concerned that the Belfast Visitor and Convention Bureau—one of the main agencies that can help to attract visitors to the city—faces a £1 million cut in funding. I would like the Minister to consider that, because clearly that cut will make it more difficult to attract visitors to the city. That needs to be addressed.

For comparison, 4 per cent. of the Republic of Ireland's gross domestic product is tourism; for Scotland the figure is 6 per cent., and for Northern Ireland it is 2 per cent. We need to develop a vision for tourism in Northern Ireland. Reference was made to the debate in the Assembly yesterday, led by my hon. Friend the Member for Upper Bann (David Simpson). In that debate, there was mention of the difficulties caused by the large public sector in Northern Ireland, and the challenges that Northern Ireland faces, with the decline in manufacturing industries and so on.

Tourism has enormous potential to create the jobs needed in Northern Ireland, but that potential will not be reached unless we create a real vision for tourists, and unless we market and invest in the tourism product in Northern Ireland; that has not been done sufficiently. Colleagues and I recently had a meeting with the Northern Ireland Tourist Board. We discussed in detail some of the products that need to be developed, and particularly some of the issues mentioned by my hon. Friend the Member for East Londonderry, such as the whole issue of the Ulster-Scots heritage. Frankly, I am extremely disappointed with the approach that has been adopted. Not enough has been done to develop the tourism product, and much more work is needed.

On the investment in marketing, reference has been made to Tourism Ireland, and clearly there is a role for the international marketing of Northern Ireland and the Irish Republic. Tourism Ireland markets the island of Ireland abroad, in places such as Australia, America, Japan and the far east, but what causes me concern is the enormous amount of money going into tourism from Northern Ireland. By 2007-08, Northern Ireland will be putting £22 million into Tourism Ireland's budget; that is one third of the overall budget. Two thirds of the budget comes from the Irish Republic, as has been mentioned. By 2007-08, the entire budget for the Northern Ireland Tourist Board will be £11.1 million, yet £22 million is going into funding Tourism Ireland from Northern Ireland.

I recognise the need for a marketing exercise along the lines that have been described, and the role that Tourism Ireland plays, but given that hon. Members have talked about the need for investment, we need to think about this. We cannot sustain so great an investment in Tourism Ireland while investment is cut in other areas, as the hon. Member for Foyle mentioned. The Belfast Visitor and Convention Bureau is suffering cuts and the Northern Ireland Tourist Board has an insufficient budget. There needs to be more balance, and I appeal to the Minister to look into the issue carefully.

The money—it will be argued—goes into bringing people to Ireland, and so goes into bringing more people to Northern Ireland, but the fact is that only 20 per cent. of people coming to Ireland come to Northern Ireland, and most of that 20 per cent. spend far less time in Northern Ireland than in southern Ireland. I say strongly to the Minister that we need to think again about this. There is a need for investment in marketing the island of Ireland, but in my view things are not properly balanced. There is far too much

money going into Tourism Ireland, as opposed to developing the tourist product and the tourism marketing of the Northern Ireland Tourist Board.

Finally, 2012 is coming up. The Olympics have been mentioned, but it is also the Titanic anniversary, so it is absolutely vital that the Government get a grip on the issue. Recently, I was at a meeting with the Minister's colleague, the Minister for Social Development, about the return of the Nomadic. I very much welcome the fact that it has been purchased and saved for the city of Belfast, and will be brought back there soon. It is an important part of the Titanic package, which I hope will encourage many visitors to come to Belfast in 2012. A £25 million lottery application for the Titanic project is under way, but I strongly urge the Minister to get a grip on the issue, because at present there is no Government commitment whatever to core funding for that project or indeed for any of the main signature projects that are part of the Northern Ireland Tourist Board's remit. That needs to be grasped, because we have a tremendous opportunity before us.

Cities such as Cork and New York are developing strategies to capitalise on the Titanic anniversary, but Belfast should be synonymous with it: it should be the place that people will not leave out of their Titanic itinerary. It has to be marketed, and that needs investment. I appeal to the Minister to consider that very strongly.

Dr. McCrea: We all have that vision, and want to get lots of tourists into Northern Ireland, which is absolutely correct, so how can it be acceptable that the international airport, to which people come from across the world, has no official train link to the centre of Belfast? Is it not time that that infrastructure was put in place?

Mr. Dodds: I agree, and I would encourage as many links to and from Belfast as possible, as it is the gateway from which people should be persuaded to visit other parts of Northern Ireland.

10.37 am

Mr. Alan Reid (Argyll and Bute) (LD): I congratulate the hon. Member for East Londonderry (Mr. Campbell) on securing the debate. He is right to focus on the important issue of tourism, which has the potential to make a significant contribution to Northern Ireland's economy—perhaps greater than that of any other single industry.

Northern Ireland has a great many tourist attractions and it has a great deal to offer in that respect, from the new Titanic quarter in Belfast to the giant's causeway and the spectacular scenery in between. Heritage and environmental tourism also have great potential. Yet despite those attractions, Northern Ireland has done much less well from tourism than the rest of the United Kingdom or the Republic of Ireland. Given the recent history, it is understandable that tourists have been reluctant to travel to Northern Ireland, but the great progress that has been made in recent years has opened up tremendous potential.

It should not be an unrealistic ambition to increase significantly the number of visitors coming to Northern Ireland each year, thus increasing the revenue produced by the tourism industry from the tourist attractions themselves, and from bed-and-breakfast accommodation, restaurants and so on.

We should compare Northern Ireland with the Republic of Ireland, which has done tremendously well from tourism in recent years, attracting 6.5 million visitors annually. Tourism expenditure in the Republic of Ireland doubled in real terms during the 1990s and visitor numbers increased at twice the world growth rate. Tourism is definitely an area in which north-south co-operation can be strengthened and enhanced, which can only benefit Northern Ireland.

For tourism to succeed and grow, every opportunity should be taken to attract potential visitors to Northern Ireland. Government have a role to play in publicity and in the education system, which must ensure that the vast range of service providers are equipped with the necessary skills and knowledge to satisfy the needs of a range of potential visitors from different countries and cultures, with a host of diverse backgrounds and languages.

The Government have a role to play, too, in providing transport infrastructure for visitors to get to Northern Ireland and then to travel around. I declare an interest: I represent the constituency on the British mainland that is closest to Northern Ireland. Hon. Members mentioned the links with Scotland, which are extremely important. It is also important for hon. Members and the Government to think not only of the link eastwards from Larne to Stranraer but the link northwards from Antrim to Argyll. There is a shared heritage between Argyll and Northern Ireland—not only the Ulster Scottish but the Gaelic heritage. Christianity was brought to Argyll by St. Columba sailing from Ireland, so there is a series of common heritages.

A ferry service ran between Campbeltown in Argyll and Ballycastle in Northern Ireland for three years between 1997 and 1999. That popular service was operated by a private company under a strange contract awarded during the dying days of the Tory Government. It was strange because the company was given the ship as long as it operated the contract for three years. Of course, the inevitable happened. When the three years were up, the ship sailed away and the company used it elsewhere. It was a publicly owned and publicly paid for vessel, the Claymore, which was formerly operated via the publicly owned Caledonian MacBrayne. That was certainly a lesson in how not to award shipping contracts. They should be awarded on the basis of an annual subsidy, not by saying, "Here's a ship; after the end of the contract you can sail away." It was a big disappointment when the contract came to an end after three years.

Efforts to restore the service have been made by the Scottish Executive and this Government, and by the Northern Ireland Executive, when they were in existence. They have come very close, but never quite got there. The Scottish Executive have the lead role in that, but I hope that the Minister will be able to inform us of the current position.

Although Governments have a role in developing tourism, it is important that it should flourish in the private sector. It is important that there is confidence in the private sector to invest, and that tourists have the

[Mr. Alan Reid]

confidence in it to come. Both tourists and private sector investors must be confident that Northern Ireland has a peaceful and stable future, and that crime and terrorism are things of the past.

It is also important that we re-establish the Assembly and the Executive, so that Northern Ireland is once more seen by the rest of the world as being in a normal situation. It also goes without saying that a local Minister living in Northern Ireland, elected by the people of Northern Ireland, is far better able to judge what investment is required than any Minister appointed from this House. It is important that Assembly Members ensure, over the next six months, that the Assembly and the Executive are re-established. I am convinced that if the rest of the world sees Northern Ireland as having a stable and peaceful future, tremendous potential from tourism can be realised.

10.43 am

Mr. David Lidington (Aylesbury) (Con): I congratulate the hon. Member for East Londonderry (Mr. Campbell) on securing the debate, and welcome the Minister to her new responsibilities. She could have had no better introduction to the very pleasant side of her Northern Ireland Office responsibilities than the description of the delights of all parts of Northern Ireland that hon. Members from Northern Ireland have painted. I expect that the hon. Member for Blaydon (Mr. Anderson) will have told her a number of ways in which she can enjoy herself there—even on the rainiest of days.

Two themes have come through in the debate. First, that tourism offers tremendous opportunities for the Northern Ireland economy, and secondly that both the industry and Government have responsibilities to do their best to turn those opportunities into jobs, investment and prosperity. The industry has clear responsibilities to improve marketing and to seek to drive up standards of service at all times. It strikes me, from my anecdotal experience of travelling, that tourists are becoming more choosy. They want not only to see the best attraction described in a brochure or on a website but a high standard of service. If it is not delivered to them adequately they will not come back, and they will advise friends and relatives not to visit that destination.

The industry needs to focus on what tourists want from a visit to Northern Ireland. In some cases, it will be opportunities for family breaks, long weekends and so on. Other packages might include an island of Ireland tour, which would probably require thinking in terms of north and south. The reality is that an American or Japanese tour group will have limited time to spend on the island, and that time limit will mean that they will want to scoot around to different destinations as quickly as possible.

There may be a future for more golfing and fishing packages that are marketed on a north-south or Scotland-Ireland basis. A Scotland-Ireland distillery tour could well be promoted as a non-seasonal or winter activity.

There are responsibilities for the industry, but clearly there are also responsibilities for the Government. I shall touch quickly on several issues that I hope the Minister will address as she gets to grips with her new brief.

The first relates to a point made by the hon. Member for Foyle (Mark Durkan) about the need for co-ordination within Government. The Federation of Small Businesses in Northern Ireland recommended that if devolution is restored there should be a junior Minister with specific responsibility for tourism. At present, responsibilities are divided among different Departments and agencies. The Department of Enterprise, Trade and Investment has a target to raise the annual visitor spend in Northern Ireland, but the Department of Culture, Arts and Leisure, the Roads Service, the Planning Service and the Department of the Environment all have responsibilities, and the Department of Agriculture and Rural Development has an interest in promoting farm diversification. It is important to co-ordinate not just the budgets of the various Departments and agencies but their forward planning and ways of setting their various priorities, so that tourism does not always slip to fifth or sixth place in each Department's list. There must be a regional focus on the importance of the industry.

Connected with that is a point made by the hon. Member for East Antrim (Sammy Wilson). We must remember that most tourist businesses in Northern Ireland are small, family-run businesses. People do not have time to search through acres of paper or pages on Government websites to find out what needs to be done, so how the Government disseminate best practice in an easily accessible form must be an important part of the strategy.

Improving transport infrastructure is of continuing importance. The point has been well made about the lack of rail links not just from Belfast International airport but from Belfast city. There are no direct rail links into the city centre, and anybody who has been stuck behind a tractor on the road between Dungannon and Enniskillen knows that there are some serious bottlenecks in the Northern Ireland road network that need attention.

A wealth of projects represented by promoters seeking Government financial support will compete for the Minister's attention. I hope that the Government will be able to push forward the pace of decisions on the proposed international sports venue. There has been a perfectly reasonable debate about the best location for it, but a sports venue that is able to host major international fixtures would be a big tourist asset. The promoters of the Ulster canal regeneration bombard me with letters from time to time, and I suspect that that is another project that will find its way on to the Minister's desk.

There are opportunities, but there have also been warnings in some of the Northern Ireland Audit Office reports. The experience from well-intended projects such as the Navan centre in Armagh, to which many hopes were pinned, is that money can be spent with good intention but customers may not come in. I return to my opening point: every decision that is taken about tourism in Northern Ireland must aim to provide what the customer wants to spend his or her money on.

10.50 am

The Parliamentary Under-Secretary of State for Northern Ireland (Maria Eagle): This has been an excellent debate, and a great one with which to start so early in my time as Minister with responsibility for such issues in Northern Ireland. I congratulate the hon. Member for East Londonderry (Mr. Campbell) not only on securing the debate—it is awkward enough to get time for debates in Westminster Hall—but on putting his points so coherently, forcefully and clearly.

I always try to deal at least with some of the points made by the Member who initiated the debate. Ministers never have enough time to deal with all of the many points that arise in these hour and a half debates, but I undertake to write to Members concerning any points that I omit to address. It is clear to me that most of the Members in the Chamber today are not as new to this as I am, and I have enjoyed hearing from everybody about the many attractions in Northern Ireland that should be pulling in tourists. I have no doubt that Members from all parties, regardless of any divisions, will agree that Northern Ireland has fantastic potential as a tourist destination, and agreement on that is a pretty good place to start.

The fact that we are starting from a low base gives us a chance to move quickly. There is no reason why we cannot start moving toward the position in which Northern Ireland would have been in the absence of past disadvantages and difficulties, and that should be the aim. There is significant potential for further growth, and notwithstanding the success of recent years we should not rest on our laurels. We should go further and faster to translate the potential into reality, because that reality can mean jobs for local people, increased business activity and increased balance between public and private sectors, all of which are tremendously important to the future of Northern Ireland. I see the responsibility for that as one of the most important that I have acquired in my new role, and I shall focus on it a great deal.

In 2005, there were some 2 million out-of-state visitors to Northern Ireland. That is quite a number—more than the number of inhabitants. It is a landmark that needs to be built on and a significant achievement. Visitor spending from that group topped £354 million, with a further £146 million spent by local people holidaying at home—it is not only visitors from outside who offer potential. The latest quarterly employment survey showed that more than 51,300 people were employed in the tourism and leisure sector, which represents a significant number of jobs for the local population. There is already improvement, there is great potential, and we should progress a lot further.

As the hon. Member for Aylesbury (Mr. Lidington) and several other Members mentioned, if Northern Ireland is to compete effectively in an international and increasingly global travel and tourism market, there must be knowledge of what customers want. We must match what is available in accordance with that principle, so that the available products are marketed as well as possible. Getting the products right and marketing them properly is the key to best performance.

I was interested to learn that some 69 per cent. of overseas holidaymakers to Northern Ireland use the internet when planning their trip; 65 per cent. actually book their flight or ferry online, and a further 27 per cent. book their accommodation online. We must ensure that we move with the trends in how people book and plan their trips—it is no good having lousy websites, and products that can be marketed only in the traditional way. We must be up to date, and it is important that Tourism Ireland and other institutions promoting tourism on the island of Ireland seek to achieve that.

I want to deal with some of the points raised by the hon. Member for East Londonderry, because this is his debate. He referred to the Smithsonian folklife festival. I am sure that we would all agree that that has enormous potential for showcasing the delights of Northern Ireland. We have until next July to get it right, but we need to get moving sooner than that if we are to do so.

I asked officials to let me know what benefit Scotland had gained, having had the same honour. The results were impressive, and I am glad that officials from the Northern Ireland Departments are talking with their Scottish counterparts to ensure that they learn the lessons that Scotland learned and do not miss any tricks, but exploit the opportunity to the full. Some 10,000 key travel prospects attended lectures on Scottish holidays, 44,000 people logged on to the VisitScotland website for travel information and key members of the international industry attended events in Washington. All of them now know far more about Scotland and visiting Scotland than they knew before. We have to ensure that the activities that we undertake this time next year present Northern Ireland with similar opportunities. We must design what we do to maximise those opportunities, and I intend to ensure that we do that.

The hon. Gentleman referred to the Northern Ireland Tourist Board, the 12 July celebrations and the Orange Order, and made some points about tricks that might be being missed, and commemorations and cultural displays that are not being properly exploited as products for visitors. I think that he said that the NITB treats some of those events as unavoidable irritants. I hope that he will accept that more links have been made recently in order to improve on what he sees as a poor record. Meetings have taken place between the Orange Order and senior NITB officials to attempt to ensure that the situation improves, so he should in future feel able to say nicer things about the efforts that are being made. Certainly, the main event on 12 July is now on the visitor website. Lots of people decide whether to visit on the basis of websites and what they see online. We hope that there will be improvements in understanding and better links, and therefore better marketing of all appropriate events in future.

I should like to say a word about the Ulster Scots traditions, on which several hon. Members commented. There were concerns that the tourist potential of those traditions—part of the culture of Northern Ireland—is not being exploited to the full, particularly among people in the United States of America seeking information about their family history. I am aware that there have also been a number of parliamentary questions. I have answered some and had a look at others. The Ulster-Scots Agency has made a contribution towards marketing materials that

[Maria Eagle]

Tourism Ireland and the Northern Ireland Tourist Board have produced specifically to try to market that sector. Again, I will not argue at this early stage that that has been exploited to the full, but I will say to the hon. Gentleman that we clearly recognise that there is an opportunity that has not been exploited, and we are determined to do more in relation to that tradition. I hope that in due course he will be satisfied that things are improving in that respect.

Many hon. Members, including the hon. Member for East Londonderry, made the point that Tourism Ireland should be looking east-west rather than just north-south. I heard what was said about money and resources, and about the focus of the institutions, whether Tourism Ireland or the Northern Ireland Tourist Board. Tourism Ireland's targets for growth in visitor numbers and revenue are higher for the north than they are for the south. That might not answer all the points that were made, but it demonstrates that we recognise that the industry is less developed in the north than it is in the south, and that the gap needs to be narrowed. All the institutions, tourist boards and various bits of Government—

Mr. Eric Martlew (in the Chair): Order. We must move on to the next debate.

Places of Worship

11 am

Tony Baldry (Banbury) (Con): It does not matter which county, town or city of England one chooses, there are beautiful, small, great, sometimes grand churches everywhere, and no two are alike. We see the magnificence of wool churches and the splendour of the perpendicular style, where the perpendicular nave is little more than a stone framework for a gorgeous blaze of colour in stained glass—a style adapted to a country where the sun is a friend to be welcomed. There are small Saxon churches, grim, solid Norman churches in the style of their heavy-handed conquerors, early English churches and decorated churches. As Jeremy Paxman observed last week:

"Church spires are the great punctuation points of the English countryside. For the religious buildings of this country not only tell where we are geographically, they tell us where we have come from.

They are often the only place in the community which has a living, visible connection with the past. They hotwire us into our history."

And as Sir John Betjeman observed:

"From churches blue with incense mist, their reredos' twinkle gold

Chapels of ease by railway lines, and humble streets with smells of gas

I hear your plaintive ting tangs call from many a gabled western wall

To morning prayer or Holy Mass.

In country churches old and pale I hear the changes smoothly rung

And watch the coloured sallies fly from rugged hands to rafters high

As round and back the bells are swung."

Our places of worship are frequently places of architectural importance. English Heritage has statutorily listed 14,500 places of worship, many of them mediaeval. I have initiated this debate to support the "Inspired!" campaign by English Heritage, which is supported by many denominations and faith groups—Anglican, Baptist, Catholic, Jewish and Methodist—and trusts and organisations such as Friends of Friendless Churches, the Historic Churches Preservation Trust and the Open Churches Trust. In a recent letter to me, the Minister made it clear that he and the Government agreed

"about the importance of church buildings both as a focus for local communities and as an important part of our National Heritage and in vital services."

The Minister went on to observe:

"The forthcoming English Heritage 'Inspired!' campaign will be vital in providing information that will help the Government, churches and English Heritage itself in deciding where support would be most effectively targeted."

And he concluded that he was excited by English Heritage's campaign and would certainly be looking carefully at the results.

There is no ambiguity about what English Heritage is saying to the Government. Ministers do not have to wait; the facts are stark. Thousands of churches and other places of worship are crumbling and in danger because of a multi-million pound shortfall in funds needed to keep them standing. In its briefing for the

"Inspired!" campaign, subtitled, "Securing a Future for Historic Places of Worship", English Heritage makes it clear that

"new research which English Heritage has just completed shows that although congregations valiantly managed to raise £67 million each year, the yearly amount actually needed for repair and maintenance is £185 million. That means there is a staggering £118 million annual shortfall which English Heritage and other grant making bodies simply cannot fill."

I recently undertook a survey in just one small part of my constituency, the Deddington deanery. I asked for an estimate of what parishes thought the cost of repairs and maintenance would be over the next five years. Adderbury church, which is a very fine parish church, of which John Piper did a very beautiful picture, will require £250,000. Banbury St. Mary's, which is a grade I listed church in the centre of Banbury, estimates that it will need £220,000.

I visited St. Mary's last Friday with the vicar, Janet Chapman, and the area dean, Ben Phillips. It is a magnificent church, built in honey-coloured Hornton stone, with a green copper cupola. The difficulty is that the copper on the cupola and the lead that seals the stone expand and wear at differing rates, so leadmen are now on the church roof in Banbury repairing the lead. Of course, with any of those exercises, there are now considerable and understandable associated health and safety costs.

It is estimated that Bloxham parish church, which Simon Jenkins considers to be architecturally one of the best 1,000 parish churches in England, will need £100,000. Indeed, Bloxham only recently had to spend approximately £85,000 on repairing the spire, which can be seen at 4 o'clock on Sunday in a programme on television about steeplejacks, starring Tony Robinson of "Blackadder" fame.

I shall not take hon. Members through every church in the Deddington deanery, but the total came to £1.5 million: that is what the community needs to raise over the next five years simply to maintain the fabric of buildings of considerable historic interest in one deanery in one county. English Heritage estimates that the cost of repairing all England's 14,500 statutorily listed places of worship would be £925 million—almost £1 billion over the next five years.

English Heritage is making some extremely modest requests of the Government. The thrust of its campaign is about understanding the problems of the need to repair crumbling churches and taking action before crisis is reached. That crisis is approaching—it will strike, perhaps not this year or next year, but certainly in the near future. English Heritage has a five-point plan, which I commend to the Minister and invite the Government to support.

English Heritage wants to make places of worship fit for purpose in the 21st century by reforming heritage protection legislation. It is asking the Government for a one-off payment of £2.52 million to allow it to rewrite outdated list descriptions for all grade I listed places of worship. The Government's own planning policy guidance observes:

"Generally the best way of securing the upkeep of historic buildings and areas is to keep them in active use."

The best way to secure the future of churches of historic and architectural significance is to ensure that they remain, if possible, living buildings at the heart of communities—visited, valued and enjoyed by all. As with any other listed building, a balance must be struck between changing patterns of use and the protection of the special architectural and historical interest for which the building has been listed. St. Mary's in Banbury, for example, is at the very heart of the town and is now used for public meetings, concerts and exhibitions.

Sensibly, English Heritage wants to develop partnerships between everyone concerned, to encourage planning ahead and a positive rather than reactive approach to the management of church buildings. English Heritage is asking the Government for £8 million a year for three years for various purposes. Those purposes include helping congregations to help themselves by appointing advisers in denominations who can offer support and expertise, helping communities and congregations to understand the repair priorities, and then helping individual congregations to make the most of their buildings.

Another use for the funding would be to create a maintenance grant scheme to shrink repair bills in the longer term. English Heritage wants to start a new maintenance grants programme to help the congregations that are least able to fund maintenance themselves. For example, the diocese of London is undertaking a private study in the City of London of the benefits of a centralised gutter clearance service, so that the gutters on all churches in the diocese, as well as vicarages and church halls, can be cleared twice a year. The diocese employs a contractor to clear the gutters and downpipes and check the drains, and while on the roof the contractor also undertakes emergency repair work such as fixing slipped slates. A simple checklist and digital photographs are used to show the condition of the roof and gutters and even hard-to-reach places, providing good information about what repairs are required. That is sensible "a stitch in time saves nine" work.

The funding could also be used to maintain a joint English Heritage and Heritage Lottery Fund repair grant scheme and augment it with a small grant scheme. The joint English Heritage and Heritage Lottery Fund repair grants for places of worship scheme is the largest single source of funds for repairs to listed places of worship in England. It gives out £25 million a year, but it is 100 per cent. over-subscribed. Government funding for English Heritage has remained static and, as a consequence, so have its grants schemes. The allocations from the lottery to the Heritage Lottery Fund have also declined, and although it continues to help places of worship with other grant schemes, English Heritage and the Heritage Lottery Fund help fewer congregations each year. English Heritage is therefore modestly asking the Government for an extra £4 million a year for three years, to start a grant scheme to help those congregations that are most in need to carry out smaller repairs. With that extra £4 million, they will be able to double the number of repair projects that English Heritage can support each year.

Lastly, English Heritage wants to make sure that safety nets are in place for redundant places of worship. It is an inescapable fact that, although four out of five people express a religious affiliation, the number of active worshippers has fallen. That, together with demographic changes, means that some areas have

[Tony Baldry]

more places of worship than the remaining community can support. Some of those buildings are conveyed to the Churches Conservation Trust. Yet, since 2001, the trust's funds have been frozen, while, in the same period, it has been given responsibility for another 12 churches, most with big repair bills. The Friends of Friendless Churches, a small charity set up to save disused places of worship of architectural and historic interest from demolition, has already helped to save 100 churches and chapels in England and Wales. Not unreasonably, English Heritage is calling on the Government to reinflate funding of the Churches Conservation Trust as the main safety net for redundant Church of England buildings that are too architecturally and historically important to be deconsecrated.

In all, English Heritage is asking the Government for the incredibly modest sum of slightly more than £26 million over the next three years. I hope that the Minister will not consider me churlish if I put that sum into context by pointing out that it is almost exactly the same amount as the Home Office squandered and threw away on the costs of the preparatory work of building an asylum centre in my constituency, where no actual work was done—not a single sod turned, not a stone erected. The sum that English Heritage is requesting is modest indeed.

In fairness, I acknowledge that the Government have recently demonstrated their concern about historic places of worship. In the 2006 Budget, the Chancellor decided to extend further the scheme that means that churches are, in effect, spared the cost of VAT on repairs. I think that everyone who is concerned about a future for historic places of worship would thank the Chancellor for extending the scheme that refunds VAT to those important buildings. However, as English Heritage research has shown, much more needs to be done to avert a crisis.

The Government do not need any further information. In a letter to me in March, the Minister said that the

"forthcoming English Heritage 'Inspired!' campaign will fill some of the gaps in our current knowledge of the extent of the problem and enable Church and Government to plan effectively for the future."

Well, there is no ambiguity in English Heritage's briefing. It is asking for a modest amount. I hope that the Ministers will shortly be able to confirm that the Government will support English Heritage's campaign in full, but even if the Government do everything that English Heritage wants, more will still need to be done. There will be work for congregations and for communities.

In my village of Bloxham, for example, we have set up the Friends of St. Mary's—a group of local people who recognise the considerable importance of the church as a building of significance in the life and landscape of the village. In the past three years, it has raised approximately £30,000 for the repair, maintenance and fabric of St. Mary's church. As Simon Jenkins observes:

"Bloxham is a steeple, a window and a chapel. The steeple is a work of art in itself, early 14th century and the finest in Oxfordshire. The octagon and spire rise 200 ft. almost sheer from the road. Every surface of the tower is carved! Below the parapet is a frieze of men and beasts. The West doorway arch has carvings of the apostles in small niches. The masons seem to have usurped all conventions and set free their imagination."

He further observes that Bloxham, like many churches, has had things of beauty added over the centuries so that

"the last phase of Bloxham's development came with Street's restoration and employment of Morris & Co. to the glass. The chancel and interior is largely Street, as are the pulpit, choir stalls and marble reredos. The chancel window glass is an early masterpiece by Morris, Burne-Jones and Webb. It depicts saints, angels and King Alfred set before the heavenly city. The colours are bold and the effect dramatic. Even more lovely is the vividly coloured window of St. Christopher in the South wall of the chancel which was executed in 1920 to a Burne-Jones design."

The debate is not simply about English churches. The issue should be of concern to every Member of the House whether they represent city, suburb or countryside. English Heritage launched its "Inspired!" campaign in St. Mary Magdalene, Paddington, which is regarded as an exceptional grade I example of high Victorian gothic. Perhaps because of its proximity to the Grand Union canal, incoming waters threaten the church's internal decoration.

Colleagues do not have to wander far from the House to find London churches that are breathtaking in their beauty. We can see the galleries at St. Martin-in-the-Fields, which are a normal feature in Georgian churches; the lavish asphodel sanctuary of St. James the Less in Pimlico; the heavy Norman piers of St. Bartholomew-the-Great; Inigo Jones's St. Paul's in Covent Garden; St. Augustine's in Kilburn, which is one of the most important Victorian churches in London; All Saints, Margaret street in Marylebone, which has breathtaking panel painting of Victorian polychrome; as well as St. Alfege in Greenwich, St. Giles in Camberwell, St. Barnabas in Dulwich, St. Mary in Rotherhithe, St. Anne in Limehouse and Christchurch in Spitalfields. Every town and city has churches of significance and value. Those should not be crumbling; they should be a real asset to the community in which they are found. We have a collective duty to save our historic churches from rot and ruin.

Not surprisingly, in an article in *The Guardian* last Friday, Simon Jenkins observed that

"the English parish church nationwide"

is a

"dispersed museum of history, art and architecture".

Everyone who cares for England and for our heritage should consider paying a small amount for the upkeep of a local church or making a donation to a national charity that cares for places of worship. Even if one is not in a position to make a monetary contribution, many hundreds of people contribute to the upkeep of churches of historic significance by helping with fundraising, mowing the grass or simply keeping the furniture dusted and the churches polished. Our churches and places of worship—whether church, mosque or synagogue—are a shared treasure, a shared heritage and a shared challenge. I am sure that the churches and communities can rise to that challenge. It would be good if the Government could lead the way.

I conclude with a poem written by Andrew Motion, in support of English Heritage's "Inspired!" campaign:

"In the mind's eye, in the memory-store, for now
The church sets sail but stays where it was built,
Its anchor hooked into the parish-heart.

In the green yard, in the deep grass, for now
Each summer-tide swells up and leaves the dead
Untouched inside their plots of tilted earth.

In the flint nave, in the window-shafts, for now
The glassy saints grow limber with the sun
That ripples through their robes and walk again.

In the blind vault, in the dry hush, for now
The coffins hoard their argosies of dust
And darkness gleams as definite as light.

In the slow years, in the centuries, for now
The villagers arrive to load the ark
That saves their lives and settles here as home.

If, as a nation, we do not respect and preserve our past, what is our future? It is through the churches of England that we learn who we were and thus who we are and who we might become. If we lose that learning, we lose the collective memory that is the essence of us all.

11.17 am

The Parliamentary Under-Secretary of State for Culture, Media and Sport (Mr. David Lammy): I thank the hon. Member for Banbury (Tony Baldry) for securing this debate. It is not often that we hear the poet laureate quoted in full in the hallowed corridors of Westminster, and we are all grateful. This is, as the hon. Gentleman will know, an issue of great importance to me, both as the Minister with responsibility for culture and on a personal level.

Let me start by making it clear that the Government fully recognise the importance of our historic churches. Historic places of worship are an invaluable part of this nation's heritage. They represent the finest of our historic buildings and are showpieces of the most accomplished design and workmanship. From Canterbury cathedral, to the Shah Jehan mosque in Woking, or the historic Cheltenham synagogue, they help to tell the story of this country in a way that no other group of buildings can, and they are a vital part of teaching us about who we are and where we come from.

Beyond that, historic places of worship host an array of vital services that are often forgotten, ranging from nursery groups and lunch clubs for the elderly in our communities, to many sporting activities after school and on weekends for our young people. They can only do that thanks to the armies of volunteers attached to churches. The Church of England alone constitutes the largest voluntary organisation in the country and is present in every part of England. With that importance in mind, the Government have in place a range of policies and funding designed to support our historic places of worship.

We ensure the protection of historic churches through the listing system. More than 45 per cent. of grade I listed buildings are churches. The heritage protection reforms that we intend to introduce in the coming years will make that protection system work more effectively for owners, managers and users of those buildings. We provide substantial funding to contribute to the upkeep of historic places of worship. Funding already in place from Government and lottery sources will total around £60 million this year.

As the hon. Gentleman knows, congregations carry the large burden of dealing with the repair bills of our parish churches for leaky roofs, broken windows, repointing and so on. That is why we created a unique scheme to tackle the problem: the listed places of worship grant scheme. A unique scheme within the heritage sector funding system, it returns the VAT paid on repairs to listed places of worship. Approximately 8,000 churches have benefited and more than £43 million has been paid out since 2001 to those churches. The scheme provides an average of £1 million a month to support those churches and it is important that that is on the record. In the Budget, the Chancellor announced that the scheme would continue until 2011 and would be extended to cover professional fees and repairs to clocks, pews, bells and organs. That extension and extensions to the linked memorials grant scheme mean that £70 million of new money has been committed.

Alongside that targeted help on VAT, another major part of the funding that is already in place is the joint repair scheme for places of worship operated by English Heritage and the Heritage Lottery Fund. That scheme is worth around £25 million this year, and with this year's grant has paid almost £90 million since it began. This year, the repair scheme will, for example, enable St. Mary's, Tunstead in Norfolk to repair its magnificent 15th century arch-braced roof: £136,000 has been offered as a grant.

In addition, my Department provides £3 million a year to support the Churches Conservation Trust, which looks after the finest of the churches that are no longer needed for regular worship. The trust does an excellent job of conserving the 335 historic churches in its care and is increasingly giving consideration to how its churches can be opened up for greater use by local communities.

English Heritage gives £1 million a year for cathedral repairs. The £40 million given under the scheme since 2001 has seen a major backlog of repairs in our cathedrals all but eradicated. In addition, the Heritage Lottery Fund puts more money into churches for repairs, new works, conservation, treasures and events. Including its contribution to the joint scheme, the HLF has put £300 million into church and cathedral buildings since 1994. Approximately 9 per cent. of all the money given by the HLF goes to our historic churches and faith buildings.

Our support for historic places of worship is not only about the heritage protection system and direct funding. It is about trying to reflect the needs of those buildings in wider Government policy making. That is why my colleagues in the Department for Environment, Food and Rural Affairs have been looking at the contribution that faith buildings make to community cohesion in rural areas. Funding such as the £12.5 million faith

[Mr. David Lammy]

communities capacity funding is in place to support churches and to empower local people. All of that will help to keep those buildings alive and in use.

I hope that the hon. Gentleman agrees that, by any analysis, that is a substantial package of support and one of which the Government should be proud. Of course, there is always more to be done and the hon. Gentleman highlighted English Heritage's "Inspired!" campaign that was launched last week. English Heritage's research is extremely valuable and improves our knowledge of the state of repair of our national church buildings. The hon. Gentleman will have seen, for example, that the diocese of Oxford has been shown to have a large number of churches in need, although that diocese also has the most churches of all the dioceses in England. That information is enormously helpful and we would like that sort of approach to be taken with a wider range of historic buildings.

We also welcome the English Heritage pilot studies and capacity-building activities, both planned and ongoing, which will help to inform debate in the coming years and show whether funding is appropriately targeted. As English Heritage's work makes clear, we need an effective partnership between Government, church denominations, heritage specialists and the public.

The challenge facing us is not small. Church buildings' estimated repair need is considerable. As I said, we are helping the churches to meet that challenge through a comprehensive package of funding; but we need to move forward and we must do so together. Our assistance can only be partly about money. It is also about giving church organisations access to support networks and advice at national, regional and local levels. The hon. Gentleman will appreciate that too many congregations remain isolated from that information and advice. We need to improve our knowledge of what works to keep churches in use, and consider innovative ways to keep churches as living buildings in their communities. "Inspired!" will help towards that.

It is clear that although some dioceses and parishes are able to spread good practice and move forward, to maintain their buildings and move forward, and to apply for grants from English Heritage or the Heritage Lottery Fund and move forward, others remain more isolated, have less capacity, and are less able to do that. We must tackle that problem together.

Tony Baldry: English Heritage has asked for £26 million. We are just about to start another spending round, and bids will be made to the Treasury. Will the Minister give the House some indication of whether his Department will press the Treasury for the money that English Heritage has requested as part of that spending round?

Mr. Lammy: As any Minister would say, one does not give funding commitments when one is entering the spending round. Now is the time for dialogue and discussion about what are the significant issues. By any analysis, the £130 million that we give English Heritage as a non-departmental public body is a large sum. The organisation has been able to find efficiency savings to put back into the front line, it has responded to a quinquennial review, and a peer review is approaching. The Government will certainly take that work forward as we enter into the spending round.

As English Heritage has pointed out, and as the Bishop of London recognised when he spoke at Synod in February, the work is not for the Government alone. The churches face a major challenge to galvanise further support. We are told that 89 per cent. of the population visited a place of worship during the past year, and we know that even non-churchgoers have an affiliation and affection for the village church. Churches need to capture and capitalise on that support.

I know that hard-pressed volunteers work miracles when it comes to fundraising, as well as undertaking vital community services. We need to consider whether church buildings can be enjoyed in new ways—as visitor attractions, educational resources, or centres of community activity—all of which open up alternative routes for funding. We need to discover whether existing community services and new alterative uses for churches can attract new sources of funding, and we must ensure that they get that funding.

We in Government will continue to listen to and work with the denominations and faith communities, as we seek to secure a sustainable future for our historic churches. I look forward to working with the hon. Gentleman on that in the coming years.

11.29 am

Sitting suspended until half past Two o'clock.

UK/Poland Relations

2.30 pm

Daniel Kawczynski (Shrewsbury and Atcham) (Con): Thank you, Mrs. Anderson, for allowing me to introduce the debate. I am pleased that you are in the Chair and I look forward to you chairing our proceedings over the next one and a half hours.

It gives me great pleasure to open this debate on Anglo-Polish relations, which is a subject close to my heart. I shall give a historical account of the Anglo-Polish relationship and then I shall give a SWOT analysis—SWOT is an acronym that we use in business; it stands for strengths, weaknesses, opportunities and threats—of the current Anglo-Polish relationship, consider how we can improve the relationship and examine some of the opportunities that it provides. Towards the end of the debate, I shall put to the Minister a proposal for a strategic UK-Polish partnership that would challenge the Franco-German axis, which has run the European Union for far too long. That axis has been so powerful that it has ultimately decided much of what the EU has done over the past 50 years.

I passionately believe that the United Kingdom—the fourth largest economy in the world and a major military power—has the opportunity, within my generation, to become the leading partner in the EU and to take control of the future strategy and vision of the EU. However, it needs strategic, key allies—junior partners—in order to be able to play that leading role. Poland is one of the key allies that I believe we need.

I would like to inform the Minister of how excellent the British ambassador to Warsaw is. I met Mr. Crawford last December during a brief visit to Warsaw. He represents our country extremely well. He is not frightened to put forward our stance. He does not suffer fools gladly and he does a very good job in being quite strong with the Polish Government and protecting our interests.

This is a topical debate. This week's newspapers tell us that 350,000 Poles live in the United Kingdom. Many of them are young people—people of my age; I still consider myself relatively young at 34. They are also professionals. Many of them are highly skilled people who have finished university degrees and have come here to work and contribute. Nearly all the new national health service dentists in Shrewsbury have come over from Warsaw. The local primary care trust invited me to have dinner with them and to talk to them in Polish, as it was trying to encourage them to settle in Shrewsbury and become NHS dentists in my town. Many other Poles are plumbers, builders and decorators, and they do a great deal for this country.

I was dismayed, irritated and angry to read what was said by the chef Antony Worrall Thompson. The rather diminutive Mr. Worrall Thompson—I think that that is the most polite term I can find to describe him—was rude and condescending about Polish people in this country. He said that they spoke poor English and were poor waiters. I believe that they are very hard-working people, and I hope that the Minister will say when he responds to the debate how hard-working they are and how wrong Mr. Worrall Thompson is to criticise them.

Stephen Pound (Ealing, North) (Lab): I would not want us to be seen unduly to criticise Antony Worrall Thompson, who is, after all, a distinguished supporter of the Conservative party, because he did subsequently recant, and God loves a sinner who repenteth. The expression that he used—rather grudgingly, I suspect—was that the Poles "work incredibly hard".

Daniel Kawczynski: I am grateful to the hon. Gentleman, whom I know from our time in Ealing. He has a large Polish community in his constituency, is well informed about Polish affairs and represents his Polish constituents extremely well. I am glad for that clarification, but I was irritated when I read the article.

Stephen Pound: As were we all.

Daniel Kawczynski: Indeed.

I have been examining the figures for the trade between our two countries since the fall of communism in 1989. As the Minister will know, Anglo-Polish trade is growing at a huge pace year on year and has reached more than £1.5 billion. British companies are making massive investments in Poland, and one has to go only to downtown Warsaw to see the number of British supermarket chains that have set up in business there. When one goes round Poland, one sees that British companies are at the forefront of investment in oil exploration, petrochemicals, building and agricultural supplies and of the effort to rebuild the country, which was left in a difficult position after the fall of communism.

The two countries also work closely in the European Union and have a good partnership. When I speak to MEPs in my area of the west midlands, such as Mr. Bushill-Matthews, they inform me that Polish MEPs and British MEPs work together closely on many issues and have very similar opinions about EU regulations and legislation.

We are fighting side by side in Iraq, and Polish soldiers are fighting to maintain peace in a region close to the British sector. Yet again, we are fighting side by side, nation next to nation. There is a long tradition of Polish soldiers fighting alongside British soldiers. That was certainly the case in the battle of Britain and at Monte Cassino and Arnhem. Today, we again see British and Polish soldiers fighting side by side.

Speaking as somebody of Polish origin, I find it difficult to think of a time in the past 100 years when Britain has not come to Poland's aid. I sometimes think that we in this country do not blow our own trumpet enough, because Britain has done more for Poland than any European country has. I am proud of that, and we should all remember the lengths to which this country has gone over the past 100 years and before to help Poland in good times and bad. We should be proud of our stance.

Centuries ago, Poland had a large empire, which stretched almost from the Black sea to the Baltic—Poland was a powerful country. It entered a union with Lithuania and was the major power in central and eastern Europe. Unfortunately, it was invaded by its neighbours and gradually lost much of its empire, to the extent that it disappeared from the face of the map. By the first world war, there was no Poland. After the

[Daniel Kawczynski]

war, the treaty of Versailles enabled Poland to come back into being. I raise that because it was the British empire that insisted in 1918 that there should be self-determination for the Poles, among other nations. The British empire ensured that Poland was recreated from the lands that were stolen from her by the Germans, Austro-Hungarians and Russians.

Early in the morning on 1 September 1939—I feel very emotional about this—when the German tanks crossed the border, Britain and the British empire came to the aid of Poland. We did not have to, but we did. We had a treaty that in the event of invasion, Britain would come to Poland's aid: it was a far away country, yes, but we had that treaty and we fulfilled our pledge. We had much at stake, and there followed five years of war for our own country—the bombing of our cities, the near-destruction of Coventry and the loss of thousands of civilian lives and those of our soldiers. It all started because this country acted honourably in her commitment to help a smaller, far away European country.

Dr. Alan Whitehead (Southampton, Test) (Lab): During this passage of the hon. Gentleman's exposition of the history of Poland, would he also like to remember the contribution made by Polish air force and navy personnel during the world war, including in the battle of Britain and in defence of Britain with their navy and defensive convoys? That contribution is fondly and well-remembered by many people throughout the United Kingdom.

Daniel Kawczynski: I thank the hon. Gentleman for that intervention; I was going to come to that. There are accounts that one in five airmen in the battle of Britain was Polish. The Poles certainly played a huge part in the battle. When one talks to some of them, one discovers that they did so because they had lost their country to the Nazis. They were almost kamikaze-like during the battle of Britain because they had nothing to lose and were determined to fight against the Germans because their country was occupied. They played a significant role in the defence of this country, as did many other eastern Europeans, such as the Czech pilots.

Stephen Pound: The hon. Gentleman is being extremely generous in giving way and we will try not to trespass on his generosity and kindness.

My hon. Friend the Member for Southampton, Test (Dr. Whitehead) is too modest to mention that he is the son-in-law of Commodore Wronsky, who commanded the Beyskwycza, which sunk the Bismarck. That is something that many other countries prefer to forget, but those of us who love Poland greet it with glory and pride.

In addition to his comments about Polish heroism in the navy and air force, which is beyond parallel, will the hon. Gentleman mention the forces of General Anders, the work in Monte Cassino and throughout northern France and the numerous occasions when Polish heroism saved British lives?

Daniel Kawczynski: I concur. The Poles fought in Arnhem with the British and played a leading part under British command at Monte Cassino in liberating that bastion along the spine of Italy, which ultimately led to the downfall of the Mussolini regime.

I am extremely proud of that; that is why I have kept my very difficult-to-pronounce surname. As I said in my maiden speech, when I was in business many people said to me, "You must be mad if you think you're going to get into the House of Commons with a surname like that. You should change it and anglicise it. Dump that name and get an English one." I refused to do that. I feel extremely proud of my beloved grandfather and the many Poles who fought with the British during the war. It goes to show the sort of people the British are that they are prepared to elect someone with a totally unpronounceable surname as their MP. I am proud of my Polish background, and that is why I have kept my name.

Forgive me, Mrs. Anderson, for that slight deviation. As I said, the British empire came to Poland's aid in 1939. Unfortunately, after the war, communism descended on Poland. As Winston Churchill said, the iron curtain descended in Europe from Szczecin in the north to Trieste, and those countries were sealed up and locked away from the rest of us for more than 50 years under communist tyranny and dictatorship.

Solidarity was crushed in 1981 when General Jaruzelski imposed martial law. There were tanks on the streets in Warsaw in December 1981. People were repressed and the full communist apparatus swung into action to destroy the uprising that was initiated by Lech Walesa and thousands of brave Poles on the streets of Warsaw.

I was a child at a school in Surrey and we collected food parcels of coffee, tea, tinned fruit and all the little luxuries that the Poles did not have because there was martial law, the borders were sealed and the economy had collapsed. That happened not only in my school in Surrey, but throughout the country. School children and parents gathered food to send to Poland to help the Poles during martial law. That is another amazing example of how Brits want to help Polish people.

During those communist days it was illegal to listen to the BBC World Service in Poland. Anyone caught doing so would be punished severely by the authorities. Yet many Poles in the quiet of their homes, late at night and with the curtains drawn, tuned in to the World Service. It was a great comfort to them.

Mr. Greg Hands (Hammersmith and Fulham) (Con): Would my hon. Friend agree with an early-day motion that I tabled late last year on the closure of the World Service Polish language service? I am not passing comment on the economics of that, but it seems a good time to have a memorial to all of those from the eastern European countries who were involved in the World Service for those 50 years. Would he agree with my call for a memorial?

Daniel Kawczynski: I certainly agree with my hon. Friend. The cutting back of the World Service in that area is regrettable. The Poles listened to the World Service clandestinely. It was so important because they could hear on the airwaves that there was an alternative

to communism, that there were free people out there beyond those borders and that there were democracies and an alternative lifestyle.

The Minister for the Middle East (Dr. Kim Howells): And jazz.

Daniel Kawczynski: Yes, and jazz, and all the other clichés like jeans and whatever. There was an alternative lifestyle to the communist dictatorship. The only political point that I will make—it is not really political but it is important—is that in the 1980s people like Margaret Thatcher and Ronald Reagan finally stood up to the brutes in Moscow like Brezhnev and Andropov. The Poles love Margaret Thatcher because they remember that she stood up for freedom and democracy throughout the world. Even today in Poland, Baroness Thatcher is held in high regard for the role that she played in the ultimate destruction of communism.

After the collapse of communism, Britain again was at the forefront of helping Poland. Britain fought to ensure that Poland was able to join NATO so that it could be under that umbrella of military nations that would guarantee its security. When a country has been invaded as many times as Poland has been and its borders have been mucked around as many times as Poland's have been, being part of an established military pact like NATO is extremely important. Once Britain had secured membership for Poland within NATO it was at the forefront of ensuring that Poland became a member of the European Union.

Britain was a key to expanding the EU to the east. It was one of the few EU countries to admit Polish workers. That is an amazing point, on which I should like to reflect for a moment. Great Britain has always gone along with the ethos and spirit of the EU, and I give credit to the Labour Government for that. They decided that, because the 10 eastern European countries were coming into the EU, their workers should have the same rights as those from other EU countries. France and Germany, and many of the other EU countries, would not allow that and wanted to treat the Poles as second-class citizens. They said that yes, they could join the EU, but they did not want them working in their countries. What sort of relationship is it to have a second-class nation within a group? A country is either a full member or it is not. If memory serves, only three countries allowed Polish workers in at the beginning, and Great Britain was one of them. It was the only major EU country to allow them in.

Stephen Pound: Ireland.

Daniel Kawczynski: The hon. Gentleman mentions Ireland, but I would not necessarily classify Ireland as a major EU power, important ally though it is.

Poland realises the solidarity of Britain and attaches great importance to us. I am convinced that it sees us as the future leader of the EU. I met the President of Poland, Mr. Kaczynski—his name is identical to mine except for a 'w'—when he came to meet the then-leader of my party, my right hon. Friend the Member for Chingford and Woodford Green (Mr. Duncan Smith), in 2003. I was party to their talks. Mr. Kaczynski was then the leader of his political party, but now he is the President of Poland. He spoke to me in this very Palace and said, "We see Britain as a key strategic ally. We are looking towards you. We are looking towards you in the United Kingdom for leadership and vision within the European Union. If you make a bold stance, grasp the nettle and take control of the direction of the EU, we will be behind you." Those were the words of President Kaczynski. I hope that the Minister will take them on board.

I return to the Franco-German axis. I feel passionately that there must be an alternative to the current Franco-German vision of the EU. I was born on the day on which Edward Heath took us into the EEC—24 January 1972. My generation has never had a say in the relationship that we have with other EU countries. I am convinced that my generation of politicians will ultimately make a big impact on how the EU is run. We will forge alliances with countries such as Poland, finally to take on the Franco-German vision of the EU.

These are warm words, and they are good, but we need to tie the Poles in.

Dr. Howells: I am enjoying the hon. Gentleman's speech immensely. He has reminded us of the way in which, as he rightly put it, Poland's borders have been messed around with for so long. Without good relations with the French and the Germans, which is the great rationale for the EU, those borders would stand a chance of being badly messed about with again. The hon. Gentleman should not be too hard on the Franco-German alliance.

Daniel Kawczynski: I shall try my very best, although I have my personal views.

I have spoken warm words, but I want to hook the Poles with a fishing line into our orbit and our sphere of influence. That is why I wish to come to the nub of what I want to communicate to the Minister. I was very disappointed with the Poles over the recent European Union rebate.

In my estimation, Britain has never, ever let the Poles down, yet on the critical issue of the United Kingdom rebate, which Mrs. Thatcher fought so hard to secure in 1984 from President Mitterrand and others, the Poles let us down badly, despite all the support that we have given them. I say that as someone of Polish origin. They were so determined to get hold of extra investments from the European Union that they fell for the French and German interpretation and decided that the best way to do so would be to get rid of the UK rebate.

I am disappointed with the Poles on that score. Rather than sacrificing the UK rebate and demanding more money from Great Britain, which is one of only two net contributors to the EU budget, there are many other ways to increase funding for eastern European states: for example, greater efficiency in respect of the money that the EU already spends, less corruption within the EU and greater management of its resources.

Mr. Peter Bone (Wellingborough) (Con): I am grateful to my hon. Friend for giving way. He is being rather hard on the Polish who, like ourselves, have a

[Mr. Peter Bone]

strong national identity and will fight for their own interests, quite properly. It was the French failure to reform the CAP that let down the EU.

Daniel Kawczynski: Perhaps I am being a little hard on the Poles, but I have to balance my argument; I cannot say only nice things about them as I want the Minister to take what I say seriously. Every relationship has strengths and weaknesses, but the Poles should have looked for an alternative as far as the rebate is concerned. I was disappointed that our Prime Minister capitulated and gave up our UK rebate. I was hoping that the Poles would help us to retain it.

If the Minister is made aware of the two or three key things that the Poles are interested in, and if we get under their skin, know what they want and show them that we understand their priorities, perhaps they will look at us not just metaphorically but in real terms as their No.1 ally and as people with whom they should associate and be close partners. The Minister said that I must not be too anti-German and I have to be careful what I say, but there are sensitivities. [*Interruption.*] I will come on to the anti-Russian bit in a minute; that is another ball game.

I want to discuss the oil pipeline from St. Petersburg to Poland, which the Germans want to build. Why do I raise that issue? I want to look at the Minister—into his eyes—and say, with all my heart, that there are undoubtedly sensitivities left over from the second world war. Many Poles alive today could tell the Minister horrific stories about life under the occupation. My grandmother is one of them; an 81-year-old lady who lives in Warsaw and suffered under the Germans.

My wife bought me some video tapes of the second world war recently; I watched sections 2 to 7 and missed out the first, because it was on the invasion of Poland in 1939. I could not bring myself to watch that video because it was too painful for me, and I am speaking as a 34-year-old who was born years after the second world war.

As a child, I sat on my grandfather's lap and listened to him describing what the Poles had been through, not just in 1939, but for the five or six years of occupation. When I finally watched the first videotape about the invasion of Poland in 1939, I saw the German soldiers come up to the border post, snatch from it the symbol of Poland—the white eagle with a crown—and throw the symbol on the ground. And then the tanks rolled over.

Hundreds of thousands of Poles were killed in that invasion. I feel very emotional about it even today and I find it difficult to speak about it, so I shall move on. I mention it, however, because I want the Minister to be aware. He may think, as do some English people, "What on earth is he talking about? It is such a long time ago and he is over-dramatising it."

Dr. Howells: The English might.

Daniel Kawczynski: I must tell the Minister, however, that the raw emotions persist, and they need to be understood. Recently, the Polish Minister of Defence, Mr. Sikorski, referred to the pipeline and said, "We are very sensitive about German-Russian pacts." That is not surprising, because the last one was the Molotov-Ribbentrop, the pact that carved up Poland. It is important for British Ministers to understand the sensitivities and emotions involved, because they exist and they are raw. As long as there are people still alive who lived under German occupation, or grandchildren of such people—like me—nobody should forget what happened back in 1939.

Germany intends to build a pipeline from St. Petersburg to Germany, which will bypass Poland and the Baltic states. That is outrageous. When I went to Warsaw, Minister after Minister mentioned it to me. They said categorically, "We are in the European Union, and the EU is all about a cohesive uniform strategy." Even the EU energy commissioner has lambasted the Germans over the proposals. We are living in sensitive times when the Russians are turning off gas supplies, and when there is great sensitivity over energy resources generally. In that context, it is outrageous that the Germans can somehow ignore their neighbours and build a huge pipeline under the Baltic sea to provide themselves directly with gas and oil from Russia, despite being part of an EU that is trying to cobble together a pan-European policy.

That proposal goes against the spirit of the EU and against the interests of Germany's neighbours, and Polish Ministers feel extremely strongly about it. When the Minister speaks, I hope that he will assure me that he will use his office and prestige in Europe, not to mention the respect within which he is held in Europe, to rebut Germany's position on the pipeline and present a critique of it. If a country like the UK is prepared to stand up for Poland and say to Angela Merkel, "No, we are not prepared for you to go against the spirit of the EU in this way", that would resonate hugely, not only in Warsaw but in capitals throughout eastern and central Europe.

I have spoken for some time, so I shall come to my second and final issue, which is the Katyn forest. This is the anti-Russian bit.

Stephen Pound: With some justification.

Daniel Kawczynski: Indeed.

Katyn forest is something that is very close to my heart, because my own family suffered in the massacre that took place there. During the 1939-40 invasion of Poland, the elite of the Polish military—the generals—and the elite of society were taken to a forest where tens of thousands of them were massacred by the Russians. They were ploughed down with sub-machine guns and killed. Stalin said that the way to control a country is by cutting off its head. He hoped that he could control Poland by destroying the elite of Polish society and the military generals.

The massacre was devastating to Poland, but even today—I recently had dinner with a gentleman whose parents were also involved in that massacre—the file on this issue has not even been opened. Many families are struggling to come to terms with the deaths of relatives and dear ones who were killed by the Russians in the Katyn forest in 1940. I ask the Minister to look into this issue. That will cost him and the Government

nothing. I am not asking for money to be spent: I am asking the Minister to use the UK's power and influence to put pressure on the President of Russia, Mr. Vladimir Putin, to open the KGB files on the massacre. That would resonate greatly with the Polish authorities, and would show them that we are interested in helping them to lay the ghosts of the second world war down to rest in peace, and in establishing a modern relationship.

I have outlined two important issues, which I hope that the Minister will address. I have been in the House for more than a year now, in which time I have tended to focus on my constituency—I try as hard as possible to focus on my constituency. However, it has been a great pleasure for me, as someone of Polish origin, to highlight the passion that I feel for Poland. I am passionate about Poland working with the United Kingdom, those two countries coming together, and building a new Europe together.

Several hon. Members *rose—*

Janet Anderson (in the Chair): Obviously, a number of hon. Members wish to speak, and I will try to fit them all in. We would normally move towards the winding-up speeches at about 3.30 pm but, with the indulgence of Members, I think that we can allow a bit of flexibility to try to get everyone in.

3.8 pm

Stephen Pound (Ealing, North) (Lab): Thank you, Mrs. Anderson. Before I make much of the truncated version of what I would have liked to have said *[Interruption.]*—I mean no criticism of the hon. Member for Shrewsbury and Atcham (Daniel Kawczynski)—I tell the Chamber that my hon. Friend the Member for Edinburgh, North and Leith (Mark Lazarowicz) would certainly have wanted to be here this afternoon, but his mother died last week. I am sure that, as one of our few Members of Polish origin, he would have wanted to be present, and that, were he here, he would have had the sympathy of us all.

I sincerely congratulate the hon. Member for Shrewsbury and Atcham on securing the debate. He towers above many of his contemporaries, both physically and intellectually. I knew him well when he fought—extremely well—a neighbouring seat to mine in Ealing. His reputation followed him to Shrewsbury and Atcham, where it blossomed into the achievement that we see today.

The hon. Gentleman described, in effect, three Polands, the first of which is the Poland of the heart, which has always existed, even in the period of more than 100 years in which there was no such physical entity. At that time, there was no geography of Poland, yet Polish language, culture, tradition and literature thrived, flourished and endured. In every part of the world in which freedom was fought for—from south America to the Paris commune to the Caribbean—there were the Poles. Every war of independence and freedom throughout the 19th century saw a Polish presence. That says much of the Poland of the heart, which endures even in the dark days.

The hon. Gentleman talked about the period of military rule under General Jaruzelski, when a man such as Father Jerzy Popieluszko, God rest and keep him, could be taken out and murdered by thugs at the behest of the state, his body dumped in a river, and it was hoped that that murder could be covered up. Despite all that, the Poland of the heart thrived, endured and flourished.

The hon. Gentleman also described the Poland of a few years ago—of the heroes of RAF Northolt and the invisible community with which I grew up. I saw people every Sunday in my church community in west London, yet had no idea that they were Polish. It was not until 1966 that Father Kazimierz, one of the first Polish priests in London who the hon. Gentleman will remember well, was part of the Polish millennium celebrations, which coincided with the world cup.

I recall that in those days, many of my Polish friends anglicised their names, and I give so much credit to the hon. Member for Shrewsbury and Atcham for refusing to do that. There were so many Pawels who became Pauls, Jans who became Johns and Krystynas who became Christines. I give the hon. Gentleman much credit for his pride in his name. At that time, many of my friends started to wear Union jacks. I said to them, "It's marvellous that you are all supporting England in the world cup", and they said to me quietly, "Well, yes, but actually we don't really want Germany to win". That was honest.

The Polish community was one of the hardest working, most decent, almost crimes free communities that I have ever known. That community is a credit, and not only to our country or the major areas of settlement—one thinks of the huge Polish community in Scotland that has settled in Glasgow, Edinburgh and Inverness. In fact, I think that four people of Polish origin have played football for the Scottish national team, although not with conspicuous success, but perhaps that was because of the other seven players in the team.

In my part of the world—west London—we have been blessed by the size of the Polish community in terms of urban concentration. We like to say, "After Warszawa and Chicago stands Ealing". The hon. Member for Peterborough (Mr. Jackson) was formerly a distinguished councillor in the London borough of Ealing—a political opponent of mine, morning, noon and night—but a man whose respect for the Polish community will take second place to no man. He is here to endorse that. There is a risk of our being slightly sentimental about the Poland of that period, but justifiably so because no one who saw the occurrences at the Lenin shipyard and the birth of Solidarity, can be anything other than emotional.

The important thing that we need to discuss is the Poland of today and tomorrow—the current Poland. The hon. Member for Shrewsbury and Atcham referred to the 350,000 Poles who have come here and the 204,895 who have registered to work. Not everyone is delighted with that; a number of my constituents have complained vociferously about it. A number of plumbers and bricklayers who I know have said, "This is outrageous; these people turn up on time; they work all day; they finish when they are meant to; their vans never break down on the north circular; they never have suddenly to leave for a family bereavement; and they finish the work on time and on contract. How can the honest British workman hope to compete against

[Stephen Pound]

that?" I like to think that the spur of the Polish workers will actually raise standards throughout the work force of west London.

May I address a stereotype? The new figure—the Bob the builder of the day—is Pawel the plumber. People speak of Pawel the plumber as if Poles come to this country to work in manual trades only. For every Pawel the plumber, there is an Anna the architect, or a Krystyna the cardiologist. There are Poles at every level, including dentists, as has been said. That is absolutely right. We think of Dr. Jan Mokrzycki, who is president of the Federation of Poles in Great Britain. He is a distinguished dentist who took one look at my teeth and refused me an appointment.

We must recognise that Polish people have brought skills of all levels. However, it is important that the House recognises that there are tensions between some in the older settled Polish community and some of the incomers. On Sunday, we celebrated the 20th anniversary of Our Lady Mother of the Church on Windsor street in Ealing—a Polish church opened in 1986. It was a packed church which now has seven masses on Sunday and has been run marvellously by the Marian Fathers over the past 20 years. The conversation there has been very much about the new and the old Poles. I like to think that Poles are Poles, whether they are new, third or fourth generation. It is important that we place on record in this place our appreciation of and respect for our allies who have been with us, shoulder to shoulder, over the generations and centuries. It is intensely important to mention that.

We have some difficulty in that one of my constituents, Mrs. Gill Rodican, has recently complained to the Commissioner of Police of the Metropolis about notices printed only in Polish asking for witnesses to report crimes in Ealing. That is an example, I think, of insensitivity rather than of an inherent problem. I appreciate that it is not in the remit of my hon. Friend the Minister, but I shall certainly raise the matter with the commissioner, because if Polish on Polish crime exists and we need witnesses, those signs should be bilingual. They should not be only in Polish, because of the feeling of difference and strangeness generated, with which some people have problems.

Overall, Poland is now a major emerging trading partner with the United Kingdom. I pay credit to the economic and commercial department of the embassy of the Republic of Poland, particularly the Minister Counsellor Krzysztof Trepczynski, for the work that has been done, and to the Polish information and foreign investment agency which encourages that bilateral trade between us.

The UK and Poland are natural partners. We have a long history; we are family. We should be closer trading partners. I shall not follow the hon. Member for Shrewsbury and Atcham entirely down his road, which leads to an alternative to the Franco-German axis. I like to think of a European axis, involving all the countries. However, I understand entirely where he is coming from, and appreciate and respect his view. However, talk of new and old Europe is not helpful.

I like to think of Poland as Poland—it has emerged from the permafrost and the dark overcast skies of the communist era and is only now stretching its sinews and feeling the strength in its muscles, and giving voice to the huge creative urge that sustained it during the decades when there was no geographical Poland. Now in every aspect of its life—industry, the arts and commercial activities—a new Poland is emerging. The hon. Gentleman referred to British shops in Warsaw, Crakow and Gdansk, and even in Lódz. They are to be found throughout over Poland. That is the relationship of the future; it is a relationship of equals, which was forged in the heat of war and has been tested by adversity, but ultimately it is a relationship between two nations, based, I hope and trust, on mutual respect.

I shall not entirely endorse the comments that the hon. Gentleman made about the pipeline, because I am not sufficiently well versed in that subject. However, I look to my hon. Friend the Minister to continue to support and endorse the activities of the British chamber of commerce in Warsaw and the British commercial interests in Poland now, and to make life a little easier for the bilateral trade and commercial relationship between the two countries, with which there are still problems.

Above all, I do not think that it is unfair to ask my hon. Friend, at this time, so close to the anniversary of the Warsaw rising, to go—if he has any doubts as to the awful reality of what happened at Katyn—to Gunnersbury park in west London and stare up, as I know he has, at that great black granite obelisk that lists the names of the cream of a country's culture, slaughtered and stuffed in the ground. He will think, as I did, of two things: first, how Poland can never die. Where one Pole lives, Poland lives. No matter how many are slaughtered, that will never kill Poland. Secondly, he will think of the sheer length and breadth of that memorial column and the names and occupations listed.

I do not believe in debts of honour overriding everything, but if ever a country owes a debt of honour to its comrades this country owes one to Poland. Poland has suffered greatly. The United Kingdom and Poland can work side by side, shoulder to shoulder for a new, emerging, strong, commercially successful Poland, which will finally achieve the potential that every one of us knows lies deep within that rich soil.

3.20 pm

Mr. Peter Bone (Wellingborough) (Con): It is a great pleasure to follow the hon. Member for Ealing, North (Stephen Pound), whose powerful speech touched this House. I also pay tribute to my hon. Friend the Member for Shrewsbury and Atcham (Daniel Kawczynski) for what was a most impressive and wide-ranging speech. I shall be brief, and touch on only two issues. One is a general matter, and the other is a constituency matter relating to Poland.

I pay tribute to the members of the Polish community in Wellingborough. They live in the heart of Wellingborough, they are a most important section of our community, and they have their own Dom Polski club, to which I am kindly invited now and again.

I sit somewhere between the two Members who have spoken on the European Union issue. Of the £100 billion that British taxpayers have paid to the EU

since this Government have been in power, only a small proportion is relevant to the expansion of the EU. I think that all parties welcome the EU's expansion.

We have, in Poland, an ally. We always talk about our special relationship with America, but we also have a special relationship with Poland. That is partly because of history, going back to the second world war, and partly because they share the same ideals and principles as us as a nation. They are hard-working, they believe in enterprise and they have a strong belief in their own national identity. However, they look outward on the rest of the world, they believe in free trade and they reject protectionism, and there is nothing that the so-called Franco-German axis can do about it.

The European Union is waking up to the idea that we should have an EU based on what the countries of the EU want, which is a single market and free trade, not protectionism and the protection of French farmers so that Africans lose out. We have common purpose with the Polish community and Poland.

The constituency situation that I want to raise is extraordinary, and I hope that the Minister will be able to help. I have not been able to find an answer to it through my inquiries with the Government so far. As we have heard, Polish people are allowed to work in this country. They have free access, and we were one of the few countries that granted it. In my constituency, most dentists, for whatever reason, have gone private. I have received a huge postbag from people complaining about it, but if one wants to find an NHS dentist in Wellingborough, one is sent outside the county. There is none available in my constituency.

A Dr. Chan, who is a leading dentist in Rushden, which is an important part of my constituency, rang me a while ago to say that he had a Polish dentist—fully qualified, with perfect English, so there was no problem on that ground—who wanted to work in Rushden under the NHS. It would have been of great benefit to my constituency, because a considerable number of people would have been able to get the NHS dentist treatment that they cannot get now. The primary care trust has refused to employ that dentist. I guess that it has done so on the ground of funding, but if all other NHS dentists have gone private, is there some way in which the Government can direct the PCT to employ a Polish dentist? It would help ease the dentistry burden in my constituency.

It seems that the rhetoric, which was discussed earlier, is not being realised in my constituency. There is a real issue, and I wonder whether the Minister could give any advice or help in his winding-up speech. In conclusion, it has been a great pleasure to sit in the Chamber under your chairmanship, Mrs. Anderson, and listen to two most powerful speeches.

3.24 pm

Dr. Alan Whitehead (Southampton, Test) (Lab): I cannot follow the powerful speeches that we have heard this afternoon, but it has been a great pleasure to listen to them, and I congratulate the hon. Member for Shrewsbury and Atcham (Daniel Kawczynski) on securing the debate.

In addition to the sentiments expressed this afternoon about the United Kingdom's historical relationship with Poland, and about how Poland has changed its face with astonishing success—being first on one side of Europe and then the other after the fall of communism—I wish to speak about our present and future relations with Poland. First, however, I shall reflect briefly on the extraordinary journey that Poland has made, and the terrible events that have happened there, as has been underlined in two powerful speeches. Indeed, despite the UK's experience of war during the 20th century, we would find it difficult fully to comprehend what happened in Poland.

My mother in law will later this year be the embodiment of the Polish congratulations song "Sto Lat!"—she will be 100 years old in the summer. She was born as a Russian subject, and she lived under occupation for the first part of the century. She became a Polish citizen in adulthood, and then again lived for seven or eight years under occupation. She arrived in the UK, having left Poland during the chaotic period immediately following the end of the second world war. She was welcomed to the UK as someone who had played a substantial role in her family and community, and she built a new life in the UK. She is now a UK citizen. Perhaps one person can encapsulate Poland's experience; it is a personal reflection of the events about which we have heard this afternoon.

Thinking of past relations between the UK and Poland and about how Poles, at crucial junctures in UK history, have given freely of their lives with courage and commitment can assist us in putting that relationship into context, I was pleased to see Poland join the European Union in 2004. I attended a meeting in Wroclaw shortly after Poland joined the EU to discuss a number of issues about Poland's future in Europe, and the lack of realisation among Poles about their country's significance as an EU player surprised me. In fact, its weighted EU votes give Poland the same significance as Spain. It is a significant and large player.

Although I do not entirely go along with the suggestions of the hon. Member for Shrewsbury and Atcham about the Franco-German axis, the way in which matters are discussed within the EU is changing rapidly, and one result of Poland's accession is that those discussion and alliances will inevitably be different. Having a strong friend within those discussions and alliances will be important to us in making our way within the EU. Indeed, Poland is to start talks on joining the eurozone in 2009, so it might not only become the significant player that I have described but join the eurozone before the UK. One might perhaps reflect on that for future reference.

It is also important for our relations with Poland to understand where it now sits in the EU. After all, Poland will potentially be a great asset when Europe comes to determine what happens next for the European countries beyond Poland's borders. Of course, Poland has unique issues in terms of its borders, because it not only borders several other countries that joined the EU in 2004 but has a long border with Belarus, which is, to put it kindly, one of the most enigmatic countries in eastern Europe. It also borders Ukraine. In addition, there is also the border with Kaliningrad, which will continue to give rise to complicated relationships and arrangements, and there is the question of how that will work its way through relationships with the EU. As an EU border state,

[Dr. Alan Whitehead]

therefore, Poland faces several significant issues, and it is important that we support Poland strongly in that role and understand those issues so that we can clarify them together. At the same time, the relationships that Poland can form with countries immediately outside the EU will be of great benefit to the EU and to us in particular.

As has been mentioned, Poland is the UK's sixth largest investment market. The emergence of British shops and companies in Poland is not only significant, but has been greatly welcomed by Polish citizens. Poland is also this country's largest trading partner in central Europe. There are therefore real and serious issues in terms of trade and mutually beneficial bilateral arrangements.

As has also been mentioned, many Poles have come to the UK to work, following Poland's accession to the EU. Many of them have come to my constituency, although there has always been a large Polish community in the Southampton and Eastleigh area, and it continues to be of great benefit and assistance to the area. The community that is now emerging in my constituency and the wider Southampton area is industrious and, despite having been here only a short time, it is becoming increasingly coherent and is determined to make a positive contribution to the UK's economy. Although there are concerns about housing and services in the Southampton area—the same applies elsewhere—the contribution that the Polish community can make to the economy of our city and to the life of Southampton is overwhelmingly positive, and we should view it in that light.

My final thought is to welcome the further influx of Poles to Southampton through the doors of Southampton football club. Our club manager has recruited Bartosz Bialkowski and Grzegorz Rasiak as leading players, and he recently saw what I believe was a scintillating encounter between Wisla Krakow and a team whose name I cannot pronounce, so I anticipate that further players will come forward. The contribution of Poles to the UK economy, and the drive of Southampton football club to retain its premiership status next season—[*Interruption.*] Next season. It will be there for all to see. I remain firmly committed to ensuring that relations between Poland and the UK, warm as they are, continue to grow. I will strive to ensure that that relationship continues to be as good and positive in the future as it has been in the past.

Janet Anderson (in the Chair): We are very short of time, so we must move on to the Front-Bench responses.

3.36 pm

Mr. Jeremy Browne (Taunton) (LD): I start, as is obligatory, but in this case highly appropriate, by congratulating the hon. Member for Shrewsbury and Atcham (Daniel Kawczynski) on having secured the debate. I have heard the main town in his constituency pronounced at least two different ways, and his surname many more ways than that, and I have yet to receive a satisfactory answer as to what it is. Perhaps he can put me right afterwards.

As has been said in previous contributions, the most evident sign of Anglo-Polish relations is the large influx of people from Poland who live and work in the United Kingdom; that is a testimony to the success of EU enlargement. There is a lot of opportunity in this House to make speeches and other interventions that are critical of the European Union, and I agree with some, but certainly not all, of those criticisms. However, many regard the enlargement from 15 to 25 member states as having been, in most regards, a considerable success. It was enlightened of our country to embrace it in the spirit in which it was intended. Large sectors of our economy—one thinks of things such as fruit-picking and packaging—would collapse without the influx of labour that we enjoy, particularly that from eastern Europe In my constituency—

Mr. Hands It is not only fruit-picking and packaging. Some 6 per cent. of my constituents come from Poland, and their contribution is vital for the economy of London, particularly that of west London.

Mr. Browne: I strongly concur, and I was going to make precisely that point. It is not just the lower-skilled seasonal industries that are affected. In my constituency, Poles work in everything from slaughterhouses to dentistry—some people might think that those are not that far apart, but my intention was to convey a range of businesses—and perform tasks that would otherwise not be done, or not done to the same standard. I shall be interested to hear the Minister's assessment of the success of the experiment. Hundreds of thousands of Poles have come to live here. What can we learn from that in relation to Bulgarian and Romanian accession in the years ahead?

Poland's economy is growing. It is not growing as much as those of other countries in that part of Europe, so we should not regard it as an unqualified success. None the less, it is growing, albeit with an unsustainably high level of unemployment, which in part explains why so many Poles have come to live here. There are still considerable problems with its infrastructure and the heavy degree of bureaucracy of its public sector. I hope that those issues will be addressed by the Government of Poland in co-operation with other countries in the European Union, including Britain.

I should also be interested to hear what the Minister's thoughts are on the supply of energy to and through Poland, a particular topical subject, which is obviously relevant to the people of that country but also concerns people here and elsewhere.

I concur with some of the comments made earlier about the opportunity for alliances with Poland and other countries in eastern Europe. Britain has displayed a progressive and enlightened approach to the new member states of the European Union. I hope and believe that that will serve us well, not only because it was the right thing to do but because the people from that part of Europe will see Britain as a potential ally, as those countries emerge and grow more confident in their democracies and their economies.

The current Polish Government, however, give cause for concern to most people who are democrats. There are some extraordinary characters in the Polish Government, including people with narrow, nationalistic

views and, in some cases, deeply illiberal views on personal freedom. I do not wish to quote *The Economist* magazine as though it were the Bible, although most people regard it as a fairly authoritative journal. Of the Law and Justice party, which I understand is, overwhelmingly, the largest party in the Polish coalition Government, it says:

"Law and Justice, and particularly its populist allies, delight in picking fights with gays, feminists, secularists, liberals, the media, ex-communists, uppity foreigners (especially in Brussels) and anyone else who crosses their path."

Stephen Pound: Many people have assumed that that stereotype is accurate, but many of us who met Prime Minister Marcinkiewicz at Chatham house last year put those very questions to him. I do not have time to refute every accusation, but I counsel the hon. Gentleman to look to the reality rather than the hysteria.

Mr. Browne: I hope that what the hon. Gentleman says is true, partly because that would be greatly to the benefit of Poland; but also because I am extremely concerned by the sort of allies that the Conservative party is seeking, as it trawls round newly entered member states looking for alliances to form an alternative to the European People's party. I am making an entirely serious point about the opportunities for influence by the UK's major Opposition party. If the Conservative party chooses to associate itself with political parties that hold such views, that would be regrettable for the British interest, as well as narrow party interest.

In summary, we must remember that Poland is an immature democracy. Countries do not come to fruition in economic or democratic terms overnight, but a huge amount of progress has been made. There is great cause for optimism, particularly among young people who have opportunities that did not exist 20 or 30 years ago. The House wishes them well and I hope that we shall make the most of an important opportunity to find new allies for Britain in Poland and elsewhere across eastern Europe.

3.43 pm

Mr. Graham Brady (Altrincham and Sale, West) (Con): This has been such a good debate that it is a shame to interrupt it with Front-Bench replies. It has been a genuine privilege to listen to the hon. Members who have contributed, many of whom have considerable knowledge of and deep personal connections to Poland. I warmly congratulate my hon. Friend the Member for Shrewsbury and Atcham (Daniel Kawczynski) both on securing this debate and on an extraordinarily good opening speech, which set the scene in exactly the right way.

My hon. Friend drew attention to our relationships with what has historically been a close friend and should be one of our strongest allies in the European Union. He personifies the close ties between our countries; indeed, it might be said that he has taken them to new heights. He described Mr. Worrall Thompson as diminutive, which is not something that is usually said about me, but we might all be considered diminutive next to him. We are grateful to Poland for bringing us my hon. Friend and doing a great service to the House and our country.

Our friendship with Poland stretches back into history. Before the debate, I read the excellent note prepared by the Library, which reminds us that the relationship goes right back to the 16th century. The ties between Scotland and Poland go back to the family of Bonnie Prince Charlie, whose mother was Polish. So none of this is new. Today and throughout history, we have been inspired by stories of the heroism of the Poles in defence of their homeland. A number of hon. Members referred to that and the fact that many thousands of Poles fought with great distinction alongside British servicemen in the second world war.

For my generation—I am slightly older than my hon. Friend the Member for Shrewsbury and Atcham—Poland's fight against Soviet oppression provided new inspiration. My hon. Friend spoke about the food collections at his school. I remember as a schoolboy in the early 1980s proudly sporting the red and white Solidarity badge on my school blazer.

Stephen Pound: That was compulsory in the union.

Mr. Brady: Well, it was not compulsory at Altrincham grammar school, but I was proud to wear the badge.

As my hon. Friend the Member for Shrewsbury and Atcham pointed out, it was this country, under Conservative Governments and then a Labour Government, who rightly championed the cause of Polish freedom and then the cause of European Union enlargement and Poland's accession to the EU. My hon. Friend raised important concurrent issues relating to the Baltic pipeline and the question whether the Katyn forest massacre investigation should be reopened. I hope that the Minister will take up those matters; perhaps he will deal with them in responding to the debate.

The enlargement of the European Union corrects a great historical injustice. Some Conservative Members and perhaps even some Labour Members will this evening be at a dinner that the 1922 committee is holding in tribute to Baroness Thatcher. We remember what Margaret Thatcher said in her famous Bruges speech:

"We must never forget that east of the Iron Curtain, peoples who once enjoyed a full share of European culture, freedom and identity have been cut off from their roots. We shall always look on Warsaw, Prague and Budapest as great European cities."

It is important to set the debate in context. The closeness of the ties, and the friendship that we feel, unite both sides of the House of Commons. It has been apparent during the debate that we all wish that friendship to go from strength to strength.

I shall wind up my remarks quickly so that the Minister has a chance to do justice to the debate but, as my hon. Friend the Member for Shrewsbury and Atcham said at the outset, it is vital that we work closely with a country that shares so many of our views, in particular about the need to develop a more open and flexible European Union that is more fitted to addressing the future. My hon. Friend talked about the creation of a strategic Anglo-Polish axis. That is an exciting prospect. It would allow the United Kingdom

[Mr. Brady]

to work ever more closely with Poland in helping to build the sort of European Union that we want and which would be in the interests of all members of the EU, especially the new member states.

3.49 pm

The Minister for the Middle East (Dr. Kim Howells): As ever, it is a pleasure to serve under your chairmanship, Mrs. Anderson. I am sure that you will not mind me congratulating the hon. Member for Shrewsbury and Atcham (Daniel Kawczynski) on securing the debate. I am responding to it on behalf of my right hon. Friend the Minister for Europe, who is serving this country valiantly at this very moment in Strasbourg. He has responsibility for Poland in the Foreign and Commonwealth Office.

I acknowledge the keen interest of the hon. Member for Shrewsbury and Atcham in the land of at least some of his ancestors. He spoke with great authority and passion and, most important from my point of view, I enjoyed his speech immensely; it was very insightful. I welcome the opportunity to debate the United Kingdom's relations with Poland. For most of our lifetime, as we have heard, Europe has been cruelly and unnaturally divided. Those divisions have ended, thanks not least to Poland's determination, courage and fortitude. I remember well its fights. In 2004, Poland took a momentous step when it joined the European Union, and no Government were more delighted than ours to see the Poles take their place at the European table.

We have heard a great deal about hon. Members' personal connections, and I shall tell the Chamber about some of mine because such connections are important. I grew up with a lot of kids who were the sons and daughters of Polish coal miners who came to my valley, the Cynon valley in Aberdare, at the end of the second world war and became an important part of our community. My father was an aircraftman in the second world war and fought alongside Polish pilots. He grew to feel warmly about them, but he always warned me that they were both the bravest and the craziest people that he had ever met. I rediscovered that fact in the 1960s when I began climbing in the Alps. In those days, there were standards routes to Alpine peaks, north face routes, north face directs and routes that we used to call "Polish routes" because they were suicidal. That said a great deal.

There was a lot of laughter earlier about how Poles expressed themselves at that time, when the dead hand of communism kept their country away from its orientation towards being a great European base of culture and creativity. I remember meeting Polish climbers for whom climbing was important as a way of escaping. They could look healthy, patriotic and Polish, and they were allowed to go to the Alps. They were mad, but it was wonderful. They were all crazy about jazz, which has always been the music of rebellion. They were great painters, poets and novelists. Polish novelists won Nobel prizes. The greatest thing about being in Poland now is that one can rediscover, as in the case of Czech and particularly Hungarian writers, a great heartland of European literature. People are once again free to move across frontiers, which is a wonderful achievement.

My hon. Friend the Member for Ealing, North (Stephen Pound), in his inimitable style, gave us details of the community relationships that are so important. The hon. Member for Wellingborough (Mr. Bone) also reminded us of them. While he was speaking I remembered being taken to a Polish club—I shall not tell the Chamber in which town it was—and being shown into a large room where there were groups of some elderly men, some not so elderly, but no women. I tried to move across from one group to another and was warned, "Don't do that, they haven't spoken to each other for 25 years." It reminded me of Wales, actually. They are great people for sectarian fights.

I cannot give an answer to the point that the hon. Member for Wellingborough made. I know that in some areas people have gone out and recruited Polish dentists. I will ask about the matter—it is worth a try in this place—but I suspect that the hon. Gentleman will probably get a more informative answer from the Department of Health.

My hon. Friend the Member for Southampton, Test (Dr. Whitehead) congratulated his mother in law on her great longevity. Her life encapsulates the history of modern Poland, which is an amazing story. My hon. Friend reminded us that Poland's influence within the EU is already equal to that of Spain, which reinforces what the hon. Member for Shrewsbury and Atcham said. We must take our alliance with Poland very seriously. The balance of power is shifting and will continue to do so.

I have just returned from Bulgaria and Romania, and they have mighty problems. However, I remember the Poland of the 1970s, when my friends from Solidarity would come over and tell me what was going on. I did not believe them. I did not believe that helicopters were shooting on the street demonstrators who were trying to create democratic and trade union rights for themselves. We had no idea of the severity of that oppression. I am glad that the hon. Gentleman mentioned it, because the situation has changed dramatically, and we must take it seriously.

I am sure that everyone who has spoken and listened will pay tribute to the contributions that emphasised the great part that Polish people not only have played in this country's history but are playing now for our economy. We were, along with Ireland and Sweden, the only countries that offered Polish workers free passage to move and work. Now, I notice that a great queue of European countries is trying to do the same, because if there is one thing that we have begun to understand, it is that if we are to compete in the world economy, we must have the skills to do so.

Mr. Hands: My hon. Friend the Member for Shrewsbury and Atcham and I have a long-standing invitation to visit POSK, the Polish cultural centre in King street. It is a fantastic institution that may offer some pointers towards integration, because it offers services not only about Polish culture but to Polish immigrants and migrant workers about England and Britain. Will the Minister join us in a visit some time in the coming months? It is not that far away; it is only 20 minutes on the District line.

Daniel Kawczynski: And there is a delicious restaurant.

Dr. Howells: It is a kind and generous offer. I may have to pass it on to my right hon. Friend the Minister for Europe. He is in Strasbourg, but I shall make him aware of it.

The hon. Gentleman makes a very important point, and there is a great deal of discussion about integration. It was no easier to integrate in 1945-46 than it is or is not now. We should have these discussions, but we should not become obsessed with the integration of one ethnic group or one people. We should consider the best examples that we have, and the Polish workers have provided us with some of the very best examples.

Importantly, the hon. Member for Taunton (Mr. Browne) highlighted the fact that many workers are over here because unemployment is so high in Poland. It is at 18 per cent. It is scandalously high for young boys and girls at 40 per cent.—40 per cent. youth unemployment. It is no wonder that they are flocking to this country. The hon. Gentleman is right. We must help in whatever way we can to let the Poles know that alongside liberalising the economy and slimming the bureaucracy, the high levels of taxation and unemployment have got to go if Poland is to, as it will, flex its muscles as a great economic power. It should do so in that crucial geographical position in Europe.

We have not talked much about the following important subject, because we have not had a great deal of time. However, Poland is the EU's eastern frontier. We must help the Poles with it, because it is leaky. The hon. Member for Shrewsbury and Atcham did not get a chance to talk much about it, but we must understand that many of our problems, whether with organised crime, drug smuggling, people smuggling or arms smuggling, are caused because everybody wants to get into the EU from that eastern direction. The Poles live in a tough neighbourhood and they always have done. We have drugs liaison officers working on the frontier, and people trying to help with the border crossings to systemise the way in which vehicles are checked. It is an important subject, and I am glad that the hon. Gentleman raised it.

I am rather grateful that I have no time to talk about the pipeline. It is really a matter for the Germans and Russians. If I were a German or Russian, I would probably build it along the Baltic sea floor myself.

Sarah Ann Paice (Child Support Agency)

4 pm

Ian Lucas (Wrexham) (Lab): It is a pleasure to have secured a debate under your chairmanship this afternoon, Mrs. Anderson, to discuss the case of my constituent Mrs. Sarah Ann Paice. It is with some reluctance that I raise the case of an individual constituent, but its history has been so profoundly frustrating for her, her family and the workers in my constituency office that I thought it appropriate to bring it to the Minister's attention.

Since I secured the debate I have been contacted by representatives of the National Association of Citizens Advice Bureaux and an organisation called One Parent Families, who have highlighted issues that echo strongly in the facts of the case. I hope that the Minister will therefore find the present discussion helpful in the context of the Henshaw review. I should like to thank personally Mrs. Janet Allberson of One Parent Families and David Tinline of the CAB for briefing me.

Let me make it clear at the outset that I fully support the principles that lie behind the present child support system. Those of us who are parents have a responsibility, both moral and financial, to our children and that responsibility should continue regardless of whether or not a marriage or a partnership continues. As a former practising solicitor I am also aware that the court system that the child support system replaced was cumbersome, and often extremely slow and unresponsive to all parties involved. There is always a danger of seeing the grass as greener on the other side of the fence, but my limited experience of matrimonial courts in the days before the Child Support Agency was that they were themselves a source of great frustration. The involvement of the courts does not always help; that said, however, the case of Mrs. Paice illustrates the failures of the current system.

My constituent Mrs. Paice separated from her husband David Paice in September 1999; at that time, they had three teenage children. From that time until September 2002, Mr. Paice paid the mortgage for the matrimonial home in lieu of child support. Without notice, he stopped doing so because, as Mrs. Paice subsequently discovered, he remarried around that time. In May 2003, Mrs. Paice received a letter telling her that Mr. Paice should pay £4,267.49 for the period 9 July 2002 to 26 May 2003, which is now almost three years ago. That payment was not made and, as the House will hear, approximately that sum is still owed today.

By February 2004, Mrs. Paice was informed that the arrears of child maintenance had increased to £5,397.95. However, a monthly payment of £440.92, was specified to be paid by Mr. Paice. During that period Mrs. Paice made numerous calls to the Child Support Agency and the case was shifted from the Belfast office to the Birkenhead office to the Nottingham office and then back to Belfast again. None of Mrs. Paice's efforts resulted in payment of the money that was owed to her. In February 2004—more than two years ago—she first approached me for help.

[Ian Lucas]

It seems to be characteristic of the CSA that orders are made and communicated to the parents who are looking after children, but are not enforced. As a result, parents such as Mrs. Paice who have the obligation—a heavy one, as those of us who are parents know—to bring up teenage children, with all the pressures that that imposes, frequently manage without any of the money that has been awarded to them. The real source of frustration for someone who is under financial pressure is that they are presented with a piece of paper that states that they are entitled to thousands of pounds, but they do not receive the money. That must cause anger to such individuals. It is vital that orders are enforced, at least in part, and in most cases in full.

In Mrs. Paice's case, an original order was delivered to her. It appeared to be helpful, but it was not enforced. She received further communications before payments were made, and the order was changed—in fact, the payment was reduced—but still she received no payment. The figure was then reduced further. By March 2004, Mrs. Paice had received a notice from the CSA indicating that £77.98 per week was to be paid. Again, the amount had been reduced without the previous sums owing being paid. By that time, the arrears had increased to £5,107.80—a very large sum indeed. Mrs. Paice still had financial obligations and was coming under more and more financial pressure but she was not receiving the arrears that were owed to her.

By April 2004, a deduction from earnings request had been served on Mr. Paice's then employer, the British Army, to collect £411.19 per month from him, comprising £387.36 for regular maintenance and £23.83 to pay the arrears, which had increased still further to £5,548.72. Assurances were given that the money would be paid into Mrs. Paice's account. The money began to come in but, in July 2004, the amount was reduced to £361.83 without any notice being given to her. Later, she was given an explanation and the matter continued to some extent satisfactorily until May 2005, when Mr. Paice left the Army. As a consequence, Mrs. Paice stopped receiving payments in April 2005. The money that she had been relying on since the previous year stopped, again without any notice.

To Mrs. Paice, the CSA appeared throughout to be more responsive to the payer than the payee. One can well understand her feelings. When the payer's circumstances changed, something happened immediately, but there was no suitable response when Mrs. Paice came under increasing pressure.

A further review of Mr. Paice's position was completed in July 2005. It indicated that he should pay just £66.19 per week—a substantial reduction. To rub salt into Mrs. Paice's wounds, she became aware that a lump sum payment that Mr. Paice had received from the Army when he left had not been taken into account to discharge the substantial arrears that were owing from the period two or three years earlier. Still worse, a further assessment of Mr. Paice in November 2005 indicated that his liability was nil.

In a letter in January 2006, the CSA concluded:

"We do not feel there is evidence of delays or errors which can be attributed to the Agency."

By 16 January 2006, arrears stood at £4,007.15. Mr. Paice agreed to pay them off at £5.70 per week. On that basis, by my rough calculation, full payment will take 13 years, by which time Mrs. Paice's youngest child will be 26.

Mrs. Paice is very angry about the way in which her case has been dealt with. She feels that she has not made progress and that she has not received satisfactory responses from the Child Support Agency. She believes that a substantial sum remains to be paid, close to the amount of arrears that existed in 2003. I know that the Minister is not the person responsible for the circumstances of the particular case, but since he has had an opportunity to consider it, I ask him whether he believes that there has been maladministration.

Why was the lump sum payment that appears to have been paid to Mr. Paice not used to pay off the arrears owed from 2003—arrears that should have been used for the benefit of the children, who were growing up in that period? Does the Minister really believe that it is appropriate for an award to be made for payment of arrears over a 13-year period?

I have one final but important point concerning a recommendation made by One Parent Families that, in certain limited circumstances, when a resident parent believes that the Child Support Agency has not dealt satisfactorily with a case, there should be an opportunity to apply to the court to raise the matter there. In my experience it can sometimes be beneficial to secure court attendance by an individual—or in this case two parties—to clarify the circumstances of a case and to try to secure an effective order. I believe that that proposal is worth considering. Both in this case and in others that I have dealt with involving the Child Support Agency, there is far too much evidence of orders being made, sent out, never acted on, never enforced and, above all, never paid.

4.13 pm

The Parliamentary Under-Secretary of State for Work and Pensions (Mr. James Plaskitt): I congratulate my hon. Friend the Member for Wrexham (Ian Lucas) on securing the debate. Obviously, the subject matter is of concern to him and is extremely important to his constituent, Mrs. Paice, whom he has served well by bringing the matter to my attention in this manner. I welcome the opportunity that the debate gives me to try to help in this particular case, subject naturally to some constraints on what I am able to say. If there is time, I shall also comment on some wider child support issues, and set out some of the steps that the Government hope to take to deal with the more substantive points illustrated by Mrs. Paice's case.

The case underlines the reasons for the Government's conclusion that the current operation of the CSA is inadequate. That is why we have agreed to put an improvement plan in place immediately, and why we have asked Sir David Henshaw to review how we might deal with child support issues in the longer term. I shall talk about that review, if time permits.

My hon. Friend has raised questions about the policy for implementing deduction from earnings orders against people in the armed forces. To make policy work, child support legislation must link with other legislation, and that applies in relation to those who serve in or have served in the armed forces. To support the Child Support Act 1991, amendments were required to the Army Act 1955, the Air Force Act 1955, the Naval Forces (Enforcement of Maintenance Liabilities) Act 1947 and the Merchant Shipping Act 1970. In effect, the agency was given provision to recover maintenance through deductions from the pay of soldiers, airmen, sailors and merchant seamen.

The agency does not issue deduction from earnings orders against armed forces personnel because pay or allowances made to a non-resident parent as a member of Her Majesty's forces are not defined as earnings for the purposes of child support legislation. Instead, the agency can request that the armed forces make deductions for child maintenance under armed forces law. That is known as a deduction from earnings request.

The order and the request are designed to work in precisely the same way and to treat service personnel and civilians equally. In cases in which full maintenance is not paid, the non-resident parent remains liable for any arrears, the money owed is not written off and the agency can either pursue the non-resident parent through other appropriate enforcement measures once it has a liability order to secure the debt, or it can impose a deduction from earnings order if the non-resident parent subsequently obtains civilian employment.

The agency is bound by forces regulations. If, in exceptional circumstances, armed forces personnel decide not to action the agency's request to deduct the maintenance, it cannot impose the deduction from earnings request. However, as the individual remains liable for the maintenance and any arrears, the agency still has a range of other collection and enforcement powers to secure payment.

In the case that my hon. Friend has raised, the non-resident parent spent some time in the armed forces and paid child maintenance regularly, through a deduction from earnings request, until he left the armed forces last year. Regrettably, the deduction from earnings request was initially issued to the wrong forces payroll and had to be reissued. The relevant service then deferred its implementation for six weeks to give the non-resident parent the opportunity to pay voluntarily. All that resulted in cumulative delays of three months, but regular payments were then maintained by the non-resident parent.

Five months after he left the armed forces, the agency was able to trace him to a new civilian employer, and a deduction from earnings order was then imposed. Since he was reassessed as having a nil assessment, based on his reported low income, he has made regular contributions to his arrears through a deduction from earnings order. The agency is taking steps to improve its ability to trace non-resident parents in similar circumstances to those I describe, for example, by increasing its use of information held by the Inland Revenue.

I understand that my hon. Friend has specific concerns about the arrears owed to Mrs. Paice and the amount that is regularly paid by the non-resident parent. I am also aware that Mrs. Paice believes that the non-resident parent might have sufficient means to pay some of those arrears in a lump sum. Current legislation does not enable the agency to access any lump sum payments to non-resident parents until the payments are in their possession, and only then with the authority of a court.

The current deduction from earnings order has been calculated based on the information provided to the agency by the non-resident parent. However, the agency realises that the arrears arrangement will not recover the debt over a reasonable period. The agency will now ask the non-resident parent to increase the amount that he is paying towards the arrears. If that request is refused, given that the agency has already obtained a liability order for the arrears, it will swiftly explore the options for further enforcement action, such as the use of bailiffs.

In the light of recent cases in which deduction from earnings orders were not effective in recovering large sums over a reasonable period, the agency revised its internal guidance to make it clear that further enforcement action should be considered if arrears cannot be recouped sufficiently swiftly through a deduction from earnings order. The agency has been taking action to improve enforcement; for example, during 2005-06, 10,300 liability orders were granted, an increase from 7,200 in the previous year. The agency intends to build on that and deliver further improvements in line with the operational improvement plan announced to the House on 9 February.

To return to the case that my hon. Friend has raised, I understand that there has been some uncertainty about the agency ceasing to pursue the non-resident parent for regular maintenance. The agency records show that on 4 October last year, Mrs. Paice asked the agency to stop pursuing regular maintenance effective from 3 July 2005, the date that one of the qualifying children went to live with the non-resident parent. Written confirmation of that closure was sent to Mrs. Paice and the non-resident parent on 8 November 2005. The correspondence made it clear that that decision would cease action to pursue maintenance in respect of both the qualifying children.

My hon. Friend's letter to the agency on 6 December stated that Mrs. Paice did not want the case to be closed. The agency subsequently telephoned Mrs. Paice on 13 December to discuss her concerns and to let her know that it would look at her case to decide whether there were sufficient grounds for a revision of the closure decision. On 19 December the agency wrote to Mrs. Paice to inform her that there were not sufficient grounds for a revision, and therefore the case would remain closed.

I asked the agency to look at the matter again and as a result it has determined to overturn the original decision to close the case. In the agency's view, upon re-examination, the records of the original telephone conversation with Mrs. Paice do not provide sufficient detail to determine whether she was invited to carry on her case in respect of her youngest child. The case will now continue as if it had never been closed.

My hon. Friend also asked whether I think that the case has been poorly handled. I have to say that I do—I agree with him. The case has not been handled in the manner that the agency's clients should expect. The

[Mr. James Plaskitt]

agency is currently moving from a process of complaint handling to one of client resolution. In line with that approach, and having acknowledged the errors that it has committed in respect of the case, the agency will do three things for my hon. Friend's constituent.

First, it will consider whether Mrs. Paice has suffered a financial loss due to the delay in first contacting the non-resident parent after Mrs. Paice applied. If so, the agency will pay her redress to meet that loss. Secondly, in recognition of the poor handling of the case, the agency will award her a consolatory payment. Thirdly, and finally, the agency will identify the arrears that have built up as a result of its own errors and delays and will award Mrs. Paice an advance payment of those arrears.

I will be happy to meet my hon. Friend and an appropriate representative of the agency to go into further detail on the personal aspects of the case. Other matters that he has raised are probably better dealt with in that way rather than in a public forum. I happily extend that invitation to my hon. Friend and to others whom it would be relevant to include.

The bigger question is what we should do about child support generally. This case has highlighted some possible procedural issues involving the agency, and the difficult and sensitive nature of child support. Following the review carried out by the chief executive of the agency, Stephen Geraghty, we concluded that the present child support system is incapable of delivering the outcomes that we desire for child support. The problems are not only in the operations of the agency; they are in the legislative framework that supports it—

4.24 pm

Sitting suspended for a Division in the House.

4.39 pm

On resuming—

Mr. Plaskitt: I shall begin to conclude again, Mrs. Anderson.

We announced on 9 February that we have asked Sir David Henshaw to consider the redesign of the whole child support system. In his speech, my hon. Friend the Member for Wrexham mentioned the suggestion from One Parent Families. I know that the organisation has met with Sir David, and I hope that it has put that idea to him, because it is certainly interesting. Sir David is gathering a range of ideas and will report to us later in the year.

Stephen Geraghty's review of the operations of the agency also identified a number of areas where improvements can be made in the short to medium term. That has formed the basis of the agency's operational improvement plan, which sets out how performance in client service will be improved over the next few years. We are investing an additional £120 million over the next three years to implement the plan. Of that, £90 million will support the recruitment of more staff and the deployment of more agency people to client-facing processing work and enforcement activity. We will also work to improve the agency's ability to trace non-resident parents through the use of data from credit reference agencies and Her Majesty's Revenue and Customs. We have also set aside £30 million of the investment to allow private debt collection agencies to recover over £100 million more of historic debt during the period of the plan. Work has already begun to introduce the improvements, and it will continue while Sir David constructs his redesign.

We know that there are problems with the child support system, but it is now time to learn the lessons from the past and to create a new system to ensure that parents meet their responsibilities to support their children and do not have to endure the shortfall of service that my hon. Friend's constituent has experienced. As we have frequently said, relationships may end, but responsibilities do not.

Gowers Review

4.41 pm

Mr. Don Foster (Bath) (LD): I thank the Speaker for granting the debate. As hon. Members will know, in December 2005 the Chancellor announced that he was asking Andrew Gowers to head a review of intellectual property rights. I welcome the review and hope that it will propose measures that are fair to both content owners and the public, and that it will be based on solid evidence and research rather than the wild assertions that abound in this topic.

The Gowers review has to consider numerous different issues. It will, I hope, listen to the strong arguments for altering the IP rights on databases. The rules introduced 10 years ago across the European Union appear to grant excessively restrictive copyrights over collections of non-copyrightable material. The 2005 study by the European Commission suggested that the restrictive copyrights had led the European database industry to become less productive than the American database industry, where no such rights exist. There is, I believe, a strong case for change.

The review will also need to consider calls for the updating of the so-called fair dealing exemptions in copyright law, especially in respect of the statutory right to private copying. No such rights exist and that is perhaps the clearest example of a law that is out of touch with the modern world. Only last week, it was reported that 55 per cent. of Britons break the law by copying music that they have purchased on to different devices, such as iPods.

The main topic that I wish to address relates to the calls for the extension of copyright on sound recordings. The debate is often characterised as one between the competing claims of rights holders and those of consumers, but I do not see those rights as opposed and want to propose a way forward that benefits both.

At present, copyright on sound recordings lasts about 50 years. Many bodies, such as British Phonographic Industries Ltd., and individuals, such as Sir Cliff Richard, have called for that 50 years to be extended unconditionally to 95 years. They cite many examples to justify such an extension.

First, they argue that it would harmonise our law with that of the United States where, as a result of the Sonny Bono Copyright Term Extension Act 1998, sound copyright exists for 95 years. After all, UK companies argue, they are valued in part according to the number and length of copyrights held and therefore lose out to US recording companies. Secondly, they argue that revenue streams from back catalogue sales provide the funding for new ventures and to promote new talent: increase the length of copyright, they say, and there will be more money for such new ventures. Thirdly, leading performers, such as Sir Cliff, and session musicians argue that they need the revenues that flow from copyright payments on their old recordings as a sort of pension fund. They are particularly concerned because some of their early recordings may soon go out of copyright. Fourthly, many proponents of an extension see the lapsing of works into the public domain as a danger to their preservation and availability.

The arguments against a blanket extension are also powerful, and should be heard. When the United States extended its copyright, it was said that that was necessary in order to

> "Harmonise...US copyright law to that of the European Union, while ensuring fair compensation for American creators who deserve to benefit fully from the exploitation of their works."

So the United States extended its copyright to align with us, and now we have proposals to harmonise with it. There is a danger that constant leapfrogging will extend copyright indefinitely. There are now calls in the United States from, among others, the American Federation of Television and Radio Artists and the American Federation of Musicians, for the liberalisation of sound copyright laws.

Britain has a wonderful music history, but a blanket extension could render much of our musical heritage inaccessible to the public for a very long time. After all, the extension of copyright in the United States does not appear to have guaranteed the re-releasing of old recordings. A study for the Library of Congress found that only 14 per cent. of back catalogue material had ever been reissued. The older that material gets, the less likely it is to be re-released—indeed, less than 2 per cent. of the oldest material is re-released. Thus, those opposing blanket extension here argue that we risk locking Britain's rich cultural music past away so that it is enjoyed by nobody and of value to no one.

Opponents also challenge the idea that back catalogue revenues provide investment for new ventures and to support new artists. Peter Jameson of the BPI argued in *The Guardian* on 24 April that such investment had contributed to a boom in new British music, citing artists such as Arctic Monkeys, James Blunt and Kaiser Chiefs. However, Arctic Monkeys are with Domino Records, which was founded in 1993 and rarely re-releases records that predate itself, and James Blunt was signed by the US label Custard Records, which was set up only in 2004 and so has little back catalogue material to release; the same is true of Kaiser Chiefs, who are signed to B-Unique, which was also founded in 2004. Those are hardly good examples of recording companies that rely on significant revenue from the back catalogue profits that would be under threat if we were to stick at the 50-year copyright term.

As for Sir Cliff's campaign for hard-up musicians, copyright was never meant to be a pension fund. More importantly, if old recordings are rarely re-released, there will be little income stream either from the copyright or from airplay revenues. The real problem facing old musicians is that their works are rarely commercially available. The argument that demonises public domain is countered by the evidence that public domain has allowed Britain to be at the forefront of historical music research and has led to a boom in low-cost classical music akin to the boom in low-cost classical literature such as Penguin Classics. Public domain also benefits other musicians, filmmakers and artists who use old recordings in new pieces of work, so it can be a good incentive for new ventures.

The Gowers review will need to find a way forward that takes account of all those claims and counter-claims. I have a proposal that will benefit creators, rights holders, consumers and our culture as a whole: conditional extension, which would allow rights

[Mr. Don Foster]

holders to take out a 45-year extension to the existing 50-year copyright term. However, with increased rights accompanying extended copyright would come increased responsibilities.

First, to re-register a rights holder would have to pay a nominal extension fee that, while not prohibitive, would prevent record companies from extending copyright as a formality. It would also encourage commercial re-releasing of back catalogue material to help to offset the fee. Meanwhile, the fee would help to cover the administration costs of the new system.

Secondly, the proposal involves specific provision for compulsory licensing. A rights holder who did not make commercial use of a recording would be required to license the rights to any interested party. The fees payable by the interested party would be based on a fees structure set by a body authorised by the Government for the purpose. Essentially, it means that the rights holder has a "use it or lose it" responsibility. Such an approach would encourage record companies to re-release their back catalogue material, but if they did not do so it would enable niche companies and small businesses to demand the right to re-release recordings themselves. As a result, consumers would benefit, as it would help to ensure that copyright term extension did not restrict the choice of music available to them; indeed, it would lead to greater choice of back catalogue releases.

Thirdly, the caveat for archival responsibility would require that work be held in good archived condition in accordance with prevailing technological standards. Sadly, it seems that in the past back catalogue material has sometimes been damaged or misplaced, especially when companies merge, move or shut down. In one such example, Decca, a major British recording company, was taken over by Polygram in 1979 and all the metal masters of the company's pre-1950s 78 rpm recordings were destroyed. Similar things have happened elsewhere: for example, in the 1960s a United States company, King Records, used all its metal masters as infill for a car park for its new office block. Our proposal would mean that many more recordings would survive and be kept tracked centrally. That would have the added benefit of reducing the number of recordings of so-called orphan works, where copyright ownership is unknown.

Such an archival responsibility should place no significant extra administrative burden on the recording companies. After all, they have to submit detailed information on their records to rights collection societies, such as the Performing Right Society and Phonographic Performances Ltd. The extra burden is in ensuring that an original sound recording is treated as an historical artefact and exercising appropriate curatorial responsibilities to ensure the protection of our cultural heritage.

Those three proposals for conditional extension of copyright to 95 years will, I believe, allow recording companies to be valued in a way that allows them to compete with US companies. It will also help the musicians being championed by Sir Cliff Richard and others, because their older recordings are more likely to be commercially exploited, rather than left to languish in obscurity.

Michael Connarty (Linlithgow and East Falkirk) (Lab): I congratulate the hon. Member for Bath (Mr. Foster) on gaining this debate. As chair of the all-party jazz appreciation group, I would wish to talk to him for longer. It is clear that he does not mix with jazz musicians, because he does not understand the problems of people such as Tommy Whittle from my constituency. Now in his seventies, he still leads a group, but he was mainly known as a sideman and he relies on a constant flow of income from old recordings with the BBC orchestras and other jazz big bands to sustain him and his wife, who was a singer, in their old age.

I take the point that the hon. Gentleman made about culture. Many people believe that we should focus on the artist, but nothing in what he says about charging companies for an extension would encourage them to re-release. If we do not have an extension to 95 years, other companies may release and not pay the artist who made the original recording. Unless we can square that circle, Tommy Whittle, and others such as Jack Emblow, who has played in many films but has never recorded in a band of his own, and even Kathy Stobart, who played for many years and who won the parliamentary award for services to jazz last year, will receive an income from their recordings after 50 years have passed. We must consider such people, who are not the Cliff Richards of their age; they are not megastars. It is not the big companies that will suffer if the hon. Gentleman's proposal is adopted. It is the people I have mentioned who will not continue to be paid under the extension, and they will therefore receive no money under the copyright law.

Mr. Foster: I am extremely grateful to the hon. Gentleman for that intervention. He will be aware that about 4,500 musicians have signed up to PPL's demands. However, I support a move that will extend copyright to 95 years. I believe that the measures that I propose will help to ensure an increased re-release of back catalogue material. That, I believe, will help Tommy Whittle. He may be lucky enough to have his material constantly re-released, and he may benefit from that, but as I said, the evidence shows that only a small proportion of material is re-released and in the case of some older material, less than 2 per cent. of the back catalogue is reissued. The measures I am proposing will encourage re-release, while providing the extension to 95 years that those 4,500 musicians request.

John Hemming (Birmingham, Yardley) (LD): I think that I must declare a registrable interest as a member of the Musicians' Union and PPL, although in the environment in which I trade I do not have a financial interest in the subject of the debate, because our interest in the music copyright—not the dots, but the sound recording—is time-limited to five or 10 years. The interest to the musicians is the key matter. Does my hon. Friend's interesting suggestion take account of technological changes and the fact that much distribution now happens via download?

Mr. Foster: Indeed it does. I am grateful for my hon. Friend's contribution. He will have noted what I said about the archival responsibility to ensure that material

is kept in a condition appropriate to prevailing technologies. There is a requirement to make sure that it is available in the most modern forms.

I believe that the proposals will ensure that individual recording companies can be valued in a way that enables them to compete with US companies, they will help musicians as I have described, and by encouraging the re-release of more material they will give the public more choice. That is better for musicians and record companies, for the economy and for consumers. It is better for all of us because it protects and preserves Britain's rich and varied musical heritage. I hope that the proposals will find favour with the Gowers review.

4.57 pm

Mr. Hugo Swire (East Devon) (Con): I am most grateful to you, Mrs. Anderson, and to the hon. Member for Bath (Mr. Foster), for allowing me to contribute briefly to the debate, and to the Minister for agreeing to that.

We all agree that sound copyright is important for all media, new and old, and we welcome the Gowers inquiry. Increasingly, we operate in a world where the vital business ingredient is intellectual property, so it is right to pursue ideas about that. I think, however, that the hon. Gentleman has somewhat missed the point given the realities of the digital age, on which I think he has rather missed out. The "use it or lose it" approach may, as he pointed out, have been relevant when companies physically produced records or CDs that then had to be produced and distributed, but we have moved on, and in the digital age of downloading in which we now live, his arguments are somewhat archaic.

In the hon. Gentleman's proposal, which is not particularly liberal and is rather convoluted, there is a danger that performers and record companies will be kept as second-class creators compared with other creators. The principle of copyright and resale rights is long established. I believe that the hon. Gentleman supported the droit de suite artists' resale right that we debated recently, which sits oddly with his comments today.

The point is surely that in future back catalogues will be online, and our idea of a blanket extension will be an encouragement to make that music available. Charging fees will become an incentive to do nothing and a licence for CD burners in China and the developing world to nick recordings.

I know that the hon. Gentleman's office has been besieged by representations on behalf of Sir Cliff Richard. My office has not, as far as I know, received a single representation on his behalf. I do not know what that says about me, Sir Cliff Richard or his fans. No doubt the hon. Gentleman will be asked to recover from the ordeal of the debate in one of Sir Cliff's many villas around the world.

Of course, I have sympathy with the hon. Gentleman's arguments, but I do not agree about the ratcheting up of copyright periods in Europe and the United States. I hope that the Minister agrees that it would be far easier to adopt the proposal we made during the last election, which was that in the interests of the industry—producers, consumers and originators—it would be best to make the case in Europe that the copyright period for music protection should simply be extended from 50 years to 75 years.

5 pm

The Financial Secretary to the Treasury (John Healey): I congratulate the hon. Member for Bath (Mr. Foster) on securing this debate. Although it is a short Adjournment debate, there is a remarkable level of interest in it, as shown by the interventions of my hon. Friend the Member for Linlithgow and East Falkirk (Michael Connarty), who was unable to stay to the end of the debate, and the hon. Members for Birmingham, Yardley (John Hemming) and for East Devon (Mr. Swire).

My office has not had any representations from Cliff Richard, although I hesitate to mention that because I do not want to tempt fate. If I do receive representations, I shall pass them swiftly to Andrew Gowers who will, I am sure, give them due consideration.

The debate has illustrated not only that there is a high and active level of interest in the subject, but that the issues at stake are extremely complex and the interests and interest groups are many and varied. In considering the issues in depth Andrew Gowers is providing an important service for the Government and the House generally, and we look forward to his report.

It is important to bear in mind, notwithstanding the focus of the hon. Member for Bath in his opening speech, that intellectual property rights are no longer a narrow niche issue, but are an essential facet of any successful modern economy, particularly as economies are increasingly based on the quality and breadth of knowledge that they contain. Within that broader field, it is important to debate the role of copyright in the 21st century. On the broader front, our UK economy is increasingly driven by knowledge-based, intellectual property-reliant industries. The creative industries alone accounted for 7.8 per cent. of value added in the United Kingdom in 2003 and grew by 6 per cent. per annum between 1997 and 2003, which was twice the rate of growth of the economy as a whole. Overall, the creative industries were worth £11.9 billion in 2004.

In this age of a modern knowledge-based economy, the need to reward creativity while continuing to encourage the free flow of ideas is more important than ever. That is the essential balance that must be struck in policy terms. The intellectual property framework must incentivise innovation while ensuring that the public have access to that innovation. However, the world is changing rapidly—the hon. Member for Birmingham, Yardley alluded to this—and the existing framework is being tested by two trends.

First, globalisation has broken down the boundaries between markets, giving rise to enforcement challenges. Secondly, digitisation has radically altered the way in which knowledge is created, disseminated and shared. Those are the principal reasons why, just before Christmas, the Chancellor invited Andrew Gowers to conduct an independent review of our intellectual property system to ensure that it is fashioned for the purposes that we require of it in this century. I am not sure that I would go as far as the hon. Member for

[John Healey]

Bath and describe parts of it as being out of touch with the modern world, but it is clear that, depending on what Andrew Gowers recommends, now is the time for a proper review of whether some aspects of it need to be overhauled.

The roots of our concern do not lie only in the changes in the modern economy and the reasonable representations that the Government have received from a number of quarters. In our manifesto at the last election, the Labour party included a commitment to

"modernise copyright and other forms of intellectual property so that they are appropriate for the digital age."

That is the importance of the Gowers review to the Government. The call for evidence for the review prompted more than 500 responses from a wide range of interest groups, as hon. Members might have anticipated. Those carrying out the review are now analysing those responses and undertaking further research before making what we expect to be precise, practical policy recommendations. The review will report in the autumn to the Chancellor and to the Secretaries of State for Trade and Industry and for Culture, Media and Sport. I know that culture, media and sport is a policy area that the hon. Members for Bath and for East Devon follow closely from their respective Front-Bench positions.

Today, the hon. Member for Bath has focused on one of the issues being examined in the review: the term of protection on sound recordings. As he knows, protection is harmonised across the EU and, as such, is to some extent an area of EU competence. I think that the hon. Member for East Devon made that point. Any changes in the length of protection must therefore be made through the Commission.

The Gowers review is independent and was set up to make recommendations to the Government. As the hon. Member for Bath would expect, I am not in a position to anticipate or pre-empt what Gowers might report. The hon. Gentleman said that he hoped the report would be based on solid evidence. The Treasury is supporting the Gowers review, and in the best traditions of the Treasury we will do our best to ensure, as will Andrew Gowers, who is a distinguished journalist, that his recommendations are indeed solidly based on the evidence that he is gathering.

The question of the length of copyright on sound recordings turns on what impact adjusting the length would have on investment, on performers and on other affected interest groups. As the hon. Member for Bath made clear, it is an extremely complex area of debate. There are conflicting needs, claims and counter-claims, which are precisely what Andrew Gowers is considering.

The broader intellectual property system is not one of rewards or, as the hon. Gentleman put it, a pension fund for old musicians. It is one of incentives to invest and innovate; that is its importance to the economy. It must encourage new innovators to create and generate ideas in the knowledge that they will be remunerated for their endeavour. We must ensure that creators continue to be incentivised to contribute and innovate in the future.

It is not only the length of the copyright term that affects the remuneration of artists but the scope of that term. In the EU, while the term is 50 years, artists also receive royalties every time their song is played in a bar, restaurant or hairdresser's. In the US, under the bars and grills exception, few such royalty payments are made. The definition of "public" and therefore the scope of protection of sound recordings is far broader in the EU than in the United States. The Gowers review will consider the impact of changing the length of term not only on artists and their immediate industry but on industries that use sound recordings, such as broadcasting, tourism and internet service providers. It is vital to say again that the intellectual property system stimulates innovation and creates value across the whole economy.

The crux of the debate, as the hon. Gentleman made clear in his speech, is how to strike a balance. Andrew Gowers is considering the areas that the hon. Gentleman touched upon, and I undertake to ensure that he gets a copy of this afternoon's debate. I know that he will take seriously the points that all hon. Members have made as part of his deliberations.

Digitisation and globalisation create challenges and opportunities for our copyright regime. We need to ensure that the UK responds in the right way and the right areas. By doing so, we can sustain the success that our economy enjoys in the globalising and increasingly knowledge-based economy. It is not just the Chancellor and I who are looking forward to the recommendations of the Gowers review; the level of House interest in this short debate this afternoon demonstrates that the recommendations that Andrew Gowers comes up with will be keenly awaited and, I am sure, keenly debated when he publishes them.

I hope that we will be able to return to this debate, because in many parts of the House, there is clearly an interest in doing so. I had expected a contribution representing the views of the Musicians Union, but I did not expect that we would also hear the views of the all-party jazz appreciation group. Clearly, a number of Members with interests in the area will also be looking forward to Andrew Gowers' report when we finally publish it.

Question put and agreed to.

Adjourned accordingly at eleven minutes past Five o'clock.

Westminster Hall

Thursday 18 May 2006

[MRS. JANET DEAN *in the Chair*]

Darfur Crisis

[Relevant documents: Second Report from the International Development Committee, Session 2005–06, Darfur: The killing continues, HC 657, and the Government's response thereto, HC 1017; Fifth Report from the International Development Committee, Session 2004–05, Darfur, Sudan: The responsibility to protect, HC 67; and the Government's response thereto, Cm 6576.]

Motion made, and Question proposed, That the sitting be now adjourned.—*[Mr. Michael Foster.]*

2.30 pm

The Secretary of State for International Development (Hilary Benn): It is good to see so many Members here, despite business elsewhere in the House having finished. That reflects the deep interest that Members on both sides of the Chamber have in the tragedy that has affected the people of Darfur, particularly over the past three years. I should say frankly, at the outset, that the crisis is a test of the international community's willingness to act when crimes against humanity are committed. I hope that our debate is very much set in that context. I commend the Select Committee for both of its inquiries into Darfur in the past 15 months; I also commend the hon. Member for Stroud (Mr. Drew), who is here and who ably chairs the all-party group on Sudan, and all other hon. Members for their continued interest in what has been going on.

In three years of war, millions of innocent Darfuris have lost their homes, their livelihoods and, frankly, their dignity. As hon. Members will be aware, conflict has been rife in Darfur since the 1980s, but in the beginning of 2003 it reached new heights, with the rebel attack and the overt involvement of Government forces and the Janjaweed militia, following the formation of the Sudan Liberation Movement. The crisis has been littered with agreements signed and not honoured. I refer in particular to the humanitarian ceasefire agreement signed on 8 April 2004 by the Government of Sudan, the SLM, and the Justice and Equality Movement. I also refer to the security and humanitarian protocol signed on 9 November 2004 in Abuja. The truth is, however, that none of the parties that signed those agreements has abided by any of them, and insecurity has continued to hamper the huge humanitarian relief effort.

As Members will be aware, in May 2004, the African Union Mission in Sudan—AMIS—was deployed, and it has been in the region ever since. Another thing to which it is important to refer, if just in passing, has taken place since then: the signing of the comprehensive peace agreement in January 2005 in Nairobi. That finally brought to an end the north-south conflict that had lasted about a generation in Sudan, claiming more than 2 million lives. That agreement has given Sudan a more representative Government than it has had for a very long time. The UK played an honourable part, both in supporting the negotiations and in the agreement's implementation, including by providing political and financial support.

The UK Government have also played an important role in the UN Security Council in pressing for action to be taken on the crisis in Darfur. Members will be aware that we co-sponsored Security Council resolution 1556, which called for the disarmament of the Janjaweed. We supported Security Council resolution 1591, which provides for travel bans and asset freezes on individuals involved in the Darfur crisis who have committed violations of international law or other atrocities, or who have in other ways impeded the peace process. We co-sponsored resolution 1672, which was adopted on 25 April this year, and which finally—I underline "finally"—imposed targeted sanctions on four individuals from all sides of the conflict. The fact that it took so long was certainly not for want of effort on the part of the British Government; there was, of course, a process to be gone through.

I, for one, unreservedly welcome the imposition of those sanctions, because it is at least a sign that the international community is serious about calling to account those who, by their actions, prolong the suffering of the people of Darfur. We have made it clear that we think that more names ought to follow. We are also pushing for an extension of the arms embargo to the whole of Sudan. If only every country represented on the Security Council had been as determined as the British Government to hold people to account for what they had done.

The UK also sponsored UN Security Council resolution 1593, which referred the situation in Darfur to the International Criminal Court following the report by the UN International Commission of Inquiry. That was an historic moment, not only in the context of the crisis in Darfur, but more generally, because it was the first time that the UN Security Council had referred a matter to the ICC. That, too, was not achieved without a struggle. That moment will come to be remembered because it showed that although we fought hard for the principle of the ICC, with support from Members on both sides of the House, it is no good having the thing if it is not actually used to investigate people and call them to account for what they have done. I am glad to say that the ICC has already begun work on identifying the individuals who were responsible for the crimes against humanity and the war crimes that the International Commission of Inquiry said had been committed in Darfur.

I now want to deal in slightly more detail with the challenge that we face.

John Bercow (Buckingham) (Con): I welcome what the Secretary of State said about UN Security Council resolution 1593. In the context of his remarks about the investigations that are under way into individuals who are suspected of involvement in war crimes, crimes against humanity and, possibly, attempted genocide, will he tell us whether any decisions have been made about an initial list of people who will be prosecuted?

Hilary Benn: I know that the hon. Gentleman has taken a close and passionate interest in the crisis in Darfur, and I applaud him for that. I can tell him that,

[Hilary Benn]

in his most recent briefing to the UN Security Council on 13 December 2005, the ICC prosecutor stated that

"the Office had made good progress"

in the investigation's first phase and that the next phase would

"seek the further assistance and cooperation of the Government of the Sudan".

We have certainly made it clear to the Government of Sudan that we expect nothing less than full co-operation. I can also tell the hon. Gentleman that, as far as I am aware, the ICC has raised no concerns about co-operation since that last briefing. If there is any further information, beyond that which is available to me, that I can make available to the hon. Gentleman in response to his question, I will write to him with it, if that is all right.

Mr. David Drew (Stroud) (Lab/Co-op): My right hon. Friend the Secretary of State may or may not know that the hon. Member for Buckingham (John Bercow) and I met Musa Hilal in Khartoum. Obviously, that predated his being cited as one of the individuals in question, but, with the best will in the world, he was clearly under no constraints whatever at that time. It would be good to hear that we are talking to the Government in Sudan about what they intend to do to bring such people to justice.

Hilary Benn: Our ambassador in Khartoum is in regular contact with the Government of Sudan. However, I should tell my hon. Friend, who has also achieved great distinction, because of the way in which he chairs and leads the all-party group and keeps the House well informed about what is happening, that several of us talk to a considerable number of people as we seek to support those who are trying to resolve the crisis. That is the sad truth, and I will therefore need to check whether particular representations have been made about the individual to whom my hon. Friend referred.

Once people have been put on the sanctions list or otherwise identified by the organisations that are investigating these events, however, all hon. Members would clearly expect those bodies to take the appropriate action against them. It is too late to undo the terrible crimes that have been committed, but if the international community is to achieve justice for those who suffered and lost their lives and, indeed, more widely—that is why I referred to the crisis as a test—we must send a message to those who are thinking of committing such actions in other places that they will eventually be caught if they do.

Elsewhere, we have seen the indictment of Charles Taylor and those who have been brought before courts in Arusha in connection with the Rwandan genocide. What is being done is important because bit by bit, inconsistently and sometimes hesitantly, the international community has the power to demonstrate that we will not sit back and let such things happen. Have we got things right? No. Have we got a long way to go? Certainly, but those steps forward really matter in showing that we are serious about trying to put into effect the fine words that have been passed in declarations and agreements over many years. We find them in the UN's universal declaration of human rights, in the text on the founding of the UN and in the agreement on the responsibility to protect, agreed by the millennium summit last September. However, someone on the receiving end of the trauma in Darfur might be inclined to say, "Those are fine words and I am glad to read them, but when will someone apply them to me?" That is the real test.

Darfur is the most complex humanitarian operation in the world today. Nearly 14,000 people are working there in extremely difficult circumstances. In the past three years, thousands of innocent people have been killed. The figures range from 80,000 to 400,000. The truth is that no one knows, and frankly no one is ever likely to know, how many people have lost their lives in the conflict, but we do know that about 2 million people have been forced to flee their homes and a further 1.5 million have been affected by the conflict. Reports continue of sexual violence, in particular against women and children.

I, along with other hon. Members here today, have visited some of the camps: Kalma, near Nyala, and el-Meshtel and Abu Shouq, which are near el-Fasher. There, we saw with our own eyes the conditions in which people are forced to live, and we heard testimony from women, men and children about what had happened to them to make them flee their homes, and about the continuing insecurity that they face, in particular when they venture out of the camp. That burden is felt particularly by women, because the task of looking for firewood falls on them. Sadly, they are from time to time attacked as they go beyond the confines of the camp.

I pay tribute to the UN, the non-governmental organisations and the 14,000 individuals on the ground—some are international, but the vast bulk are Sudanese—who have worked tirelessly in very difficult circumstances to try to provide for the needs of the people forced to flee their homes. Their efforts mean that today we can recognise that, compared with two years ago, malnutrition and mortality rates have fallen. Last year, they fell below the emergency threshold. That was entirely due to the international relief effort in terms of money, and the skill, dedication and commitment of those staff.

However, because of the increase in insecurity since last autumn, those improvements have begun to be reversed. There has been further displacement of people. Since the beginning of the year, just under 200,000 more people have had to flee their homes because of fighting, a significant proportion of which is down to the rebel movements. In some areas, the UN and the NGOs have had to reduce their presence and operations because of insecurity. That is the first point.

Secondly, banditry and harassment on all sides have got worse and more brazen, and are getting in the way of the ability of humanitarian agencies to gain regular access to the worst affected areas. Sadly, humanitarian workers have to deal with such situations in a number of countries, as I saw for myself in Somalia yesterday. I shall digress slightly, if you will allow me, Mrs. Dean, to pay tribute to the people working in southern Somalia, who frankly, in some circumstances, are putting their lives on the line—the same is true of people in Darfur—to ensure that others get the help that they need. We all owe them an enormous debt of gratitude.

We have continued throughout to lobby, press and urge the Government of Sudan to ensure that they place no obstacles in the way of those trying to carry out the relief effort. That is the only country in the world in which as Secretary of State for International Development I have had to raise—I have done so willingly—individual cases of consignments of goods that have been held up. I remember one case in particular from a couple of years ago: 30 tonnes of medical supplies brought into the country by Médecins sans Frontières had been sitting in a container in Port Sudan for three months. Those supplies were desperately needed by the people of Darfur, but the necessary permit had not been obtained. Experience has shown that one has to keep up the pressure to ensure that the Government of Sudan support and help those humanitarian agencies.

The third, and sad, fact is that those humanitarian workers have now been affected by a funding crisis as some donors, frankly, get a bit weary. UN agencies responsible for some of the most important needs in Darfur are being forced to make major cuts to their programme; most significant of all is the decision of the World Food Programme to halve the rations provided in Darfur. That means that malnutrition will worsen. I am pleased that the United States Government have decided to speed up the delivery of their substantial contribution, which had, I think, been undergoing the congressional process. I hope that that will mean that full rations can be restored as soon as possible.

Hon. Members will be aware of the leading role that the United Kingdom Government have played in providing humanitarian relief. We are the second largest bilateral donor after the United States of America. Since September 2003 we have allocated more than £93 million to UN agencies and NGOs. We have provided a further £45 million in support of the UN's 2006 Sudan work plan and its eastern Chad appeal. We are pressing other donors to do more. Two weeks ago I announced that the UK is to provide a further £9 million to the common humanitarian fund, which will help the UN to react more quickly and flexibly to the crisis in Darfur and to meet humanitarian needs in other parts of Sudan. It is a desperately poor country, in large measure because of the conflict that its people have had to endure over the past generation and more.

That means that our total contribution to the UN work plan this years stands at £54 million—more than we provided last year. I wish that that was true of all the other donors, but it is not. We are also providing £18 million to NGO operations, £5 million to the Red Cross for both Darfur and the south of the country and £4 million for the relief effort in Chad. I shall continue to urge other donors to respond as generously as they can. The people of Darfur need that.

The second thing that we have been doing is backing the African Union Mission in Sudan, which has deployed ceasefire monitors and a protection force and police since the middle of 2004. Until last summer, the last but one time I went to Darfur, there was no doubt that in the previous 12 months the presence of that force had improved security. That was what I was told not just by the AMIS force itself and its commander at the time, but by the UN agencies to whose representatives I spoke in both north and south Darfur. However, since the autumn the situation has deteriorated, not for want of effort on the part of AMIS but because of the increasing failure of parties to various ceasefires and humanitarian agreements to honour the obligations that they have entered into. The result has been a new wave of people who must flee their homes.

The situation has become very difficult. When in February I met Major-General Ihekire, who took over, as I remember, about four weeks previously, he was very frank and said, "I haven't got enough troops on the ground." That was the first time that the AMIS force commander had said that. He said he needed more. As hon. Members will be aware, AMIS does not even have the 7,700 troops and civilian police that were envisaged for phase 2 of the operation, because it was hard to find an additional battalion from Africa. We should recognise, also, that the force faces an enormously complex and challenging task.

We should pay tribute to the African Union, despite the difficulties: if it had not taken the initiative and put in that force, who else would have gone to do that work? Its presence is a demonstration in deed by Africa that it is prepared to begin to take responsibility for solving conflict on that continent. It has added to the sum total of forces that are capable of doing that work, and in doing so has made it easier to decide to act. We face two problems when such situations occur in the world. First, is there the will to do something? Secondly, if there is the will, are there people who are prepared to do the work?

Mr. Chris Mullin (Sunderland, South) (Lab): Given that the 7,000 or so African Union forces are obviously not able to deal with a crisis on the scale of the one that is under way, what size of force does my right hon. Friend anticipate would be needed? Is it realistic to imagine that such a force could come, if not from the AU, even from the UN, given the large number of other UN commitments around the world?

Hilary Benn: My hon. Friend, who also does a great deal of work on the issue and did so when he was the Minister with responsibility for Africa in the Foreign and Commonwealth Office, raises an important question. The straight answer is that the purpose of the UN planning mission, which I was about to mention, is to find an answer to that. Self-evidently, judging by what the major-general told me, 7,700 is not enough in a vast region of Sudan, which is an enormous country. I think that the Secretary-General of the United Nations talked at one point about 20,000; I stand to be corrected but I recall the figure.

The planning mission's job is to determine things. Blue-hatting will solve the financial problem, because assessed contributions will bring the money, but it will create a big challenge. We will need to ensure that there are sufficient troop-contributing countries so that the force has the resources that it needs.

Mr. Drew: The hon. Member for Buckingham might refer to this, but when we were last there we had the opportunity to meet the peacekeepers who were responsible for the ceasefire in the Nuba mountains. The one message that I took from that was that it was not numbers that made the difference, but organisation, logistics, a clear knowledge of what people were doing

[Mr. Drew]

and earning the respect of the people among whom they were trying to keep the peace. I hope that the Nuba mountains are still at the back of the minds of those who are considering how this situation can be made to work.

Hilary Benn: My hon. Friend makes an important point. Those circumstances were slightly different, in that the security situation was not anything like as difficult. I received a briefing on how those missions worked; independent monitors, one from either side, were involved and could deploy quickly. It was an effective operation, but it was operating in circumstances where the parties were not slugging it out in the way that has continued to occur in Darfur.

There needs to be a combination of things. The first is sufficient physical presence, in particular we need to provide protection for people—the current primary need of those in the camps—and to prevent more people from being forced to flee from their homes. There also needs to be an effective mechanism for when things go wrong and there are incidents, that will allow us to get in there, investigate quickly, publish reports, call people to account for what they have done, and refer it to the mechanisms that have been created. Such mechanisms would include the sanctions committee—if evidence becomes available, that committee can examine it and take action against the individual—and the International Criminal Court in those circumstances.

John Bercow: I am not an expert in military planning, strategy or logistics, but I ought to be able legitimately to look to those who are for advice. If the right hon. Gentleman agrees that sufficient troop numbers are, if not a sufficient condition of progress, at any rate a necessary one, can he advise at what point the judgment will be reached about the appropriate number? My anxiety—this is the alarm bell ringing in my head—is that even once a judgment is reached about the appropriate number, there is every danger that it will be phased, that it will take a long time, and that the deployment will not happen all at once. So, 1 October is the start date for the UN, not the finish, is it not?

Hilary Benn: The hon. Gentleman raises another important point. That is why the UK has for quite some time been considering the capacity of the AU mission, while recognising the difficulty of the situation in which it found itself. It is important that as we have this discussion we do not appear to criticise the AU mission, because without it we would have been in a much worse position. However, we acknowledge the complexity of the task. This is the first big operation that the AU has done, apart from deploying the small number of troops that it put into Burundi, which was successful, and that is why we have given a lot of practical support. I was about to discuss that.

It is for the UN planning mission to ask precisely the question that the hon. Gentleman put in order to get an answer as quickly as possible. Depending on how fast troop-contributing countries can be found, the UN mission can then get in. One or two things have happened, not least the meeting of the peace and security council of the AU, that helped to move things on.

John Barrett (Edinburgh, West) (LD): Could the Secretary of State clarify whether the Sudanese Government have formally agreed to the UN troops moving in? I read in *Sudan Tribune* this morning—not my normal read—that Sudan was ready to accept the deployment of UN peacekeepers, but the detail said that Sudan was ready only to negotiate.

Hilary Benn: General Bashir had said that in the absence of a peace agreement he was not prepared to consider a UN mission coming in. The best information that I have currently is that the Sudanese Government have indicated that they are thinking about that, but I have not seen a definitive answer. The issue is relevant to a point that I intend to make about the UN Security Council's decision on Tuesday. If the hon. Gentleman will bear with me, I shall come to that.

The third thing that we have done is provide support for a peace agreement. As we all recognise, the only answer is for people to stop fighting and to use politics, debate, argument and elections to determine what will happen in Darfur, rather than killing each other and innocent citizens of that region. That is why we have offered a lot of support to the African Union. It is important that we should recognise that the process has been led by the African Union. In the same way as security and the work of AMIS have been an African-led process, so too have the peace talks in Abuja.

We have kept a presence there, and the then Foreign Secretary, my right hon. Friend the Member for Blackburn (Mr. Straw), now the Leader of the House of Commons, travelled there in February—to be a bit unparliamentary about it—to read the Riot Act to those who had been negotiating and say that, frankly, our patience was running out, not least because the international community was paying for the consequences of the war. We are all paying to keep people in the camps because of the failure of the parties to the conflict to do what they did—in the north and the south—when they finally fought themselves to a standstill and realised that Sudan would never progress while people continued to fight. They can do exactly the same thing again if they want.

That is why the African Union set a deadline of 30 April for the next phase of the negotiation. The AU tabled an agreement. The Sudanese Government said that they were prepared to sign, but the three rebel movements said that they were not. It became clear over the weekend just before the local elections—that is how I remember the date—that the negotiations were in difficulty. That is when I and Bob Zoellick, the US Deputy Secretary of State, along with one or two others, went to Abuja to see whether we could help out, with the extremely skilful support and assistance of President Obasanjo of Nigeria—he was brilliant, if I may say so.

In trying to get the parties to focus on what needed to be done in that four-day period, during the final stages of the negotiations, we proposed some further changes to the agreement, to try to bring the rebel movements on board. On 5 May there was a signing, at which the Government of Sudan and the largest rebel movement, led by Minni Minnawi, put their signatures to the agreement.

That was a significant moment, but challenges remain. I hope that it will still be possible for the two other rebel movements—the faction of the Sudan Liberation Army/Movement, led by Abdel Wahed, and

the Justice And Equality Movement, led by Khalil Ibrahim—to sign. Those two need to be on board, particularly Abdel Wahed's group, because although the Justice And Equality Movement has a national political objective, it has a small number of fighters in Darfur, whereas the other two groups are concerned particularly about Darfur.

The agreement provides for power sharing, with a guaranteed significant role for the rebels in Darfur, in the Government in Khartoum. It provides for wealth sharing, including arrangements for compensation for individuals who have lost their homes. The agreement provides for peace and security with a ceasefire, disarmament, demobilisation and reintegration, and would deal with the Janjaweed, moving a large number of the rebel forces into the Sudanese army.

Above all, the agreement would provide what the rebels have been fighting for; namely, regional government for Darfur. The agreement says that, within a maximum of three years, subject to a referendum and the will of the people of Darfur, if they vote for regional government, they will get regional government. In those circumstances, what is the justification for carrying on fighting? Or, are the rebels so impatient that they are not prepared to allow people to express a view and to wait a maximum of three years? By the way, in-between there will be elections to all state legislative councils and national elections in Sudan, which the comprehensive peace agreement provides. In my view, there is no justification whatever.

I want to make progress because I know that many hon. Members want to speak. What is the immediate task? The first is for the people of Darfur to know what is in the agreement. That is urgent. The African Union is working on that as we speak, with help from the United Kingdom, Germany and Italy. We have also been in conversation with the BBC World Service, which has tried to publicise the agreement.

The second task is to work with the parties—the Government in Sudan and Minni Minnawi's group—to ensure that they get on with it. At a practical level, we have offered English language training to Minni Minnawi who requested that for 100 members of his group. We are also looking at ways to support him in setting up an office. Those are practical matters for anyone who wants to take the post provided for in the transition and who will be the senior assistant to the President and the fourth person in the presidency with significant influence over the composition of the transitional regional authority. Where that person will be based, when they will get to work and when they will go to Khartoum are practical issues in implementing the agreement. Frankly, there are ways in which we could make life difficult for those who stand in the way of peace.

Above all, the agreement provides for the people of Darfur to participate in what is known as the Darfur-Darfur dialogue, but there is an issue about the extent to which the movements represent all the people of Darfur. The crisis is complex and the Darfur-Darfur dialogue is a convocation of people—the final agreement refers to 800 to 1,000 representatives. It would be one way of testing how people feel about the way forward and ensuring that there is an inclusive process to bring together all the tribes, interests and other views to ensure that progress can be made.

On Monday, the AU Peace and Security Council welcomed the agreement, called for its implementation and confirmed—I refer to the point made by the hon. Member for Edinburgh, West (John Barrett)—that transfer to the United Nations mission should go ahead. The AU Peace and Security Council previously said that that is what it wanted in principle and that preparations should take place, but it has now confirmed that that is what should now occur. The following day, UN Security Council resolution 1679, which the UK co-sponsored, was passed unanimously and called on the parties to implement the agreement, urged the other rebel groups to sign it, and called for the strengthening of AMIS, an acceleration of the transition to a UN force and an immediate end to violence and atrocities.

Now that we have a peace agreement signed by at least one of the rebel movements we must go ahead with the practical tasks in hand, particularly the rapid deployment of a UN force. International pressure must be maintained on the Government of Sudan—the hon. Member for Edinburgh, West referred to this—because just as there is no justification for carrying on fighting now that there is an agreement, there is no justification in my view for the Government of Sudan to resist or obstruct in any way the preparations for a UN handover. After all, there is already a UN force in south Sudan—UNMIS—which is helping to oversee the implementation of the north-south peace agreement. There cannot be any objection in principle to having UN forces in Darfur.

The immediate test is to give visas to the planning mission so that they can go to Darfur and start asking the questions that the hon. Member for Buckingham and others asked.

John Bercow: In the event that the Government of Sudan objected to the transfer to a UN force or sought to slow down the process, what would the Secretary of State deduce from that behaviour?

Hilary Benn: I hope very much that that will not be the case, but if it were I would deduce that there was no willingness on the part of the Government of Sudan to enable the process to succeed. I would anticipate and hope that both the AU Peace and Security Council and the UN Security Council would take a dim view of that. The truth is that this conflict, trauma and tragedy have gone on long enough. The agreement is significant, but it is not a solution unless it is implemented. That is the truth, and we must make that happen. In the end, the responsibility falls on the parties to the conflict to make it happen, with the support, encouragement and help of the international community.

I hope that Members believe, as I do, that the UK has played an honourable role in trying to bring the crisis to an end. However, the international community as a whole will have cause to reflect on how things got to the current situation. I praise the African Union for what it has done but above all, today as always, our thoughts are with the people of Darfur, who have the greatest interest in the trauma now being brought to an end. They have suffered far too much, and what they want more than anything else is the chance to go home and live their lives in peace and tranquillity.

3.5 pm

Mr. Andrew Mitchell (Sutton Coldfield) (Con): I am grateful to have an opportunity to contribute to the debate. I echo the opening remarks of the Secretary of State when he said that the fact that so many Members are here to discuss this important subject reflects the concern that is felt throughout the House about events in Sudan. At the outset, I praise the Government's contribution to the processes that are in play in Sudan, and the Select Committee, which produced an excellent report earlier this year, and the all-party group on Sudan, which the hon. Member for Stroud (Mr. Drew) leads so well.

I also want to echo the Secretary of State's final words. He said that the British Government had played a useful—indeed, I would say pivotal—part in the processes that have taken place in recent weeks. He then made the extraordinary understatement that when this very unhappy situation has been resolved, as we all hope it will be, the international community will have cause to reflect on what has happened in recent months and years. He is certainly right about that, as I hope to demonstrate.

Kofi Annan's comments on Monday put the matter into the correct perspective. He stated:

"The agreement signed between the government of Sudan and the largest rebel movement in Darfur on May 5 gives the world one more chance to bring peace to that unhappy region. The Peace and Security Council of the African Union is meeting...to see how best to take the agreement forward. The rest of the world must also engage rapidly and without reservation if the opportunity the agreement offers is not to be lost...Darfur is still far from being at peace. Last Monday, while the United Nation's top humanitarian envoy was visiting a camp for displaced people, rioting broke out and an interpreter for the African Union Mission...was hacked to death."

I also pay tribute to the Secretary of State for his efforts. I believe he has been in Darfur on five occasions recently, and the genuine anger that he clearly feels came across when he was last on the "Today" programme to comment on recent events.

At the heart of the debate are two key factors on which the international community will want to reflect. The first is that it is far from clear that it has learned the lessons of Rwanda. The appalling events that took place there from early April 1994 and over the ensuing 90 days, the paralysis of the international community, and the failure of the organs that are part of the international community and which we expected to react to what was taking place, must have given everyone profound pause for reflection.

It is all too obvious that many of those lessons were not learned. They certainly have not been applied to the situation that developed in Darfur. During the past three years, I have been struck not by the progress that has been made, but by how little progress has been made.

Mr. Mullin: Does the hon. Gentleman agree that the case of Rwanda is not entirely analogous? It was much more obvious what was happening there and the lines were clear, whereas in Darfur one of the confusing factors has been the number of different rebel movements, which do not all get on with each other, sometimes attack the very aid convoys that have gone to help people, and appeared at one time to have an agenda for causing a great deal more disruption rather than less. Peace was not on their agenda either, and that has made the situation much more complicated.

Mr. Mitchell: What the hon. Gentleman says is true, but the international organs and institutions to which all of us in the civilised world look to take action appeared to be just as paralysed in the circumstances in Darfur as they were in Rwanda. Although I agree that the situations are not analogous, nevertheless the paralysis in the United Nations that pertained then has also pertained in Darfur.

I visited Darfur last month with my right hon. Friend the shadow Foreign Secretary. We went to el-Fasher where, thanks to Oxfam, which does such brilliant work in the camps in Darfur, we could see for ourselves what was happening on the ground. We also visited Khartoum to talk to Government officials about what was happening. My abiding memory of that visit was the sight on the tarmac at el-Fasher airport of a Sudanese attack helicopter—almost as a direct insult to the international community and a symbol of Sudanese indifference to world opinion. We were informed that that attack helicopter flew frequently and, as we heard from direct evidence in the camps, was used against the people of Darfur. There is still a huge amount to do, and a huge amount on which the international community needs to reflect.

Will the Secretary of State comment on several points made in the main conclusions to the excellent Select Committee report published earlier this year? Conclusion 2 reflects the Committee's concern about the ability of the aid agencies to deliver assistance. In view of the representations that I, the shadow Foreign Secretary and others made to the Sudanese Government, is the Secretary of State happy that the actions taken by the Khartoum Government to make life more difficult for the aid agencies, and in particular personnel trying to get into Darfur, have been resolved? Will he update us?

In conclusion 3, at paragraph 9 of the report, the Committee was concerned that

"The UK Government should propose to the UN Security Council that it should apply credible sanctions until the GoS"—

the Government of Sudan—

"has complied."

Notwithstanding the events of recent weeks, will the Secretary of State update us on that?

Mr. Drew: Later, the report describes the reality of the problem with trying to impose sanctions, because the one country that could put the squeeze on Khartoum is China. Given the hon. Gentleman's knowledge of Zimbabwe, I am sure he will agree that it is no good the west saying, "All these things we must do", if the Chinese continue to undermine any influence the UN has.

Mr. Mitchell: The hon. Gentleman is right. He brings me on to my next point, which relates to conclusions 5 and 8. The Select Committee makes it clear that it is important that, in support of an African solution to an African problem, the surrounding countries put pressure on the Sudanese Government.

The hon. Gentleman makes an important point. If the surrounding countries are willing and able to put pressure on those countries that are not behaving as they should, that is the most powerful way to influence a situation. There is nothing more clear than the situation in Zimbabwe to demonstrate that. The fact that Britain complains about the behaviour of President Mugabe has far less effect—in fact, it arguably bolsters the President—than when South Africa or the other surrounding countries take exception to what is being done.

If we are to put more pressure on the Sudanese Government to ensure that they stand by the agreements that they have signed and implement the changes that they have agreed, will the Secretary of State update us on the support that other countries are giving to the process?

John Bercow: In talking about sanctions and the other punitive measures that we envisage as necessary, it is perhaps as well to be clear in our minds about the scale of the abuse of human rights that has taken place and, to a significant measure, continues to take place. In that context, is my hon. Friend aware of article 2(c) of the UN convention on the prevention and punishment of the crime of genocide, under which

"Deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part"

constitutes a form of genocide? My impression on my two visits was that what was taking place was genocide. Is that also the view of my hon. Friend and our right hon. Friend the shadow Foreign Secretary?

Mr. Mitchell: That is my view. My hon. Friend makes the point extremely clearly.

The 10th recommendation of the report talks about the importance of African solutions to African problems. Can the Secretary of State update us on the pledge made by the Prime Minister, which was referred to yesterday in Prime Minister's questions, to train 20,000 peacekeepers by the end of this year? In response to a question from the Leader of the Opposition yesterday, the Prime Minister specifically mentioned how important that would be to Sudan.

I want to turn briefly to a point mentioned in passing by the Secretary of State, which is the decision last year at the millennium development goals review summit to embrace a duty to protect. The Secretary of State rightly said that people hear those fine words but wonder what they actually mean. For the people the shadow Foreign Secretary and I met in the camps, those words are truly meaningless.

My substantive point is that in implementing the agreement and ensuring that the parties to the agreement, as well as those who have not yet signed but will, stand by what they have agreed and said, we will see whether the international community can summon up the political will and sense of urgency to ensure that peace comes to Darfur and that the people in the camps can return in safety to their homes and villages. When we met them, they were quite clear that they would not return unless there was a more substantial force in Darfur. What plans have been developed to translate the African Union force into a blue-hatted force? The timetable is very tight.

The UN and African Union officials whom we met during our visit were people of very great calibre and ability. I think in particular of the African Union's No. 2, General Kamanzi from Rwanda. Indeed, the Rwandan element of the African Union, one of the best groups in the Union, is a symbol of the President of Rwanda's comments who, when asked to deploy a force as part of the African Union, said that his country had suffered terribly and that it would make a significant contribution to the African Union force in Darfur, which it has. I hope that the Secretary of State will be able to tell us what progress has been made in that respect.

The Opposition believe that we need a muscular chapter 6 engagement. The difficulties of getting a serious United Nations mandate in Darfur to take the necessary action were eloquently underlined in an intervention by the hon. Member for Stroud, who pointed out that the Chinese have been extremely difficult over the wishes of much of the international community. The United Nations does not lend itself to an easy solution because of the veto structure. I fear that a proper muscular mandate will prove difficult. I hope that the Secretary of State will comment on that.

An astonishing coalition exists throughout much of the world in support of the resolution. It is extraordinary to see complete agreement in America, from left-leaning liberals to the religious right, about what needs to happen in Darfur. Although America may have been preoccupied elsewhere, it agrees about the steps that the international community must take. I hope that the Secretary of State can tell us that the European Union, too, is playing its part in resolving those difficulties.

The Secretary of State mentioned the World Food Programme announcement, which has caused such concern. Britain has done much to support that programme, and I hope that he will be able to tell us that other European countries are putting their shoulders to the wheel to help with this extremely difficult humanitarian situation. We need to provide adequate food, yet we are advised that the amount of food available means that those in receipt of it will receive only 1,000 calories a day, which is barely subsistence level.

Within the constraints set out by Kofi Annan, there are grounds for some optimism. I am deeply concerned that the international community will find it difficult to put muscular, persuasive force behind the agreement signed in Abuja. I hope that the Secretary of State will say a little more about what is to happen on the ground in respect of the translation from the African Union force to a UN force. I very much hope that the challenge in respect of the Sudanese Government and the situation in Darfur will be met through the international collective will as expressed through the United Nations and as supported forcefully by the Secretary of State and his colleagues in the British Government. I hope that that challenge will be faced down and that real progress can now be made for those whom the Secretary of State mentioned, who have had to live in the camps, often in desperately serious and worrying conditions, so that they can return to where they lived before in peace and security.

3.25 pm

Susan Kramer (Richmond Park) (LD): I am glad to join in this debate, and I thank the Government for bringing this subject before the House. Not only do Members of Parliament have a great interest in this issue, but the British public are increasingly taking an interest, too. The public are rightly preoccupied with issues such as that campaigned for by Make Poverty History and with trade, aid and debt, but Darfur is now coming on to the radar screen. We as MPs will need to account to them for what is happening, as well as reflecting their interest in this debate.

We are at a tense and fragile moment for peace in Darfur. We all applaud the peace agreement signed in Abuja last week by the Sudanese Government and the largest of the rebel groups, the SLM faction led by Minni Minnawi. That is a significant achievement. We also join in the congratulations to the African Union on its leadership. By chance, I had a brief word with the Secretary of State shortly after he returned from Abuja, and he talked strongly about the effectiveness of the African Union in this situation, in moving discussions forward and providing a frame for an effective process. We congratulate him and the former Foreign Secretary, the right hon. Member for Blackburn (Mr. Straw). The United States, in the person of Deputy Secretary of State Robert Zoellick, has also always played a role.

However, I remain very concerned that the two smaller rebel factions have not signed this agreement—most significantly the faction led by Abdel Wahed, who has the widespread support of the Fur people. We often forget that Darfur is the land of the Fur, and Abdel Wahed is a Fur. Although he has relatively few fighters at his command, having split with Minni Minnawi about a year ago, he has overwhelming support within the Fur community. His refusal to sign the peace agreement was based on the issue of compensation, and there have been riots across Darfur—in the west, the south and the north—in the past few days over compensation. We must be clear that people who lost their villages and livestock, either to the Janjaweed with the Government in complicity or directly to the Government through aerial bombing, are looking for restitution, and the restitution offered under the peace agreement is relatively modest: $300,000 as a one-off payment and an additional $200,000 over two years.

People will say, "Look, there is international aid, which will be coming in to support recovery, so this will not be the only money in play," but I understand from people close in on the ground that because of the suffering that is put at the doorstep of the Government, many of the Fur people feel that it is imperative that the restitution comes from that Government, as that would in a sense be an admission of the damage they have suffered and, so to speak, a down-payment on a different future. I wanted to raise that issue and to ask the Secretary of State to tell us more—if he is unable to do so now, then whenever that is appropriate—about the compensation issue and how that obstacle can be overcome.

The peace agreement also sets up a structure for power sharing, with the rebels now to play a role in government. Sometimes such arrangements work, and sometimes they do not, but the rebels will now have the opportunity to have, in effect, a vice-president, a senior assistant to the President. However, if I understand correctly—perhaps the Secretary of State will help me if I am wrong—that is likely to be Minni Minnawi, and Mr. Minnawi is a Zaghawa. He is not Fur, and I do not know how this arrangement would be adjusted if the Fur were to come into the agreement, but we have surely largely missed the point if the largest ethnic group does not play a role in the Government structure. I have serious issues to raise about that. We know that the rebels will have guaranteed seats in the national state assemblies and will be involved in the ministries, but how will those jobs be divided up between the many factions? Has any of that been resolved? We know from the example of Iraq that it is easier to appoint members to a Government than to turn them into a Government.

I have also been troubled that whereas the discussions in Abuja pretty much engaged the national and regional leadership, from what I understand of Darfur and Sudan more generally, tribal leaders are key participants in what happens. Nazir Saeed Madibu heads the most significant or important tribe in Darfur and has managed to keep most of his people out of the conflict by creating pacts with neighbours and taking a different, individual stand. There are others like him and I should be interested to know how those people will be brought into the process.

The Darfur-Darfur dialogue seems a long drawn-out, distant process, which is what troubles me. It seems critical that the individuals concerned should buy into the peace process as soon as possible, if things are to move forward. How realistic is the idea of planned elections by July 2009? Can they be delivered? How willing will the Khartoum Government be in three years' time to hold a referendum leading to an autonomous region of Darfur?

Security is a key precondition of the peace that we hope for. The peace agreement calls for the disarmament of the Janjaweed. Most of us would probably believe that all groups should be disarmed and that a reformed Sudanese military is needed—or one whose leadership is committed to a very different role. Otherwise arms and conflict will not be taken out of the situation. How realistic is the idea of integration of the rebel forces into the Sudanese military, given the history on both sides? Once again, Iraq is an example of a place where such an issue has been discussed from day one, and has proved nearly impossible to implement.

Any hope of security requires the transfer of peacekeeping authority from the struggling African Union, which has inadequate resources and about 7,300 troops, to a UN peacekeeping mission. What is the likelihood that the Sudanese Government will fall in line with that idea?

Mr. Drew: Don't hold your breath.

Susan Kramer: I leave it to my hon. Friend the Member for Edinburgh, West (John Barrett), who has been following the Sudanese press, to provide an update on those concerns. The length of time needed for that transfer is a difficult issue, and the sedentary comment that I heard seems quite pertinent.

If we assume that there is an agreement to move to UN peacekeeping, we must presumably re-hat the African Union troops, but who will make up the numbers? Like the Secretary of State, I have seen 20,000 cited as an effective, meaningful number of troops to deploy.

Mr. Andrew Mitchell: When the Secretary of State comes to address that point, will he advise us what else is meant by a UN force? Clearly, it is possible to re-hat the African Union soldiers, who are, within the constraints upon them, doing such a good job, but have there been discussions with NATO about providing logistical support—heavy lift support? There are, for example, 2,000 French troops close to the Chad-Darfur border, with aircraft. Clearly, NATO could make a significant contribution to a UN force. What consideration has been given to that?

Susan Kramer: The hon. Gentleman anticipates the direction of my comments—I am glad to have given a good steer. It seems critically important that the UN force should as far as possible be made up of troops from other African countries, or, potentially, from the Arab League. How do we deal with the concern that deploying white troops—troops from the west—on the ground will be treated as an echo of an imperialist past? I have concerns about bringing in NATO; I understand the logistical need, but how do we do that without creating a concern about those troops that could fracture an already fraught and rather fragile Government in Khartoum? I was concerned to hear a statement by President Bush in which he basically said that there would be NATO stewardship of the UN peacekeeping operation. That is an area in which we have to think things through extremely carefully.

Mr. Mitchell: The hon. Lady is entirely right, and no one is suggesting that NATO troops be placed on the ground—indeed, the Government have eloquently set out how non-African troops could be a magnet for conflict, rather than a help in resolving it—but it is clear that only an organisation such as NATO has the heavy lift equipment and the logistical support to give real muscle and mobility to African troops on the ground. I would be grateful if the Secretary of State addressed that point.

Susan Kramer: Our difficulty in finding the appropriate peacekeeping force—the African Union is not in a position to provide a sufficiently robust on-the-ground presence—is an indictment of the international community. We have so often talked of Africa sorting out its own problems; here, in many ways, is an example of Africa attempting to sort out its own problems, yet we have not provided the resources, the back-up or the resilience that would have enabled the African Union troops to manage the situation without giving rise to the questions that we now face.

I do not want to take up too much time, but let me quickly turn to two more issues, both of which have to do with aid. International donors are standing in line to offer recovery aid to Darfur. I raise a note of caution, not about the amount of recovery aid or the need for it, but about its timing. My concern springs from various conversations with non-governmental organisations in the area, which pointed out to me that sequencing matters. We must not attempt to bring in aid before there has been disarmament, before issues such as compensation are agreed on and the Fur are tied into those agreements, or before the issue of forced land ownership has been resolved. Hon. Members will know that many people have been displaced and land has been occupied, particularly in west Darfur, which has some agricultural potential. There is fear that recovery aid would lock in that occupation, rather than deal with the issue of who owns that land.

We have not tackled the issues of tribe-on-tribe violence or most issues of extortion—"self-protection payments" would be the language that we would use if it was happening on our streets—and that needs to be resolved before recovery aid is moved in. The Government have not yet lifted their unofficial embargo on trade outside the main towns. I just wanted to sound a note of caution about the overall situation and get the Government's comments on that. There is real fear that if recovery aid is brought in, people who are displaced will return to their villages, although they are unsafe, and rebuild them, that new livestock will be provided and that people will then merely become a magnet for yet another attack. So I raise the issue of the preconditions, and ask the Government how they intend to approach that set of issues.

Humanitarian aid is obviously an entirely different matter and is desperately needed. We were all shocked to find out that only 20 per cent. of the UN's appeal had been funded, and that the World Food Programme had to cut rations by 50 per cent. We understand that food stocks in the country are very low, and that the only way to get large amounts of food in now could be through airlifts, which are extremely costly.

I have been told that the World Food Programme has done an excellent and very much unsung job in distributing food, despite the violence. In the light of what has been happening in Darfur, the very fact that the WFP has been able to reach out to remote areas and reduce malnutrition rates is entirely to its credit. However, we are entering the hungry season, and as Members will know, that is not only when food stocks are at their lowest, but when most energy is needed to cultivate the next harvest, which will be in September.

Some might say that we should fill the gap with aid, but it seems to take some five months between a pledge of aid to Darfur being made and food being delivered on the ground. The World Food Programme was telling people as early as January that the crisis was coming, and it pointed to the timetable, but aid has been slow to arrive. Although I congratulate the Government on putting in another £9 million, that was in May, and the question is whether we will have a far more significant crisis on our hands by the time that money is available on the ground.

I have a couple of questions about that for the Secretary of State. First, he is one of the architects of the United Nations emergency relief fund, but where are its representatives in Darfur now? Secondly, he is one of the architects of a co-ordinated approach to aid, which, in Darfur, takes the form of the UN common humanitarian fund. Those on the ground tell me that that approach seems a positive idea, but that the bureaucratic layers that have been added to the process

[Susan Kramer]

have delayed aid distribution to such an extent that we face a potential crisis over the next several months, until new aid, as it were, turns into food or cultivated crops provide in-country resources.

John Bercow: Given that the World Food Programme has received only 32 per cent. of the funds that it needs in 2006 to sustain its operations and that there is an estimated funding gap of $443 million, does the hon. Lady agree that it would be reasonable to put every member of the United Nations that signed up to the idea of the peace agreement on the spot by asking them exactly what they will contribute in pounds, shillings and pence that they have not previously contributed? It logically follows that that is the only way we can plug the gap.

Susan Kramer: I could not agree more. It would be the ultimate tragedy to lose the chance of peace because we failed to follow through and to lose so many Darfurians, if not quite a generation, through lack of food aid, just when we thought that we had achieved a resolution of the conflict. What people at large very much want to tell this Government and Governments across the globe is, "Don't give us the spin. Give us the beef" and, in this case, "Deliver the food." I therefore agree that the hon. Gentleman's suggestion is significant.

I shall make just two more quick remarks before I sit down. We must be conscious of the context of the Darfur crisis, and it would be helpful to understand how much Darfur is at risk from surrounding instability. Civil war is spiralling out of control in Chad, and many of us are anxious to ensure that at least the Chadian rebel strongholds in Darfur are closed down and dealt with in the context of the peace agreement. East Sudan is scarcely ever discussed, but many people say that a potential humanitarian crisis is developing there, on a scale that overshadows the crisis in Darfur. Who on earth is negotiating with the Eastern Front rebel group? Knowing more about that would help us to set the current issue in context. The Secretary of State talked about the success of the north-south comprehensive peace agreement in the south, but many feel that it is not playing out with quite the robustness that was intended. Simple measures, such as the promised publication of data on oil resources, which would allow us to understand the allocation between north and south, do not seem to have worked their way through into practical reality.

Darfur, like Sudan generally, was once a peaceful multi-ethnic society. Then came drought, and people started to move, to look for other land and to displace other people. In a strange way, we have seen a microcosm—a very localised form—of the disruption, conflict and suffering that comes from climate change. There is a lesson in that, but if we cannot deal with Darfur, as contained as it is, I wonder how we will deal with the much larger dislocation that climate change will cause in the future.

3.44 pm

Mr. David Drew (Stroud) (Lab/Co-op): I am delighted to follow the hon. Member for Richmond Park (Susan Kramer). I shall come back to some of the points that she made. It was also good to hear the spokesman for the official Opposition, the hon. Member for Sutton Coldfield (Mr. Mitchell), who went to Darfur and, I am sure, learned a lot.

I also want to say how much I appreciate the efforts of my right hon. Friend the Secretary of State—I have been able to put that in print in the form of an early-day motion. He addressed the all-party group on Sudan just after he had got off the plane from the Darfur peace talks. I thought that he could not do any more, but he went off to northern Uganda and Somalia and returned to address us today. I do not know whether there is much more that one can say about his stamina, let alone his interest in these issues, with all the problems that they bring with them.

It is easy to criticise some groups for the way in which they raise money and for some of the lobbying that they undertake. However, the all-party group on Sudan is a model for what it has tried to do in this place and beyond. I pay tribute to my predecessor, Hilton Dawson, who was a wonderful chairman and who went to Darfur with the hon. Member for Buckingham (John Bercow) and me. I also pay tribute to our current co-ordinator, Senait Petros, who keeps us wonderfully well informed of everything that is happening with Sudan, and to her predecessor, Sultana Begum.

I do not want to speak for long because this will be a consensual debate, albeit we could disagree on what more could be done and what lessons could be learned. However, something that may not have come out as clearly as it should is that, although we have had to analyse and play our part in trying to resolve the recent crisis, many of the problems date back some considerable time. Anyone who has time to read the two recent books on Darfur by Flint and de Waal, who are well known commentators, and by Gérard Prunier, whom I have had the opportunity to meet—yes, I will put those books back in the Library shortly—will at least gain an understanding that these are, in some respects, age-old conflicts. I am talking about the question of who belongs to the Fur and who belongs to the Zaghawa. The Masalit is another tribe that is very dominant in Darfur.

Sadly, tribal conflict goes back a long way. In many respects, this is where, as always, the British come in, because it was largely our decision that put Darfur in Sudan. We cannot escape that responsibility. With regard to what the hon. Member for Richmond Park said, I would not exaggerate and say that this is the first conflict for which global warming has been directly responsible, but it certainly contributed, in that the nomads have been driven south and have come into conflict with the pasturalists. In many respects, the conflict is about land—who has the land and who is keeping animals there. One should never underestimate the importance of animals. One lesson that the hon. Member for Buckingham and I learned was that, as much as seeing people starve to death is terribly difficult to come to terms with and when we see dead donkeys we think, "Well, thank goodness they are not children", the Darfurians would say, "But those animals are our future." If people do not have a donkey to carry firewood back to the settlement, they have no future—they will die.

Let me explain another fact from which we can never escape. As the hon. Lady mentioned, Sudan—that

huge area that we call a country—has suffered from the problem of balkanisation for a considerable time. Many of the antecedents of the conflict came from the south; in the early days, the Sudan People's Liberation Movement/Sudan People's Liberation Army had a lot of influence over the Sudan Liberation Army/Sudan Liberation Movement. Furthermore, the work of Mr. al-Turabi through the Justice and Equality Movement cannot be underestimated, given that it added to the belief of those in the Darfur area that they were getting less than those who had taken up arms in the south, and made them ask why they should not take up arms, as they could become beneficiaries by fighting in that conflict.

The hon. Lady was right to mention east Sudan. I make no apology for asking that this time, please, the world must get ahead of the conflict, given that there is already evidence that it is happening on the ground. We have to prevent it from happening, not just pick up the pieces. It is vital that we look at what is happening in the east of the country and continue to support the comprehensive peace agreement in the south. Given that the eyes of the world have been on Darfur, the danger is that it is easy to say that that is where the aid and effort should go, but the south might begin to slip back into problems.

We have reached a good stage. Six months ago, some of us would have despaired about whether there was ever going to be anything like a peace agreement. There will not really be peace be until we get it on the ground. However, Minni Minnawi's faction has been willing to come formally into discussions via my right hon. Friend the Secretary of State's good agencies and Robert Zoellick, through the Sudan Government. It is good that that has moved forward rather rapidly.

However, as the hon. Lady said, there are still the other two factions—that of Abdel Wahed, and the Ibrahim faction of the Justice and Equality Movement. Both are still outside the process. One hopes that they will see the benefits that the Minni Minnawi faction gets—sooner rather than later—and that that will encourage them to lay down their arms.

One of the challenges that has not been mentioned is who will disarm the Janjaweed. It is easy to cast aspersions. In an intervention on my right hon. Friend, I mentioned the role of Musa Hilal. In his eyes, the Janjaweed was not a tool of the Sudanese Government, although he was occasionally seen in a Government of Sudan army colonel's uniform. He lectured us at length about his justification—that his people had for years been abused and shut out from the opportunities to share in the riches of the area, let alone the wider country.

In recent times, it has been clear that some of the things going wrong on the ground have been not about political movements, or even about people feeling that they are justified in doing the things they do because of what has happened previously, but about sheer banditry. That is the difficulty with putting a force in on the ground. We need numbers because the operation is not only for peacekeeping, but policing. People have grown used to the fact that they take what they believe to be theirs—even if it is not theirs in any way, they still take it.

The all-party group has built a relationship with the Sudan Organisation Against Torture, in the face of the most vicious attacks by the Government of Sudan, who demand that the British Government stop funding it. We have continued to fund it. It brings to our attention some of the worst aspects of depravity, whether they be the attacks on villages or the summary justice that is issued on the back of them, where the so-called "perpetrators" are arrested and all sorts of things happen. One can never cease to be amazed at the irony that we must get used to when dealing with Sudan. In terms of the Darfur-to-Darfur dialogue and civil society, some of us found it difficult that the representative who was put before us as the best person to talk on behalf of civil society when we were dealing with the south-south dialogue was Mrs. Garang. She, of course, was the wife of John Garang. Some of us found it difficult to understand that we were dealing with civil society, because her husband was leading the SPLM.

Likewise, the previous time that we were in Darfur, we heard a wonderful lecture by the Minister for human rights—at least, he called himself that—Ali Osman Taha's brother. He said that the best thing to teach people about human rights was to indulge in Hudood—lopping people's hands and legs off—because they then understood what human rights were all about. Irony is strong in Sudan, and it is sometimes difficult to bring ourselves back to western values and understand how we approach the problem.

As the hon. Member for Sutton Coldfield said, there is clearly an issue about the role of international non-governmental organisations. The worst offences against them are the delaying of visas and people making it difficult for them to operate on the ground. I hope that my right hon. Friend will say something about how we will engage with the Government of Sudan in particular, this time, so that we allow those organisations to operate freely and with a degree of effectiveness that has not been possible in the past. We are all aware that we do not know what has been happening in whole areas of Darfur, because the NGOs have not been able to get into them. They have had no protection, and that is as much to do with the Sudanese Government as it is to do with the rebels' activities.

The UN Security Council visit on 5 to 9 June will presumably begin to examine how the UN can take over from the AU. I pay tribute to the AU. It can be much criticised about the things that have not gone as well as they might have done, but, as my right hon. Friend said, this is its first real test. It has performed as well as could be expected and in many respects better than that, but there is still a shortfall in manpower.

There is also an issue about how the transference of power is to be managed: whether things go through NATO or directly to the UN. It is a bit worrying that, in a sense, as the transition occurs, people take their eyes off the ball. The last thing we want is the AU to start thinking it can withdraw troops because its job is over. In addition, those who have been funding it might think that they might as well start funding the UN or NATO as an interim agency. In reality, we must keep people doing the jobs that they are doing. We cannot allow a further vacuum to develop. That is an important consideration.

The humanitarian situation is everything. I have talked about the human rights abuses. We sometimes grow used to them, but we must never ignore them, and they need to be highlighted. There is an idea about a donor conference; I gather it is being planned for

[Mr. David Drew]

September. It would be useful if my right hon. Friend told us what is expected. We clearly need more money. How will that be organised? What is being sought? Are we seeking just money, money and food, or money, food and the means to be able to move to the UN mandate being properly delivered? Who else are we trying to bring on board? It would be wonderful if the Chinese could think outside their self-interested approach to the country and be brought on board as part of the resolution rather than as a large part of the problem because of their specific role, as I said to the hon. Member for Sutton Coldfield.

John Bercow: I am slightly alarmed by what the hon. Gentleman just said, because I understand that Kofi Annan said on Monday that there will be a pledging conference of donors in June, not September, and that it is incredibly important that donors should not wait for that conference, but should make clear commitments and be "very generous" now.

Mr. Drew: The hon. Gentleman is probably much more knowledgeable than I am. It is quite likely—my right hon. Friend will arbitrate between us—that the September conference has been brought forward to June, which can only be a good thing. The hon. Gentleman knows as well as I do that dates slip occasionally. The main thing is that the world is engaged and that matters are properly organised, because we have only one chance to get it right.

On the comprehensive peace agreement, for the Darfur-to-Darfur dialogue to stand any chance, we must learn from what has been going on in the south. It is early days there, but all the evidence is that the only chance for long-term peace in Darfur is if we develop not just a political solution, but one in which civil society has a specific mandate and responsibilities. It must play its role in a way that will, over time, bring about a normalisation of events on the ground. Given the history of the area, what is normal is very difficult to understand from our western point of view, but we have to work incredibly hard to build up the things that will prove that we are making a difference to people's lives in education, health, social services and how people are catered for. That simply has never occurred, and that has been the stimulus for people taking up arms, because they think, "What difference does it make? We might as well fight for what we believe we can achieve," rather than see a growing dialogue.

I would be interested to know a bit more about how we are learning from the south-to-south dialogue, primitive as it might be, in relation to the Darfur-to-Darfur dialogue, and how genuinely civil society can grow, take its part, take responsibility and be given a real role, given that the history of Sudan tells us that the Sudanese Government will start interfering. I expect that the hon. Member for Buckingham will have something to say on that.

I leave things on a negative note, because my speech has been largely positive. We have all learned to our cost that what the Government of Sudan say is not necessarily the whole truth or something that we can take as read. It would be good to hear that the inclusion of Ministers from the SPLM into the Government is beginning to make a difference, and that the Government, with their unified command, can be trusted to deliver the things that the world—not just the UK or EU—expects of them. We know why Sudan did not get the presidency of the AU. If the Government of Sudan want to achieve that status in the future, they must be able to deliver not only the words but the actions on the ground. That is very important, and I hope that we can trust them to do that.

4.4 pm

John Bercow (Buckingham) (Con): The people of Darfur have been victims of some of the most egregious human rights abuses inflicted on anyone, anywhere in the world at any time in recent memory. It is important to recognise the significance and enormity of the suffering that has taken place and not simply jump on to the next stage. Aerial bombing, mass shooting, widespread rape, destruction of crops, theft of livestock, poisoned water supplies, and human beings chained together and burned alive have all been part of the cocktail of barbarity that has scarred the conscience of the world.

I intervened on my hon. Friend the Member for Sutton Coldfield (Mr. Mitchell) because some time ago I concluded that genocide versus non-genocide, which is a discussion that could take place about what has transpired in Darfur, is not a semantic debate. It is not simply a matter of the choice of terminology of one individual or another. It is a matter of real significance both because we understand that certain consequences and actions ordinarily are expected to flow from a judgment in international law that genocide has been committed, and because it is important that our moral conscience should be stirred by what has happened.

My impression is that the events that have taken place—the calculated and remorseless evil that has been committed in Darfur—do amount to genocide. In those circumstances, and with the best will in the world and recognising the merit of constructive discourse for the purpose of future progress, I find it incredibly difficult simply to take at face value the commitments that have thus far been made. It is especially difficult when those who have entered into those commitments and to whom we were particularly looking for statements and signatures are people who have themselves conspired to commit that genocide. As the Secretary of State will understand, I refer principally to the Government of Sudan.

There has been a good deal of consensus among right hon. and hon. Members today, and, in a sense, it is healthy. I do not seek to puncture that for the sake of doing so, and I do not dismiss its merit in total, but it is important to issue this caveat: the present period is simultaneously one of great opportunity and one of supreme danger. I say "supreme danger" because in practical terms we must learn from the experience of the past. We are all fond of invoking the importance of learning from past experience, of seeking to develop better practices for the future and of acknowledging the need never again to tolerate genocide and mass slaughter, but what does that mean in practice?

Let us think of what took place in Rwanda in 1994. If we are not careful, there could be a direct parallel between the Arusha peace agreement and the present

situation. In the end, the Arusha peace agreement was signed and progress towards its implementation was starting to be made, but the extremists were planning the ultimate genocide. In other words, people of thoroughly ill will were planning to use a period in which there was a semblance of good will—and, dare I say it, perhaps accidental complacency—to force through the slaughter that they had in mind. I do not want something similar to happen in Darfur. I mention this—the Secretary of State's brow is momentarily furrowed—because I am concerned about the scale of the killing that might still be taking place, and it worries me that I cannot get accurate figures.

Mr. Andrew Mitchell: My hon. Friend is confronting directly the issue that I skirted around but which I put in several ways to the Secretary of State. What provisions or plans are the international community making in case, as a result of events that have taken place, it is unable to enforce its will upon the Government of Sudan and other warring parties in Sudan? What provisions or planning does the Secretary of State believe the United Nations and others should be making to confront that possibility?

John Bercow: That is a pertinent intervention from my hon. Friend. I have been unhappy for some months about the sequence of events. It seemed intolerable that earlier this year, foot-stamping by the Sudanese Government effectively vetoed an urgently required UN troop deployment. It was put off ostensibly until September, but it might prove to be longer than that.

I want to focus briefly on the key issues. First, in so far as the African Union mission in Sudan is concerned, will the Secretary of State at least say something more about what is envisaged? What additional help will be provided, how much is it expected to cost, and which countries are, so far, committed to providing a contribution and at what level? Is there to be simply a ratcheting-up of numbers of personnel, or a change and a strengthening of mandate in the period between now and the start of October?

It seems in no way alarmist but merely a sober reflection of reality for the Aegis Trust, a magnificent anti-genocide organisation and sponsor of the "Protect Darfur" campaign, to observe that unless significant action on security is taken now, there is a danger of a void that would, in its word, be "disastrous"—the threat then being that Darfur would deteriorate into what the trust describes as irretrievable chaos.

I understand that the Secretary of State is not the sole player; he cannot act alone. However, at a time when we are saying that it is good that there is a peace agreement because it is much better that there should be than there should not be, it is important that we do not neglect our constitutional responsibility to ask exactly what is going to happen, when it will happen, who will ensure that it happens and, as a result, what we can expect to be the consequences of improved security.

If we then press the fast-forward button to the intended transfer of responsibility to the United Nations, as far as one can reasonably foresee or guarantee, will that transfer take place on 1 October? If it takes place on that date, does that mean that a full deployment will begin that day and be completed shortly afterwards? Or does it mean simply that some other agreement or statement will be the recipient of signatories on 1 October?

I do not wish in any sense to trivialise what is an incredibly important debate, in respect of which I have not the slightest doubt about the sincerity, integrity and commitment of the right hon. Gentleman; but in such situations, I sometimes worry that when we are told that something is going to happen—for example, that there will be a troop deployment and that it will begin in October—it is analogous to the conversation that one might have when ordering a taxi from a hard-pressed firm. One says to the controller, "When will the taxi come?", and he says, possibly after a moment's hesitation, "It'll be 15 minutes, sir." And one says, "Do you really mean 15 minutes, or do you mean that you would like it to be 15 minutes, but in practice, it is much more likely to be half an hour?" I would rather know. I ask the Secretary of State in all sincerity, will he give us a little more information?

I admire the right hon. Gentleman greatly, and I think that he is an extremely good Secretary of State for International Development. I also happen personally to have a very high regard for the former Foreign Secretary, the Leader of the House of Commons, the right hon. Member for Blackburn (Mr. Straw). I hope therefore that it will not be taken in the wrong spirit if I say that although I greatly esteem both right hon. Gentlemen, I do not exonerate the Government entirely from responsibility for the sorry saga that has beset the people of Darfur. It is not really good enough simply to blame others. DFID has done a superb job, but I have been much less sanguine about the foreign policy response of the international community, in respect of which the Foreign and Commonwealth Office has had a part to play.

Today is not the day to explore in detail whether sequencing took place, inadvertently or calculatedly, but we must all examine our consciences very carefully and unsparingly, with a view to trying to ensure that foreign policy responses in the future are much more robust and that they reflect the words contained in international agreements and public protocols. I think, for example, of the United Nations' responsibility to protect and the UN millennium review summit, which was referred to earlier.

We would like to have some idea, just on the numbers, of what the Secretary of State might consider an appropriate peacekeeping force. I was honest enough to say—and if I had not been, it would probably have been readily discovered in any meaningful exchange—that I have no expertise whatever in military planning, strategy or logistics. However, it worries me greatly that we still do not seem to have much sense of what the scale of the peacekeeping commitment is intended to be.

On the one hand, the Aegis Trust has proffered into the public domain the figure of 25,000 troops, which it judges might be required for the peacekeeping task. On the other hand, General Romeo Dallaire, who is not exactly uninformed about such matters, having had the searing experience of trying to cope in wholly inadequate circumstances in Rwanda, long ago suggested that 44,000 troops would be required. There is also the view of Major General Collins Ihikere, the AMIS force commander,

[John Bercow]

who is on the record somewhere as speculating that up to 60,000 troops could be required.

There is a huge difference between the figure of 7,000 talked about for the African Union force and the figures that I have quoted; indeed, there are even huge differences between 25,000, 44,000 and 60,000. Is the truth of the matter that the judgment will not really be made on the basis of the peacekeeping requirement, but will end up being involuntarily made on the basis of the relative parsimony of the individual contributor nations?

If that is the reality, we ought at least to be honest with ourselves about it. If we know that far more troops are needed, but that far fewer will be provided because countries are not prepared to cough up, let us please at least abandon the truly stomach-churning hypocrisy of claiming that the international community is now seriously concerned about bringing an end to the genocide. One might conclude—it would be sad, but probably inevitable to have to do so—that the international community was not that bothered about black Africans dying in Darfur, as opposed to people dying in Yugoslavia, Kosovo or Iraq.

Will the Secretary of State tell us something about the interesting idea of police-keeping and apply his remarks to the real crisis of insecurity and the sense of terror that had been pervasive in the camps for too long? On both my visits, with the hon. Member for Stroud (Mr. Drew) and subsequently with members of the Select Committee, the most striking feature was the spontaneous and unprompted response from people suffering in the camps. As the hon. Member for Edinburgh, West (John Barrett) knows only too well, when they were asked, "What's your greatest concern? What is the biggest handicap you face? What is the most striking impediment to progress in your lives?", they all said, "Lack of security. We are not safe. We are terrified." If then asked the supplementary question, "From what have you fled and what are you frightened of?", the answer was, almost always, the Government of Sudan and the Janjaweed and other militias.

I would be interested to hear more about security in the camps, because there is desperate concern that they will eventually prove to be not temporary places of refuge for a suffering, impoverished and starving population, but the permanent sanctuary of people who simply dare not go anywhere else for fear that they will be killed or raped if they attempt to do so.

My last point for the Secretary of State, which I want to float with colleagues, concerns the significance of the International Criminal Court. I can be explicit and very generous, although no more generous than I think the facts warrant. The British Government have been completely robust and sound on the importance of referrals to the International Criminal Court. My impression is that both the Foreign Office and DFID have been committed from the outset. I believe that it is in no small measure due to the efforts of the Secretary of State and the former Foreign Secretary that the United States Administration came on side. I was quite worried about that because on the one hand the United States Administration had been the first to say that there was genocide in Darfur, but on the other hand we know the real reservations about and even hostility to the International Criminal Court that President Bush and his team felt and articulated. The fact that the British Government had a hand in persuading the United States Administration not to veto a referral to the ICC was a very significant development indeed.

As the Secretary of State probably knows, I am by nature and disposition a suspicious soul and I make no apology for that. I can well understand that there might be a point—it could even be now—at which some people would be inclined to say that I should not focus too much on that matter at the moment because it is important to establish security, to tackle the humanitarian crisis and to try to make progress towards referendums and the development of life and so on, and that it would rather cloud the issue if I were to bang on too much about referrals to the ICC. My view is that it is important to establish the position and get some commitments on referrals to the ICC.

What worries me is that in the name of securing peace and preventing a resumption of aggressive hostilities by the Government of Sudan it might be suggested, either expressly or implicitly, that it would be a good idea to go gently on referrals. It is imperative that there should be no impunity for those who are guilty of slaughter. Those individuals, wherever they come from, who are suspected of genocide, war crimes or crimes against humanity must be dragged, kicking and screaming if necessary, before the International Criminal Court. We have the advantage of precedent and the knowledge that flows from it. Yes, important work has been done in relation to war crimes in Rwanda, but it is frankly a damning indictment of the international community that the whole process from start to finish will have taken approximately 14 years.

I shall not refer in detail to any of those circumstances because we are debating Darfur, but right hon. and hon. Members will be aware of the controversy surrounding Charles Munyaneza who is suspected of responsibility for war crimes and attempted genocide in Rwanda and is currently living in Bedford in this country. We do not want, in years to come, individuals to seek asylum in Britain when they are suspected of bestial war crimes in Darfur and when it is said to be too late to do anything. I say that, as the Secretary of State knows, with no hostility to the legitimate pursuit of asylum. He will understand that on such matters I take a liberal conservative view. I greatly value the reputation of this country as one that gives sanctuary to those fleeing prosecution, but we cannot allow our procedures to be abused by those who are seeking to flee their just desserts and the acceptance of responsibility for what they have done.

I want it to be made clear that the people who are suspected of such crimes will be referred, that we will get regular updates and be told what is taking place and that resources will be invested. There are two reasons for that. First, it is right that those who are guilty of slaughtering other people should pay the price—I mean that in strict juridical terms. I am not arguing for revenge, or calling for the death penalty; I do not believe in state murder. But they should be forced to accept responsibility for what they have done. Secondly, it is vital that they are brought to book for the simple reason of deterrence. If ever we are to reach a situation in which we can genuinely say that it will never happen again, we must ensure that we can show that those who did it before copped it as a result.

I have spoken with some force and passion on these matters because I have immensely strong feelings about the subject. It has been so far a worthwhile debate. I listened with the greatest interest and respect to what the Secretary of State had to say, but we must focus on the details. We have to be particular and we have a responsibility, in a sense, almost to be pedantic. Better that we be pedantic in focusing on the detail than we be guilty of the rather unedifying spectacle of telling each other how well we have done. I do not think that we have a right to do that when so many have been killed and when so much suffering continues to take place. The truth is that far too many people in Darfur have suffered too much for too long with far too little done about it. Some progress is now being made and I have every confidence that the Secretary of State will exercise his good offices. I hope that he will take the prods that I have offered this afternoon in the positive spirit for the benefit of people in Darfur in which they were intended.

4.27 pm

John Barrett (Edinburgh, West) (LD): The situation in Darfur is possibly the greatest humanitarian crisis of our time. If there is one part of the world where everything that could combine to cause the maximum of human suffering and misery did so, Darfur is it. Conflict, with the Arab militias and the Janjaweed, too many guns, a corrupt Government, global warming, religious divides, refugees, famine, human rights abuse, civil war and poverty: the scale of the problem, like the scale of the country, is different from that here in the UK.

The debate so far has been excellent. I particularly commend the speech by the hon. Member for Buckingham (John Bercow), who is always a hard act to follow, but there have been excellent speeches from members of all parties. The Chairman of the Select Committee, whose report was mentioned earlier today, would have been here were the Select Committee not visiting the Democratic Republic of the Congo.

The numbers might be estimates, but they are all staggering, with more than 3 million people needing food aid and up to 300,000 estimated by the UN to have died in Darfur during the conflict. Millions have fled their destroyed villages with many heading for camps near the main towns or over the border into Chad. The Janjaweed patrol outside camps: Darfurians are killed and women raped if they venture too far in search of firewood or water. Some 200,000 Darfurians have sought safety in Chad, but many are camped along the border and in danger of attack. There are also those who, although they have not been displaced, have been impoverished by the collapse of the rural economy caused by the continuing violence in the countryside.

Early in 2006, a total of 3.5 million Darfurians, more than half of the region's population, were in need of humanitarian assistance. Nowhere is Sudan's humanitarian crisis as acute as in west Darfur, and the United Nations estimates that 716,000 people have been uprooted and have taken refuge in internally displaced persons camps over the past two and a half years.

The images from my last visit are lodged in my mind, and they will be brought back to life this summer when I hope to return. They are images of villages burned out, attacked in a co-ordinated way from the sky and the ground, and of Antonov bombers and helicopter gunships sitting side by side with the white helicopters of the AU, mentioned by the hon. Member for Sutton Coldfield (Mr. Mitchell). They left me and others with no doubt about what had been happening and who were involved.

We visited camps where we met women and children and old people but relatively few men: the men were either dead, fighting or missing. We watched people walking for miles with nothing and starting again with the few basics of life—PVC sheets, food, some soap, containers for water, but not much more. We saw women taking their lives in their hands as they risked everything to obtain firewood, while in the distance they could see men waiting to rape them or possibly kill them.

I pay tribute to the non-governmental organisations and the workers, who are doing an excellent job. Many of them are young and some are inexperienced, but they have real commitment. They are from various organisations including Médecins sans Frontières and Oxfam. However, I pay special tribute to Save the Children, which pulled out of Darfur following the execution of two of its staff in a roadside incident. That incident followed another two of its staff being killed by landmines.

Even with the work that is going on in Darfur, the UN estimates that it has no access, or only limited access, to about 650,000 civilians who need assistance. Those people are living close to the edge of a cliff that has a very long drop. Relief workers are struggling to reach hundreds of thousands of civilians in dire need of food, water, shelter and protection from further attacks. Jan Egeland, the UN's emergency relief co-ordinator said recently that humanitarian access was the worst it had been since the spring of 2004, and:

> "The world's largest aid effort now hangs in the balance...If we are to avoid an imminent, massive loss of life, we need immediate action".

The work being done by those agencies in villages with no water, no sanitation, no food, little health care and little security makes the task ahead—at least to restore security, which, as the hon. Member for Buckingham said, is the basic requirement; the rest will follow—all the more important.

DFID's role in the reconstruction and the funding promised by others is important. I pay tribute to the Secretary of State for once again briefing Members immediately on returning from his trip. It is not the first time that he has done so. I clearly remember that after visiting the earthquake in Pakistan he flew straight back and reported to the House.

I would like to raise a number of issues following on from that visit and the recent signing of the peace agreement. The UN force must be deployed as a united force, not as a common enemy from outside. As the Secretary of State said, there is no reason for it to be a problem. If the UN force can continue to hold the peace in the south and to bring peace in Darfur region, it will have been a great success.

Even in areas where humanitarian agencies have had safe access to civilians, the Sudanese Government have obstructed relief activities, as we heard from the hon. Member for Stroud (Mr. Drew). In fact, one could go

[John Barrett]

so far as to say that they had conducted a campaign of administrative harassment; the restrictions included delaying visas and travel authorisations, using laws to regulate the activities of NGOs and imposing arbitrary and onerous regulations on humanitarian agencies.

We saw that happen also during the 21-year civil war in south Sudan; the Government regularly blocked humanitarian agencies, using tactics ranging from outright denials to flight bans and an array of other obstacles. Those delays must not be allowed to continue in Darfur. The role of the Sudanese Government was mentioned by the hon. Member for Buckingham, who is not known for mincing his words.

The recent peace treaty almost assumes that the Sudanese Government are an innocent party, hoping to resolve the problem by incorporating the rebels into the army and the police. To a certain extent, the fact that up till now there has been co-operation between the Sudanese Government and those groups is being ignored. That point was raised by the hon. Member for Sutton Coldfield.

We can learn from what is happening elsewhere. Following the conflict in Sierra Leone much training was given to former combatants in carpentry, mechanics and blacksmithing, but, because the economy had not taken off, there was little or no demand for those skills or the products that they produced. Blacksmithing tools are now lying stored in a warehouse. It is important that the wealth of the country is spread, or the divide will remain and the frustration will grow. The unemployed youth who previously went out to fire a gun will be even more frustrated if he is trained and then finds out that no one wants his skills. The country is rich in oil revenues, which must be spread throughout the country, so that the economy can once again come to life. There is a risk that if the economy remains poor, or remains in the hands of a few, conflict will return.

Avoiding a return to violence after it has stopped is a challenge for all involved, and much reconstruction work is required. The basic infrastructure of roads, water supply, health facilities and education is lacking in many parts of the country. The democratic institutions need to be rebuilt and such basics as water supply will make a huge difference.

We must take heed of what is happening in the south after the signing of the peace agreement and the civil war. The war caused the death of about 2 million people. According to humanitarian agencies the death toll was one of the highest in any war since 1945. It ended with the signing of a peace agreement, but in the fight for control of southern Sudan one in five of the southern Sudanese population was killed.

Expectations in the south have, however, been raised, and those who have been fighting are waiting for a peace dividend. If there is no sign of that the ingredients for conflict will be present, and the conflict could resume. My hon. Friend the Member for Richmond Park (Susan Kramer) mentioned compensation. The danger in compensation is that individual political groups will try to outbid each other in offering large amounts. That will raise expectations and, when those are not fulfilled, the frustration may end in violence.

We look forward, following the signing of the peace agreement, to elections to regional government in Darfur. However, I have a word of warning: we should not expect that the advent of elections will necessarily bring immediate peace. When the Select Committee recently took evidence, a witness answered our question about what factor was most often overrated in post-conflict situations by saying that it was elections: often, there is an expectation that conflict will reduce after everyone has had their vote, when, in reality, there is usually a lull before the elections, when everyone thinks that they will get their way through the ballot box, but conflict resumes when they lose.

I hope that those who have suffered most will have access to compensation to help them rebuild their lives. They are starting from a low level and will not need a huge amount to get them back on the bottom rung of the ladder. However, what is needed in Sudan and Darfur is good leadership and the recognition that those who led the fighting are not always the best people to lead the reconstruction. We look to Sudan and Darfur to produce politicians whom we can trust. That has not been the case so far.

Other hon. Members have mentioned the permanence of the camps. That will be a problem. The World Food Programme has been successful in supplying food to those who are hungry. Oxfam and Médecins sans Frontières have been providing water, sanitation and health care facilities. People are now being urged to go back, if peace holds, to their villages, where there are few, if any, of those facilities.

We must also keep in mind the contribution of other parts of the world to the conflict in Sudan. There are, as I said earlier, too many guns in the country. There have been concerns about the rise in imports to Sudan from Libya. Libya has had sanctions lifted and can now import weapons. Old, second-hand weapons are leaving Libya and crossing the border into Sudan. There is also concern about the supply of arms from Russia and the fact that Sudan's oil is going to China. As was mentioned earlier, it is all part of one, large problem, because the oil from Sudan is fuelling the fastest-growing economy in the world, which has one of the most rapidly growing rates of pollution. That affects global warming, which affects the very nomads and herdsmen who find that they have nowhere to feed their animals and there are conflicts over land rights.

John Bercow: The hon. Gentleman's warning about the fragility of the situation is salutary, as is his reminder that elections should not be regarded as a panacea. Would he agree that, at least for a period, the emphasis of any financial assistance from the international community should be on humanitarian aid on the one hand and security, security, security on the other, before we get on to things such as education, education, education? I make that point not out of a spirit of meanness, but because we have a fiduciary responsibility to contribute our resources to best effect, and not to leap ahead of ourselves.

John Barrett: One key issue relating to security is planning for what happens next. If I may take the hon. Gentleman back to the planning for the war in Iraq, there was no doubt that, by a certain date, a certain number of troops had to be in place and certain actions

had to follow. There is a real concern that, even with the best of intentions, dates are not met and security is not delivered on time. If that security is not delivered, nothing else can follow. Large sums of money have been committed by the UK Government and others—it is good to hear that the US announced an additional $225 million in emergency aid this week—but all the money pouring into the country will not solve the problem without security and without good governance.

On the increased involvement of the US, it was mentioned both on the liberal left and on the right that there seemed to be a feeling in the US that the subject is now at the top of the agenda. I pay tribute to a number of people, including celebrities such as George Clooney and Mia Farrow, who have brought the issue on to America's television screens. In the past, public opinion has often followed where the news crews have been. I am sad to say that there are many regions of Sudan that news crews cannot get to, so there is much more to be concerned about.

When the hon. Member for Buckingham and I were in Sudan with the Select Committee, there had been killings in Port Sudan in the east. The Sudan Organisation Against Torture detailed exactly what happened, and we were left in no doubt that the Sudanese Government had played their part. We got details of the killings of young men, young women, and older women and men; no one was immune. It is good that the issue is at the top of the agenda in the UK, the United States and many countries around the world. We must not allow what has gone on for far too long in Sudan to continue, and I hope that with the recent signing of the peace agreement, we are heading towards the light at the end of a very long tunnel.

4.43 pm

Hilary Benn: With the leave of the House, I would like to respond to this excellent debate. I say that not because there has been a cosy consensus, to address the point made by the hon. Member for Buckingham (John Bercow) directly, but because, in the past two-and-a-bit hours, we have laid bare the practical and moral choices and challenges that we face in trying to do something about the trauma that the people of Darfur have suffered. I shall take each speech in turn and do my best to respond to the many points raised.

I begin by paying tribute to the hon. Member for Sutton Coldfield (Mr. Mitchell) for the interest that he has taken, for his visit, for the pertinent questions that he asked, and for going to the heart of the moral challenge that we face. I shall try to respond to each of his questions. As far as humanitarian access is concerned, one bit of progress—they are small steps—was made earlier this year. I raised this point during my visit a couple of months ago. The Government of Sudan have been operating a fast-track process to clear humanitarian workers' visas and permits. They proposed to bring that process to an end, but others were able to persuade them to extend it to the end of the current year.

That is one example of the constant struggle—I use the word deliberately—that we must engage in to get a lobby as each case comes up. It is a responsibility of the ambassadors and representatives in Khartoum and of each Minister to play our part. I will continue to do what I have done throughout: if people bring cases to my attention, including hon. Members taking part in this debate and others, I will take them up. Experience has taught me that that is the only way to keep up the pressure.

During the course of my visit, one of the questions concerned AMIS's difficulty using the el-Fasher airport at night. It had been said that the problem was a lack of lighting. Because of my visit there, I was able to say to the Minister, "Well, that's very curious. I've seen the lighting on the apron and the runway, and as far as I understand it, the problem is you providing someone to open up the control tower, turn on the lights and provide air traffic control after the hours of darkness so that if AMIS wishes to fly in and out, it can do its work." It was as absurd as trying to apply a curfew to AMIS in Darfur in the interests of security instead of applying it to those causing trouble.

Have the Government of Sudan complied? Self-evidently, none of the parties has complied. That is why one of the individuals against whom sanctions have been applied is someone from the Government of Sudan military. The Select Committee report to which the hon. Gentleman referred asked the Government to get on the case and do something about it. That is why we have been working so hard to get the sanctions committee to do its work—to look at a list of names, to weigh up the evidence and, if the evidence is sufficient to justify sanctions, to get on and apply them. That is how to send a message. It is not by saying to the parties, "Please do what you promised"; it is by demonstrating the consequences.

Have others in Africa helped? As well as paying tribute to President Obasanjo, I pay tribute to President Konare, as he is known, of the African Union and President Sassou-Nguesso, the chair of the African Union. They both came to the final stages of the negotiations in Abuja and lent their weight and moral authority on behalf of the nations of Africa. They put pressure on the parties, who were invited in one by one to sit at the table and be asked, "Are you going to sign? What's the problem? Why won't you do it?" I do not think that the one signature, that of Minni Minnawi, would have been achieved if the African Union had not demonstrated its determination to help in that practical way.

On the African stand-by force, I can tell the hon. Gentleman that the G8 countries that committed to help with that training are well on target to meet their commitments on training requirements, and that the AU is making progress in setting up the necessary logistics to make the force work. If he is interested in more information about that, I shall be happy to provide it.

The hon. Gentleman raised a point about the UN force, as did the hon. Member for Buckingham and others. We have heard various estimates in this debate, ranging from 12,000 to 40,000. To be honest, I have no more expertise than the hon. Member for Buckingham. That is why the UN Department of Peacekeeping Operations exists. It needs urgently to get in there and make its assessment through a UN technical assessment mission so that it can confirm what the right numbers are, what the mandate should be and how the force should be composed. UN Security

[Hilary Benn]

Council resolution 1679, which was passed recently, was important because it called for that to be done by 23 May.

The hon. Member for Sutton Coldfield is absolutely right to want practical steps. The first practical step to answering all the questions about how the UN force should work and be composed is getting the team in so that it can work. But in all honesty, because of the loss of time, the chances of getting a force up and running by 1 October are very slim. That is the truth, because that team has not been able to get in and start the process of preparing.

One issue that the UN force is going to face is providing water for troops. I spoke to the deputy head of the DPKO in New York a month and a half ago, and I remember that she put her hand on a map of Darfur and said, "There is not a lot of water north of this line." Such practical considerations will have to be addressed if the force is to be able to do its job. I assure hon. Members that we will press for a sufficient number of troops and a strong mandate at the UN Security Council in exactly the same way as we did in the debates, about a year ago, on the size of the MONUC—Mission of the United Nations in the Democratic Republic of the Congo—force in the DRC. Some people did not want an increase in those forces at all, and some wanted a lot. Britain pressed very hard for an increase.

NATO has already been providing logistical support, including heavy lift, to get the AU troops in and out of Darfur as their terms have rotated. All of us in the international community, including NATO, need to consider what further practical support to the AU mission is required. Another practical thing that Britain has done is to provide vehicles, because AMIS said that, "If we don't have vehicles, we can't get out and do our job." That is why we have taken responsibility for one of the fuel contracts, so that there is enough fuel to put in the vehicles and helicopters for AMIS to do its work. I have to tell hon. Members that about 90 per cent. of helicopter hours currently available to AMIS are spent resupplying its own troops. Its representatives need more capacity to spend a greater proportion of their time going out and about and doing their jobs.

The hon. Member for Richmond Park (Susan Kramer) made an extremely well-informed speech. She is absolutely right to say that this is a tense and fragile moment. I very much welcome what she said about the African Union. She reminded us about the tribal make-up of the conflict when she talked about the Fur. That is important, because it is one of the layers of complexity in Darfur. It is not a reason for not trying to do something, but it is important that we understand what we are dealing with.

I want to address the hon. Lady's point about compensation directly, because I feel strongly about this. I spent a lot of time in Abuja trying to point out to Abdel Wahed and his people what is in the agreement. I entirely accept her point about the importance of compensation psychologically and politically. It is part of the culture: you kill my family, you take my goods. Compensation is one of the ways in which the people make amends. We may find it hard to understand that the loss of life can be expunged by the payment of money, but that is part of the culture in Darfur.

As for any help that anyone else can give to try to get the point across, it is all in the Darfur peace agreement, which provides for the setting up of a compensation commission, which would have wide powers on the form and nature of compensation, including that for loss of life and loss of land. You name it, it is there. The draft that the AU tabled said that the Government of Sudan would make a contribution to the compensation fund, but no sum was mentioned. So the second thing that we did in Abuja was to ask the Government of Sudan what they were going to do. They said, "We will make an immediate initial contribution of $30 million."

There is also provision in the Darfur peace agreement for a reconstruction and redevelopment fund. The Government of Sudan have committed to put into that fund $300 million this year and $200 million next year and the year after, making a total of $700 million. Perhaps I should not say this, but I will: if we want to be creative once we have signed an agreement and are getting on with implementing it, it is perfectly possible to say, "As an aid to reconstruction and redevelopment, people will need to resettle themselves in the places that they have been burnt out of." There is a big pot of money that could also be used to make payments in recompense for loss of livelihood, animals and household utensils if one cared to look at what has actually been negotiated by the rebel movements and had the confidence to say, "Look, you wanted compensation: look what we brought back." I say this with force and passion, because I learned something most forcefully during those peace negotiations, which was my first opportunity to participate in such negotiations. I learned that the texts and demands are important, but there comes a moment when we have to decide whether to make the psychological step from being a victim and a demander, a fighter and an outsider, to saying, "I am now going to take that step for peace and be part of trying to implement a solution to the crisis." I could see Minni Minnawi doing that, and through the medium of this debate—though I do not know whether he will read it—I would plead with Abdel Wahed to do the same.

John Bercow: Send it to him.

Hilary Benn: Well, some people have even closer contact with him than others.

The point is important because, in truth, any movement's leader must be concerned about what its members will say. That is why I referred to people being able to see what is in the agreement. It is perfectly understandable that leaders want to feel sufficient confidence to turn around and say, "Look what we have been able to achieve." I really believe in the DPA; it delivers on compensation. The hon. Member for Richmond Park was right to highlight that because it is central to the points that Abdel Wahed has been making.

On the post of senior assistant to the president, in truth we do not yet know who will occupy it. The agreement makes provision for the movements to nominate. If the three movements sign, they have to agree between themselves who to nominate, but at present only one movement has signed. So, yes, that appointment will currently be in the gift of Minni Minnawi, but whether

it will be him or someone else, I do not know. That will be down to him and his movement to determine.

On the tribal leaders, the hon. Lady was right and answered the question by referring to the Darfur dialogue, because its central purpose is to bring into the process those other interest groups in Darfur which are not necessarily represented by the movements, but which need to play a part in addressing the many concerns and issues that surround this complex crisis. That must not be a distant process, and people must get on with implementing it as soon as possible.

Is integration realistic? I was encouraged by the approach taken by the Government of Sudan general who came to the negotiations. When we were trying to craft additional changes to the agreement as a way to make progress, he was discussing those in practical terms and they had obviously thought about it. There is evidence from other conflicts around the world that if we have the right approach it is possible to make the transition happen. Minni Minnawi and his group have been particularly concerned about security, and the changes made to the agreement in trying to respond to them show that that is possible, but much of it is down to trust. The truth is that people want to see each party to the agreement doing what it has promised if that trust is going to be applied in those circumstances.

John Bercow: My point is slightly different from that of the practicality of the integration. I have read that it was proposed to integrate 1,000 people from rebel forces within the police and security structure, and that figure struck me as being very small. Do I have that wrong?

Hilary Benn: In the original agreement, I think that it was in the area of 1,000. That was changed after four days of negotiation. From memory, I think it is 4,000. In addition, I think that 1,500 will go into the police forces. *[Interruption.]* I apologise, it is 1,000. So, there are 5,000, which is a significant increase on what was in the draft tabled by the AU. There was a lot of debate about exactly how many forces the rebels have, but we made significant progress and it was key to unlocking the agreement from Minni Minnawi's group.

The hon. Lady is right about the timing on recovery aid and issues of land. Dealing with those is going to be difficult. She was also right about the World Food Programme, which is the most outstanding organisation. I saw that for myself yesterday in Somalia, and what it did to stop 6 million people starving to death in Afghanistan three years ago was extraordinary. On the central emergency response fund, $20 million has so far been put in. The truth is that there have been some delays in getting the common humanitarian fund up and running. It is a pilot. As I have said right from the start in proposing the common humanitarian fund approach, it will not be any good if it does not work speedily to deliver the money.

I remain absolutely convinced of the rightness of an approach that says we look at what we have and at the needs, and we get one person to take an overall view of how we will divvy up the cash that we have to meet those needs. I know that that is a different way of doing things for some UN agencies, which have had their own long-standing relationships with individual donors. To be honest, not all of them like the change. However, when we have needs and a certain amount of resources available, it is the logical way of handling matters. Nonetheless, we have to move quickly and we must therefore distinguish between, on the one hand, the speed of operation, which is an important issue, and, on the other hand, the amounts that are available.

The excellent contribution by my hon. Friend the Member for Stroud (Mr. Drew) revealed the depth of his knowledge. He drew to our attention the competition for land and for water, and the issue of banditry. He also raised the matter of the east, to which the hon. Member for Richmond Park referred. In Sudan, there is a big issue about the balance of power between the centre and the periphery. That is what such matters are all about, in part.

As for the discussions and the conflict with the Abuja Congress, if that is an issue—and it is—can we skip the fighting and go straight to negotiating? In the comprehensive peace agreement, which is why it mattered so much—I will come back to the point made by the hon. Member for Buckingham and the role that Britain played—all the elements that we need to make a deal are there, such as on power sharing, wealth sharing and transitional arrangements. I hope that, having learned the bitter lesson from the 25-year civil war and the conflict in Darfur that, as other parts of Sudan legitimately express their desire to share in power and wealth, the people of those parts of the country do not go through the same cycle of violence and suffering.

On the donor conference that I was asked to arbitrate, the truth is that there are two conferences. There will be the AU pledging conference on further support to AMIS scheduled for June. There will also be the donor conference in support of Darfur's reconstruction and redevelopment, which the Dutch are hosting, and which is scheduled for September.

Mr. Andrew Mitchell: So we were both right.

Hilary Benn: Indeed, my hon. Friend the Member for Stroud and the hon. Member for Buckingham were both right. They were just talking about different events.

We agreed in Abuja that the senior assistant to the President will be asked to represent the Darfur peace agreement and the people of Darfur in implementing the agreement, because that is the role given to the transitional authority. The senior assistant will be asked to present an initial plan on what they will do to support reconstruction and development and ask the international community how they can help. The plan will be about food, redevelopment, education and health and all the things that, as my hon. Friend the Member for Stroud rightly pointed out, people want when there is peace.

I say to the hon. Member for Buckingham that I welcome his prods and passion in what was a characteristically powerful and elegant speech. One of the ironies that befalls those who seek to do something to help is that we are also lightning conductors for the intense frustration that every one of us feels about the lack of progress. The hon. Gentleman was right to remind us of the cocktail of barbarity. He was right to

[Hilary Benn]

ask us to reach deep into our consciences. I want to come back to that point at the end as it goes to the heart of the debate.

Will people do what they promised? As for the Government of Sudan, we can at least look at the comprehensive peace agreement and have some encouragement. In the end, they did a deal. Yes, it is slow and imperfect, and there are frustrations, but it is happening. That should give us some cause for hope—not naïve optimism, but hope. Above all else, we must hang on to hope and combine it with a good dose of hard-nosed realism, which, as ever, the hon. Gentleman contributed to the debate. I also say to him that there is some evidence of a reduction in violence since the signing of the comprehensive peace agreement. I hope that Jan Pronk will continue to keep up to date on that, and I hope that it endures..

John Bercow: I am extremely appreciative of the Minister giving way yet again. He has been immensely generous. I do not dispute his point about a reduction in violence; I have no basis for doing so. Does he know whether the reduction has been on the part of the Government of Sudan or of the militias, in so far as we are supposed to regard them as divisible?

Hilary Benn: The honest answer is that I do not know, but I will inquire and write to the hon. Gentleman. I can say that, in recent months, an increasing proportion of the insecurity has been down to the rebel movements. If I can give the hon. Gentleman one gentle prod in return, I hope that he uses some of his fire and passion to give the rebel movements a hard time for what they have been doing, because they, too, have been inflicting suffering. In *The Guardian* yesterday, there was a report of inter-SLMA fighting that had caused great suffering and some loss of life.

On AMIS and funding, the UK has given £32 million so far. When I was there two months ago, I said that we would give another £20 million and we are on our way to honouring that pledge. Others will be able to make progress at the pledging conference to which I referred, but the problem of troop numbers remains. In the past year, the AU has found it impossible to get, in effect, the remaining battalion that is required to get up to the 7,700 mark. On the UN force, I hope that I have covered the points already. Ditto for the police—to whom the hon. Gentleman referred—because they have not yet been able to get the numbers that they want. That links to a point about insecurity in the camps, raised by the hon. Member for Edinburgh, West (John Barrett), which I shall come to.

The hon. Member for Buckingham said that he did not want a debate on the FCO, but if he does seek to drive a wedge between DFID and the FCO, I will take my mallet and resolutely knock it out again, because I do not think that that would be fair. This issue was the subject of great debate in the Select Committee. It was alleged that there is too much concentration on the comprehensive peace agreement and not enough on Darfur. I do not believe that to be the case. I shall return to the broader context in a moment. It was right and proper to continue to try to shepherd the comprehensive peace agreement to a conclusion, first because it brought an end to that conflict and secondly because it provided the framework that has been drawn on for the Darfur peace agreement and it is the framework available to deal with conflict in other parts of Sudan. If we had not secured that, we would, heaven forbid, have been in an even worse situation, so I resolutely argue against the hon. Gentleman's point.

On the International Criminal Court, the hon. Gentleman was inadvertently too kind to me. I deserve no credit whatever in that regard, but my right hon. Friend the former Foreign Secretary deserves enormous credit, because the skill, passion and dedication to which the hon. Gentleman referred was demonstrated by my right hon. Friend in getting the UN Security Council to the point at which that resolution was passed. That was remarkable and I hope that history will record it. The hon. Gentleman is right: we need to ensure that when such matters are referred to the ICC, some consequence follows. That is why I am glad that it has started work. I hope that it finds evidence and, if it does, that it will indict people and they will be called to account, for the reasons that I set out in my opening remarks.

John Bercow: I raised the issue for the purposes that I described at the time, and it is important to have this on the record. Does the Secretary of State agree that it is vital that no one who is reasonably suspected of atrocious acts should be allowed impunity on the ground that he is assisting in the war against terror?

Hilary Benn: I do agree. I expect the International Criminal Court, an independent body, to do its work. That is why I said carefully that it must look for evidence and, if it finds evidence, make indictments. That is the point of an independent international criminal court; it is why we fought so hard to get that in place.

Mr. Drew: This is not a dialogue with the hon. Member for Buckingham through the Secretary of State. My right hon. Friend will be aware, given his recent visit to northern Uganda, that five people from the Lord's Resistance Army have been indicted. The jury is still out—no pun is intended—on whether that is helping to resolve that dreadful conflict. If the International Criminal Court means anything, somebody has to find the people who have been indicted, or it is a useless process. That is why it is so important for action to follow indictment. Does the Secretary of State agree?

Hilary Benn: I do agree. There is a connection, because the LRA has also been present in Sudan, which we are discussing. The five—Kony and Otti and the other three—had plenty of time to give up if they wanted to. The fact is that they did not. Now the ICC has indicted them and, as I said to President Museveni when I spoke to him on Tuesday, there is a responsibility on all of the countries now affected—northern Uganda, southern Sudan, the Democratic Republic of the Congo where the bulk of them are now to be found—to get together. This is a threat to regional security. Those individuals have to be found and shipped off to the Hague where they belong. The rest of the fighters should come back into society

because President Museveni has very wisely said that he will consider an amnesty in relation to them.

Finally, may I say to the hon. Member for Edinburgh, West, who made an extremely thoughtful and important speech, that the insecurity that women face is one of the characteristics of this terrible conflict. One question that occurred to me when we went to the camps—I do not know whether it occurred to him—was why the men do not go out with the women when they are collecting the fire wood. That might act as a deterrent to those who attack them. It is a real problem, and in the absence of sufficient AU patrols—they have had police stations in the camps and are trying to increase their number—it is something that people could do now to ensure that their women are protected.

The hon. Gentleman made a really important point about elections and referendums, not because they are not important—they are desperately important—but because, as he said, some people do not like the results. That tells us that there has to be a culture that comes with the use of elections and referendums as a means of resolving debate and argument. That means that, like it or not, sometimes one loses and the other side wins, and if one is not able to accept that there can be real difficulties.

John Bercow: Some of us have had more practice at that than others.

Hilary Benn: I did not hear the whole of that comment. The official Opposition have had a lot of experience recently.

On the permanence of the camps, we might find—it has certainly been the case in the camps around Khartoum—that some people choose to stay where they are living. That will have to be worked through. When I spoke to people in the camps in Khartoum a couple of years ago it was clear that the younger generation did not fancy going back—they had been there for a long time because of the length of the north-south conflict and it was the only life they knew—whereas members of the older generation were keen to return to the homes that they had lost. On arms imports, the hon. Member for Edinburgh, West is right. That is why we want an arms embargo.

My final point brings us back to where the hon. Member for Sutton Coldfield started, and to the powerful points made by the hon. Member for Buckingham and others. We should reflect on Kosovo, Iraq, Pol Pot and Rwanda. We should ask where the international community was when 200,000 or 300,000 people were shot in the head and dumped in the desert. Rwanda sticks in our minds. I do not know whether other Members have seen the film "Shooting Dogs". I watched it and I wept. The most painful part of that film—an excruciatingly painful and raw piece of film making—was a scene at the end in which a we saw a hapless spokesperson from the United States Administration of the time struggling not to use the word "genocide". That really brought into stark relief the point made by the hon. Member for Buckingham.

In the end, we asked the international commission of inquiry to go and do its work on behalf of the United Nations, and it reported on what it found. Whether we describe that as genocide, crimes against humanity or war crimes, what matters is whether we are prepared to do anything about it. What has been at the heart of our debate today is how, as an international community, we have struggled to turn the fine desires that we expressed in words and resolutions at the millennium review summit into doing something to prevent such things from happening to people. That is the biggest challenge that the world faces so far as peace and security are concerned. We have an institution whose job it is to do it, but if it cannot reach agreement and somebody exercises a veto, nothing happens. On the other hand, when countries decide to take unilateral action, others tut and say that that should not happen. Such action should have legitimacy only if it is taken by the international community through the institutions that we have created.

We have been discussing what happens when crises, suffering and pain fall between the cracks of the system that we have created. I come back to the point that I made at the end of my opening remarks. In the end it is down to two things: have we the will to do anything about it, and are people prepared to contribute—to play their part? I say that not in the sense of trying to pat the British Government on the back; that would be wholly inappropriate, although we have tried hard to do our bit. Do we all need to do more? Yes, we do, because the fact that the suffering in Darfur continues is to the shame of every one of us.

Question put and agreed to.

Adjourned accordingly at sixteen minutes past Five o'clock.

Westminster Hall

Tuesday 23 May 2006

[DAVID TAYLOR *in the Chair*]

East Midlands Police Forces

Motion made, and Question proposed, That the sitting be now adjourned.—*[Jonathan Shaw.]*

9.30 am

Mr. Patrick McLoughlin (West Derbyshire) (Con): I start by welcoming the Minister for Policing, Security and Community Safety to his new responsibilities. The police force is not yet in the same mess as the immigration service, and I hope that he will not allow it to get into such a mess. If he follows my advice and that of my hon. Friends, he will find himself on the way to ensuring that it does not do so.

I know that whoever is in the Chair has to be unbiased, Mr. Taylor, but it is worth pointing out that you are an east midlands Member of Parliament. In a recent Adjournment debate on police reform you said:

"We have a similar situation in the east midlands, where there is no support for an east midlands-wide force but that seems to be our fate."—[*Official Report*, 30 March 2006; Vol. 444, c. 1078.]

I hope that we can persuade the Government not to go down that road, as the merger has no local support. I am pleased to see a number of my colleagues from the east midlands on both sides of the House. In the main, I have yet to find anyone who publicly supports a police force of the size and nature proposed.

Mr. Tim Boswell (Daventry) (Con): Is it not the case that there is not only no local support but no geographical coherence? On Friday I made an interesting visit to the constituency of the hon. Member for High Peak (Tom Levitt)—I gave him notice of my visit—and I then went to the constituency of my hon. Friend the Member for Rutland and Melton (Mr. Duncan). By the end of the day, I had travelled nearly 200 miles from my home, but I still had not left the east midlands. We could have journeyed on to Skegness to complete the picture.

David Taylor (in the Chair): Order. Interventions should be brief; an awful lot of Members wish to contribute to the debate.

Mr. McLoughlin: I am grateful to my hon. Friend for that intervention. I often say that there is no such place as the east midlands. It is what is left over once the rest of the country has been divided up. I do not know of a place called "the east midlands" that is recognised as such. The idea that Lincolnshire and Northamptonshire have something in common with Derbyshire is for the birds—or possibly for the Government.

Mindful of what you say, Mr. Taylor, but wishing to allow a few interventions, I shall try to speak for only 15 minutes or so, so that others have an opportunity to contribute.

David Tredinnick (Bosworth) (Con): Building on the point made by our hon. Friend the Member for Daventry (Mr. Boswell), is the change not another part of the Government's plan for regional government, which is deeply unpopular?

Mr. McLoughlin: I shall come to that aspect, because I think that the proposal is regionalisation by the back door. When the Government attempted to get regionalisation through in the north of the country, it was overwhelmingly rejected. The first area that they chose for such a referendum was one where they thought they would find sympathy and support for the idea, but it was rejected. If the Minister is going pursue the merger, he should at the very least let the people decide. He should put it to a referendum. I am keen for that to happen—I would be very happy about it. The Government were keen on referendums until they started going wrong for them, and they seem to have gone a bit cold on them since then.

Not all is lost, however. The idea was undoubtedly the driving ambition of the former Home Secretary, who has since departed the scene. In response to a question by the Leader of the Opposition, my right hon. Friend the Member for Witney (Mr. Cameron), the Prime Minister said:

"We have to listen to what people are saying and, obviously, there are different views about police reform. One possibility is for strategic coming together on certain issues, rather than mergers".—[*Official Report*, 25 January 2006; Vol. 441, c. 1425-26.]

I agree. That would be a sensible way forward. I do not say that there should be no change at all. What I am saying is that I oppose the creation of a super-regional police force, as it would have no coherence.

The idea behind the mergers was to enhance the protective services that combat serious crime crossing county borders. However, according to a confidential report drawn up by Tim Brain, the chief constable of Gloucestershire, the Government are aiming at a lower standard of co-ordination. He says that the project

"will not do what it says on the tin. If restructuring does not significantly improve protective services, the question must be asked: 'Why are we restructuring?'".

Why are the Home Office and the Government insisting on it? According to Tim Brain, the implementation of the plan nationally will cost the equivalent of 25,000 police officer salaries. As the Government are refusing to commit additional funds to pay for the mergers, the effect would be a serious depletion of front-line policing. It is front-line policing, not protective services, that fights the crime that most concerns my constituents and those of my hon. Friends. Tim Brain concludes that

"the impact of such a cut would destroy any realistic hope of developing neighbourhood policing".

In the past, the Government have said that they are keen on neighbourhood policing.

Mr. Alan Duncan (Rutland and Melton) (Con): Quite right.

Mr. McLoughlin: As my hon. Friend says, quite right. In some respects, we fear the Government's plans in most respect of some of the rural constituencies. I do not believe that the system is broken, so why must

[Mr. McLoughlin]

we interfere with it? I hoped that the Government would have taken account of what has happened in the past when they have interfered with things, only to reverse them back to the state in which they inherited them.

Mark Simmonds (Boston and Skegness) (Con): My right hon. Friend makes the correct point. Is he aware of the deep concern in Lincolnshire, where there are already worries about the lack of police visibility, that the east midlands merger will transfer resources away to big conurbations such as Nottingham, where there is serious crime? That is inevitable, and it will be greatly to the detriment of those who live in Lincolnshire.

Mr. McLoughlin: I agree with my hon. Friend. Although I do not have the exact figures, Nottinghamshire has far more police officers than Derbyshire, despite the fact that the counties are of similar size. I am not relying on this morning's report about crime levels, but there is no doubt that crime levels are higher in the centre of Nottingham than in other parts of the east midlands. What will happen to the police force? It will be concentrated in that particular area. Perhaps that might please my right hon. and learned Friend the Member for Rushcliffe (Mr. Clarke), but it is a problem.

We have not yet seen the details of the precept rationalisation that could come about as a result of the proposal. Since 1997, the people of Derbyshire have seen an increase of 165 per cent. in the police precept in the county, because we have been paying for extra police officers to try to catch up. Will that money just disappear into other parts of the region on an equalisation basis? Those are only some of the questions that have not yet been answered. That is part of the problem with this reorganisation and rationalisation: it is being rushed to far too great a degree.

It is interesting to note that the chairmen of the east midlands police authorities and the chief constables have already outlined their serious concerns to the Home Secretary. All five police forces voted not to volunteer for a merger on the grounds of affordability and the ability to enhance professional services quickly. They object not for narrow-minded political reasons, but because they want to deliver the best policing service for the local people. They are concerned that the new merger plans will hinder their ability to do so, and I think that they are right.

Despite objections from all the police authorities concerned, the former Home Secretary announced on 11 April that he still intended to proceed with the merger to a full east midlands police force. That was rejected by the five authorities on 7 April, but four days later the former Home Secretary said, "I don't want to listen to what the police authorities or Members of Parliament say. I intend to push forward with the merger." Opposing views were totally disregarded, and that is a serious issue.

As my hon. Friend the Member for Daventry (Mr. Boswell) mentioned, the east midlands is not the easiest of areas through which to travel. It is not like travelling north-south, which is relatively easy in this country. The configuration of the roads means that travelling east-west is far more difficult. That is one of the problems that a large force such as the one proposed will face.

The east midlands police authorities have estimated the cost of a regional merger to be £101 million for its set-up plus £45 million in ongoing costs, with £15 million in potential efficiency savings. The Home Office has estimated the cost of a regional merger to be £80 million, plus £20 million in ongoing costs, with £16 million in potential savings. The big difference between what the Home Office and the regional police authorities say relates to the set-up costs, and I am more inclined to believe the regional police authorities than I am the Home Office, simply because they are the people on the ground doing the job. We have to listen to what they say.

Mr. Alan Duncan: Is not the lesson of past mergers—clearly, the same will be true of this merger—that there are very high transitional costs and no real economies of scale, and as soon as the merger has happened, sub-structures and divisional units are set up in an attempt to restore the local connection that was lost through the merger?

Mr. McLoughlin: Yes. There is also something to be said for a chief constable being accountable to local people. I am not sure that a chief constable overseeing five forces would be sufficiently accountable to local people. That is one disturbing element of the proposals. I have not always agreed with the chief constable of Derbyshire. In fact, before he retired the previous chief constable appeared on a Labour party political broadcast in 2001. I do not want to know the politics of chief constables; I want them to do their job properly.

Lord Denning said that a chief constable should be answerable to the law, not to politicians. One problem that may result from the size of the proposed forces is that we will get chief constables who are more directly accountable to the Home Secretary. At the moment, Labour Members may think that a marvellous idea—my right hon. and learned Friend the Member for Rushcliffe might have thought it a marvellous idea when he was Home Secretary—but I say to Labour Members that they should not be so arrogant as to think that they will always be in power. One day, they may not like chief constables being directly accountable to the Home Secretary.

Mr. Kenneth Clarke (Rushcliffe) (Con): At the second generous reference to me, I thought that I might intervene. My right hon. Friend is making a powerful case, but he did say that he does not oppose all change. Does he accept that if the present system of local accountability in Derbyshire is a model of perfection, that may be the exception? We now have the opportunity to examine how to make accountability work more effectively on whatever scale. Certainly most inhabitants of my constituency are not aware of the existence of the police authority; they do not know what it does. It is hardly the strongest system of local accountability.

Mr. McLoughlin: I totally accept that. I am not sure that my right hon. and learned Friend is not responsible for the present system of police accountability, but I shall put that to one side for a moment. In all seriousness, I am not arguing that the present system is perfect and does not need changing. He has just spoken about accountability and I agree with him about that. However, what is proposed will remove almost all local accountability. At the moment, imperfect as the system may be, we have 22 or 23 people serving on the Derbyshire police authority; under the proposals, it is likely that only four or five people will be appointed to serve on the regional authority. The present system may not be perfect, but what is proposed to replace it is wholly imperfect.

I do not mind some change, as I have said to my hon. Friend the Member for Arundel and South Downs (Nick Herbert). I do not mind more collaborative services among police authorities—for example, it is ridiculous that every police authority has its own payroll system; such services can rightly be centralised. However, we do not need to centralise everything at regional level. The payroll could be administered nationally—it is ridiculous to have the sort of payroll systems envisaged under the new police structures. If the Home Office is seeking change for the sake of efficiency, there are many other ways to achieve that without disregarding local accountability.

Mr. Andrew Robathan (Blaby) (Con): Is that not part and parcel of the Government's plan? There will be a complete disconnect between, for instance, the people of Leicestershire and their police force, because it will be an east midlands police force, based somewhere else. The problem is already to be seen in the East Midlands regional assembly: it is totally unaccountable to anybody, yet has been set up and will march in tandem with the new police authority.

Mr. McLoughlin: I agree. There a huge amount that I could say, but I see that I am coming up to the 15 minutes I promised you, Mr. Taylor, and I am mindful of other hon. Members who have given up their time to be here this morning. I will therefore draw my remarks to a conclusion.

We have discussed accountability in some detail. I believe in accountability—in a Member of Parliament, a local council or a parish council being able to challenge a chief constable directly. I have talked to a number of my parish councils—I think that the modern term for them is stakeholders, but perhaps I will not become quite as modern as that—and have received a communication from parish council in Doveridge, which is right on the edge of Derbyshire. Earlier this year, in an excellent example of police-community relationships, Doveridge neighbourhood watch was fortunate enough to have the chief constable address its annual general meeting. It is difficult to imagine a chief constable of such a vast organisation as the proposed force taking the time and trouble to visit such a small community on the border of its territory.

I cite Doveridge not only because the parish council has written to me and expressed a view, but because it is not far from Sudbury open prison, and we know some of the concerns that have been raised about open prisons lately. It is therefore perhaps a good thing that the chief constable can go along and reassure people of the services that he will provide in Doveridge, because some of the absconders from Sudbury open prison have committed incredibly awful crimes.

Tissington parish council, which is very small council, has said:

"The proposed merger is hastily drawn up, lacks accountability and has no known community support. It would be unwieldy and inefficient in management and there are no local perceived benefits."

Brailsford parish council writes:

"We see no...reason to make such extensive and important changes in what seems undue haste. We foresee that a merger of this size would mean resources were channelled to the larger cities and leave the rural communities with very little support."

Stoney Middleton parish council has said:

"The proposals seem to be expensive, ill thought out and detrimental to effective policing in the county. They will also make the police force less accountable".

I could go on to quote Longford, Matlock and various other parish councils that have brought their concerns to me, but I will not, because other hon. Members wish to participate.

There are some salient questions. Where will the extra funding necessary for the plans come from? Can the Minister assure me that council tax payers in West Derbyshire will not have to foot the bill for a scheme that they do not want and that will not provide the level of service that they currently enjoy? How will the Minister justify the new regional authority's ability to offer accountability with a ratio of only one member to every 200,000 people—in effect, three constituencies having one person as an accountable member on the authority?

The five police forces affected by the plan have severely criticised it and do not want it. In their professional judgment, they think that the plans will hinder policing rather than improve it. Local politicians do not want the merger to go ahead, as we feel that it will prove counter-productive in the fight against crime. Perhaps most important, local people do not want the changes. They want a local, accountable, responsive community service, not a large, unwieldy and remote one.

I have not yet met anyone in Derbyshire who wants the merger. The police do not want it, parliamentary representatives do not want it and local people do not want it. According to the answer that he gave to my right hon. Friend the Leader of the Opposition, even the Prime Minister is lukewarm. So why on earth go forward with the changes? I ask the Minister, on the first day of his new job, to say that he will not embark on what will be a fiasco for the police service in the east midlands, but that he will reverse these crazy decisions and make a positive name for himself on day one in his new job.

Several hon. Members *rose—*

David Taylor (in the Chair): Order. In line with the convention on debates on local and regional issues to which a substantial number of Members want to contribute, I intend to call the Front-Bench speakers 20 minutes before the end of the debate—at 10.40 am—and half of that time will be for the Minister. If the 10 Members who want to speak before then bear in mind that they have 50 minutes left to do so, I shall try to get everyone in.

9.50 am

Paddy Tipping (Sherwood) (Lab): I am delighted to follow the right hon. Member for West Derbyshire (Mr. McLoughlin) and I congratulate him on securing the debate. I also congratulate him on defying the convention that influential figures in the House should not speak on such issues; he spoke forcefully on behalf of his constituents. He accepted the case for change, although he has not told us what change is necessary. None the less, change is necessary, and it is important to recognise that the proposals before us come from the police themselves. We need change, and the notion that 43 police forces is the right solution for the present day is just wrong.

Although I have questions and doubt, there is a need for change, and I know that just from looking at my own authority in Nottinghamshire. A think tank report out today says that there are more crimes in Nottingham than anywhere else in the country, and high levels of homicide and serious organised crime—often related to drugs—have led to real policing problems in Nottinghamshire. There has been abstraction of police officers from rural to urban areas, and the Nottinghamshire police have had to call in resources from elsewhere. Members will also remember the chief constable's comment that he had "lost control". All that seems to indicate that, faced with serious levels of crime, we in Nottinghamshire need a larger, more strategic police force.

However, I have doubts, concerns and questions similar to those that the right hon. Gentleman expressed and I would like the Minister to acknowledge those questions and look for solutions. First, it is important that there is neighbourhood policing. The goal set out in the Labour party's manifesto is to have neighbourhood teams in place by April 2008. The debate about police changes has focused very much on the regional level and the strategic police force, but it needs to focus on the locality and the neighbourhood, because people want police officers who understand and respond to their concerns. It is important that the commitment to neighbourhood policing is not lost in the debate about larger structures. It is important to accept and acknowledge that larger strategic police forces must work hand in hand with neighbourhood police teams.

Secondly, we need to ensure that the new authority is properly resourced. I shall not repeat the figures that the right hon. Gentleman gave, but it is clear that there is always a cost to change, because change in itself is dysfunctional. I am concerned that police forces in the east midlands have been traditionally underfunded, as previous Home Office Ministers have acknowledged. There is a clear difference between local voices and local police forces on the one hand and the Home Office on the other about the cost of change, although figures are coming closer through discussion. One of the important things that we must do is set up a process to examine those figures and reach proper conclusions. Unless we have a firm financial structure, there is a danger that the new neighbourhood teams will be eroded by a lack of financing.

Patrick Mercer (Newark) (Con): I am glad to see at least one Nottinghamshire Member on the Labour Benches, but does the hon. Gentleman not agree that, with Nottinghamshire's population growing by 4.1 per cent. between 1993 and 2003, compared with a national average of 2.7 per cent., Nottinghamshire's case for extra resources and funding is overwhelming?

Paddy Tipping: There is a case for extra funding and resources for the Nottinghamshire police. However, I remind the hon. Gentleman, who takes a close interest in such matters, that police numbers are at a record level in Nottinghamshire. We need to talk not only about extra resources but about their good and efficient management. I am not confident that we have had the best such management in Nottinghamshire, and that view is also taken by Her Majesty's inspectorate of constabulary.

Thirdly, the right hon. Member for West Derbyshire talked about governance. If it goes forward, the new east midlands strategic force will cover an area larger than Belgium. It is really important that local people feel that they have ownership of the police. That may not happen sufficiently at a top, police-authority level, so it is important that a new strategic authority should have the powers and structures to involve people at a basic command unit level or through crime and disorder reduction partnerships. It is important that people have a say about the problems in their areas and a way of finding solutions, and I know that the Government are taking measures to enable that to happen. It cannot be right for there to be large strategic authorities but no say at a more local level.

Finally, I turn to council tax equalisation; again, it is a governance issue. I am far from clear about how it will be achieved. We need far more clarity from the Home Office about taking that forward.

Given the four concerns that I have mentioned, I believe that the timetable for change is far too rapid. Change is inevitable, but we need a timetable and framework for change that allows time for the problems to be not only discussed but resolved. I acknowledge that when a change is made, it is important to take its benefit quickly. However, on the face of it, the move to change in the east midlands is far too quick. There needs to be greater consultation so that we can find real solutions that will meet the needs and aspirations of people, not only in Nottinghamshire but across the east midlands.

Several hon. Members *rose—*

Mr. David Taylor (in the Chair): Order. Again, I urge hon. and right hon. Members to observe a self-denying ordinance. They should keep their contributions to less than five minutes to allow their parliamentary colleagues to be called.

9.58 am

Mr. Philip Hollobone (Kettering) (Con): On behalf of the people of Kettering, I congratulate my right hon. Friend the Member for West Derbyshire (Mr. McLoughlin) on securing this debate. I am 100 per cent. opposed to the abolition of Northamptonshire's own police force and to its absorption into an east midlands police service. The absurdity of the Government's merger plan

is that Northamptonshire will end up paying more for a police service that will provide fewer police officers to patrol our local area.

I recently spent 22 days with the parliamentary police scheme in and around Kettering. It is my firm view that local people there do not want the headquarters of Northamptonshire's police to be in Nottingham; they want more police officers, not fewer, to patrol our local area. A full regional merger would cost £100 million up front and a net additional £30 million a year. Where is the sense in that?

Mr. Peter Bone (Wellingborough) (Con): Does my hon. Friend agree that the proposal to merge the police forces has resulted in the loss of the chief superintendent in Wellingborough, who is being sent to my hon. Friend's constituency of Kettering?

Mr. Hollobone: My hon. Friend, as usual, is absolutely correct. Under the merger plans, we were promised greater emphasis on neighbourhood policing, but the constituencies of Kettering, Corby and Wellingborough now have one basic command unit instead of two, and Northamptonshire now has two basic command units instead of four. As a direct consequence of preparations for the merger plans, there is now less local emphasis on policing. I urge the Minister to allow the five forces, or some combination of them, to adopt a federated structure of inter-force co-operation and not impose a merger on them.

I impress on the Minister that we are talking about a huge area, stretching from the borders of Oxfordshire to the outskirts of Greater Manchester. When the county is divided up, Northamptonshire is always on the edge, and given the gun crime and gang crime that we have heard about in Nottingham, policing in Northamptonshire will not be a priority for the new east midlands police service.

The budget shortfall faced by the five police authorities in the east midlands is already £17 million for 2006-07. They are five of the most underfunded police authorities in the country. Over the past 10 years, in pounds-per-head terms, their income has risen by 24 per cent; that is compared to a rise in inflation of 28 per cent. In 2005-06, the average amount spent on policing in England was £174 per person. In the east midlands it was £143 per person, which is 82 per cent. of the English average. All five police authorities were underfunded on that basis, and in Northamptonshire the figure was £139 per person.

Steve Green, the chief constable of Nottinghamshire police, has written to the former Home Secretary, and I hope that the letter is on the current Home Secretary's file. That letter, dated 28 April, says:

"The current offer from the Home Office does not provide the necessary financial support and...without substantial additional funding, this region cannot achieve the minimum standard of Level 3 in protective services, let alone any prospect of future improvement to Level 4."

I shall go on with the letter, because this is an important point:

"It is equally clear from the Home Office analysis that the relatively small amount of additionality that would eventually be released through efficiency savings would not become available for investment in protective services until 2014. This situation fundamentally undermines the principal case for amalgamation. Dennis O'Connor's report clearly asserted that the East Midlands represents the area of greatest risk in the country".

The merger proposals are not welcome in Northamptonshire; they would undermine local policing and they enjoy no local support. The Northamptonshire branch of the National Association of Retired Police Officers is against the plans, as is Bill Dredge, who is the chairman of Northamptonshire neighbourhood watch, and Dr. Marie Dickie, the Labour chairman of the Northamptonshire police authority. The chief constable of Northamptonshire is worried about the loss of officers.

In conclusion, the new Minister for Policing, Security and Community Safety is talked about as the great persuader; that is why he has been put into his present job. I urge him to follow the advice of my right hon. Friend the Member for West Derbyshire and on behalf of all the residents of Kettering I ask him to think again, before it is too late.

10.4 am

Tom Levitt (High Peak) (Lab): It is worth noting that the only reason why we are having a debate on police restructuring is that Her Majesty's inspector of constabulary, senior organisations within the police such as the Police Superintendents Association of England and Wales and, according to a poll in *The Times* today, the vast majority of senior police officers all want a restructuring of the police to make it more efficient and effective in the battle against crime, both strategically and locally.

The right hon. Member for West Derbyshire (Mr. McLoughlin) is right to say that it is simply not sustainable to have 43 chief constables, 43 personnel departments, 43 finance departments and 43 press officers, or to have all those constabularies using different technologies and protocols, and in some cases having real problems communicating with each other. The status quo is therefore definitely not an option.

There are two dimensions to the proposed restructuring, and I am sorry that the right hon. Gentleman fell between two stools and did not give either of those the necessary importance. The first dimension is the strategic level, whereby organised crime operates not within localities—the towns and villages of our constituencies—but nationwide and regionally. We must have a system to fight organised crime and terrorism that is not locally based within divisions or even existing constabularies, but which has a bigger remit. That is why it is important to pool resources and strengthen the police at a strategic level.

The other aspect, which is probably more important for the current debate, is the local level. As my hon. Friend the Member for Sherwood (Paddy Tipping) has pointed out, within the existing divisional structures, police officers already have increased accountability through consultative committees and forums—certainly in Derbyshire—and even down to ward and beat level. In High Peak, we already have police officers whose text numbers and e-mail addresses are known to the people in their wards. They are directly accountable to the people they serve. That is a welcome development and I want more accountability—not at county level, but at division and ward level, and in localities. The good practice that already exists—

[Tom Levitt]

Derbyshire is well advanced in neighbourhood policing—should be made more widely available and should be used elsewhere.

Will the right hon. Member for West Derbyshire, on that understanding, join me in saying that B division of Derbyshire constabulary, which is the divisional command unit shared between our constituencies—it covers the whole of mine, and not quite all of his—should not be merged and should remain as the basic command unit? Does he agree that, if we are to take neighbourhood policing seriously, it is important that there should be no fewer divisions than there are at present?

Mr. McLoughlin: The hon. Gentleman is trying to have it both ways. I agree about B division, and I have no problem in supporting its continuation. It is likely to survive if Derbyshire keeps its chief constable, but it is highly unlikely to survive if there is an amalgamated force of five different authorities. We, the two local Members of Parliament, can have an influence on the chief constable, because there are only 10 Members of Parliament in Derbyshire. A chief constable with 44 Members of Parliament in the area covered by his force might well ignore us.

Tom Levitt: One advantage of the debate is that the Minister is here to listen and has heard us, on a cross-party basis, say that the divisional structure in Derbyshire should remain as it is whatever the final outcome. I welcome the right hon. Gentleman's support for that view.

The last word on accountability is that most people in my constituency would have difficulty in saying exactly where the police headquarters is. Perhaps that does not apply to the right hon. Gentleman's constituency, which is closer to it. However, it does not matter where the chief constable is based. The location of the communications room, which is the place that people phone up, does not matter. People want to know that the divisional commander is on the ball and that their local policeman is on the beat in their neighbourhood. That is the level of accountability that I want, and I believe that it can be retained and strengthened under the new proposals.

I am pleased that the right hon. Gentleman did not show a very strong inclination to go down the road of federation. It has been proposed on some fronts that we should adopt a loose federation of constabularies, but that has all the disadvantages of the current system with few of the advantages of the new proposal. The most important thing about federating constabularies is that it makes long-term planning impossible. As long as the federation is loose, it will not lend itself to such planning.

Mr. McLoughlin: I did speak in favour of federation as preferable to what the Government are providing. There is a federation between Derbyshire and Nottingham: they share a helicopter, and I welcome that. It has been a useful part of the system and has not stopped long-term planning.

Tom Levitt: Of course it is sensible to share particular services, but that does not mean that the strategic decisions of the different authorities are necessarily being taken in line with each other. The debate has evolved already in that the two-county proposal that was on the cards a little while ago is no longer there. It proved deeply unpopular in Derbyshire, and it is right that the Derbyshire-Nottinghamshire proposal has been taken off the agenda and that we should be talking solely about the five-county proposal.

I agree that there are problems, and I hope that the Minister will address them. They are to do with not just the different council tax precepts in the five authorities that will be brought together, but with the hugely different pension arrangements and pension scheme funding in the different constabularies. There is historical underfunding in Derbyshire, which is a much worse-funded authority than Nottinghamshire, for example. We need some equalisation. We also make a legitimate demand that the cost of the mergers should not either fall on council tax payers or result in reduced services. We know that it will take some years for the cost benefits of the merger to work through, but in the interim there must be no cost to other services or council tax payers.

Like the hon. Member for Kettering (Mr. Hollobone), I have taken part in the police service parliamentary scheme. We get a wonderful insight into how police operate and the huge diversity of services, and the scheme also allows us to see how well police officers are doing throughout the country. We have record numbers of police officers in Derbyshire and elsewhere, as well as falling crime. In Derbyshire, we have rising detection rates and some of the lowest crime levels in the country. We are proud of our local policing services. This is not an easy project to manage, and it must not be rushed. It is a year since it came on the timetable, and with a four-month consultation I think that it will take at least two years to put into operation.

I stress to my hon. Friend the Minister that it is important to get things right, rather than to get things quickly. If the debate is centred on what people want in terms of policing in their localities and neighbourhoods, and the quality of service that they see on the street outside their front door, and if assurances are given on that, there will be a lot more willingness to go along with different options for strategic organisations above that level.

I am pleased that the debate is taking place, as it offers us all an opportunity to put the issues on the record. I hope that the problems and issues that I have raised will help the Minister to guide and work with police authorities to reach a solution that we can all live with.

Several hon. Members *rose—*

David Taylor (in the Chair): Order. I urge hon. Members to stay within the five-minute limit.

10.12 am

David Tredinnick (Bosworth) (Con): I am grateful to be called and will try to keep my remarks very brief.

The Minister and I were first in the room this morning, and I said to him that his Department has traditionally been a bed of nails for Ministers. I know

that he is on his first day. I will not betray confidences by saying what he said to me, but he did smile. One thing that I would have thought should be going through his mind is the fact that he is in a Department that is widely seen as absolutely chaotic: convicted criminals who should be deported are not, there are problems with the cleaners at the Home Office being illegal immigrants and there are difficulties with the Criminal Records Bureau recording innocent people as criminals. It is indeed chaotic.

I was looking at my hon. Friends the Members for Blaby (Mr. Robathan) and for Newark (Patrick Mercer)—gallant Members who have served in the armed forces—and thinking what they, as soldiers, might say to the Minister. They would probably say that he should try to shut down one of the fronts. The Home Office seems to be fighting on so many fronts, so surely this is a great opportunity for the Minister to get further promotion with his boss, and at the very least to adopt the Rushcliffe model. Rather than going the whole way, maybe he could reach an accommodation or solution with my right hon. Friend the Member for West Derbyshire (Mr. McLoughlin), the Conservative Chief Whip, whose debate this is—I am not looking for promotion—and the hon. Member for Sherwood (Paddy Tipping). There is common ground.

There is almost universal disapproval of the proposals; no one wants them. Even the chief constables who were so heavily influenced by the Home Office when the Terrorism Bill was before the House—who were strong-armed into coming up with a position and briefing us—have changed their positions. One or two may covet the job of super-chief constable or Metropolitan Police Commissioner of the shires, but even they have come round. They do not want this nonsense. No one does.

As my right hon. Friend the Member for West Derbyshire said, accountability will be hopeless and it will suffer. The situation will be like the one in Hinckley. I have no chance of speaking to the chief constable for the west midlands, which is on the other side of the A5, but I have the mobile phone number of the Leicestershire chief constable in my pocket. I have had it ever since the Home Office gave it to me when it was trying to influence him, but we shall not go into that.

Members have spoken eloquently about the chaos and ridiculous costs of merger. I ask Members who have been in the House for a while—I have been here as long as some—whether there has ever been a reorganisation that has not cost more than expected. My hon. Friend the Member for Rutland and Melton (Mr. Duncan) alluded to that. Such reforms—for example, health reforms—always cost more and there is always some difference.

This is completely the wrong tack, and we should take a leaf out of the New York police force book. That force works within certain precincts and uses sophisticated computer systems. In an age of information technology when communications are improving all the time, why are we told that we must accept vast, Stalinesque, monolithic structures that are totally unaccountable? Surely, with all the electronic wizardry around now, police force can talk to police force. It is not the case that the protocols are all wrong.

I say to the hon. Member for High Peak (Tom Levitt) that there may be some problems with Devon and Cornwall police communicating with Cumbria, but the West Midlands and Leicestershire constabularies use a good mutual aid system to deal with nightclubs in Hinckley and Nuneaton. There is no problem—the argument is complete nonsense.

Mr. Deputy Speaker— I am not supposed to call you that in Westminster Hall. It is Mr. Chairman, I know. We cleared that earlier on.

David Taylor (in the Chair): Order. The convention is "Mr. Taylor."

David Tredinnick: Thank you, Mr. Taylor.

I ask any hon. Member of the House, who is more accountable to their constituents—Members of this old and honourable House of Commons or Members of the European Parliament? What is the answer? Who represents constituencies the size of Belgium? Is it us? No, it is not. It is MEPs, who have an impossible task in relating to anybody. The same principle applies in this case. Let us be done with the nonsense of vast structures and get back to some sensible local policing.

10.17 am

Patrick Mercer (Newark) (Con): I congratulate my right hon. Friend the Member for West Derbyshire (Mr. McLoughlin) on securing the debate, which is terribly important. I also congratulate the Minister on his new appointment. I am sure that he will handle it with the same aplomb as he has handled all his other appointments. I am pleased that there are three Nottinghamshire Members here today, as I believe that they will underline the importance of the issue to the county.

I shall not iterate points that have already been made about Nottinghamshire. The fact remains that this morning we have been told that Nottingham stands high—in fact, at the highest and most lamentable point—in the crime statistics for the country. Our constabulary is constantly under pressure: it is underfunded, understaffed and overtasked, and constituents in Sherwood, in Rushcliffe and certainly in Newark and Retford feel that they are not receiving the correct services from police officers whom they largely admire and who do a splendid job, but who do not have the resources to do what they are required to do.

I have already made the point about Nottinghamshire's population increasing by 4.1 per cent. in the past 10 years, as opposed to the national average of 2.7 per cent., and points about underfunding have been made more eloquently by others than they would be made by me. The hon. Member for Sherwood (Paddy Tipping) is dead right—the situation must change. If we are to deliver better policing to Nottinghamshire, the structure must be better.

I probably differ with the hon. Gentleman on one or two details. I believe that we can achieve some economies of scale, but it worries me very much that a large sum of money will be spent on a wonderful new police station in a place such as Newark, yet the city of Nottingham—and, I have no doubt, cities such as

[Patrick Mercer]

Leicester, Northampton and others within a large five-county police force—will continue to act as a magnet for police officers and the dreaded policy community support officers.

Many officers are abstracted from rural constituencies such as mine, as well as Sherwood and the Rushcliffe constituency, to go into the city to fight gun and drug crime, which mercifully have not yet struck the streets of Newark. None the less, we have all sorts of difficulties and we require our officers to be based locally, to have a local focus and to be accountable to local people in a local way. I believe that the scheme the Government are espousing will destroy that.

We have a federated police force structure in the east midlands and it has worked pretty well. I suggest that there is no better example of how police forces co-operate than the way that Lincolnshire, Nottinghamshire and Derbyshire co-operated on the prosecution of my Labour predecessor in Newark. The three forces worked splendidly to produce a wonderful result, at least in the short term, and showed how a federated police force can work particularly well. As my right hon. Friend the Member for West Derbyshire said, if we go down the Government's suggested route, we will end up with a leviathan of five counties and, in theory, a single chief constable.

As sure as shooting, and in the same way that the national health service has turned itself inside out over the past five or six years, we will shortly see another restructuring of those large forces with less accountability at local level, more costs, lack of focus and lack of resourcing. There are bound to be changes because that is a law of nature. My right hon. Friend and the hon. Member for Sherwood alluded to that.

There can be economies of scale. Looking to my shadow responsibilities, when I first heard about the plans, I wondered what use they would have. They could be attractive in fighting terrorism, and in that respect they may make sense, yet the model that has already been adopted for terrorism stretches from the Welsh border to the North sea. It has nothing to do with the five-county structure that is being prepared. If we want more effective structures, let us consider what is in place: undoubtedly, there could be economies of scale and there are ways of doing things better, but I deeply resent the loss of local accountability and of local policemen serving local people.

I believe that the Home Secretary is seeing sense and that he is beginning to row back on the proposals. If anything that my right hon. Friend, my colleagues and friends on the Government Benches say today persuades the Government that this is the wrong course of action, the debate will have been worth while in spades.

10.22 am

Paul Holmes (Chesterfield) (LD): I add my congratulations to the right hon. Member for West Derbyshire (Mr. McLoughlin) on securing this important debate. We are geographical neighbours but not, I hasten to add, political neighbours. Our constituents share many common interests, and Derbyshire police are one.

The objections to the creation of an east midlands super-force fall into three categories. The first is the undemocratic, rushed and sham way in which the proposal is being forced through and the consultation is supposedly taking place. The hon. Member for High Peak (Tom Levitt) said that it is important to get these things right rather than to get them quickly. What has happened so far provides no assurance of that.

These changes in policing are the biggest in this country since the service was created in 1829, yet they are being rushed through in just a few months. On 22 September 2005, the Home Secretary wrote to police authorities saying that there were plans to merge police forces to create super-forces. He said that within just five weeks he wanted police authorities throughout the country to come up with proposals for mergers. On 11 November, they were told to prepare their preferred options by 30 November—just 19 days later. At the start of December 2005, police authorities were told to produce their final single preferred option by 23 December—just three weeks later.

To force through such drastic changes in such a short time is undemocratic and rushed, allowing no time whatever for adequate consultation with the public. In that rushed time scale, the Government refused to consider federations and local forces, which we have discussed in the past hour. They refused to allow consideration of co-operation on wider issues—for example, combating serious and organised crime, terrorism and even common payrolls—yet the same Government who refused to allow consideration of federation have insisted that the fire authorities do precisely that—federate to run joint control rooms. There seems to be no logic in a system whereby one branch of the emergency services federates while another cannot consider it.

Finally, in the past few weeks the pace of rushed, sham consultation picked up speed, and on 20 March the Home Secretary announced that he intends to merge the five police forces into one east midlands force. He asked each police authority to inform him by 7 April whether it would like to proceed voluntarily to merger. Without exception, every force in the east midlands—like most throughout the country—said no, they would not like to proceed with a voluntary merger for all sorts of well thought out reasons.

Tom Levitt: Although I support the merger in principle, it was important that Derbyshire constabulary and the others did not go down the volunteer route because had they done so there would not have been the four-month consultation. Even if they had been in favour of it, they still should have opted for the consultation.

Paul Holmes: That is exactly the point I want to come to next. On 11 April, having been told on 7 April that the five forces did not want to merge, the Home Secretary said, "Well, you're going to anyway—I am going to force it on to you." There is a four-month period for objections, which we are in the middle of now, but the Home Secretary had already made it clear that at the end of that period he would introduce a statutory instrument, using powers in the Police Act 1996, to impose a merger. Therefore, the whole consultation is a sham, and the whole thing so rushed it is meaningless.

The second group of objections is to do with funding issues, which we have already had examples of from around the region. Derbyshire is traditionally underfunded, particularly since the dark days of the 1980s when a left-wing council leader, the right hon. Member for Sheffield, Brightside (Mr. Blunkett), fought battles with a right-wing Conservative Government led by Baroness Thatcher.

In 2005-06, the average funding increase for police forces across England was 4.4 per cent., but in Derbyshire it was only 3.75 per cent. despite the traditional underfunding of the force. Over the next two years up to 2008, Government funding plans require a further £6 million of underfunding or cuts in Derbyshire police, which has led to the police authority writing to every Derbyshire MP, to say in blunt terms that that means there will be a reduction in police officer numbers, less resources for neighbourhood policing and reduced opportunities to make full use of advances in forensic science that would otherwise improve detection rates.

That is a grim background to start with, but we must look next at the financial implications of this forced merger. We have had the details, so I will not go into them all, but the east midlands police authorities, which must be the experts on this, say that the set-up costs will be about £101 million and the ongoing costs £45 million. However, the Government—the Home Office—say, "No, we will fund this at £80 million on the set-up costs and £20 million on ongoing costs," which is considerably less. That can mean only that there will be a reduction in the services provided as a result of this merger.

There are other issues such as pay harmonisation. It will cost £9.4 million each year to harmonise the different pay structures across the five forces. The Home Office has made a partial commitment by saying that it will fund the cost for the first three years only. What happens after that? Either the council tax goes up or police numbers go down. There is also precept equalisation, and again there are different levels across the five forces—there is a 30 per cent. differential. How will that be harmonised out, given the capping guidelines of the former Office of the Deputy Prime Minister, which would not allow harmonisation to take place in that time scale?

Daniel Kawczynski (Shrewsbury and Atcham) (Con): On precepts, my understanding is that it will take at least three to four years for them to merge, so during that time we will have the same police force but some areas will be paying significantly more than others, which is unacceptable.

Paul Holmes: Absolutely. That leads us to my final group of objections to this forced merger, which involves the principle of local accountability. The size and diversity of the east midlands have been referred to, so I will not go into that, but the geographical differences and communications difficulties in respect of a force running from Northampton at one end to Skegness at another, and to High Peak and Chesterfield at yet another, speak for themselves. However, there is local accountability for a force such as Derbyshire. Let me highlight that by referring to an issue that has been raised.

In one or two of the previous four years, Derbyshire police authority has increased the council tax precept by well above the rate of inflation specifically to fund more beat police. I argued at the time—I have not received any comeback from my constituents to say otherwise—that my constituents would support that because they would see beat police on the ground making a difference. The right hon. Member for West Derbyshire says that his villagers have not seen a difference, and perhaps they are not so keen, but we have certainly seen a difference in Chesterfield.

However, would council tax payers in Chesterfield, West Derbyshire or High Peak be willing to pay extra council tax for more police if those police were going to Nottingham, Leicester or Northampton—or anywhere else in that giant super-region? It is not practical. For three different sets of reasons, I urge the new brooms at the Home Office to think again. Unfortunately, I do not have much confidence that they will.

Several hon. Members *rose—*

David Taylor (in the Chair): Order. I shall call the right hon. Member for Charnwood (Mr. Dorrell), but I must point out that the hon. Member for Wellingborough (Mr. Bone) also wants to get in before 10.40 am.

10.30 am

Mr. Stephen Dorrell (Charnwood) (Con): I congratulate my right hon. Friend the Member for West Derbyshire (Mr. McLoughlin) on raising this topic. It is a long time since a Government Department has produced a proposal for which there is less support in the House; more important, less support among those in the police service who will have to put the proposal into effect; and most important, as my right hon. Friend pointed out, less support among our constituents. It is worth pausing to reflect on why there is so little support in any part of the community for the proposals.

The fundamental reason is that the arguments advanced in favour of the proposal remind me of nothing so much as "newspeak", as defined by George Orwell in "1984". Ministers and their apologists have offered series of arguments that bear no relation whatever to what most of us, and most of those in the police service, expect to be the reality. We are told that the merger is important in order to improve accountability. Since when did a shift of authority from a largely county basis to a regional basis improve accountability? It stands common sense on its head.

We are told that the merger is necessary to improve cost efficiency in the police service. Never mind the fact that the police believe that the Government have underestimated the cost, the Government themselves admit that it will cost £80 million, and that one day, five years hence—perhaps—there may be a payback, assuming that the Government do not change their policy again. Hello? Which world do the Government live in?

Finally, we are told that the proposals are important because they will assist operational efficiency. I do not understand the logic of telling my hon. Friend the Member for Bosworth (David Tredinnick) that the efficiency of the commander in Hinkley in dealing with

[Mr. Stephen Dorrell]

nightclub louts, shifting between Hinkley and Nuneaton, will be improved by bringing Nottingham into the loop. Will someone please explain that to me and, more important, to the policemen and women who fear that it is another scheme dreamed up by the Government that will undermine the efficiency of their service and the delivery of that service to local people?

When I reflect on why such a friendless proposal was driven so hard by the previous Home Secretary—we hope that it will not be driven so hard by the new one—I can draw only one conclusion. It is yet another proposal dreamed up in the bowels of a Whitehall Department that may look good on a bureaucratic organogram but simply does not reflect operational efficiency on the ground—or, more important, common sense.

10.34 am

Mr. Peter Bone (Wellingborough) (Con): It is a great pleasure to follow my right hon. Friend the Member for Charnwood (Mr. Dorrell), who made a powerful speech. I congratulate my right hon. Friend the Member for West Derbyshire (Mr. McLoughlin) on securing such an important debate; the number of Members here today is testimony to that.

I shall concentrate on something that affects my constituency of Wellingborough. I founded a campaign called "Listening to Wellingborough and Rushden", in which a regular survey is made of the constituency. Not only do we have a snapshot of people's worries at any one time, but we can compare those snapshots, month to month and year to year. You might think, Mr. Taylor, that education would come top of the poll in Wellingborough, because a secondary school has been closed under the Labour Government; or you might think that it would be health, because many of my constituents must wait more than six months for an NHS operation; but neither of those issues are at the top of the poll. Law and order consistently tops the poll and, interestingly, in the past few months the gap between law and order and health and education in the survey results has been growing. The perception, at least in Wellingborough, is that crime is getting worse and people are more concerned about it. That is how things are under the current arrangements.

Further examination of the survey results, to see what specific concerns the people of Wellingborough have about law and order, shows that they are worried about vandalism, foul language, yob culture, arson and mugging. Those problems would, I believe, have a very low rating in a regional east midlands police force. The problems are so bad on some estates that one or two families are terrorising the law-abiding citizens of Wellingborough. I recently met a delegation from the Croyland ward in my constituency. They had put their heads above the parapet: usually people are too scared to say anything when there is vandalism and yob culture, but these people had said "Enough is enough; we want something done about it." What they want is more local police on the street, catching criminals and deterring crime.

Let us think a little about where Wellingborough is. I had hoped, Mr. Taylor, to bring in a map to show hon. Members, but I understand that parliamentary procedure does not allow it. Perhaps I can describe it. Northamptonshire is right at the bottom end of the east midlands and Wellingborough is right at the bottom of Northamptonshire. Rushden, where I live, is the second town in the constituency of Wellingborough and is right at the bottom of the constituency. If I walk 100 yd I can be in Bedfordshire. That is where Rushden is. The new centre for policing will be further up the map, in Nottingham, and somewhere even further up the map will be the edge of the east midlands. To the people of Wellingborough, the proposal is ridiculous.

The basic command unit has already been changed to fit in with the new plans, so my chief superintendent has moved from Wellingborough to Kettering. At the moment I have meetings with the chief constable, and I used to have meetings with the chief superintendent. Those will disappear if we have an east midlands force.

We heard earlier in the debate that Nottingham has come out pretty poorly in the crime figures. Leicestershire has come top of the ranking for assaults. If there is an east midlands regional force it will be the duty of the chief constable to put his resources where there is most crime, so what will happen? Police officers will be taken from Wellingborough and moved to Nottingham and Leicestershire. That is the fear not only of the people of Wellingborough, but of the chief constable of Northamptonshire. We will lose policing, which will go towards Nottingham and Leicestershire. The people of Wellingborough will lose out.

At the moment my constituents do not have enough police out on the beat catching criminals and deterring crime. If there were an east midlands police force, any policing of that kind would disappear entirely and crime in my constituency would go up and up. In the "Listening to Wellingborough and Rushden" survey, law and order would become an even higher priority.

10.39 am

Mark Hunter (Cheadle) (LD): I congratulate the right hon. Member for West Derbyshire (Mr. McLoughlin) on securing the debate. The issue is important and is likely to affect not only the east midlands but many communities in the country. I am sure that many of the concerns that the right hon. Gentleman has raised today are shared by police officers, residents and, indeed, Members of Parliament from south Wales to Suffolk. It is regrettable that several hon. Members have had to seek Adjournment debates on the issue as a result of the Government's attempts to sidestep debates on the Floor of the House on such a hugely important matter.

I shall start by outlining the areas in which I and my party agree with Government policy. It is clear that in some instances small police forces do not possess the resources to deal effectively with some serious crimes. Several recent high-profile cases in which a particular force required assistance—Soham is just the most obvious example—have demonstrated that the Government were right to explore ways in which police forces could better co-operate and support each other; that much is not in doubt. It would be wrong to suggest that Liberal Democrats oppose closer co-operation between different forces and agencies. For example, we have called for a national border force to bring together the disparate agencies that deal with border security,

including the relevant police, customs and immigration officers. We have also called for a new national body to deal with financial crime, which seems to be a low priority for the Government.

I do not agree, however, that the nuclear option, if I might use that phrase in this context, of axing entire police forces is a sensible way to deal with the issues. In my view, the answer is staring the Government in the face. The recently established Serious Organised Crime Agency gives the police a ready-made resource on which they can call if they need to. If SOCA could take responsibility for level 2 crime, as my party has suggested, we would have the ideal solution, because serious crimes and crimes that take up disproportionate resources could be tackled without, in effect, bankrupting smaller forces and, crucially, local communities in the east midlands and beyond would remain strongly linked to their local police forces.

My experience of local government in the past 10 years has demonstrated to me in the clearest possible terms that, despite their rhetoric, the Government remain committed to centralisation. They seem to believe that an office in Whitehall can deal with community policing better than a local beat bobby can. One has only to speak to local police officers in a constituency to realise that much of their work is dictated by Home Office targets and politically inspired initiatives. Worryingly, that trend is replicated across a broad spectrum of services, including the NHS, where central mismanagement has led to local funding crises, and local authorities, which must somehow reflect local priorities while trapped in the central Government straitjacket.

In pursuing the regionalisation of police forces, we need to remember that current regional structures in the east midlands, as in the rest of the country, are the result of arbitrarily drawn administrative boundaries with no democratic structures underpinning them. The amalgamation of police forces would result in the abolition of police authorities and the loss of the link to elected councils through local authority members. Although the Home Office argues that new structures of accountability can be built around basic command units, that would create the worst of both worlds, because such structures would be too distant from local communities to provide meaningful discussion of neighbourhood priorities, and too fragmented to provide meaningful scrutiny of decisions that are taken at force level.

I turn now to the practical pitfalls of the mergers policy as it affects forces in the east midlands and elsewhere. Like all regions, the east midlands is diverse, with large metropolitan areas and distinct rural localities. Should the proposals be implemented, there is a real danger, as has been said, that officers and other resources will be drawn away from the quieter areas to police urban crime hot spots. Chief constables of smaller forces act as champions for their areas and can lobby for a fair share of resources, but that simply will not be possible under the new model.

In addition, there is precious little evidence that big forces perform better than small ones, which serves only to confirm suspicions that the real motive behind the policy is to save money. The HMIC baseline assessment in 2004 found that, regardless of size, all forces were classed as "fair" or "good" at tackling level 2 crime. If the resources required for mergers come from the neighbourhood policing strategy budget, that would signal in the clearest possible terms that the Government's priorities lie with centralisation, not local policing.

Amalgamation would also reduce police accountability and responsiveness by distancing force HQs physically and figuratively from the communities that they serve and by sacrificing coterminosity with local authority boundaries. However, it is not only coterminosity with local authority boundaries that is threatened, because the relationships between other agencies, such as—

David Taylor (in the Chair): Order. I urge the hon. Gentleman to bring his remarks to a close.

Mark Hunter: I shall do so, Mr. Taylor. The relationships between other agencies such as the Crown Prosecution Service, the courts and the probation service could also suffer. The last thing we need to do now is to allow the gaps in knowledge between the police and the probation service to grow wider. If ever a Government Department was desperate to buy some good will it is the Home Office, and the new regime now has the opportunity to take on board the views expressed this morning and to put a stop to the plans.

10.45 am

Nick Herbert (Arundel and South Downs) (Con): I congratulate my right hon. Friend the Member for West Derbyshire (Mr. McLoughlin) on securing this debate, and I welcome the Minister to his new position. His predecessor as Minister for Policing, Security and Community Safety lasted for two weeks; I hope that the hon. Member for Harrow, East (Mr. McNulty) lasts longer. Commentators have described the mini-reshuffle that took place yesterday as reshuffling the deckchairs; I hope the Minister enjoys life on the deck of the Titanic. When icebergs appear, it does not make sense to steer the ship straight towards them, but that is what the Home Office has been doing in relation to police amalgamation, in a totally unnecessary distraction from the job that the Department should have been doing. It is clear that the previous Home Secretary was too distracted by this process. I hope that the Minister and the new Home Secretary will think again—we hear that they are considering doing so.

My right hon. and hon. Friends raised a number of important concerns about the absurdly tight timetable for the amalgamations and the lack of consultation with local people. I shall wish to focus on three points made by the hon. Member for High Peak (Tom Levitt), because I think he was wrong on all three counts.

First, the hon. Gentleman made some suggestions about local accountability and people's ability to get hold of their divisional commanders and to have their e-mail addresses. He suggested that the survival of the basic command unit, although that is not assured in respect of the one he referred to in west Derbyshire, would be an adequate substitute for the loss of the chief constable. He said that nobody minded about where their chief constable resides, but actually, that matters a great deal, especially for a force that will cover an area of 6,000 sq miles and serve 4.2 million people. It matters,

[Nick Herbert]

not only for the reasons that my right hon. Friend the Member for West Derbyshire suggested in terms of direct access on the part of Members of Parliament, but because power and decision making has to lie somewhere. Ultimately, somebody has to run the force and decide where resources will be deployed, and it would be a fiction to pretend that a BCU commander will be able to respond to people in the local community and say, "Yes, I will do this," or "I will do that," when in fact the force is run by the chief constable who is miles away. All Members will feel the loss when we find that our local communities are no longer able to have any influence at all over the proper decisions being made by the chief constable.

Secondly, the hon. Member for High Peak suggested that the federation of forces was not a viable option. I think that he is wrong. There is plenty of evidence in the midlands that federation, or the sharing of services between forces, is a viable alternative—look for example at the midlands counter-terrorism support unit, which operates in the east midlands. The option of sharing services was suggested by the Prime Minister, no less, as an alternative to amalgamation, which his own strategy unit warned would be a risky undertaking. It has not been properly considered by the Government. It was recommended by the Association of Police Authorities, but the impetus to achieve co-operation between forces has now been lost because there will be no incentive on the part of the strategic forces, some of them much smaller than the east midlands force, to share services.

Finally, on funding, I hope the Minister has seen a copy of the paper prepared by the Association of Chief Police Officers' head of finance, the chief constable of Gloucestershire, which was reported in *The Daily Telegraph* last Friday. If he has not done so, he should read it. The ACPO conference will debate it this week. The report represents a salutary warning to those who believe that amalgamation will somehow allow a reinvestment of resources into enhancing protective services. We all agree that there is a gap and that protective services need strengthening; the question is how we do that. ACPO's head of finance warns that because of the triple counting of services, and because amalgamations will cost money—£77 million in respect of the east midlands force—resources will not be available for investment into protective services and there will be an impact on neighbourhood policing.

I end by quoting the conclusion of the report:

"Ultimately unless additional funding is identified the early years of Force amalgamation are likely to be a period not of service improvement but a period of rapid and significant reduction in service provision as the new forces desperately try to balance their books."

If the Minister does not take account of that warning, he is making a severe mistake. I urge him to listen to what almost everybody has said this morning, and to think again.

10.50 am

The Minister for Policing, Security and Community Safety (Mr. Tony McNulty)**:** I congratulate the right hon. Member for West Derbyshire (Mr. McLoughlin) on securing the debate—something that the hon. Member for Arundel and South Downs (Nick Herbert) on the Front Bench did not do, by the bye, in the rush to make his contribution.

Nick Herbert: Yes I did.

Mr. McNulty: None the less, it has been an extraordinarily useful debate, certainly for me, given my current circumstances. I congratulate the right hon. Member for West Derbyshire and others on both sides on the broad tone of the debate. It has been essentially non-partisan, or cross-party—whichever way one wants to view it—and it has been well informed. I would expect no less from the MPs of the east midlands.

As a London MP, I find that policing in London is different from policing elsewhere, but I do, and will increasingly, appreciate what policing means outside London and in other areas. By the bye, I do not think that I heard the hon. Member for Cheadle (Mark Hunter), who speaks for the Liberals, congratulate the Government on leaving his Greater Manchester force alone, which I thought was a bit churlish.

The points that right hon. and hon. Members have made are important, but most—not quite all—of them started from the premise that the status quo is not terrible. Our broad position starts from that. As hon. Members will know, the Government's plans for assorted forces up and down the country are clear. However, none of the speakers went to the ditch to defend, in absolute terms, where we are now with policing. I am enormously grateful that that is the starting point. The present model is some 30 years old and, purely in terms of the development of society since then, bears greater scrutiny.

I take on board all that has been said about merger being at one end of the scale—the nuclear option, I think it was called—and all sorts of collaborative work and other options on the road to merger being at the other end. We should be clear that the proposed merger model does not preclude that sort of collaboration, or a federated structure, beyond and outside regions. As the hon. Member for Newark (Patrick Mercer) suggested, there must be ever greater collaboration across the country and across regions, not least on counter-terrorism, as he says.

Before I come to matters of substance, let me say that I take on board what has been suggested about the timetable. If hon. Members feel that they have not had sufficient face time—for want of a better phrase—with Ministers to talk through the issues in detail, I am more than happy to ensure that that happens. I am not sure that I would welcome all 44 east midlands MPs in the same room, all barking and baying at me at once, but we can certainly look into the details of how that should happen. I would welcome that opportunity, too. However valuable the Adjournment debate is, we can discuss these matters in far more detail in much smaller groups. I am more than happy to do that, whether on a county basis or otherwise, and I will afford the same facility—because it would help me as much as anyone—to the Front Benchers; I will come and hear their concerns.

Many of the complaints about what the Government are trying to do—quite naturally, in terms of hyperbole and rhetoric—involve attacking straw men and putting forward simplistic models. If all that the Government were offering was a rush to merge regional authorities, many of the concerns about accountability, remoteness and day-to-day operational policing would be well made.

Mr. Kenneth Clarke: Will the Minister give way?

Mr. McNulty: I will in a moment, because I am keen to understand the Rushcliffe model mentioned by some speakers.

What is on offer must be, and be seen to be, inextricably, all the three elements, which are neighbourhood policing, a redefinition of basic command unit accountability, and the broader strategic structure.

Mr. Kenneth Clarke: Many years ago I encountered the same problem relating to force sizes and accountability. Will the Minister accept in this debate that the accountability and contact that mean most to many MPs and their constituents is at divisional level and local level, and that it will take much longer than the Government's present timetable to explain how accountability and contact at those levels can be improved as we move towards a giant overall organisation covering five rather disparate counties?

Mr. McNulty: I am grateful for that intervention because in broad terms I agree with it. As I said at the beginning, I am not metrocentric. I appreciate that London is policed differently, but to return to the London parallel, I have never had cause, in specific local terms, to ring up Scotland Yard for anything. However, like the hon. Member for Newark, I have the numbers and other details of my local basic commander—borough commander, as we call it. That is where the accountability lies.

It is important to say that all three elements that we are discussing are significant. I take the points that people make about neighbourhood policing and wanting the police to be highly visible on the streets in their neighbourhood. That is part of the debate. I take the point that the divisional level, the BCU level, must be the focal point for greater and enhanced communication among local communities, local representatives such as MPs and councillors, and local police forces. None the less, the case is made for forces to cover a wider area.

I ask hon. Members to take seriously what I say about seeing people and talking these issues through in far more detail during the objection period. Everyone can bandy about assorted quotes from chief constables. I accept that, so let me do it. The chief constable of Leicestershire says that merging five forces into one is going in

"the right direction and will provide, in time, greater flexibility and effectiveness".

I accept that that is a qualified statement, but the chief constable accepts the broad thrust of where we are going.

Mr. McLoughlin: Will the Minister give way?

Mr. McNulty: Funnily enough, I have no quote for Derbyshire, so I will give way to the right hon. Gentleman.

Mr. McLoughlin: I am sorry that the Minister has no quote for Derbyshire. May I press him on one point? At the moment, we are in a four-month consultation period. My understanding is that it will end sometime in July. Will the Minister assure us that an announcement will not be made on this issue on 25 July, as the House rises, and that we will have the opportunity to discuss it so that the House can properly measure the proposals?

Mr. McNulty: I can give the right hon. Gentleman an assurance on the first point, because I understand that the four-month objection period finishes around 11 August, rather than in mid-July. Therefore the small window at the end of July wherein he suggested there might be parliamentary debate does not come into play.

Let me say this as clearly as I can, because there have been intimations in the press. The new Home Secretary starts from the premise that the current position is simply untenable and the direction of travel of what we have suggested is the right outcome. Quite rightly, as a new Secretary of State, my right hon. Friend reserves the right to take a look at things such as timetables and all the other elements that go with that. With or without that, local MPs are right to raise what are very important issues—none of which I traduce as trivial—such as council tax precept equalisation, the disparity between urban and rural areas and the disparity between the starting financial bases of each of the counties. Work is being done on those matters. In fact, the east midlands business plan for the merger was one of the best of those submitted, but work continues.

If hon. Members are suggesting that more time is required, I am not shocked or astonished by that and I will certainly take their suggestions back to the Department. I have commented on the Home Secretary's position. If the concern is that they have not had sufficient time at ministerial level to talk their concerns through, I will give an assurance that that can happen for the east midlands and elsewhere. I take seriously the concerns expressed by hon. Members and I will take them back to the Department, but the current position is untenable. We want to go in the direction outlined in the merger plans. Policing is far too important to ignore the genuine concerns raised by hon. Members from all parts of the Chamber—

David Taylor (in the Chair): Order. I ask contributors to and observers of the police forces debate to leave quietly.

Sunday Trading Hours

11 am

Mr. Andrew Smith (Oxford, East) (Lab): I am grateful for the opportunity to debate Sunday trading hours and to do so with you in the Chair, Mr. Taylor. I welcome my very good friend the Minister, who is responding to this debate. He represents a London constituency and, in that capacity, I hope he will join me in welcoming the goals of the *Evening Standard* campaign for small shops in the capital.

I studied, as I am sure the Minister did, the remarks of our right hon. Friend the Minister for Trade, who, while in his current post, said in the recent Commons debate on confident consumers:

"I am determined to...strike the right balance."—[*Official Report*, 11 May 2006; Vol. 446, c. 566.]

I am pleased that he used that phrase, because the right balance is what the whole question of Sunday trading hours must be about.

I speak as a fully paid up and long-standing member of the Union of Shop, Distributive and Allied Workers. The issue is crucially important to the union and its members. We need to strike a balance between more than the interests of shop workers, whom I believe are the majority, who do not want longer Sunday working hours, and consumers, whom I believe are the minority, who do. This issue is about the right balance between large and small stores, and between the character of Sunday and that of other days of the week. It is also about the work-life balance and the balance between the interests of those who are affected by the traffic, deliveries and servicing of Sunday trading and those who want to shop.

We should all recall that there was intensive and prolonged debate on all those issues before the passage of the Sunday Trading Act 1994, which was itself a considered compromise between those who wanted no Sunday trading, those who wanted deregulation and those who wanted a significant bit of trading for large stores, more freedom for small stores and protection for affected workers. It was a compromise—it struck a balance—and subsequent developments qualified it, notably the welcome introduction of the minimum wage and Christmas day protection.

The balance has, on the whole, worked better than opponents at either end of the spectrum expected. People can shop in large supermarkets and stores for much of the day and they can use smaller shops outside those hours, yet Sunday remains a bit different, and shop workers retain some protection in law and in practice. If we were seeking to change that Act, there would be a much stronger case for entrenching legally the right to premium payment and for strengthening workers' protection against pressure to work on Sundays when they do not want to do so, rather than for moving in the opposite direction.

Sunday trading is one of the subjects on which we never get everyone to agree. I do not see any evidence that opinion has shifted much one way or the other. We should not keep compromising with those who want a total free-for-all. If we were to do so, we would allow them to salami-slice their way to complete deregulation, which is not what most people want; it is not even what all the big retail chains want. The onus is on those who want longer or deregulated hours to make the case. I do not think that they have succeeded in doing so, and they have not convinced the public.

From what my constituents in Oxford tell me, and from opinion polls, I see no tide of opinion in favour of longer opening hours for large stores—quite the contrary. For example, a British Market Research Bureau survey for the Association of Convenience Stores found that 68 per cent. of the public did not want large supermarket chains to open for longer hours on Sunday. Of the remainder, a further 14 per cent. said that they would reconsider and not support longer opening hours if they threatened small businesses. USDAW's NOP survey found that 62 per cent. of the public do not want longer Sunday opening hours. Even a survey of people who were out shopping on a Sunday conducted for the lobby group, Deregulate, found that only 56 per cent. favoured longer opening hours. That is hardly a ringing endorsement from those in the public whom one might expect to be most in favour of longer hours.

The inquiry by the panel of parliamentarians, including my hon. Friend the Member for Loughborough (Mr. Reed), who is present, found widespread opposition not only from religious groups and trade unionists but, significantly, from groups such as Working Families, the Mothers' Union and CARE, and particular concern for the effects on family life and especially parents' ability to spend time with their children. That is an issue, rightly, of growing concern.

Such important considerations were given surprisingly little attention in the cost-benefit analysis commissioned by the Department of Trade and Industry. Indeed, some important arguments were explicitly excluded from the analysis, such as people not wanting trading because it is the Christian day of rest, restrictions being necessary to protect workers from pressure to work on a Sunday, and a collective preference for a quiet day. In a rather haughty get-out clause the authors, from Indepen, state:

"We have not attempted to evaluate these arguments quantitatively."

They ought to have added "qualitatively" as well. They go on to say:

"If they have merit, it would be necessary for Ministers to make judgements as to how their merits compare with the net benefits of liberalisation that we have quantified."

I urge Ministers to do just that. Some of the most important arguments are at stake in the decision about what sort of a day we as a society want Sunday to be for workers as well as consumers and for us all as human beings.

Colleagues will, I am sure, have scope in their speeches to consider such matters and other issues from the cost-benefit analysis in further detail. However, it is important to stress three key points. First, the cost-benefit analysis report sees no net job generation from further deregulation. Secondly, the gains that it claims, such as the effect on prices, derive largely from the progressive erosion of premium payments. Even if the reduction in consumer prices and higher profits were to materialise, it would largely be at the expense of low-paid workers. It is inconceivable in such circumstances that the already extensive pressure that shop staff feel that they are under to work on Sundays—more than half of staff reported such pressure in an USDAW survey—would not increase.

Mr. David Drew (Stroud) (Lab/Co-op): I do not know whether my right hon. Friend has been the fortunate recipient of a paper from Deregulate, but it states:

"Our proposals are supported by...many who work on Sundays in the industry because they may want to top up pensions, or are the 170,000 students facing debt who find it convenient to work at weekends or are those recruited through 'Jobcentreplus'."

There it is; we are doing this on behalf of those who are most in need. Does he think that that is a good argument?

Mr. Smith: I have not seen that briefing from Deregulate, but that does not surprise me. Indeed, the cost-benefit analysis commissioned by the DTI pointed to both students and single parents as potential recruits for additional Sunday working. As far as the latter are concerned, who is looking after the children while those lone parents are out working? As USDAW's surveys have shown, many people are not doing such work through choice but out of necessity as a means of keeping body and soul together. No one would dispute that Sunday working suits some people. The thrust of my argument is not that it does not, but that many people feel under increasing pressure to work when they do not want to do so. Moreover, as the cost-benefit analysis report showed, the premium payments that attract some people to work on Sundays at the moment have been progressively eroded, from the typical double time, at the time of the 1994 Act, to time and a half, time and a quarter and, in many cases, single time. That pressure would get worse.

Tony Lloyd (Manchester, Central) (Lab): My right hon. Friend made the valid point earlier that we should consider strengthening the rights of workers to guarantees of premium payments. Does he accept in any case that there are many exploited workers even now, both in the sectors brought into Sunday trading by the most recent changes and in those that could always trade on Sunday? People need proper protection from being forced to worked to work on Sundays for inadequate remuneration.

Mr. Smith: I certainly accept that, and that point is clear from surveys and the anecdotal evidence of workers in the industry.

The third key point that came out of the cost-benefit analysis was that small stores will lose out, especially on current out-of-hours sales, for which they are a substitute for large store provision. Given the report's precision on the benefits that it claims will come from extending hours, it is striking how vague its conclusions are about the quantitative effects on smaller and convenience stores. How many small shops would close and how many jobs would be lost? We must give weight to the conclusion drawn by the Association of Convenience Stores that liberalisation would have a

"devastating effect on local convenience stores".

We should also bear in mind the sector's survey, which showed that as many as 30 per cent. of independents would be likely to close if Sunday trading hours were extended and that 44 per cent. of retailers would be forced to cut staff.

To draw to a conclusion, the case for further deregulation has not been made; indeed, there are good grounds for being apprehensive about its effects. I hope that the Government, having reviewed all the evidence, will come to the same conclusion. If by any mischance they do not, I would seek assurances, first, that there would be votes on primary legislation in Parliament before any change could be made and, secondly, that any such votes would be free votes, so that MPs could vote according to their conscience and judgment.

I hope that the situation does not come to that and that the Government will share my view that they have many more important and constructive things to do than bring in longer Sunday trading hours. Doing so would put shop workers under unacceptable pressure, further diminish the special character of Sunday and lead to the closure of many more small shops. Let us keep a civilised balance and stick with the 1994 Act.

I leave the last word to Heather Morris and Debbie Davidson, shop workers who gave moving accounts of what the possibility of more Sunday working meant to them at a seminar that USDAW organised for MPs. They pointed out that Sunday working hours are already longer than the six hours for which the shops can be open, because of preparation and clearing-up time. They said:

"Sunday is losing its tradition of being a family day. We look forward to having Sunday tea together because we can no longer have Sunday lunch together.

Some of us don't have the luxury of choosing to work on Sundays or choosing to work in retail. We are hardworking people...there to support our families."

One added:

"I know dearly how important families are. How important it is to spend time with them, to create memories for our children, keep traditions and family life alive.

I want to spend my bank holidays at home with the family—but we are open. I want to spend Boxing Day with my family—but we are open. I want to spend Easter with my family—but we are open.

I would urge you to remember—when you sit eating your Sunday roast at home, know that we will still be there working—right up to 5.30.

But know too that when you are enjoying your sandwiches, cake and tea at 6 o'clock that evening, we too are at home enjoying ours, with our sons, daughters and grandchildren.

So for us—allow us that at least."

I hope that the Government will do just that, and drop the idea of longer Sunday trading hours.

Several hon. Members *rose*—

David Taylor (in the Chair): Order. It is my intention to call the Front-Bench speakers at 12 noon. Six hon. Members are seeking to catch my eye, so will hon. Members observe those limits? You can do the arithmetic yourselves.

11.15 am

Mr. Andrew Turner (Isle of Wight) (Con): It is a great pleasure to follow the right hon. Member for Oxford, East (Mr. Smith), whom I congratulate on securing the debate on this important topic.

[Mr. Andrew Turner]

With due deference to the Minister, I am not sure that this ball should be in the court of the Department of Trade and Industry in the first place. The DTI is there to advocate the interests of the employer, of business, and more and more, sadly, of big business. Many other aspects of this debate need to be taken into account before any conclusion is reached, such as the effect on children and family life, which the right hon. Gentleman mentioned. I do not consider the DTI to be well placed to take account of the needs of children and family life. I hope that what he said about the need for families to have time together will be taken seriously before any conclusion is reached on this proposal.

I hope also that serious attention will be given to the likely impact on our towns and cities, and on the roads between them and the adjoining villages. We already have six-days-a-week congestion, and we are in danger of having seven-days-a-week congestion. That means that we will need more bus services to be provided on Sundays and more filling stations to be open. If Sunday trading hours are extended, premises both in and out of town will be used for even more hours than they are now, people will expect bus services to run earlier, and people who live in town centres will be awoken earlier.

Take, for example, someone who lives in the centre of Ryde or Newport in my constituency—I declare an interest because I live in the centre of Newport. It is not unusual for large delivery lorries to arrive at supermarkets such as Somerfield and Sainsbury's well before the official opening hours of those stores on six, no seven, days a week. If the time at which those stores can open is made earlier on a Sunday, people will be disturbed earlier by delivery lorries. In my constituency, there will be more pressure for people to work on the ferries earlier, so that the delivery lorries can cross the Solent in time to reach the supermarkets before they open.

The proposals will have an impact on employment, as I am sure the Minister understands, but they will also have an impact on the condition and state of our towns and villages. People quite like walking around Newport and Ryde on Sundays, because there is less traffic and congestion. Sundays would become very much like any other day if the proposals of the big conglomerates were to take effect in the manner under consideration. I hope that the Minister will consider carefully with his colleagues in the Department for Communities and Local Government the impact of Sunday trading on planning and local government.

I hope that the Minister will also consider the impact on tourism. Obviously, there is some demand for some stores to be open on Sundays, but for the most part it is small stores, shops and businesses that open on Sundays to deal with the needs of tourism. Thankfully, most tourism has not yet been taken over by the Sainsburys and Tescos of this world; there is already a danger of that with garden centres, which are increasingly being swallowed up by big chains. There was a time when I felt some sympathy for the desire of garden centres to open on Easter day, but no longer, because for the great part they are no longer small, local businesses that breathe money into the economy of their local area, although many still are.

I hope that the Minister who has this difficult responsibility will allow the Department of Trade and Industry to shed its traditional appearance, and that it will look more carefully at the whole range of community interests across the nation.

The right hon. Gentleman referred to the seminar provided for right hon. and hon. Members by USDAW and the "Keep Sunday Special" campaign. The contributions of Heather Morris and Debbie Davidson were moving. In particular, I remember their references to the hours at which people have to start work. Supermarkets have to open on weekday mornings with all the shelves full and all the bread freshly baked, and that would have to be translated to Sunday mornings if Sunday trading was to be extended in the same way. We were told that the bakers have to start work at 4 o'clock in the morning if fresh bread is to be on the shelves by 7. There is no reason why that should not happen also on Sundays under proposals currently up for consideration.

Mr. Philip Hollobone (Kettering) (Con): May I place on record my support, on behalf of my constituents, for USDAW's "Save our Sundays" campaign and for the "Keep Sunday Special" campaign? I congratulate my hon. Friend on his remarks about the impact of deregulation on family life. Is he as shocked as I am to hear that there are 1.4 million families with dependent children in which both parents already have to work throughout the weekend?

Mr. Turner: I am surprised that the number is as great as my hon. Friend suggests. I am concerned about it, however, because those children deserve to have time with their parents—with both parents together—and they need to see how, ideally, families should work. I know that it is difficult for people to bring up children, and I know that many children are not fortunate enough to be brought up by both parents; but we do not want more children to be forced for reasons of economic necessity to be left by their parents on Sundays as they are left on other days of the week.

I was speaking about the effect on shop workers. It can be argued that shop workers are grown up people and can make up their own minds when they want to work and when they do not want to work; they can take what is on offer or they can work elsewhere. That is the traditional argument of the big conglomerates. I subscribe to the view that people should make their own decisions on where and when they work, but it is not sufficient for us simply to wash our hands of our responsibility to them and to the shop workers of future generations.

It is not because of how much shop workers are paid that I worry about them working on Sunday: I am sure that many students are happy to work on Sunday. I am concerned about the extension of Sunday trading because of the consequences for communities and families. I am concerned also about its impact on those families who already run small businesses, because it is a form of unfair competition. Large businesses are backed by a huge amount of capital, and they can spread that capital and the cost of that investment over seven days a week; but a family running a corner shop naturally wants some private time, and it will be much more difficult to spread the cost of the investment over seven days a week with full opening hours.

I believe that if such a proposal ever came before the House in the form of legislation, we should look again at the further regulation of Sunday trading. However, I suggest that further regulation should not be imposed nationally but that it should be for local authorities to impose it within the current regulations. I suggest, for example, that local authorities ought to be given the power to limit further the hours of Sunday trading for all or any class of business if they so desired. For instance, they could permit sole traders to open for the full six hours but require larger traders to open for less. They could permit locally owned businesses to open for the full six hours but restrict other businesses. They could permit small garden centres or farm shops to open the full six hours but not permit other businesses to do so. The House will need to take account of those considerations if the proposal ever forms legislation, but most important is that the Minister considers carefully the views of his colleagues in other Departments as well as those of the public on this unpopular proposal.

Several hon. Members *rose—*

David Taylor (in the Chair): Order. There are five Members wishing to speak and 35 minutes left.

11.25 am

Mr. Andy Reed (Loughborough) (Lab/Co-op): Thank you, Mr. Taylor. The pressure is on—I understand that. There is a great temptation for people to stand up and say that they will be brief. Having already lost a couple of minutes, I shall try to keep to a narrow point.

I thank my right hon. Friend the Member for Oxford, East (Mr. Smith) for securing this debate. It is important that the Minister and his team know the strong feelings of Back Benchers not just from one party but throughout the House. I am grateful that my right hon. Friend mentioned the document, "Whose Convenience?", in which I declare a bit of an interest. It did what the Department of Trade and Industry failed to do, examining the social effects of extending weekend working and Sunday trading.

My right hon. Friend highlighted one of the big problems, which was that the DTI focus was too narrow. The cost-benefit analysis was based solely on the economic arguments of extending Sunday trading, but as other hon. Members have said, the real problems with extending Sunday trading are the effects on family life, parenting and relationships.

I come to the issue with my faith. I am one of those who believe that it is possible for Members of Parliament to have a strong faith and to bring it to policy making. My faith underlies much of what I have to say. I keep Sunday as special as possible, but I recognise that in a secular society it is impossible to impose my views about Sunday on everybody else. I am flexible, but I try as much as possible not to shop on a Sunday and to make it a special day. Such an approach can even help MPs to ensure that they see more of their families.

MPs have some choice in the matter. To a certain extent, apart from a few things that we have to do throughout the year, we have some choice about how we structure our week. The people who will be most affected by the proposal probably have very little choice. The hon. Member for Kettering (Mr. Hollobone) raised this matter earlier, when he said that 1.5 million families include people who have to work on Sundays. If we extend trading, we will make that much worse.

Because of my faith, which underpins my values and the way in which I look at society, I believe that

"God measures a society...not by the size of its GDP or by the efficiency of its markets, but by the quality of its relationships."

"God" could be changed to "we".

This is one of the two or three areas about which I feel strongly. As people know, I have a great passion for sport and for international development. The third area that I wish to pursue while I am in the House is getting the balance right for encouraging, fostering and nurturing relationships, as that is the key to solving many of today's social ills and problems. The Government can assist and create environments, but the single biggest thing that they can do is to create time for families to encourage and nurture relationships.

I thank those who helped to write the report. As usual, those of us who are named in it probably did very little work. The credit goes to others who are here today. I shall not refer to the whole of the report, but what is interesting in paragraph 3.5, which deals with the effects on family life and parenting, is that it was not just the usual suspects who provided the strongest opposition to a relaxation of the six-hour rule. Obviously, organisations such as the TUC and USDAW were involved, but it was nice that others such as Morrisons were as well. I was encouraged by that. We should remember when we castigate the big supermarkets that companies such as Morrisons recognise that there is a balance to be struck. The British Shops and Stores Association, Working Families, the Mothers Union and CARE were also involved, and it was the National Centre for Social Research that highlighted the number of people who already work long hours.

It is a little late in terms of the work that has already been done, but it is imperative when the Minister and his colleagues consider the report, that they consider introducing primary legislation. I and other hon. Members urge them to give us a free vote so that we can all have our say. [Hon. Members: "Hear, hear."] At that point, the Minister will get the message that there is no great support for the measure in the House or the country. As my right hon. Friend the Member for Oxford, East rightly said, even research done among those who had chosen to go shopping on a Sunday showed only 56 per cent. support for extending Sunday shopping. Clearly, support is not that large in the country; indeed, other research and opinion polls generally show about 70 per cent. opposition.

There is nothing for the Government to gain by extending Sunday shopping. Given that they want to generate good news stories rather than bad, why would they generate another bad news story unnecessarily? They should just kill this one off at the end of this Adjournment debate, and we could all walk away happy, praising the Minister as he went on his way. Perhaps one or two extra Members need to be present to convince him, but he would make friends here and across the House if he killed the proposal off today, rather than waiting for the summer recess. We need to

[Mr. Andy Reed]

get our values right in society, and that is also true of the work-life balance. The Department has introduced several welcome legislative changes, which have started to address the need to get the work-life balance right, and it would be strange if it took the retrograde step represented by the present measure and undermined much of the good work that has been done.

As I said, my other interest is in sport, and I chair the National Strategic Partnership for Volunteering in Sport—we actually got consultants in to come up with a shorter title, but that was the one that they came up with. However, the body is important because we speak on behalf of the roughly 2.5 million people who volunteer in sport. As everybody who has volunteered will know, however, the increased pressure of work is squeezing people's ability to give regular time to volunteering. We all volunteer, but we also know that sport is increasingly changing. The 3 o'clock Saturday afternoon kick-off has changed and the mini rugby clubs and the football teams are full. Indeed, my little eight-year-old son has just started playing football and was supposed to have been in a tournament on Sunday. However, it is impossible to get the balance right, and we need to create extra time.

The Institute of Management did research into lifestyle measures and asked people whether they had time for other interests. Even in 1997, 77 per cent. of people said that they did not, but by 1999, about 87 per cent. said that they had little time for additional interests. When they were asked whether their extended hours were damaging their health, 71 per cent. said that they did, so people recognised the problem. When they were asked whether their hours had an effect on their relationship with their children, 86 per cent. said that they did. As we know, the time that people enjoy together with their family is a vital part of the week. We must recognise the need to get the work-life balance right when we have our children. One of those who was surveyed said that he was working as hard as he could to spend lots of time with his grandchildren. That is great, and it will be some consolation to him, but it might not be a consolation to his children.

We need to get the balance right to free up people's time. The biggest contribution that we can make is to create time so that families can spend quality time together. That will deliver not only a better Sunday but a better quality of life right across the nation in terms of what we as families and individuals achieve.

11.33 am

David Lepper (Brighton, Pavilion) (Lab/Co-op): I too congratulate my right hon. Friend the Member for Oxford, East (Mr. Smith) on obtaining the debate. I should declare that I am a life member of the Association of Town Centre Management, although I do not believe that it has a particular view on Sunday trading.

The question I ask myself is where the call to extend Sunday hours comes from, because it does not seem to come from us in Parliament, and as we have heard, it does not come from those who work in shops or from the public. Surveys show very low public support for changing the law; indeed, the Department of Trade and Industry commissioned a cost-benefit analysis by Indepen Consulting Ltd, which bears that out. It surveyed the current situation, and page 16 of its report shows that 13 per cent. of adults aged 16 and over shop at supermarkets every Sunday, while 7 per cent. shop at other large stores every Sunday. The conclusion that most of us would draw from that—oddly, the Indepen report does not draw it—is that 80 per cent. of adults do not shop at supermarkets on Sundays and 93 per cent. do not shop at other large stores on Sundays. Even the Department's own commissioned report seems to bear out that lack of public support.

So who wants change? Not necessarily all the big four supermarkets. A representative of Sainsbury's quoted in *Retail Week* late last year said:

"Our customers tell us they are happy with our opening hours and we have not had any demand to change them."

Of course, however, if change should come I am sure that Sainsbury's would follow the other big supermarkets in extending its hours. I can only conclude that the pressure comes from the big three supermarkets, if not from all of the big four.

I am sure that the Minister will want to take into account the fact that the Competition Commission has now been asked by the Office of Fair Trading to carry out a new inquiry into the grocery trade, and in particular the effect on it of the big four supermarkets. In addition to all the other reasons that have been given that support my belief that it would be unwise for the Government to proceed with an extension of opening hours at present, it would be unwise to proceed with any proposals for change while that Competition Commission inquiry is under way. If the Minister wants a reason to kick the idea into the long grass, that is very respectable one for him to make use of.

I welcome the assurance, given by one of the Minister's colleagues at the USDAW conference a month or so ago, that if any change were to be proposed in future it would be subject to a vote in Parliament—I hope that it would be a free vote—and would not be dealt with under the powers that might be given to Parliament under, for instance, the Legislative and Regulatory Reform Bill.

An argument urged by some supporters of extending hours—whoever those shadowy characters might be—is that it would mean lower prices for customers. However, the Indepen report gives no evidence that that will be so. It merely asserts it. It does not mention, for instance, the fact that in the past the Competition Commission logically said that supermarket pricing depends on local competition; the effect of change on that competition and on the smaller, independent convenience stores and other independent retailers concerns me. We all know the figures about closures of independent convenience stores in the past few years: 2,000 of them closed last year, and their sales are regularly down an average of 5 per cent. a year. The recent report by the all-party small shops group, "High Street Britain: 2015", which I am pleased to have played a part in preparing, showed the pressures to which those small shops are already subject.

The Indepen report states that extending hours will

"impact negatively on small stores that are primarily substitutes for large stores"

and could have a positive impact on

"small stores that are complements to large stores".

What the report ignores is the fact that in the past few years the number of small stores that complement larger stores has decreased, and the number of small stores that act as substitutes has increased. That is because the larger stores have extended beyond their usual grocery base the range of goods and services on offer to customers, to include DVDs and CDs, white goods, clothing, magazines and newspapers, pharmacy services, photo processing and so on. More and more of the small stores near the bigger stores are not complementary to those bigger stores, but are substitutes, and the Indepen report completely overlooks that important factor.

In Brighton and Hove we are lucky. We have a good, successful sub-regional shopping centre, where most of the big multiples are represented, and we also have a vibrant and diverse area of small, independent retailers around the Lanes and the North Laine, which many people who have visited Brighton will know. The North Laine and the Lanes are currently voting on whether to become a business improvement district. We do not know how the vote will turn out, but by making it possible to set up business improvement districts the Government are helping small retailers who want to help themselves. If they extend the opening hours of larger stores they will put small retailers under still further pressure rather than helping them. I urge the Minister, as others have done, to look at the evidence, which is that the public and Members of Parliament do not want it, and to take the matter no further and forget about it.

11.40 am

Helen Jones (Warrington, North) (Lab): I congratulate my right hon. Friend the Member for Oxford, East (Mr. Smith) on securing the debate.

It seems to me that we have seen a steady erosion of time off and special days. I remember a long debate many years ago when I was a councillor about whether we should allow the market to open on Good Friday. We said no, but Good Friday is now a normal working day for many people.

It is important to protect family life when we can. People have strong views about Sunday trading, which have been expressed in the House many times. Most of us accept that the decision was made to allow stores to open for a limited number of hours and that it will stand. When that decision was taken by the House, there were a number of safeguards in place to ensure that people did not have to work on Sundays if they did not want to and to ensure premium payments. However, all the evidence from the survey carried out by USDAW is that those safeguards are being eroded. Eighty per cent. of people who work in shops now work on Sundays and say that it is difficult to have a Sunday off. Almost half are unhappy about that.

Let us be clear: we are talking about many low-paid workers who feel under pressure to work on Sundays if they are to keep their jobs and who need to work on Sundays to keep their wages at a decent level. We should tackle that rather than force people into longer and longer hours to earn a decent wage. Sunday working is not always as voluntary as it seems.

I believe that the pressure on stores to open longer is taking valuable time away from family life. Like my hon. Friend the Member for Loughborough (Mr. Reed), I try not to have engagements on Sundays. We have a choice, but many people do not, and parents need that time to spend with their children. It is difficult to find child care on a Sunday and even more difficult for carers. We should not forget that many people who work in shops are also carers and have family responsibilities.

The cost of Sunday working has an impact on us all. It has an impact on local authorities, which must provide more cleaning services and ensure that transport is running and rubbish removed. It also has an impact on the emergency services, which have many more calls to accidents on Sundays as traffic builds up. If we extend opening hours, it will not be long before Sunday becomes a normal working day for many more people than those who work in shops.

The cost falls on all of us in the community. What for? Who has ever starved to death because a shop was not open on a Sunday, never mind that it is not open for a few extra hours? Who has ever found themselves in real difficulty because they cannot suddenly run down to the shops to buy an extra tin of beans? Let us try to put the matter in perspective: what we are trying to protect is far more valuable, even though it cannot be measured. What is important is not always measurable—it is the right to a decent family life and to be able to spend time with children. It is important to us as a society that our children are properly brought up, otherwise the price will fall on us all.

It is time we stopped defining ourselves as a nation by how much we shop. Going to the shops is beginning to be a definition of life and leisure. There are more important things: family, sport, volunteering and what people put back into their communities. We need to protect that community time, as well as those workers on low wages who work very long hours in shops, who can have their hours changed at a moment's notice. They deserve what we consider our right.

Like many others, I urge my hon. Friend the Minister to kick that deregulation into the long grass. Hardly anyone wants it, and I certainly do not believe that the House wants it.

Several hon. Members *rose*—

Miss Anne Begg (in the Chair): Order. I want the Front Benchers to begin summing up at midday, so I ask the two Members who would like to speak to keep their remarks to that time limit. We will then be able to get them both in.

11.45 am

Mr. David Drew (Stroud) (Lab/Co-op): I shall be brief, so that my hon. Friend the Member for Cleethorpes (Shona McIsaac) can get in to speak.

I wish to make three quick points. I might be wrong, but I am led to believe that Tesco has now withdrawn from Deregulate, which is promising. Tesco is now calling for partial deregulation. I hope that that is a result of the pressure brought to bear by USDAW. I am pleased to say that Tesco has always recognised USDAW and has good industrial relations with it.

Bob Spink (Castle Point) (Con): But does the hon. Gentleman accept that Tesco and businesses large and small would need to open for longer hours if there was deregulation because of the commercial imperative to maintain their market share? That would damage the workers and our communities.

Mr. Drew: That is the case, and I hope that other supermarkets will see sense.

Mr. John Grogan (Selby) (Lab): Does my hon. Friend accept that although Tesco has pulled out of the Deregulate campaign, which calls for complete deregulation, it intimated that it is in favour of nine hours of trading on Sundays? That is a false compromise that should be rejected by the Minister and the Department of Trade and Industry.

Mr. Drew: I think we are on to a winner here. We should take half a loaf at the moment, but we want the full loaf, as we want Tesco to leave things as they are. I share the views of my right hon. Friend the Member for Oxford, East (Mr. Smith), and I share the faith of my hon. Friend the Member for Loughborough (Mr. Reed). I think that we should be going backwards towards more regulation, but that is just my political stance.

I have two other points to make. The first is a serious point about the damage that deregulation would do to our smallest stores. Anyone who has seen the evidence from the New Economics Foundation on clone towns and ghost towns could not help but worry that deregulation would be another nail in the coffin of those smaller stores that choose to open on Sundays—and people choose to work in them.

I do not wish to ban such working, because everybody needs some services on Sundays and we should protect those services. People can get basic groceries and materials outside the normal restricted hours on a Sunday. However, I still believe that we should restrict the hours of opening for all services, bar the emergency ones. We should protect those services, which are so crucial, and keep them in operation.

Rosie Cooper (West Lancashire) (Lab): I visited a convenience store in my constituency the other week, and the Association of Convenience Stores and USDAW should be congratulated on ensuring good public debate and that Ministers know just how badly deregulation will affect our constituencies and constituents.

Mr. Drew: I agree with my hon. Friend, and I share the view that there should be a free vote. I do not blame the DTI, as I think that the pressure for deregulation comes largely from the Treasury, although I might be wrong. I hope that the DTI will stand up against the Treasury, if that is the case, and tell it that this is the wrong way to go.

My next point refers back to Deregulate, which I mentioned when I intervened on my right hon. Friend the Member for Oxford, East. It says that 80 per cent. of the population agreed with the statement that politicians should not be involved in setting opening hours on Sundays. Well, there is a good reason why we are here, is there not? We might as well let the market take over everything, and then why would we need to exist? Let us not have democracy; let us just have the market running everything. I hope that the next point was, "And you will be required to work on Sundays." We would then have seen whether that same 80 per cent. put their hands up and said, "Great, we can't wait to go out and work on Sundays."

It is pure hypocrisy for people to say that others should work on Sundays when they are not prepared to work on Sundays themselves. We should say to them, "If you want it, you do it," because a lot of people do not have that choice. They are forced into working Sundays, and they are the people we should be protecting.

11.50 am

Shona McIsaac (Cleethorpes) (Lab): I congratulate my right hon. Friend the Member for Oxford, East (Mr. Smith) on securing this debate on Sunday trading. One matter that I want to focus on is work-life balance, although I must say that I do not like that phrase and wish we could find a better one to describe the subject. *[Interruption.]* Yes, time off. That is an excellent idea. Another related matter is the effect that these longer hours would have on families.

As we have heard, there simply is not a demand for longer shopping hours on Sundays. I hope the Department of Trade and Industry takes note of that; I am speaking as a former DTI Parliamentary Private Secretary. Survey after survey and opinion poll after opinion poll says that that is not wanted. The strongest opposition to longer hours comes from those who are concerned about the likely effects on family relationships and community life, and we have heard some excellent contributions demonstrating that.

Let us look at the submission from Shirley Dex, professor of longitudinal social research—whatever that is—at the university of London's Institute of Education. She observes that recent changes in the labour force

"have shown that very large proportions of mothers and fathers, sometimes both, work on Saturdays, Sundays or both weekend days",

and adds that that proportion would inevitably increase as a result of further deregulation.

Professor Dex also notes that a number of studies have found significant dissatisfaction among parents working atypical times, with the amount of time they have spent with their children being of serious concern to them. That dissatisfaction was shared by children. We have talked about parents today, but the effect on family life is also a worry for children, who will not be able to see mum and dad as much as they would like.

The professor concludes that the main benefit of working at weekends is additional household income, but the majority of parents who work at weekends find that that seriously interferes with their ability to have a family life.

However, in this context we are not just talking about children. As has been mentioned, there is also an impact on people with caring responsibilities, such as for an elderly or disabled relative or somebody who is terminally ill. They have even fewer options for finding somebody to look after that relative than parents do for

their children. It is phenomenally difficult for people to get somebody in to look after an elderly relative—perhaps somebody suffering from Alzheimer's.

Bob Spink: One in 10 adults.

Shona McIsaac: As the hon. Gentleman says, the figure is one in 10 adults. We should be concerned about this. Rather than just wanting a free-for-all, as some have said, we must be very careful here.

My right hon. Friend the Member for Oxford, East said that he is proud to be a member of USDAW, and its contribution to the debate has been praised. I am also a member of USDAW, although it has been many years—probably decades—since I worked in a shop. USDAW has analysed what its members have said about Sunday deregulation. The evidence from people working in shops on Sundays who are USDAW members is overwhelming: they say that they would find it difficult to get babysitters and it would have a dramatic impact on their family life.

The DTI has as part of its remit the subject of work-life balance, as well as trade and industry. That is why the idea of deregulation on Sundays should be kicked into the long grass, as my hon. Friend the Member for Warrington, North (Helen Jones) said.

There will also be an impact on convenience stores. We have heard about the representations made by the Association of Convenience Stores. It, too, says that deregulation will have a dramatic impact on communities. If the larger shops are allowed to have a free-for-all, there will be closures of smaller shops, which will have a devastating impact on communities in many smaller villages, as well as in suburban and rural areas, particularly where there is no public transport.

I heard what the hon. Member for Isle of Wight (Mr. Turner) said about possible increases in public transport, but in many rural areas in my constituency there is simply none. People rely on small suburban and village shops, but I make no bones about the fact that those will close if there is deregulation. That will isolate people, particularly the elderly.

We have seen the potential effect on families, people with caring responsibilities and elderly people who perhaps cannot drive, or are no longer allowed to, and who have no public transport available. Such people will be isolated in their communities, which does not improve quality of life. This move would be seriously detrimental to the quality of life in Britain today. Yet again, I ask the Minister to kick it into the long grass.

Finally, I want to touch on the comments made by my hon. Friend the Member for Stroud (Mr. Drew), who was right in saying that Tesco has pulled out of the campaign for total deregulation. On 10 May, the *Financial Times* stated:

> "Tesco has abruptly pulled out of the retailers' campaign to deregulate Sunday trading in a move that will undermine the lobby for longer opening hours."

I heard it mentioned that Tesco does not want total deregulation, and perhaps wants partial deregulation or slightly longer hours, but I do not care. It was one of the main backers of the campaign to deregulate, and it has pulled out. That is a serious blow to the deregulation campaign.

We have looked at this issue as a debate between convenience stores and supermarkets, but it is far more than that. Do-it-yourself and furniture stores, clothes shops and car showrooms are involved. This is not just about supermarkets; we are examining the whole retail sector. Whatever the reason, Tesco pulled out of backing the campaign. That is a blow to those who want deregulation of Sunday trading, and, as Tesco says, "Every little helps."

11.58 am

Lorely Burt (Solihull) (LD): I fear that I am about to shatter the cosy consensus that has been building up today, so I have my flak jacket on.

I shall begin by explaining that Liberal Democrat policy is to have a free vote on this subject.

Shona McIsaac: That is not policy.

Lorely Burt: If hon. Members will give me a chance, I will go on to make some more points. I shall seek to give a balanced view of the arguments, so that I can represent the opinions on both sides, and then give my view, which is mine alone and is not intended to be representative of my party as a whole.

The Government consultation is designed to evaluate the economic costs of relaxing or removing Sunday trading restrictions. Several hon. Members have asked: what about the social costs? It is incumbent on us, as Members of Parliament, to consider them, although it is not up to us to dictate the way that people and their families should spend their Sundays. The Sunday Trading Act 1994 has become outdated. It is a good time to re-examine things. I have looked through the various studies that have been done, and I have been trying to assess—

David Lepper: Will the hon. Lady explain why she believes the 1994 Act has become outdated? Perhaps she is going to explain that later in her speech.

Lorely Burt: The hon. Gentleman is absolutely right: I am. Patterns of behaviour and consumer expectations have changed in the ensuing 12 years. Several hon. Members asked who exactly seeks to make the changes and who says that they are necessary. Having looked at the various studies, I think that what the results are deemed to be depends on which interest group one asks to assess the study: they all seem to come out for their own interests.

Mr. Andrew Turner: The hon. Lady said earlier that it is not for politicians to dictate how people spend their Sundays. Another hon. Member—with his tongue in his cheek, I think—said something similar. Does she think that it is for politicians to require a police force to be provided on a Sunday to protect the property of the shops that open for those long hours?

Lorely Burt: It is incumbent on the police force to be available on Sunday, as on every day, as are so many groups in our society, including farmers, police, and people who work in the fire services, care services,

[Lorely Burt]

hospitals, catering, entertainment, TV, sport, security, transport and distribution. One might ask: why are our retail staff so very different?

Helen Jones: Does the hon. Lady seriously expect that council workers should now work a full shift pattern on a Sunday, as should those who work in the ambulance service, police and so on? Their shift patterns are different at the weekend. Will she put on the record whether she would expect, if we had full deregulation, such people to have a normal, weekday working pattern on a Sunday?

Lorely Burt: In my conclusions, I shall not suggest that we should have full deregulation, so the hon. Lady's question does not apply. However, I acknowledge that there might be incumbent effects if Sunday trading hours are extended even slightly. That will have a knock-on effect on others.

Helen Jones: I thank the hon. Lady for that answer, but will she clarify it? If she wants to extend Sunday trading hours, even without what she calls full deregulation, exactly what will be the cost to local authorities of providing extra services on a Sunday? What does she expect the working pattern for the emergency services to be? If it is not a full, normal weekday pattern, what will it be?

Lorely Burt: On costs, the only costs and benefits that I am in a position to quote are those from the Department of Trade and Industry study, which measures the economic benefit as an additional £1.4 billion a year, but that is in revenue, not in expenditure.

Bob Spink: Is the hon. Lady aware of the high and increasing level of consumer debt?

Lorely Burt: I am grateful to the hon. Gentleman, because I was about to say that given that we have only a finite amount of expenditure, the question of where that additional £1.4 billion of revenue would come from is concerning.

Shona McIsaac: It would probably come from convenience store customers who have had to transfer to large supermarkets and are seduced by all their three-for-two offers.

Lorely Burt: I am grateful, and I shall elaborate on this issue as we go on, so perhaps the hon. Lady could be patient and allow me to make a little progress. I am conscious of the time.

I shall round up my comments about the "for" group, but I assure the House that I shall be glad to speak about the "against" group. Some people want an extension, particularly the big retailers. I exclude supermarkets for the moment, because I have something special to say about them. It is estimated that garden centres lose £45 million a year because of the restriction on Sunday opening hours, as do DIY and high street shops and similar organisations.

Let us consider the pattern of consumers. The hon. Member for Brighton, Pavilion (David Lepper) said that only a small number of people shop on a Sunday. I shop on Sunday with my daughter; it is a family activity and we do it together. I do not know where everyone else is, but the nice shopping areas in the high street such as clothes shops and shoe shops certainly seem to trade very well given the present Sunday trading hours.

David Lepper: I thank the hon. Lady for giving way again, but I ask her to note that the figures that I cited and to which she refers came from the report commissioned by the DTI and carried out by Indepen, and not from one of the interest groups to which she referred—perhaps to cast doubt on the validity of those surveys.

Lorely Burt: I take that point, and I am grateful to the hon. Gentleman, but I was merely making a personal observation.

I turn to the arguments against and to those workers who are being constrained. A lot of time has been given to them. However, some like to work on Sundays because they have the opportunity to do so, despite disparaging remarks about students having to pay off their student debts or people wanting to supplement their pensions. As for the traditional family, if the primary carer goes out to work on Sunday—let us say that it is mum—then the children will be left with dad. That gives the children an opportunity to have some quality time with the parent who remains at home. *[Laughter.]* I give that argument for what it is worth.

Helen Jones: I am listening to the hon. Lady's argument about choice. Is she suggesting that the same ought to apply in the House? If she thinks it is valuable for people to have the choice of working on a Sunday, will she table a motion that the House should sit on Sundays, thus giving ourselves a chance to work then?

Lorely Burt: I am grateful to the hon. Lady for that suggestion. Many hon. Members already work on Sundays.

Helen Jones: Here, away from their families?

Lorely Burt: Speaking personally, I often go to my local television studios to make recordings on Sundays, and I attend community events on Sundays. It is not a great deal of fun. MPs work a phenomenal number of hours. All hon. Members in the Chamber would agree.

With some relief, I now move on to the arguments against. I shall talk first about the idea that Sunday is just another day. Whatever one's religious beliefs, there is something to be said for Sunday being one day in the week that is slightly different. We have been talking about family time. Families can also spend time shopping. Some families choose to have their Sunday roast together, but patterns of family behaviour change over time.

My family used to have a traditional Sunday lunch, but kids today often do not want to do that. They want to do other things instead. We might watch a football match together, but those professional footballers will

be working on a Sunday. *[Interruption.]* I note the sedentary remark made by the hon. Member for Warrington, North (Helen Jones) that those footballers may well be reasonably well rewarded for their endeavours. Their case is certainly nothing compared with that of the shop workers to whom we referred earlier.

My main concern, which has been raised, is the idea of the Tescopoly—the monopoly of the supermarkets—and the threat that large supermarkets pose to small retail shops. A recent study discovered that a third of trade for small shops occurs outside the hours of 10 and 4 on a Sunday. I note with great regret that 7,337 independent retailers closed between 2000 and 2004. It is incumbent on hon. Members, who certainly need no persuading in this room, to remember that employing local people is important, as the creation of more local jobs means that more money goes into the area, and such businesses source more products locally and can choose whether to open or close. I will not repeat the points about worker concerns over the erosion of premium payments and the pressure to get them to work, because those points have been made already.

In conclusion, several comments have been made about Tesco's withdrawal from the Deregulate lobby group. My view, for what it is worth, is that perhaps Tesco has its hands full with the Competition Commission. I do not know. The recommendation or suggestion that we could perhaps raise hours from six hours to eight on a Sunday would seem to me to be a reasonable compromise and so, hopefully, something of that nature might meet with approval from all sides of the House.

Several hon. Members *rose—*

Miss Anne Begg (in the Chair): Order. The hon. Lady has had more than her fair share of time and was coming to the end of her remarks.

12.12 pm

Mr. Mark Prisk (Hertford and Stortford) (Con): I begin by congratulating the right hon. Member for Oxford, East (Mr. Smith) not only on securing the debate but on making incisive and thoughtful remarks about the entity of the debate. Hon. Members will, I suspect, be more interested in hearing what the Minister has to say, so I shall attempt to be reasonably brief.

As we have discovered in the debate, Sunday trading is an issue about which many people understandably feel strongly. It is a complex issue: it appears on the surface to be about retail trading hours, but it is also about employment rights. It would seem to be merely an economic matter, but self-evidently it is fundamentally a social issue as well. Sunday trading hours are a matter for families as consumers and as workers.

The Government, as we know, have undertaken an initial consultation. It did not start out as an initial consultation but it has suddenly become that. They have now commissioned a cost-benefit analysis, which has been discussed in this debate. Ministers have said so far that they are considering the balance of views, but we have yet to hear a clear statement of intent from Government. I hope that the Minister will correct that omission and put on record the direction in which the Government intend to travel and, indeed, whether they intend to ensure that their Back Benchers take that path with them in the form of a whipped vote. My view is that the Government need to be very careful in ensuring that they get a sensible balance between the needs of families, workers and retailers, so that those who shop may choose to do so but those who choose not to work are properly protected. There has to be a clear case for change.

The Sunday Trading Act 1994, and its amendment through the Christmas Day (Trading) Act 2004, were the result of a classic British parliamentary compromise. The 1994 Act was designed to reflect the different concerns of those whom I have mentioned and of many Christian groups. It also reflected the nature of retailing in society in 1994. Clearly society and our lifestyles have changed since then. We live in a more mobile and multicultural world. We are, whether we like it or not, a more consumer-led society. The hon. Member for Warrington, North (Helen Jones) articulately expressed why that is often a bad thing in our society. Whether we like it not, for many people in this nation, shopping is an essential part of their leisure. We have seen the arrival of the internet. We now face the peculiarity of being able to shop online with Tesco at 6 o'clock on a Sunday evening, but not being able to go to its supermarkets.

There have been notable changes in habits in relation to retailing. I am told by experts in the industry that whereas 10 or 15 years ago, we used, on the whole, to go to the supermarket once a week—I say "we"; it is usually my wife, I admit—now the pattern is to go there two or three times a week. Habits have changed and the result is that the convenience sector is growing faster than the traditional supermarket. That is why large retailers entered the convenience sector a few years ago and are competing directly with the independents. In many of our communities—I am surprised that this was not debated today—the large retailers can circumvent the Sunday trading laws because they own convenience stores that are below the 3,000 sq ft threshold. It is important to remember that when considering any change in the law that the Government may be thinking about. In many of our towns, the Sunday trading laws are irrelevant to the debate between large and small retailers.

It can be argued—many people do—that in a free market it is up to retailers to decide when they trade, based on consumer demand, and there is much to be said for that argument, but it depends on the market being free, open and fair. In recent years, many small shops have closed. I think that the hon. Member for Brighton, Pavilion (David Lepper) said that about 2,000 such shops had closed in 2004. Many more are threatened. There is a growing chorus of concern about the pricing tactics employed by larger retailers when opening new stores.

The recent decision by the Office of Fair Trading to refer the whole of the grocery market to the Competition Commission confirmed that there are clear problems in that market. The inquiry must be comprehensive. A narrow inquiry that failed to address the allegations, whether the issue was predatory pricing

[Mr. Mark Prisk]

or unfair contracts, would leave a shadow over the market. That would be bad for consumers and for retailers, large and small.

Some people have argued that with that significant inquiry under way, the Government should delay their plans to change the Sunday trading hours. What does the Minister think? Does he recognise that if he implements legislation in the next year, before the commission has concluded its work, that could adversely affect the very basis of the inquiry? I suspect that the whole House would want to hear his reply.

The starting point in this debate is the consumer. People should be free to make their own choices. It is not the role of Government or politicians generally to dictate where people should spend their leisure time; I shall come to working time in a moment. For many people—I say this with some incredulity—shopping is their favourite leisure activity. As, perhaps, a typical middle-aged man, I find that prospect truly ghastly, but who am I—who are any of us—to tell people how they should spend their time?

The converse of being free to shop on a Sunday is the right not to be forced to work on that day. Although the current law works well in some respects, I have much sympathy for what the Union of Shop, Distributive and Allied Workers and many of its members have said on that issue. We have to recognise that there is informal pressure, but we also have to be clear that legislation often cannot deal with such pressure. The Government need to be careful to ensure that whatever they do, those who do not want to work on a Sunday can make that choice without it unfairly affecting their job or their prospects.

I shall now deal briefly with the question of family life. Of course, Sunday trading is a much broader question than just economics. I understand and have much sympathy with the position of groups such as Keep Sunday Special. To me, a practising Christian, Sunday is a special day, different from the rest of the week. It is also right to say that in a society in which often both parents work, the time that parents have for each other and for their children is under incredible pressure. As a society, we may be financially richer, but sadly the price is that we are time poor. Of course in a multicultural society, Sunday is not everyone's Sabbath; but the principle of a day of rest nevertheless can and should be recognised if we are to give our relationships the time that they need to grow.

Sadly, the time for my speech to grow is not with me. I look forward to the Minister's response to the questions that have been raised.

12.20 pm

The Minister for Energy (Malcolm Wicks): I, too, start by congratulating my right hon. Friend the Member for Oxford, East (Mr. Smith) on introducing a good, well informed debate, including—against much heckling from my side—the contribution of the Liberal Democrat spokesperson.

Mr. Brian Jenkins (Tamworth) (Lab): Who is on your side? *[Laughter.]*

Malcolm Wicks: There was some quite bad behaviour from my colleagues during a plucky speech.

As the Minister for Energy, I am here today talking about Sunday trading not because all the issues in energy policy have been so resolved that I have time on my hands—there still seems to be some political interest in one or two issues—

Shona McIsaac: Will my hon. Friend give way?

Malcolm Wicks: Perhaps later in my speech. I am talking about Sunday trading because my right hon. Friend the Minister for Trade, who also deals with investment and foreign affairs, is unable to respond to the debate. He sends his apologies, but he cannot be here, sadly owing to personal and family circumstances.

I do not accept the caricature of the Department of Trade and Industry that the hon. Member for Isle of Wight (Mr. Turner) depicted. I know that it is now fashionable for the historic party of capital to attack big business, but to caricature us as a Department solely concerned with big business is unfair. We are concerned with employment relationships, work-life balance and consumer policy, as well as the needs of business. Before I came to the House I directed a body called the Family Policy Studies Centre, so I am aware of the need to take account of the impact of proposed legislation on the diversity of family life. Also, when I look at my red boxes on a Sunday and compare them with the grass uncut, the young cabbages unplanted and so on, I have some sympathy with the idea of keeping Sunday special.

The present position is that the Government are reviewing the Sunday trading laws in England and Wales. We welcome an open debate on the issue, and today's debate has been an important contribution to that. Since the review of Sunday trading was announced last November, we have asked for and received a range of evidence in response to our informal consultation. We also commissioned the cost-benefit analysis, which is now available on the DTI website. However, in case there is any misunderstanding, we also made it clear on our website that we would welcome further relevant evidence or views—from consumers, religious groups, employees and businesses—not only on the economic case, but on all aspects of further liberalisation. A cost-benefit analysis is a contribution to the process, but it can only be partial.

Two weeks ago we held a stakeholder conference to give people the chance to debate the cost-benefit analysis and have their say on all aspects of Sunday trading. We have made it clear that if we decide to proceed with the review, there will be a further period of formal consultation on any change. We want our consumer and labour policies to be well informed, although we recognise that there will never be an overall consensus on such a controversial issue.

The current Sunday trading laws were established 12 years ago. The Sunday Trading Act 1994 restricts large shops in England and Wales from opening for more than six hours between 10 and 6, and prevents them from opening at all on Easter Sunday. The fact that the legislation has been in place for 12 years does not necessarily mean that it is wrong, but it is sensible for us to look at it again.

We know from the responses to our informal consultation that there is a wide range of opinions on all sides of the debate and that some are very strongly held. Many of those views have been expressed today. This debate forms part of the ongoing consultation, and all views expressed will be taken into account. To illustrate the extent to which the Government have been listening, I will summarise the range of perspectives that has been put forward.

Some look at the question purely from a consumer perspective and argue that it should be business that decides when shops should open, not the Government, and that shops should be free to respond to the needs of their customers. The Government often get accused of over-regulating business, and there are those who feel that it is not the Government's place to regulate at all in this area.

Others feel strongly that there is more at stake than mere consumption and they would like to see Sunday protected as a day of rest: a quieter day when families can spend time together. We must also respect the position of those Christian groups who, because of their deeply held religious beliefs, feel that shops should not open at all on a Sunday, or should certainly not open for longer than they do under current law.

Others focus on the impact of extending Sunday opening on employees, and we have heard that argument today, not least from my right hon. Friend the Member for Oxford, East. Some employees value the chance to work on Sundays, but others feel that Sunday opening has made their working life and family life more difficult. There are those who argue that the undertaking of work by parents on weekends can have an adverse impact on children and knock-on consequences for society.

I welcome the comments of those who reminded us that in a modern society with an ageing population, we are not just talking about the care of children, but the responsibility that many adults take on for the care of elderly relatives or grown-up children with disabilities. I had a private Member's Bill that dealt with this subject, which became the Carers (Recognition & Services) Act 1995. Another important perspective that we have heard much about is the impact of further liberalisation on small shops.

Where are we? Those, and all the other views that have been expressed, have to be given proper consideration. My right hon. Friends, the Secretary of State for Trade and Industry and the Minister for Trade are considering carefully all the views and evidence they have received so far.

Shona McIsaac: Will the Minister give way?

Malcolm Wicks: Perhaps a little later. In addition, my right hon. Friends are also considering the cost-benefit analysis, which examines the economic impact of extending Sunday shopping hours for large shops. We welcome this report as a key contribution to the debate, alongside the views and evidence we have received from others. After hearing those views, if the Government feel that any change to the status quo is to be considered, there will be a formal consultation.

Several hon. Members *rose—*

Malcolm Wicks: I give way to my right hon. Friend the Member for Oxford, East.

Mr. Andrew Smith: The Minister answered his own rhetorical question, "Where are we?" I have listened carefully to what he said about the procedures the Department is going through. Will he tell us when he thinks our right hon. Friends the Secretary of State and the Minister of Trade will take a decision on whether they need to proceed to a formal review, or whether—in accordance with the overwhelming view expressed here and in the country—the matter should be left?

Malcolm Wicks: I am bound to say that we have not yet reached a conclusion about what should happen to Sunday shopping hours. No decision will be taken until we have assessed all the evidence, including the views expressed today. We want to make a decision based on all the information and informed by all perspectives on this topic. We want all interested parties to have a say about whether further or partial liberalisation—or no change—is the right way forward. In particular, we need to consider carefully whether large shops should be allowed to open on Easter Sunday. We have been told that shop workers either are not aware of their legal right to opt out of Sunday working, or do not feel that they can use it, and we want to understand that issue better.

We need to consider the evidence on the wider social issues that have been identified, which are as relevant as economic issues to decisions on Sunday trading. I am afraid that I cannot give my right hon. Friend a specific date, but I am able to give way to my hon. Friend the Member for Cleethorpes (Shona McIsaac), if she is still eager to intervene.

Shona McIsaac: The Minister mentioned the Ministers in his Department who will consider all the views expressed in the debate. As Minister for Energy, what impact does he think that deregulation will have on energy consumption in this country?

Malcolm Wicks: It probably depends how much energy people expend on devising ingenious questions when they are at home on a Sunday.

Let me make it clear that the special protection allowing shop workers to choose not to work on Sundays is here to stay. It is important to stress that. I cannot be more specific about time scales, but I would like to repeat that we have had a useful debate.

I am pleased to have been able to stand in for my ministerial colleague and to get into a controversial issue at long last. I thank my right hon. Friend the Member for Oxford, East for giving me the opportunity to bring my mind to bear on the subject.

Cancer Care (Herefordshire)

12.30 pm

Mr. Paul Keetch (Hereford) (LD): I am delighted to have secured this important debate for my constituents and delighted that the Minister is here to answer some of the questions that I shall put to her.

It is evident that the questions surrounding the availability of cancer care and drugs are common to many primary care trusts in England. The lack of vital services, medical personnel and new technology make news headlines almost every day. However, it is the availability of new life-saving drugs, such as Velcade for multiple myeloma and Herceptin for breast cancer, and the provision of acute radiotherapy care, that concerns my Hereford constituents most.

Herefordshire PCT has an excellent reputation as a cancer service provider. It is one of only 4 per cent. of PCTs in the UK that have achieved a three-star rating for two years running in the Healthcare Commission's assessment of trust performances. However, the notion of a cancer drugs postcode lottery and the need to travel excessive distances to obtain vital care is fuelling a great deal of anxiety among my constituents.

Cancer is one of the biggest killers in the UK, and accounts for a quarter of all deaths. One in three people has the prospect of being diagnosed with cancer at some stage of their life, so it is understandable that people are concerned when they believe that they are being denied the right to critical care and life-saving drugs just because they do not live in the right area. Surely everyone should have an equal right to life and treatment.

Under the current guidance from the National Institute for Health and Clinical Excellence, both Herceptin and Velcade are still waiting to be agreed as suitable for cancer sufferers in England. Yet in Wales and Scotland they were approved more than a year ago. Consequently, Welsh patients being treated in Hereford county hospital and, indeed, other English hospitals along the Welsh border, automatically receive those drugs. However, Herefordshire patients being treated at the same hospital do not always receive them. I am delighted that Welsh patients receive the drugs, but the essential thrust of my debate is to ask when the Government and NICE will stop the postcode lottery.

The county hospital in Hereford is one of the finest hospitals in the region and I was delighted when it opened. I pay tribute to the Labour Government for providing that hospital. We have some of the most dedicated doctors and nurses in the country—a plethora of talent—who cater for approximately 200,000 patients and provide acute care for those in Herefordshire, Powys and the bordering areas of Gwent, Shropshire and Worcestershire. The hospital provides essential health care—not only accident and emergency care but vital cancer care.

Between 2004 and 2005, there were more than 2,000 finished consultant episodes at the county hospital and 96.2 per cent. of cancer patients were treated within 31 days; that is a very good record. Only recently it was announced that my constituents will be blessed with a new £3.4 million cancer care unit, partly to be funded by the national charity Macmillan Cancer Support. The remainder of the funding will be provided by the hospital trust. Indeed, I shall shortly attend the launch of the Macmillan appeal to raise its £1.5 million towards the cost of the unit. The new facility will provide first-class chemotherapy care for the county, and I of course welcome that investment in cancer provision. However, much more still needs to be done.

The nearest hospitals to Herefordshire offering full oncology treatment are in Cheltenham and Birmingham. Many patients from the Herefordshire catchment area must travel to the Cheltenham general hospital for radiotherapy treatment. For some that is a 150-mile round trip in difficult circumstances. Many of the patients are old and frail and have little support at that most trying of times. On top of the mental anguish and distress to which the disease subjects them, they must undergo harrowing journeys because of the current unavailability of radiotherapy facilities in Herefordshire. My constituents have written to the Prime Minister on that very issue, and a local newspaper, the *Hereford Times*, has carried a campaign to cut the cancer miles misery which has attracted huge local support.

The 3 Counties cancer care network, which is responsible for providing acute services in Gloucester, Herefordshire and south Worcestershire, is looking to develop a radiotherapy service in the next few years, but many people in my county believe that that is too late. As anyone who has come into contact with cancer sufferers will confirm, it is a disease that can break hearts as well as bodies, and time is of the essence. It has come to my attention that cancer sufferers in Herefordshire are cutting their treatment short because they can no longer cope with the journeys. Frankly, that is a disgrace in a country whose health service was once the envy of the world.

Macmillan Cancer Support claims that many patients in outlying rural areas are facing "grossly unfair" journeys of up to 200 miles. I know that my neighbour, my hon. Friend the Member for Brecon and Radnorshire (Mr. Williams), is campaigning about that, as his constituents also suffer. He wanted to be present for this debate, but he is attending to other parliamentary business. When will the Government begin to address the shortage of cancer care provision before it is too late for many of my constituents?

Not only are many cancer sufferers in Herefordshire forced to travel hundreds of miles for vital treatment, they are denied life-saving cancer drugs. I have been contacted by constituents who are suffering from multiple myeloma and just cannot understand why NICE is still appraising Velcade, the cancer drug to treat myeloma. Velcade was granted a licence in spring 2004, so will the Minister explain why its appraisal is taking so long?

The All Wales Medicines Strategy Group, the Welsh version of NICE, appraised and approved Velcade in June 2005 and Welsh patients can now receive it on the NHS. You will be pleased to hear, Miss Begg, that the drug has also been approved by the Scottish Medicines Consortium and is available in Scotland. So why is it not yet available on the NHS to my constituents in Herefordshire?

It is expected that Velcade will not receive guidance from NICE until September 2006, despite the fact that the Government issued a statement in November 2005 saying that it and other life-saving cancer drugs would be part of a new rapid process for accessing drugs—the

so-called fast-tracking. When I asked the then Health Minster, the right hon. Member for Liverpool, Wavertree (Jane Kennedy), a parliamentary question about that, she replied that the

"proposed changes to enable the National Institute for Clinical Excellence (NICE) to produce faster guidance on life-saving drugs would go ahead immediately."—[*Official Report*, 2 December 2005; Vol. 440, c. 854W.]

The former Minister said that that system would benefit thousands of patients, especially those with life-threatening conditions, and would provide greater certainty about the provision of new treatments, yet we are now six months down the line and it is more than three years since the drug was licensed, but English patients are still waiting.

In that time, many thousands of people have been diagnosed with myeloma, yet their pleas have fallen on deaf ears. Sufferers cannot wait until the end of the year to start receiving the drug. Myeloma is a terminal disease and more than one third of patients die within a year of diagnosis. Between 1998 and 2001 the relative survival rate for patients diagnosed with multiple myeloma in England was 25.6 per cent. That is worrying and must be addressed now.

Of course the NHS is not obliged to fund the provision of a drug until NICE issues guidance, but cancer sufferers do not have time to wait. According to the Department of Health, PCTs are free to use treatments that have been licensed, even if they have not received NICE approval, and Ministers have repeatedly stated that whether funding is provided for treatment is a matter for local decision making. However, in practice, hospital bosses and local clinicians are reluctant to provide the drugs because of financial constraints.

Herceptin is another life-saving drug that is being denied to cancer sufferers, although in recent weeks one patient has successfully won a High Court appeal to be prescribed Herceptin by her local PCT. I am extremely pleased for the lady involved, who fought a very dignified campaign, but many thousands of breast cancer sufferers are still being denied Herceptin for early-stage breast cancer. No doubt that court ruling will have huge complications and we must wait to see what the result will be, but it highlights the fact that we are still witnessing postcode prescribing rather than local decision making.

In Herefordshire, that is a sensitive issue. We are witnessing breast cancer sufferers in Wales being prescribed Herceptin free of charge—as with Velcade—because the drug is funded by Welsh local heath boards, even if patients are treated in England at Hereford county hospital. However, women in the early stages of breast cancer who live in England and who are treated at the same hospital must pay between £20,000 and £30,000 a year because the local trust will not always foot the bill. Again, NICE has said that it will fast-track the appraisal when the licence has been granted—supposedly in July—but that does not alter the fact that many PCTs cannot afford the new drugs and are avoiding the issue.

The Government have said that PCTs need to ensure that they allocate sufficient resources to meet their local contribution to tackling cancer care, and we would all agree with that. However, given that one in four NHS trusts failed to balance their books in 2004-05, leaving the NHS with a deficit of £250 million, how on earth can the Government expect the trusts to fund the new cancer facilities and drugs? Many PCTs believe that the Government are passing the buck to them. The Government also expect PCTs and hospital trusts not only to keep within their budgets—again, I do not disagree—but to be able to dispense the drugs at higher cost from existing funds. The trusts simply cannot afford it.

In conclusion, when will the Minister's Department tackle this grossly unfair postcode lottery, so that everyone has an equal right to life and treatment? When will the new drugs be available to my constituents? When will the Government begin to address the problem of the harrowing journeys that my constituents have to make to receive radiotherapy and other vital cancer care? My constituents and I look forward to the Minister's reply.

12.41 pm

The Minister of State, Department of Health (Ms Rosie Winterton): I congratulate the hon. Member for Hereford (Mr. Keetch) on securing this debate. He has set out his and his constituents' concerns clearly. However, I hope he accepts that cancer has remained a key priority for the Government and that there has been real progress in recent years. For example, cancer mortality rates have fallen; more than 99 per cent. of patients with suspected cancer are now seen by a specialist within two weeks of being referred by their general practitioner, up from 63 per cent. in 1997; the number of cancer specialists has increased by 42 per cent.; and since 2000, more than 1,200 items of equipment have been delivered to diagnose and treat cancer. I hope that the hon. Gentleman agrees that those improvements have been made.

However, cancer continues to remain a priority, because there is a long way to go before we have a perfect system. Whether, as medical technology changes, there can ever be a perfect system is debatable, but the Government have made a real commitment to investing in and improving cancer services.

Mr. Keetch: I should like to put on record my acknowledgement that, as I have said publicly in Herefordshire, under recent Labour Governments there has been a massive increase in investment for health care provision in the county. I welcome that; I am only sorry that the hon. Member for Leominster (Bill Wiggin)—the other MP with a Herefordshire constituency—is not here to hear me say that.

Mr. Tom Harris (Glasgow, South) (Lab): Hear, hear.

Ms Winterton: Yes. I am grateful to the hon. Member for Hereford for his comments.

Quite rightly, the hon. Gentleman wanted to highlight the provision of cancer services for the residents of Herefordshire; he highlighted some of the difficulties that they experience. I join him in congratulating all the staff who work in local cancer care services in his constituency, because they have achieved a number of things at a local level—not least the fact that Hereford county hospital is one of the top-performing hospitals in England in respect of cancer treatment.

[Ms Rosie Winterton]

I turn to some of the hon. Gentleman's specific points. He referred at length to the drugs Herceptin and Velcade. I shall give a little background, of which I am sure he is aware. While NICE is developing guidance, there is no restriction on the prescribing of those drugs within their licensed indications. During that time, decisions remain for local determination, but the Department has made it clear that funding for newly licensed treatments should not be withheld because NICE guidance is unavailable. As the hon. Gentleman said, NICE is assessing Herceptin and Velcade under its new single-technology assessment, which has been specifically designed to meet some of the concerns about the time that it sometimes takes to carry out appraisals. Velcade is one of the first five drugs to be appraised using the new process, and we expect guidance shortly.

As regards the use of Herceptin and Velcade in Herefordshire, my officials have checked again with Herefordshire PCT. We have been assured that no patients from Herefordshire have been refused treatment with Herceptin or Velcade when it was recommended by an NHS clinician. The key, of course, is that the treatment must be recommended by an NHS clinician—that is absolutely right, and I hope that the hon. Gentleman agrees. I hope that that addresses some of the particular issues about those two drugs.

More generally, we want treatment for cancer patients in Herefordshire to be delivered quickly. Obviously, that is a key condition for successful outcomes, and the information that we have shows that treatment is, by and large, delivered quickly. At the same time, I understand the hon. Gentleman's concern about the distance that some of his constituents must travel to receive treatment.

Let me return to the issue of cancer networks, to which the hon. Gentleman referred. We have set up cancer networks—the first were set up about 10 or 12 years ago—to bring together all the bodies in an area that are responsible for planning and developing cancer service strategies, and there were good reasons for doing that. We wanted to make sure that clinicians, the NHS, patients organisations and other stakeholders were looking at overall provision to ensure that it was planned carefully, particularly where specialist treatment might be needed. The sad truth, particularly as regards specialist treatment, was that a proper view was not taken of how to maximise the use of individuals' and clinicians' skills, so it was important to have a view from a wider area than just one PCT. Networks therefore play a crucial role in delivering cancer services and they have played a major part in delivering some of the improvements that we have seen.

Herefordshire, together with Gloucestershire and south Worcestershire, is part of the 3 Counties cancer network, which the hon. Gentleman mentioned. He also mentioned the rural nature of the area that he represents and the fact that the geographical challenges can be quite significant when it comes to providing specialist health services. As he said, the 3 Counties cancer network specialist regional services are provided by the Gloucestershire Hospitals NHS Foundation Trust at the Cheltenham oncology centre. Currently, patients from Herefordshire who need radiotherapy and in-patient chemotherapy are treated in Cheltenham.

I accept that the distances for Herefordshire patients are large, and for those living on the Herefordshire-Wales border they are greater still. However, the hon. Gentleman will agree that it is important that issues of patient safety are paramount in providing specialist services such as those provided at Cheltenham. It is important that there are sufficient numbers of patients to make sure that staff can maintain and develop their specialist skills. As I said, in rural areas that brings significant challenges, but the 3 Counties cancer network is looking into how to make sure that it meets those challenges.

As I understand it, some patients at Cheltenham will require in-patient treatment, and it is important that there is an oncologist on hand to monitor those in-patients when they have their chemotherapy. That is one reason why it is important for the services to be in a specialist centre. There has been an increase in the levels of chemotherapy carried out, and the number of day-case sessions of chemotherapy at Hereford county hospital has increased from about 1,800 in 2003-04 to about 2,800 this year. The cancer network is looking at how that progress can be built on.

The Hereford Hospitals NHS Trust, to which the hon. Gentleman referred, has announced that it will work with Macmillan Cancer Support to build a new cancer unit at the county hospital to replace the Charles Renton unit. The hon. Gentleman is going to the launch of the appeal, which I am sure will be very welcome. I understand that it will be a state-of-the-art unit costing £3.4 million—£2.4 million of which will come from Macmillan, with the trust providing the balance. That will significantly increase the capacity for patients to receive chemotherapy in Hereford. I understand that when the centre is completed, it will have the capacity to provide some 4,500 sessions of day-case chemotherapy each year. That is sufficient capacity for all Herefordshire patients to be treated locally.

In-patient chemotherapy will continue to be provided in Cheltenham, as I said, because specialist staff are required—for example, to support a consultant oncologist—to monitor patients for up to 24 hours after receiving the treatment. The hon. Gentleman referred to radiotherapy. The network currently has four linear accelerators and two simulators at the Cheltenham oncology centre. That is the only radiotherapy service in the network at present, and all patients requiring radiotherapy are treated in Cheltenham.

The hon. Gentleman raised the sensitive issue of patients not travelling to receive radiotherapy because of the distances. I understand that there are some patients who had a terminal diagnosis and who have chosen not to travel, essentially as a quality-of-life decision. However, the PCT has assured us that there is no evidence of patients who are receiving curative radiotherapy choosing not to travel. Obviously, this is very difficult, and I will come on to what else is being done in terms of increasing the provision of radiotherapy locally.

Recommendations on these issues have come from the Royal College of Radiologists. As a result, the number of linear accelerators in the network will be increased to seven by 2010-11. The network is supporting plans to increase the linear accelerator

complement at Cheltenham to five by 2007-08. Beyond that, it has asked interested trusts to put forward proposals for developing the next round of linear accelerator provision in 2009-10. All three trusts—those based in Cheltenham, Worcester and Hereford—have expressed an interest in developing these services. The network has produced draft criteria for assessing the options; access is included as a criterion alongside issues such as safety, staffing and cost.

Mr. Keetch: I hope that access is one of the key criteria, because if the 3 Counties cancer network were to develop yet more centralised operations at Cheltenham that would be very unfortunate, not only for my constituents but for those from Powys and Brecon who also come across. Access for people suffering from cancer is a key criterion, and I hope that the Minister will ensure that it is one of the unit's principal criteria.

Ms Winterton: I suggest that the hon. Gentleman looks at the draft criteria that the network has produced just to reassure himself. I have certainly been assured that those criteria include access, but he might like to check that, and I shall make sure his comments on this matter are passed back.

I am informed that the current clinical view is that a linked satellite of the Cheltenham service could be viable in either Hereford or Worcester, but I must stress that no decision has been made on the final location of the two additional linear accelerators, one of which will replace one of the older machines at Cheltenham. The three trusts have all been invited to submit their proposals to the network board and a decision, which will be based on the criteria, is likely to be made in spring 2007.

In conclusion, I reiterate that I am sure that the 3 Counties cancer network is aware of the points about which the hon. Gentleman and his constituents are concerned. It is planning future development of radiotherapy services across Herefordshire, Gloucestershire and south Worcestershire. It is aware of the difficulty that some of the hon. Gentleman's constituents are encountering in travelling to the service in Cheltenham, and access is one of the criteria being considered in the development of those services. There have been improvements in recent years, but we obviously always need to ensure that the services are of the highest quality. It is what the public want, and I am sure we would all agree that it is what our constituents deserve.

Welsh Language Act 1993

12.59 pm

Hywel Williams (Caernarfon) (PC): I am pleased to have this opportunity to discuss the operation of the Welsh Language Act 1993.

I shall not be calling for a new Welsh Language Act, as hon. Members might have expected. People in Wales might be mystified by that, but the convention in these debates is that one does not call for new legislation—there are other opportunities to do that. However, this is a timely debate given the forthcoming national rally organised by Cymdeithas yr Iaith Gymraeg, the Welsh language society, which will be held in Aberystwyth on 10 June and will call for a new Welsh Language Act.

When discussing Welsh language provision there is a great temptation to list various outrageous cases where people have been denied a service by the public sector. There is a danger of an extended whinge—during the past 30 years many cases have led to people such as myself whingeing extensively—and of our losing sight of the principal fault with the 1993 Act as a permanent solution to the languages question in Wales. That principal fault is inequality, which is written into the Act.

Of course, the 1993 Act is concerned with treating Welsh and English on an equal basis. That equality is qualified in the Act by its being subject to being "reasonably practicable" and "appropriate in the circumstances". So, Welsh and English are not wholly equal; the equality is a qualified one. I have a difficulty with qualified equality as a concept; in my book, we are all equal or we are not. The Act seems to echo Orwell's point in "Animal Farm":

> "All animals are equal but some animals are more equal than others."

By now, it is abundantly clear that, even following the 1993 Act, Welsh and English are not even treated on the basis of that qualified equality. My argument runs contrary to that treatment: Welsh and English are equal, should be treated as such and Welsh speakers should have equal rights to use either language, or both, as they see fit. That is my basic argument; it is one of equality.

Cutting across the detail of individual cases, although I shall refer to such a case later, the crux of the argument is about equality. I would like to make it clear that the primary response that I am seeking from the Under-Secretary of State is an explanation of the Government's stance on the fundamental inequality that Welsh speakers face: the lack of a positive right to use Welsh equal to the right to use English, which is assumed without thought.

We are talking about a fundamental principle, and as such, however we organise and develop it in the future, it must be established and we must see it as a process to an end point. I accept that we will not achieve that overnight, in months or perhaps in years, but we must insist on the process towards equality. I want to hear the Government's response to my call for nothing less than the full emancipation of the Welsh language and of the individuals and communities that speak it.

[Hywel Williams]

We are not just considering my right and that of my hon. Friend the Member for Meirionnydd Nant Conwy (Mr. Llwyd) as Welsh speakers to use the language. We must also realise that communities in Wales use Welsh as the primary social mode of discussion; using Welsh is the way we talk to each other in some communities. There are not just individual rights, but community rights.

I said that I would not whinge about cases, not that they are scarce. Of course, there is a fine tradition of using cases to drive through progressive legislation. My illustrious predecessor as Member for Caernarfon, David Lloyd George, used the famous achos claddu Llanfrothen—the Llanfrothen burial case where nonconformists were not allowed to bury their departed in the graveyard in Llanfrothen—as a battering ram that eventually led to the disestablishment of the Church of England in Wales. I am not going to list a lot of cases, but I will base my arguments about equality on a case concerning British Gas Business that neatly encompasses some of the principles. I refer hon. Members to my early-day motion 2185 on this matter.

First, I would like to quote briefly from letters sent to me by British Gas Business. Hon. Members will note that I quote from the original and in English, for even though I usually correspond with the company in Welsh—not in this case, as it happens—it has replied to me in English. I will begin with a letter entitled in large letters "We won't be able to send your bills in Welsh anymore".

I would like the Chamber to note that British Gas, as a former public utility, has been providing a Welsh language service to both its private and business customers for a large number of years, as have other former public utilities. I have here some material sent to me the other day that includes a bill from Welsh Water, which is now a private company. It is entirely bilingual, although English is first and Welsh second. I can access the material in Welsh and English as I want. I also have some leaflets, which are also bilingual. That is an example of a former public utility, which is now a private company, that finds no difficulty in corresponding with me in Welsh, yet British Gas Business tells me that it will not be able to send me my bills in Welsh any more.

Irrespective of that case, British Gas assures me that it will continue to use Welsh in correspondence with its private domestic customers. However, it is a case of a service withdrawn, a service cut and a service lost. I wonder how you would respond, Miss Begg, if you were to receive a letter from such a utility saying that it was unable to send you your bills in English any more. I was surprised, shocked and dismayed at the cut.

In the first letter that I received, the customer manager at British Gas Business said that it wanted to

"make sure we're investing our money in the right places".

That is the driver behind the change. I do not know what the savings from cutting the Welsh language service will be, but Centrica, the parent company, made a profit last year of £1.5 billion, so it is not short of a shilling or two to put in the meter. In 2005, British Gas Business made a profit of £77 million. It is clearly searching for cuts and to spend its money in the best way, but it has a little in its back pocket.

The customer service manager went on to say that British Gas Business is withdrawing the Welsh service

"so that we can provide all our customers with outstanding customer service".

Clearly, that is not "all our customers"—my constituents and I count as customers. I cannot see how British Gas can rationalise the step by saying that it is serving all its customers.

A further explanation was offered in a further letter, which stated that

"the reason we have taken this decision is that British Gas Business customers are being migrated to a new billing platform."

I could say that British Gas Business should not only provide a service in Welsh, but that it would be good if it provided one in English as well. Perhaps it is unfair to tease British Gas any further. The point is that we have a former public utility that is now in the private sector and it is not subject to the principles of language planning. That is as envisaged in the 1993 Act, from which the private sector was excluded. The Act is concerned primarily with the public sector and, by voluntary agreements, with the voluntary and private sectors.

Mr. Elfyn Llwyd (Meirionnydd Nant Conwy) (PC): I remind my hon. Friend that in 1992, when we were discussing the 1993 Act in Standing Committee—the Under-Secretary was also a member of the Committee, and I am sure that he and I agreed on this—we said that the private sector needed to be included. However, it was not included, and we are still suffering from that mistake.

Hywel Williams: I thank my hon. Friend for that. I do not wish to labour the matter, because the First Minister in Cardiff said at the time that he would ensure in future that we had a proper Welsh language Act.

The private sector was excluded under the 1993 Act. That sector includes not only British Gas but the other former public utilities and large private sector businesses—unless they have entered into a voluntary agreement with the Welsh Language Board. I hardly need say that voluntary means just that. British Gas concludes its most recent letter with this statement:

"It may be the case that further legislation compelling energy suppliers to provide a fully bilingual service to business customers is necessary to reverse this decision."

That plainly says that British Gas will act if forced to. Let us be clear: it will provide a Welsh service only if the law compels it to do so. That is the stance of the self-proclaimed No. 1 supplier of energy to the commercial sector in Britain, so it will affect a large number of people.

I said that I would not tease British Gas any further, but its attitude is perfectly explicable given the current Act. The Welsh language may count for something to its private customers, but it has no place in the real world of business, as in the Act—or apparently so. However, many businesses in my constituency and throughout Wales now operate through the medium of Welsh. How could they access business services if every other company took the same view as British Gas?

Mr. Dan Rogerson (North Cornwall) (LD): I congratulate the hon. Gentleman on securing this debate. Does he agree that that point may be a disincentive to people whose first language is Welsh who are considering starting a business—an obstacle in the way of some who wish to form a new small business, particularly in the communities to which he referred where Welsh is the primary medium of communication?

Hywel Williams: The hon. Gentleman makes a good point. There are companies in my constituency that would not dream of operating through the medium of English. Welsh is their internal language and it is the language of their customers. Why should they operate in English? They should operate in English only if they have to, because of the attitude of other businesses. That is why the 1993 Act is deficient. It says nothing about the large parts of the world in which Welsh speakers live.

I am sure that the Under-Secretary will welcome the fact that many companies now operate through the medium of Welsh. However, he cannot welcome that end unless he wills the means, and in this case the means are being denied. I have no doubt that if British Gas, as a responsible employer, faced a case of discrimination on the basis of gender, disability race or even age, it would act, but the language rights of Welsh speakers and Welsh-speaking communities are somehow seen to be different in this case. As I said, that can be traced back to the deficiency of the 1993 Act.

There is a long history of legislation on the Welsh language, and that deficiency runs throughout. The Acts of Union barred anyone who chose to speak Welsh from holding public office; the aim was to expiate "sinister usages and practices", one of which was the speaking of Welsh. As a younger man, I was rather pleased to have the sinister usage and practice of speaking Welsh, but I am now slightly wiser.

Among 20th century legislation, we had the Welsh Courts Act 1942 and the Welsh Language Act 1967. The latter bought in the concept of equal validity, and states explicitly that where there is a discrepancy between English and Welsh texts, the "English shall prevail". If the Welsh text says that so and so is four and the English text says that it is five, it must be five. Such is the idiocy of that provision. We then come to the 1993 Act, with its qualification of equality.

Even the most determined radical would concede that there has been a good deal of progress—but at what a slow pace. Each change has been won from a grudging Government after much hardship, and I am afraid that each change has been deficient, but I believe that we are at the start of a new era for the Welsh language. I am sure that the Under-Secretary will agree that the demography is encouraging, with more and younger Welsh speakers. The bulge is at the young end of the population, not the old. The language is now heard on the streets of Cardiff and Newport as well as Caernarfon and Aberystwyth.

In those urban communities, however, Welsh is not the common language of social life. The Welsh speaker in Cardiff would have to be pretty assertive to demand a public service in Welsh—such as education, where recently the bungling local authority coupled a growth in Welsh language provision with the closing of English-medium schools, and effectively scuppered the plan. There are of course many enterprises that are private but which provide public services, most obviously in health and social services. The world has changed.

Furthermore, in the heartlands the Welsh language is not faring as well, because of migration from those areas that is driven by fewer opportunities, lower wages and the draw of the city. This is a time of potential hope and growth, but a time when we also need to be open to change. After all, why should John and Jane have an automatic right to public service in English, when Siôn and Siân have to fight every inch of the way—perhaps not successfully, in the end? As to the private sector, let us be clear that it is not a matter of forcing the corner shop owner to learn Welsh; it is a matter of large and profitable companies taking their responsibilities seriously—by law, if, as the British Gas case clearly suggests, that is necessary.

This year Rosa Parks died. As many hon. Members will know, she was one of the people who symbolised the fight for the rights of black people in the USA. She did so by the simple act of taking a seat on a bus—a seat that was reserved for white people. She dramatised the inequality of the treatment of black people. In Wales a more subtle and less dramatic form of inequality is present, and perhaps the steps that we take to deal with it are more subtle and less dramatic. However, change we must have. It must be based on full emancipation and full equality, and equal rights for Welsh and English speakers alike.

1.17 pm

The Parliamentary Under-Secretary of State for Wales (Nick Ainger): I congratulate the hon. Member for Caernarfon (Hywel Williams) on securing the debate. The hon. Gentleman has chosen an important issue for us to debate, and I have listened with interest. He claims that the current Welsh language legislation is no longer adequate. Perhaps it never was, in his view, in relation to private companies. He argues that the way forward is to establish genuine equality between the English and Welsh languages in Wales. I understand his desire to achieve a bilingual Wales and equality between the two languages, and for Wales to be at the forefront of the conduct of public and perhaps private life in Wales. However, I remain convinced that the way to achieve that is through greater co-operation and encouragement, not compulsion.

The Welsh Language Act 1993 has had a huge impact on the use of the Welsh language and I think that the hon. Gentleman accepts that. The language now plays a more prominent role in our national life than it has done at any time in living memory. The statistics from the 2001 census provide further evidence of that. It is important that fluent Welsh speakers feel that they have as many opportunities as possible to use the language in their everyday lives. There are now many more services available in Welsh than ever before, but one of our biggest problems is getting people to use the services that are currently available in Welsh. The Welsh Assembly Government have made great efforts positively to promote the use of Welsh, and I fully support them in that.

[Nick Ainger]

The long-term future of Welsh as a language rests in our ability to encourage more people to speak the language. A new Act would achieve some things, such as compelling even greater use of the language in business and services. Would it, however, really encourage more people on the streets of Wales to learn it? Legislation can be an effective tool for dealing with problems that society faces, but, as I have said previously, my colleagues in the Welsh Assembly Government and I feel that it is far more important to channel our efforts into ensuring that more Welsh is used every day in all aspects of life through promotion and co-operation. We need to ensure that there are services available in Welsh for those who want to use them, and, at the same time, to make sure that opportunities are available for people to learn the language or enhance their language skills. It is through a combination of those efforts that we will achieve our desired outcome of a bilingual Wales.

Although the UK and Welsh Assembly Governments are not minded to bring forward new specific Welsh language legislation, it does not automatically follow that we are not prepared to consider how we can strengthen our commitment to the language in other legislation. I should point out that the Welsh language has featured prominently in the debates on the Government of Wales Bill. Clause 61 gives Welsh Ministers the power to do anything that they consider appropriate to support the Welsh language. Together with the Assembly Ministers' functions under the Welsh Language Act 1993, it will provide a broad basis for promoting the Welsh language.

Welsh Assembly Ministers will inherit the Welsh Assembly's existing Welsh language scheme and the commitments in it to produce an annual compliance report. As required by section 21(3) of the 1993 Act, the scheme has been prepared having regard to the Welsh Language Board's guidelines. The Welsh Assembly Government's proposals to bring the board in-house have been well documented and debated, and consultation is taking place on them. When they come into effect, Welsh Assembly Ministers will inherit one of the primary functions of the board: promoting and facilitating use of the Welsh language. Having such a function will mean that the Welsh Assembly Government will have to take action to do so. A duty will be imposed on them. That, along with provisions in the Government of Wales Bill, is a reflection of the Welsh Assembly's commitment to the Welsh language.

The hon. Gentleman referred specifically and at some length to British Gas and its decision no longer to provide bills in the medium of Welsh to its business customers. We accept that private businesses have the right to make changes to their services on commercial grounds. However, it is disappointing when a prominent organisation such as British Gas takes such a decision. The company has informed my officials that it will continue to provide a bilingual service to all domestic customers who wish to communicate through the medium of Welsh. It has a voluntary Welsh language scheme, agreed by the Welsh Language Board, and a dedicated Welsh call centre based in Cardiff. However, this move is disappointing, and my right hon. Friend the Secretary of State intends to raise the matter with the company. I understand that Alun Pugh, the Welsh Assembly Government Minister with responsibility for promoting use of the Welsh language, plans to do the same.

Hywel Williams: I welcome the Minister's words about the Government's stance on the issue. How does he respond to the point in the letter from British Gas that it is only through compulsion—through a change in legislation—that it would consider moving back to a Welsh language service for its customers?

Nick Ainger: That is one of the issues that my right hon. Friend the Secretary of State will discuss with British Gas. As the hon. Gentleman said in his contribution, a significant number of companies are in exactly the same position as British Gas but continue to provide that service, and I hope that British Gas will seriously reconsider its decision. It is not justified, and we shall make our view clear.

There are several other examples not raised by the hon. Gentleman; for example, the Football Association of Wales. It is worth putting it on record that Alun Pugh, the Minister who has responsibility in this area, has urged it seriously to reconsider its policy.

The decision of British Gas, which is extremely disappointing, is an example of the challenges that we face. However, such cases do not necessarily justify or demand sweeping new legislation that compels organisations to provide services in Welsh. They demand greater co-operation, understanding and determination on behalf of us all to promote the use of the language. The Welsh Assembly Government have set out clearly their desire to create a fully bilingual Wales in which use of the Welsh language sits comfortably with the day-to-day functions of life.

The Welsh Assembly Government have outlined their policies in "Iaith Pawb", their national action plan for a bilingual Wales. It sets out how the Welsh Assembly Government will set about raising awareness of the language and encouraging more and more people to speak, learn and use it. The scheme will also ensure that Welsh language considerations are mainstreamed into other Welsh Assembly Government policies. That is a welcome move that I am sure will bring considerable benefits to the language.

Iaith Pawb has set a target of increasing the number of people able to speak Welsh by five percentage points by 2011. That will be an increase on the 2001 census figures, from 20.8 to 25.8 per cent. That is ambitious, but underpins the determination of the Welsh Assembly Government to secure the future of the Welsh language. Fforwm Iaith, which is a programme of public meetings and consultations taking place throughout Wales, has demonstrated further the desire to create a language policy that has the buy-in of all the people of Wales. It is no good having the ideas but not backing them up with resources. The Welsh Assembly Government have put their money where their mouth is and invested more than £28 million extra in the Welsh language since 2003.

It is not just in large-scale programmes of work such as Iaith Pawb that the Welsh Assembly Government are making progress, however. The UK Government are determined to promote the language. Nine Departments now have Welsh language schemes: the Department for

Environment, Food and Rural Affairs, the Department of Trade and Industry, the Department for Transport, the Department for Education and Skills, the Department for Work and Pensions, the Home Office, the Office for National Statistics, the Ministry of Defence and the Wales Office. Another three Departments—the Department for Constitutional Affairs, the Department for Culture, Media and Sport and Her Majesty's Revenue and Customs—are in the process of preparing those schemes in consultation with the Welsh Language Board.

We have announced that Welsh will appear for the first time on UK passports from this year. The Home Office has also demonstrated its commitment by introducing Welsh into the swearing of oaths and affirmations in citizenship ceremonies. Some of those commitments vary in size, but they are all significant.

Again, I am grateful to the hon. Gentleman for raising such an important issue. He has raised genuine concerns and again demonstrated his commitment to the Welsh language. I hope that I have done that as well. Although we might not agree on the need for new legislation, it is clear that we have the best interests of the language as our primary objective.

Wales is a special place and our language is to be treasured. It is an old language, with a rich history. It has been used to write some of the most magical and compelling literature and songs. Both the UK and the Welsh Assembly Governments are committed to the preservation and promotion of the Welsh language. We will continue to strive towards that through the initiatives that I have described. I am sure that we will do so by working with the hon. Gentleman, other elected representatives and the people of Wales.

Medical Research (Animals)

1.27 pm

Dr. Evan Harris (Oxford, West and Abingdon) (LD): I welcome you, Miss Begg. I think that this is the first Adjournment debate that I have had with you in the Chair, and I am pleased to see you. I also welcome the Minister, because this is the first time I have introduced an Adjournment debate with him in his new role at the Department of Health. He has long taken an interest in health, both before becoming an MP and in his early and brief days as a Government Back Bencher.

We debate the role of animal research in health care and medicines against a background of animal rights extremism, and there is no denying that. I do not want to talk too much about animal rights extremism, as I want to discuss the broader issues that we need to address to win the hearts and minds of the public over the value of, and therefore the need for, well-regulated animal research. However, it is worth saying a few things about what has happened recently in the context of Oxford, but not to concentrate on them too much.

I certainly recognise that animal rights activists have an ethical position that is coherent. That position is that we should not use animals as a means to benefit humans. That is not a position I agree with, but I recognise that one can hold it and that to do so is not wholly outlandish or irrational. However, if one argues on that basis, one must look first at the use of animals by the million—indeed, by a multiple of those used in medical research—for human consumption and other uses by humans. There is less value in using animals in that way, as it provides menu choice but is not essential for saving human life in the way that animal research in the biosciences is essential for finding insights into diseases and for safety-testing medicines that save life and significantly improve the human condition.

The part of the animal rights movement that I strongly disagree with is that which attacks science and has a pseudo-scientific justification for its position. However, those involved take that position because they know that it is hard to argue against the use of animals in medical research, particularly as it is so tightly regulated in this country and is used only in the context of the 3 Rs—the aim to reduce, refine and replace.

For reasons that I shall come to later, people in that part of the animal rights movement choose not to concentrate their fire on the farming, abattoir and butchery industries, but resort to anti-scientific methods. I feel very strongly that we need to expose that as wrong, irrational, unfair and anti-scientific.

Bob Spink (Castle Point) (Con): I am grateful to the hon. Gentleman for raising this important subject and for giving way. Does he accept that the animal rights movement has not attacked the registration, evaluation and authorisation of chemicals regulations—the REACH regulations—in Europe, although those will mean about 3 million animals being bred for research, with very little defined benefit for mankind? Will he draw attention to that?

Dr. Harris: It is fair to say that the broader animal welfare movement is split, with the WWF supporting, and indeed instigating, the REACH regulations. However,

[Dr. Evan Harris]

to be fair to anti-vivisection organisations—I am always keen to be fair—have made representations to the Science and Technology Committee, on which the hon. Gentleman and I serve, opposing those regulations because of the number of animals used.

I want to concentrate on the false arguments used by the animal rights lobby on the validity and value of animal research for the production of medicines, and, before that, on getting insights into the development of disease, both veterinary and human.

It goes without saying that I condemn unreservedly the violence, intimidation and harassment used by animal rights activists. I urge the mainstream animal rights organisations to condemn unreservedly violence, intimidation and harassment, and not by saying, "We condemn violence against both people and animals," because there is a difference, even if some choose to define research using animals as violence. One is lawful and sanctioned by Parliament, and tightly regulated; the other is wholly unlawful criminal behaviour. The two should not be mixed. Therefore, condemning violence against people and animals, in the way that some organisations do, is not an acceptable way of claiming to condemn those techniques.

Mainstream organisations need to condemn that violence, because it will enhance them and their cause if they dissociate themselves from what they must recognise, and many do, as not representative of the vast bulk of people who care about animal welfare, nor even of those people who describe themselves as animal rights activists.

To turn to the general issues of which I have given the Minister notice, the Department of Health, the NHS and the pharmaceutical industry need to do far more to explain to, and educate, the British public—through the media, but also on occasion by educating the media—about the value and essential nature of research using animals. That is not done sufficiently.

Perhaps the Minister can help me with this, but I have not found a speech by a Secretary of State for Health in which the main issue was the value to our health service of the work done by beleaguered scientists, including those in Oxford, who work in basic science or do pre-clinical work to produce new insights into disease, new targets for drugs and new drugs.

People working in the NHS, who I accept are hard pressed, do not recognise that they, too, have a role to play in taking every opportunity, within reason, to make it clear what work has been done on animals to help to provide the health care that they deliver. Clinicians are busy people, so there is the following strong argument to be made about research, whether it is sponsored through NHS research and development funding, or worked on by the Department of Health or the Medical Research Council: somewhere in press releases about breakthroughs in human—that is, clinical—trials, there should be, perhaps in the notes to editors, a statement that the therapy was developed through animal models.

That statement should detail what those models were, and, when applicable, what animals had been used to test efficacy and safety before the relevant medication was put into man. It should also point out that the use of animals was an essential part of the process. The onus would then be on the media to report that part of the story.

We should make the provision of such information a general rule, so that individual scientists would not feel singled out when it was provided. When I volunteered for tests on a putative HIV vaccine, I made it clear, as best I could, in live interviews—otherwise it was edited out—that I had done so knowing, and being grateful for, the fact that the vaccine had been developed using animal models. It had been tested on animals for efficacy, at least in respect of immunogenic impact; primate models had developed the immune response that researchers were looking for.

I do not want to blow my own trumpet, but we need more people to seize every opportunity to make that point. If they do not, we shall not convince the public of the need to safeguard animal research. We can rejoice—if that is the right word—in the recent convictions and long sentences. We can welcome, as I certainly do, the actions of the young people in the Pro-Test movement in Oxford. They put the case positively for research using animals, rather than simply opposing the extremism. We can welcome all that, but those acute, short-term effects have to be sustained.

I worry about polls that reveal the high number of school leavers who have a negative view of animal research, think it cruel and unnecessary, and have read and accepted the propaganda of the animals rights movement. I speak generally; the counter-argument has been more successful among those who have been exposed to debates on the subject.

There is an overwhelming argument for using the opportunity of medicines labelling to make the case for animal research. It has two bases. First, the educative one: it is right that the key role that animals have played in the development of the therapeutic option, in identifying what the drug is targeting and in testing for the efficacy and safety of it—any and all of those, as they apply—should be explained to consumers at the point of use. That is important; it is not done, but it needs to be.

Secondly, informed consent means that people are entitled to know about the contentious issue of whether drugs have been tested on animals. People are entitled to know that, whether or not it would make a difference to whether they would choose to use a drug. We label as to whether food is GM-derived, even if there is no GM product left in it, on the basis that consumers have a right to know and should be able to choose whether they want to support GM technology.

I do not think that many people would refuse to use animal-tested medicines if such labelling were introduced—I hope that very few or no people would—but it is important that people should have that right. The argument that we should not label in that way because people might choose on ethical grounds not to have treatment only proves me right. That view is paternalistic; we must recognise that competent adults have a right to make such decisions for themselves. That paternalistic argument is the worst that could be used, because it sells the pass on the right of people to give informed consent for their treatment.

The Association of the British Pharmaceutical Industry has said to me, and said on the radio this

morning, that the issue is difficult. Well, labelling is difficult. It would involve legislation, and it might be difficult or inequitable for it to be introduced in this country and not others, but we have requirements for labelling in this country and in the European Union. I want the Government to say that they accept that a good case has been made and that they will explore what can be done to bring such labelling about.

I come back to the point I made at the beginning of the debate. One reason for animal rights activists not targeting the food industry is that they know it would be difficult to argue, as they have on animal research, that such testing is useless. Everyone who eats meat, and presumably enjoys doing so, recognises that there is a direct benefit from having the meat industry. However, what they do not see—unless and until, sadly, they are ill, and it might be explained to them—is the direct benefits of research using animals. They see it as testing things for other people, not for them.

In the same way, as the Minister will be aware, people do not necessarily correctly quantify the risks, if there are any, from mobile phones and mobile phone masts. They see the benefit of the mobile phone that they use, so they discount their fear of the risk, even though the dose from their phone might be greater than that from a mast. They do not see a direct benefit from mobile phone masts, even though they might use a mobile phone—one might consider that a little quirky, to say the least—so large numbers of them campaign against the masts.

Animal rights campaigners recognise that there is a similar issue here, which is why they do what they do, and we must counter that. I fear that the climate will not always be such that the vast majority of the public believes that animal research is essential. However, if we can conquer animal rights extremism and unlawful behaviour through the efforts of the police and the intelligence services, that will bolster public opinion in support of animal research. If we are successful, we can then go back to the battle, which I am happy to have, to secure public support for animal research that does not rely, in a strange way, on the animal rights extremists' counter-productive activities.

I hope that the Minister will offer me some comfort on the points that I have made, particularly on the lead that Health Ministers can take by backing the admirable work done by Lord Sainsbury, the science Minister, and, on occasion, by the Prime Minister. I also hope that there will be action on the design of press releases to ensure that the press have the option of reporting on animal research.

Finally, I hope that the Government will look seriously at allowing patients to give informed consent and at educating the public generally through medicines labelling.

Bob Spink: I congratulate the hon. Gentleman on how he has presented his comments. I agree with everything that he has said, and he has said it very well, but would it help his case and help to win over the public if he confirmed that the UK has one of the strictest licensing regimes in the world for using animals in medical research? Research can be conducted in the UK only if no non-animal options are available. Only essential research takes place, and the animal's welfare is always at the forefront.

Dr. Harris: I certainly endorse the hon. Gentleman's comments. The key point is to recognise that work is being done on finding replacements, refining animal experiments and minimising the number of animals used. However, we must recognise—this is my only criticism on the issue—that as more animal models are created as a result of transgenic research, more breeding pairs will be produced. That is particularly true of mice. More mice will be used, so we need to lower expectations on whether there will be a reduction in the overall numbers.

That technique is powerful, and as more genes are identified, more animal models may be used. We will continue to see an increase there, but minimisation of the numbers is still possible within that, and I wholly endorse the strategy of the three R's. I look forward to the Minister's response.

1.43 pm

The Minister of State, Department of Health (Andy Burnham): I congratulate the hon. Member for Oxford, West and Abingdon (Dr. Harris) on securing the debate and I am grateful to him for the measured and informed way in which he spoke. It is characteristic of his approach on these matters, about which he is well informed.

I am also pleased that the hon. Member for Castle Point (Bob Spink) has made an effort to be here. During my remarks, I hope that those outside who pay attention to these proceedings will see that there is a consensus between the three of us and, more broadly, between our political parties. That shows that mainstream opinion is firmly on one side of the argument and sends an important message to the public.

I am pleased to be back at the Department of Health and I was grateful to the hon. Member for Oxford, West and Abingdon for welcoming me back. During my time dealing with identity cards and other matters, I also had responsibility at the Home Office for the Animals (Scientific Procedures) Act 1986, so, usefully, I saw the licensing side of this issue and I have acquired experience that I hope will inform how I do my current job.

I agree with almost all of the hon. Gentleman's points. He made some challenges to the Department, and I will want to address them. However, let me begin by saying that animal research and testing has played a part in almost every medical breakthrough of the last century and is vital to the functioning of our national health service. In recent times, research using animals has led to new treatments and therapies for many conditions including stroke, which is the third largest cause of death in the United Kingdom and the largest single cause of severe disability. Studies with mice and rats have shown the complicated cascade of events that takes place during and after a stroke and have led to successful treatments being developed. These include drugs that prevent or inhibit the harm caused by glutamate, which damages the brain cells and is released in huge quantities during a stroke. New treatments being tested on animals include stem cells and bone marrow injections, which appear to restore much of the brain's function.

[Andy Burnham]

In introducing my remarks, I want to take head-on the hon. Gentleman's challenge. If I interpreted correctly, there was a criticism that the case for animal research and testing was not made strongly enough across all arms of government. I refute that by saying that it is evident that the Government from the very top down—from the Prime Minister downwards—have been steadfast in supporting necessary animal research and testing. To be fair to the hon. Gentleman, he made reference to that. Support for that comes from the top, and I assure the hon. Gentleman that there are no differences of opinion between the Departments of Government.

It is also important to introduce a note of balance by saying that it is Government policy to support what is called the 3 Rs agenda—reduction, refinement and replacement. Where possible, we should work to reduce the number of animals used. The hon. Member for Castle Point made that point. We see the need for this balance; we support animal research and testing, and we robustly and resolutely defend that principle in many forums, but we also say clearly to the public that where necessary and where possible we will support the reduction of animal use.

Bob Spink: Will the Minister clarify that the refinement element of the 3 Rs addresses the welfare of the animal by making sure that that is as high as possible in all circumstances?

Andy Burnham: I gladly confirm that.

The hon. Gentleman made an important point in his intervention on the hon. Member for Oxford, West and Abingdon. Speaking from the Home Office perspective, as I used to do, it is right that the British regime for the conduct of research and testing in this area is, I would go so far as to say, perhaps the best and the strictest in the world. We set the standard for many other countries to follow; they look to us for standards of animal welfare in science and in research and development. One of the great ironies of the actions of so-called animal rights extremists is that if they achieve their goal and drive this work from our shores, they could drive it to countries that have a far less strict regime for the conduct of such research, and by implication they could therefore cause more suffering to animals in the long run. They would do well to think about that point.

That is not to say that, as the hon. Member for Oxford, West and Abingdon mentioned, there are not groups that legitimately apply pressure in respect of reduction, refinement and replacement. We should hear that pressure and respond to it wherever we can, but without losing sight of the central point that is being made in this debate: that we should strongly, clearly and, if possible, in unison defend the use of animal experiments to the wider public. That is certainly the position that I am here today unequivocally to support.

The hon. Gentleman will know that my right hon. Friend the Prime Minister wrote an article published in *The Sunday Telegraph* on 14 May, setting out the Government's position on animal testing and our determination to stand up to animal rights extremism and to protect those targeted by it. The article sets out the importance of as many people as possible standing up to extremists; recognises that British scientists and companies are at the forefront of research that saves and improves the quality of countless lives; and affirms that we should be proud that the UK leads the way in the robustness of our licensing regime and in developing new testing techniques.

I wholeheartedly endorse those sentiments. The Government, police and courts are making increased efforts to stamp out illegal and intimidatory conduct by animal rights extremists. We have a comprehensive strategy, with the Prime Minister taking overall charge, and we have made excellent progress in better co-ordinating our efforts. The Government have injected significant new resources into that work. At national level, a specialist team has been set up to co-ordinate operations against extremists. At local level, awareness has been strengthened through workshops with local police, and the issue is being flagged as a key priority in the national policing plan.

More people, including health professionals, are now prepared to speak out on behalf of research using animals, as the hon. Gentleman said. In February 2006, the "Pro-Test" campaign attracted twice as many demonstrators on to the streets as the anti-testing demonstration on the same day. I believe that the former demonstration was attended by many of the hon. Gentleman's constituents, if it did not go through part of his constituency. I commend the courage of the demonstrators in defying the bullying and intimidatory tactics of the small number of extremists.

The centrepiece of the hon. Gentleman's comments related to Health Ministers and the Department itself being on the front foot and supporting the agenda that he has outlined. I strongly welcome the "People's Petition", registering support for the properly regulated animal testing that takes place in this country. It has attracted thousands of signatures and gives voice to the majority position in this country. The hon. Gentleman is doing a great deal to ensure that that position continues to command majority support from the public, and I commend his efforts in making the public argument, as he does whenever he has the opportunity.

The hon. Gentleman expressed a need for Health Ministers to defend, promote and support essential medical research. That is what we do. Wherever possible, the Department of Health—together with the pharmaceutical industry, the scientific community and funders of research using animals—makes the case strongly for the importance of such research. All those partners have a role to play in explaining its legitimate and responsible use.

Ministers from my Department, the Home Office and the Department of Trade and Industry have spoken many times on that subject. The hon. Gentleman said that he had not found such a speech. I can refer him to countless speeches and comments from Ministers not only in the Department of Health but across the spectrum. In those speeches and comments, he will find unanimous support for the position that I am outlining. We set out, and will carry on setting out, the benefits of medical research and the fact that the UK has the strictest regime in the world for animal testing, designed to minimise suffering and to ensure the highest welfare standards.

The Government are committed to developing alternatives to animal testing wherever possible, and fund work to reduce, refine and one day replace the use of animals in research. UK universities and companies have an excellent record of developing and using alternatives.

As a Health Minister in April 2002, Lord Hunt of Kings Heath set out in full for the first time the Government's policy on the use of animals in medical research. Two years later, at the first Coalition for Medical Progress parliamentary reception, my ministerial colleague Lord Warner of Brockley spoke about why research using animals is essential. That is a speech to which I can refer the hon. Gentleman. The Government welcome and support the work of the coalition, which presents data from scientists engaged in biomedical research in order to explain how animals help research on the causes of disease and enable new treatments to be developed. The coalition communicates with a range of audiences, including nurses.

I shall touch on some of the points raised by the hon. Gentleman. He said that he understands the position taken by some people who believe that it is defensible to say that animals should not be used to benefit humans. I believe that the vast majority of people would find that position difficult to sympathise with or agree with and it becomes completely unacceptable when combined with violence and intimidation against those who do not hold a similar view. He was right to say that it is important not to suggest that the groups that indulge in such extremism are in any way representative of the huge number of people in this country who care about animal welfare, and it is right that we make that distinction here today. There is a long and respectable tradition in this country of campaigning on such matters and many people take a strong personal interest in them, but there is a major difference between wanting a reduction in the unnecessary suffering by animals and those who understand the need for medical research for the benefit of humankind. It is important that the hon. Gentleman put that distinction on the record.

I take on board the hon. Gentleman's point about press releases. It is important to make the case whenever we have the opportunity. I will not flinch from doing so and I do not believe that a single ministerial colleague in the Department will flinch from doing so. The hon. Gentleman may have given us a useful jab and he was right to say that we should carry on making the case clearly and unequivocally.

The hon. Gentleman said that he was a volunteer for the HIV vaccine, which demonstrates a personal commitment, and I want to make a brief comment about the Northwick Park issue which is commanding so much attention at the moment. People have asked whether that demonstrates that animal testing is unnecessary because it did not prevent the incident. There will be further announcements in due course about the reasons for what happened—and some expert work is necessary—but it demonstrated the danger of putting people into early clinical trials when there has not been sufficient animal research. That makes the point that animal testing is important; it does not make the reverse case. It would be a dangerous world if people were not confident about going into such trials and it is very important, if we are to maintain public confidence in clinical trials, that we continue to use animal testing when necessary.

Dr. Harris: I back the Minister's support for the idea that press releases on clinical trials should refer to animal research and I hope that it is fair to say that there is now Government support for funders to ask for or even to insist that researchers do that.

Will the Minister use the last two minutes to refer to the labelling of medicine packs because I know that many people want to hear his views?

Andy Burnham: I will. I heard the hon. Gentleman's comments and have read the transcript of his interview on the "Today" programme. He is making an interesting proposal. I know that it has been discussed before and I have an open mind about it. I am prepared to consider the issues further, but I urge him to recognise that a cost-benefit analysis is required because there are risks—it has been suggested that some people may be deterred from taking medicines—and there is a financial cost to the NHS of doing so. There may be other risks in following such a course.

At the same time, the benefit that the hon. Gentleman wants is public confidence and acceptance of the need for animal testing so there is a benefit, but I hope that he recognises that there may be dangers also. The matter should be considered in the round before a firm commitment can be given one way or another. I do not have a closed mind on the issue and if he wants to do further work and to engage us in further debate, I am happy to do so. However, the matter is not as straightforward as it may seem initially, although I am not saying that I have a real desire or a closed mind.

In the short time remaining, I want to congratulate the hon. Gentleman again on the debate. He mentioned young people, who are an important audience for the issues that we have discussed today. We would do well to think more about how we can communicate some of the messages that we are sharing today with that audience. I believe that most young people would accept the position that we are outlining, but let us communicate with them.

It being Two o'clock, the motion for the Adjournment of the sitting lapsed, without Question put.

Westminster Hall

Wednesday 24 May 2006

[FRANK COOK *in the Chair*]

Nursing

Motion made, and Question proposed, That the sitting be now adjourned.—*[Huw Irranca-Davies.]*

9.30 am

Laura Moffatt (Crawley) (Lab): Good morning, Mr. Cook. It is a pleasure to see you in the Chair today overseeing our proceedings.

I am delighted to have secured this debate on nursing. The NHS is made up of many people who have created the fantastic, modern NHS of today, but I want to concentrate on the role of nurses, their practice and nurse education. Nurses are to be found in all sorts of settings, but often they are stereotyped—certainly I was during my 25 years as a nurse in the health service—as someone who wears a nice blue dress, has an upside-down watch and struts up and down like Hattie Jacques. Of course that is not true—although, to be honest, I was quite bossy. In fact, nurses are to be found in all parts of today's NHS. We have acute nurses working in our hospitals, and community nurses doing an excellent job in the outside world. There are those who help people with severe learning disabilities and those who care for people with mental health problems, and then there is the fantastic work done by occupational health nurses.

It would be great to tell the House of all the hideous and despicable things that I had to do as a nurse—not intentionally but in the course of my duties. I sometimes hear nurses say, "Oh, things are not like they were in my day," but I hope to demonstrate that nursing has developed into a serious professional career, with opportunities for development that were never thought of even 20 or 30 years ago. It is important to set the scene and to lay to rest the belief that everything was wonderful 30 years ago and that life for nurses is now a piece of cake. I firmly believe that that is not true. Life can be extremely difficult and nurses are doing an excellent job in a very busy NHS.

Since the time of Florence Nightingale, nurses have been at the forefront of development and improvements in health care. We need only look out of the window to see—if the blinds were open, we could see it better—the first school of nursing, founded by Florence Nightingale at St. Thomas' hospital. It is appropriate to debate nursing today because nurses have responded well to change. On the whole, they have been at the cutting edge of innovation and development in patient care.

Nursing has never been a job that anyone could do only for money. It has always been called a vocation, and that is how many speak of it, but I often thought that that was an excuse for paying nurses badly and for not respecting and understanding the work that they do. I am glad to say that nurses today are given the right resources and the money that they deserve, and that they have become part of a profession.

David Taylor (North-West Leicestershire) (Lab/Co-op): My hon. Friend is right to point out the real increases in nurses' pay since 1997, but we also need to offer proper financial support to nurses and midwives during training. There is a high attrition rate in midwifery training and larger bursaries are needed, partly because entrants may be more mature and have caring responsibilities. It can be a financial struggle to get to the end of the course. Does my hon. Friend think that the new Under-Secretary of State for Health, our hon. Friend the Member for Bury, South (Mr. Lewis) will announce something today that might improve that situation? We greatly admired the talents that he demonstrated in his previous post.

Laura Moffatt: I remember well being involved, with other hon. Members, in campaigning for a decent bursary for student nurses. I am well aware of the issues that affect nurses, certainly mature nurses. We want people of all ages to join the nursing profession, because that enhances the richness of the profession, which should not be a career choice only for those in their late teens. I understand that there are issues that particularly affect older people with families who are trying to develop their careers. I hope that the Minister will comment on that subject this morning.

Mr. Jim Devine (Livingston) (Lab): Probably when my hon. Friend and I did our training, we not only received a salary but had employment protection. We had protection against unfair dismissal, for example, and women, who might have fallen pregnant during their training, also had the protection of maternity leave. Should we consider going back to those days instead of having a bursary? Students would still attend university, but would be associated with a local health board.

Laura Moffatt: I completely understand my hon. Friend's point of view. He has a long history of campaigning on behalf of nurses. Having a salary was attractive, but it was very small and I suspect that, if it were set at the same rate, it would be completely inadequate for nurses today. In addition, we immediately became part of the work force as nurses, but had enormous difficulties in getting the classroom education that we so desperately needed. I believe that there is a middle way: we can properly reimburse student nurses for the work that they do, even if they are supernumerary to the nursing team on the ward, because they play a huge role. We need to respect and understand that.

Returning to why people become nurses, it is important to understand that nursing is a career of positive choice, with pathways of opportunity and clinical development. Nurses are no longer the handmaidens of consultants, doing as they are told. Life is very different for nurses today.

As I mentioned, my experience is very much hospital-based; I served 25 years in my local hospital on both day and night duty. I am pleased to see the hon. Members here, particularly my hon. Friend the Member for Brentford and Isleworth (Ann Keen), who has enormous experience in the community. I hope that she will be able to catch your eye, Mr. Cook, so that we

[Laura Moffatt]

can hear more about community nursing. Many other Members present also take a great interest in the issues.

We must accept that things have changed for the better for nurses in respect of their stature and how they are regarded. However, we must also accept that life for today's nurses can be very hard. Their work load is much greater because we are treating people more successfully: thousands of people walking around today would probably not have survived 35 years ago. People are living longer, thank goodness, and many more are being treated through a whole range of interventions and treatments that were never seen before.

I first started nursing on a 25-bed ward. In those days, I could probably rely on 10 of those patients being relatively well, up and about and able to help with the tea trolley. It was not unusual for a patient to spend 10 days in hospital after a hernia operation. Now such patients would leave hospital the next day. We can only imagine the pressure that that puts on nursing staff to ensure that the bed is clean and fresh for the next patient. We accept that nursing is a different kettle of fish now from what it was years ago. Hospitals are no longer places where people convalesce.

I strongly support the aims of the White Paper "Our health, our care, our say: a new direction for community services". Recovering at home or in a setting other than hospital is by far the better option, but it must be well supported by good nursing staff and systems. That is why I am such a keen supporter of the proposals to broaden the opportunities for people to recover in their own home, where we know they do much better psychologically than if they were left in hospital. However, it means that today's 25-bed unit will contain 25 people needing intensive nursing and treatment.

Many of the changes that have taken place in the health service have been led by nurses. They understood that when a patient is recovering, being at home and being more active is the best option. We no longer condone patients being left in bed in hospital, waiting for the visiting hour when people can come to see them for a short while. Nurses have developed models of care to define nursing care in this century, and tremendous efforts have been made to ensure that nurse education leaves student nurses fit for practice.

To return to the intervention by my hon. Friend the Member for Livingston (Mr. Devine), 30 years ago a nurse would spend six weeks in the school of nursing and then go straight on to a ward. Obviously, other nurses would provide support, but that was a very scary situation to be in and we should never condone that practice again. In the days when 10 of the 25 patients were relatively well, we could support such a practice, but today it would be dangerous.

Medicine has transformed what happens in the NHS. We no longer have generalist surgeons or medics and there are no generalist nurses, either. Nurses soon specialise in a particular area and deliver specialised care. I remember well the days when, for example, over-65s who had had a heart attack would see a consultant physician, who would say, "Well, old chap, you've had a heart attack, so I'll ask you to go home and rest and we'll see how you are in a couple of weeks." Today's NHS would never treat anyone of that relatively young age in such a way; it ensures that all that can be offered is offered. I am glad to say that there has been a tremendous fall in the number of people dying of coronary heart disease, because of the specialist intervention. However, none of that can happen without nursing staff supporting innovations, ensuring that people have the intervention that they need and get the care and support that they need when they get home.

Today's nurse education is very different from what it was years ago. Nurses are empowered through education, and not only to deliver excellent care. They are also encouraged to challenge what is offered to patients, to think of new ways of delivering care, to respond to patients' needs and to act as an advocate on their behalf. The Council of Deans and Heads of UK University Faculties for Nursing and Health Professions has been doing tremendous work to ensure that nurse education is of the highest standard. A recent statement on nurse education from the council said:

> "Education programmes should seek to ensure that students have the knowledge, skills and expertise to practise in a culturally diverse environment and develop lifelong learning skills".

The statement refers to skills such as flexibility, scholarship, questioning, analysis, critique and the use of evidence. I was not taught to challenge or use critique—the very idea would have been frowned on when I did my nurse training.

Mr. David Drew (Stroud) (Lab/Co-op): My hon. Friend is in touch with the midwives at the Stroud maternity unit, which is threatened with closure. Yesterday, I received a letter from the university of the West of England saying that it was important to keep such facilities open so that they could provide training for midwives. Does my hon. Friend agree that nurses and midwives will not have proper training facilities for nurses and midwives if we contract NHS facilities?

Laura Moffatt: As chair of the all-party group on maternity, I am very aware of the issues facing the Stroud birthing unit. I also know that my hon. Friend is a keen supporter of the nurses there and that he is keen to ensure that that excellent unit survives. He is right about nurse education and continuing education, and when trusts face difficulties—I shall speak a little more about this—they should be wary of cutting budgets in ways that result in their not training as many of those entering the profession or continuing their education afterwards. That would be a false economy, and none of the innovations that I described would have happened without a well educated, empowered work force. I thank my hon. Friend for raising the subject.

I have talked about how different training has become. Today's nurse education includes increased practice-based learning, which we called for very strongly. We felt that in the Nursing 2000 initiative there was an overemphasis on classroom activity and not enough emphasis on practice-based activity, and the change has been warmly welcomed.

My hon. Friend mentioned training, and I want to put the issue to the Minister in the hope that we can have an ongoing dialogue to ensure that training

budgets are secure and ring-fenced. That would give acute trusts and primary care trusts the ability to continue investing in their most precious commodity—their staff.

Nurses who are in practice now are having a very different time from their predecessors, and I look with envy at some of the activities and innovations that are taking place. I like to keep in touch with what is happening and I have assisted in the Royal College of Nursing leadership programmes for modern matrons, which has helped me to understand some of the issues that those people face.

Nurses continue to press for greater autonomy, and nurse organisations across the board, including trade unions, such as Unison, and the RCN, continue to ensure that nurses introduce new ways of practising. Talk of evidence-based practice is now typical in every nurse setting, as nurses ensure that they continue to deliver the best care to patients.

Nurses who have been through nurse education have a responsibility to other team members. I am delighted that more than 80,000 more nurses are working in the NHS, but there has also been a huge increase in health care assistants, and nurses have a responsibility to ensure that those assistants receive the best training so that they can assist in care giving. No one is better placed than nurses to ensure that health care assistants receive the training, education and continuing development that they desperately need.

Mr. Andrew Smith (Oxford, East) (Lab): I endorse what my hon. Friend says about the important role that health care assistants play. Does she agree that secondment, which offers health care assistants a route into qualified nursing, is enormously important? I read the accounts in the very helpful debate pack that the Library prepared for the debate, and it was alarming to find that getting a secondment place seems to be something of a lottery. Does my hon. Friend agree that it would be helpful if the Minister addressed those points?

Laura Moffatt: I am deeply grateful to my right hon. Friend for that intervention, because I wanted to go on to talk about securing finance to ensure that workplace development goes on. The secondment programmes are excellent, and as he says, places are hard fought for, but there are other ways to get into practice. I congratulate Unison on its work with the Open university in helping people, including mature people, in the workplace who cannot afford to give up their jobs and start training for a completely new career. It encourages them through high-quality training, in partnership with the Open university, to develop their skills. An excellent programme was recently launched for social workers working in a care setting who choose to go on and develop their skills. There are routes other than secondment, and we should use those methods to make sure that people have an opportunity to develop. After all, what is better than someone who understands the profession becoming a health care assistant and then deciding to go on to become a registered nurse? The only way that we can truly guarantee quality of care is to secure the budgets and, once again, I ask the Minister to say a little about that.

There have been fantastic innovations in nurse education, and I am particularly taken with the role of modern matrons. They have provided highly visible and accessible leaders for nurses and have given nurses the sense that there are tremendous career paths open to them, which will ensure that they stay in the profession. That has always been a problem—the health service used to lose many good nurses into management, because they felt that there was no reason to remain in practice as there was no sensible career path for them. It is different today.

Modern matrons are there to drive up clinical standards and to empower nurses to take on a greater range of clinical tasks to improve care. Recently, the matrons charter, which was designed as an action plan for cleaner hospitals, has been warmly welcomed. Such nurse-led initiatives are beginning to make our hospitals a much better, nicer environment. In fact, Beverley Malone of the Royal College of Nursing has said:

"we are pleased to see such a clear government understanding of how important it is to empower matrons."

Another fine initiative is the role of nurse consultant. It was first referred to in 1999 in the strategy document, "Making a Difference: strengthening the nursing, midwifery and health visiting contribution to health and healthcare". Those nurses came into being in January 2000.

I have examples of both a modern matron and a nurse consultant making a huge difference in their setting. Lynne Phair, a nurse consultant for older people in Crawley primary care trust, is doing tremendous work in ensuring that there is better care for older people when they leave hospital and go into the community. In addition, she is working in partnership with Crawley borough council to deliver education to groups including Age Concern, health care assistants or friends and family visiting older people at home, to ensure that older people do not become ill if there is a heat wave—although I am slightly worried that the weather will never warm up.

There were many headlines in 2003 about how many people in France died as a result of the prolonged hot weather; estimates range up to 15,000, I believe. We should not forget that 2,000 older people are estimated to have died in the UK from heatstroke and heat exhaustion because they were not given the right equipment or treated as they should have been to reduce the threat of heatstroke. Lynne Phair is working in partnership with the borough to ensure that everybody understands what to do and what advice to give; she is producing really good information and certificates to get that message across—and it is getting across to many people. That is just another example of how the role of nurses has changed.

Another fine example of a modern matron is Faye Butler, from the dermatology department of the Newcastle group of hospitals. People with dermatological problems face massive waiting times and it is extremely distressing if a patient suffering from a skin problem has to wait weeks to see someone. Thanks to Faye Butler's leadership and the work of the rest of the team, those waiting times have been hugely reduced. In fact, people are referred straight away to

[Laura Moffatt]

see the dermatologist and to get treatment that week. That is a huge change, which was made through nurses taking a lead.

There are other innovations, such as nurse prescribing. We were just talking about it when I was leaving the profession in 1997, but now there has been a huge expansion in how nurses can prescribe drugs. We would like to see more, but that was a difficult argument fought in the face of a medical profession that was uncomfortable with it. I think the profession now accepts that it was the right innovation and that we are able to treat more people more quickly and fulfil our pledge to ensure that people have the care that they need.

Many of us see the way in which cancer care has been transformed in our communities. The two-week waiting time is not achieved merely by a consultant, of course. The nursing staff are there to ensure that patients, mostly women in breast cancer cases, can attend the clinic and have a day there, get a diagnosis and either leave the department skipping and laughing or get the extra care that a breast care nurse can offer, and to provide that continuing care through treatment. Nurses are prepared to put that innovation into action and to ensure that we respond properly.

The same applies to efforts to tackle methicillin-resistant Staphylococcus aureus. Every nurse knows that the problem is not just the result of high bed occupancy. Anybody who does any serious work into health care-acquired infections knows that they are very complex. I was pleased to see the trade unions and the Royal College of Nursing come together with the Department of Health to develop an action plan to reduce the incidence of MRSA, which is proving extremely successful. It is dishonest to say that MRSA is caused just because hospitals are over-busy. That is not the whole picture and I hope that the Minister will be able to say a few words on that.

As I have said, we have seen massive changes in the health service thanks to the nurses who have ensured that it can change. The number of qualified nurses working in the NHS has increased by 23.4 per cent. Recently, there have been concerns and many headlines about redundancies in the nursing profession. Distressing though it is to those affected by such redundancies, we should set that against the backdrop of more than 85,000 more nurses. None of us would support the loss of nurses just because of money issues, but we must accept that many more people are working in the NHS.

That is why I was completely bemused to see what looked like a staged event when the Secretary of State was greeted at the Royal College of Nursing conference. I was nursing at a time when the trust that I worked for suffered real-terms cuts: it did not merely have a standstill budget, but its allocation of money was cut. Yet whenever we saw on the news the Secretary of State at the time being greeted by the Royal College of Nursing, we never saw such events. I wonder whether we need to be a little more sensible about our campaigning.

Anne Moffat (East Lothian) (Lab): I apologise to my hon. Friend for being able to be here for only part of the debate, and I congratulate her on securing it.

As a former nurse and a former president of Unison, I wonder whether she shares my concern about the way in which the Royal College of Nursing treated the Secretary of State for Health. During the debate, I have heard about the innovations and good things that are happening in health and nursing as a result of mature dialogue between the unions and the Government. It was appalling of the RCN to treat the Secretary of State like that. I suffered similarly when I was president of Unison, but that came from a Trotty militant element—*[Laughter.]* Unison had problems along those lines. I attended a congress as president and the shouting and heckling was a distressing experience that I did not deserve. The Secretary of State certainly did not deserve to be treated like that, and the RCN should be ashamed of itself.

Laura Moffatt: I am deeply grateful to my hon. Friend and delighted that she is able to be with us for a short time. I know that she wanted to take part in the debate, but faced time pressures.

I agree that there is a time and a place for campaigning, and there is a role for nursing organisations, including Unison and the RCN. However, it is easy to lose the support of the House with negative campaigning. I have been reading in *Hansard* the criticism from hon. Members on both sides of the House about the way in which that campaigning was undertaken. It was damaging to nursing, particularly as the RCN in its evidence to the Health Committee seemed to say something different. We should bear that in mind.

Mr. John Baron (Billericay) (Con): May I suggest that perhaps the frustration shown at the conference was about not just job losses but a range of other issues, such as vacancy freezes, graduate skills going to waste and a growing disillusionment in the profession following the RCN's survey, which suggested that many nurses are planning to leave the NHS? I do not think it was only about job losses; I think it was about wider issues also.

Laura Moffatt: I do not know the rationale for that staged event. I do not understand it and refuse to accept that it was beneficial. When I started my nursing training in 1972, I was told that nurses' morale was at the lowest ebb ever. In 1980, I was again told that their morale was at the lowest ebb ever. That has continued for many years. There has clearly been enormous investment, but we are still hearing that nurses' morale is at the lowest ebb ever. There is an issue and we must try to understand it because my understanding, certainly from Unison's work with nurse members, is that they are feeling much better about the profession, although recent events have made them feel more uncomfortable. We must get a grip on the budgets.

Mr. Devine: I was a senior trade union official when the Conservative party was in power and we had real-terms cuts. Frankly, I do not understand why, with the increased budgets, there are redundancies in any hospital. In Scotland, we wanted to keep national pay bargaining. Turnover in Scottish hospitals is about 7 per cent., but turnover in some hospitals south of the border is 34 per cent. a year. Perhaps the Minister will

enlighten us on whether we should bring in chief executives, directors of human resources and finance directors before any announcements are made on redundancies and cuts. Questions should be asked about how the budgets are managed.

Laura Moffatt: I completely agree with my hon. Friend. The Surrey and Sussex Healthcare NHS Trust, which serves my constituency, has one of the highest deficits in the country. I expect it to work with the turnaround team, which has greatly benefited the work of the trust, to examine areas where there is overspending. We need to keep the front-line staff in place to make sure that they continue to provide the care that is so desperately needed. Other ways of managing need to be considered. The turnaround team is doing innovative work and examining back office work rather than staff, so I agree with my hon. Friend.

As an old nurse who has left the profession, I do not view the nursing of the past through rose-coloured spectacles. I firmly believe that nurses today are better qualified and much better able to respond to today's NHS. They work extremely hard. I salute every single one of them and hope that they continue to work in this fantastic NHS.

Several hon. Members *rose—*

Frank Cook (in the Chair): Order. It is advisable for me to draw to the attention of all right hon. and hon. Members a three-minute discrepancy between the electronic time display and the time on the annunciator. We must go by the annunciator, which shows the time throughout the House.

Also, I remind right hon. and hon. Members that I am required to call the first of the three Front-Bench speakers at 10.30, so we have only 24 minutes left. Only two hon. Members are seeking to catch my eye in that time. I ask them to bear what I have said in mind when making their speeches and when accepting or responding to interventions.

10.7 am

Mr. Andrew Smith (Oxford, East) (Lab): I congratulate my hon. Friend the Member for Crawley (Laura Moffatt) on securing this important debate, and on the eloquence, personal experience and knowledge that informed her excellent opening contribution. I am very proud to have in my constituency Oxford Brookes university, where there is a vibrant school of health and social care, which I had a hand in initiating many years ago when I chaired the university board. That school trains 2,000 students and its training facilities have been consolidated into a new centre with state-of-the-art teaching facilities including a professional and clinical skills centre, which does excellent work.

My hon. Friend eloquently described the crucial roles that are involved in modern nursing skills, and which contribute to the work of a health team. She described from personal experience the difference between the present arrangements and those of many years ago. Hon. Members and the public are full of praise for the contribution of nurses and other health professionals. The progress and tangible difference that they make can be seen every day. I am sure that other hon. Members receive, as I do, positive feedback about people's personal experience of the national health service, based on the care that they are given.

As my hon. Friend said, nurses are at the cutting edge of innovation in health care and have been driving many of the improvements in hospitals and other health facilities. She also pointed out that people do not go into nursing for the money; but it is a good thing—and I am very proud that the Labour Government are responsible—that nurses' pay has been significantly increased and that the number of nurses has been increased by 87,000. Opposition Members who fasten on difficulties in the health service would do well to remember that if they had had their way in voting against the extra money going to the NHS, we should not have had those extra nurses, and the pressures and difficulties would be greater.

Mr. Baron: As a point of fact, Conservatives agree with the Government's Budget, which has been set to 2008, so peddling the line that we continually vote for cuts does not take account of the context. Neither the Government nor the Opposition parties have been able to predict beyond 2008, as it is simply not possible to do so.

Mr. Smith: I do not want to get into partisan fights on the matter. I simply made a passing reference to the fact—it is a fact—that the principal Opposition party did not vote for the resources that were necessary to increase health funding in the way that the Government have increased it. Therefore, it is true that the position would have been worse, not better, if they had had their way. The change is to be welcomed.

As I said, I wish to raise three key issues in this contribution. The first was touched on earlier when my hon. Friend discussed pathways into nursing and the importance of professional development. I wish to stress the point and invite my hon. Friend the Minister to respond on the question of health care assistants and opportunities to qualify, whether through secondment or the other routes to which my hon. Friend the Member for Crawley referred.

The point is worth stressing because health care assistants are an enormously important part of the modern health care team. They bring experience and a set of life skills that can be invaluable in nursing. For many of them, especially those with family responsibilities, the secondment route is financially the most viable way into nursing. It is a great loss to the profession if people have that potential and want to qualify as nurses but are held back because they are unable to get a secondment place. That is why I invite my hon. Friend the Minister to set out the Government's thinking on how we can maintain and, where possible, expand that important route. Such opportunities are crucial to making the most of those individuals' potential.

Those opportunities are also important in confronting nursing shortages, as we have done on many occasions in the past. Especially in areas of high-cost accommodation such as Oxford, the challenge for the future must be not simply to fill gaps by recruiting nurses from overseas, although they have made an invaluable contribution, or by increasing

[Mr. Andrew Smith]

training for the future, although that is important, but to do more to retain the staff whom we have and to ensure that people who already live in an area and who have the potential to become qualified nurses have a route into nursing. Such people already have accommodation in the area, so they do not face the burden of high prices and rents. That is particularly important in constituencies such as mine.

The second key area is the impact of current financial deficits. It is a coincidence that as we meet here today, staff at the John Radcliffe hospital in Oxford will be briefed on the likely implications for them of correcting the local deficit. Last week, headline leaked reports stated that as many as 600 posts might go, so staff are understandably apprehensive. I have met RCN representatives, Unison and others to discuss that difficult situation.

The crucial thing is that patient care must be safeguarded. The nurses whom I met have undertaken to alert me if there is any threat to patient care so that I can raise it at the highest level, but it is unfortunate indeed that people are being subjected to anxiety. The situation is terrible for people who face losing their job. I believe that that apprehension informed some of the anger voiced at the RCN conference. Certainly the nurses who came to see me in the recent lobby said that that was the reason for it, although I echo what others have said about the impact that it had and how it came across.

The other dimension to the deficits, to which my hon. Friend the Member for Crawley referred, was covered in the excellent briefings from the Council of Deans, which warn that the biggest cuts in commissioning of nurses going into training appear to be in those strategic health authority areas where the deficits are largest. In some areas, cuts of up to 30 or 40 per cent. in the current financial year are being spoken about. After all that has been done to improve nurse training and recruitment, it would be an utter tragedy if we returned to the bad old pattern of feast and famine by allowing those short-term financial pressures to cut recruitment for the future.

Ann Keen (Brentford and Isleworth) (Lab): In fact, the Council of Deans has made it clear that the problem that we faced in the '90s, when the reduction was made in student numbers, was what we inherited as a Government in 1997 and beyond. We must not make those mistakes again. The Department must take the Council of Deans's remarks seriously, and I hope that the Minister will address that.

Mr. Smith: My hon. Friend is absolutely right. The problems that we faced in the past were the product of sharp cuts in nurse training intakes in earlier years. We must not go back to that situation, because it would mean that we would not have sufficient nurses in 2009, 2010 and 2011, which will be necessary both to staff the expanded services and to meet the important demographic challenge, as a substantial proportion of the existing nursing staff approaches retirement.

I invite the Minister to acknowledge the important point that reductions in nurse training to meet short-term financial pressures do not necessarily bear any relationship to longer-term staffing needs. I would be grateful for an assurance that the Government will review overall nurse commissioning numbers to ensure that proper weight is attached to the medium and long-term requirement for nurses, taking account not only of the expansion in services, but of the demographics, as nurses come up for retirement. It is not clear to me that a strategic health authority basis for commissioning will necessarily achieve the total aggregate number of nurses that we need for the future.

As we have all been saying, the health service has been improving enormously, thanks to the extra resources that have gone in, the extra staff who have been recruited, the professional development that has been undertaken, and the hard work and dedication of teams of health care professionals. Just as it is a tragedy wherever that progress is damaged by financial deficits, which we must deal with, so it would be tragic indeed if we faced future nurse shortages because of short-term considerations.

Dr. John Pugh (Southport) (LD): Does the right hon. Gentleman favour a fairly rigid form of ring-fencing of training budgets to SHAs in order to address the problems that he has outlined?

Mr. Smith: As I said, the evidence from the Council of Deans is that the reductions in commissioning appear to be most severe in the areas where the deficits are highest. That rather suggests that the financial pressures are being allowed to distort the pattern of recruitment. Ring-fencing is therefore an option that the Government ought to explore seriously; otherwise, they should assure us that the total number of nurses going into training will be adequate to meet future need.

I started my speech by referring to the education and training in my constituency. It is also crucial to have stability in our important training institutions, so that they do not face very sharp shifts in numbers, because that would destabilise an important part of the infrastructure that, at the end of the day, supports the national health service. I look forward to the Minister's response.

10.19 am

Ann Keen (Brentford and Isleworth) (Lab): I am pleased to have the opportunity to contribute to this debate on nursing.

May 1997 saw an historic event: the election of the first two nurses to join the House of Commons—my hon. Friend the Member for Crawley (Laura Moffatt) and myself. We were followed in 2001 by my hon. Friend the Member for East Lothian (Anne Moffat), and more recently by my hon. Friend the Member for Livingston (Mr. Devine). Why did it take so long? I think that we had an image problem. People asked what nurses did and knew, and how they could become Members of Parliament when all they did was take temperatures and make beds. They said, "Nurses are not very knowledgeable, so how can they possibly become MPs?" Jane Salvage, who used to edit *Nursing Times*, wrote the book "The Politics of Nursing", in which she expanded on many theories in relation to

outbreaks of feminism in the nurse's home; there was certainly one in my nurse's home. I am proud and pleased that the electorate of Brentford and Isleworth put their trust in me. "Trust me, I'm a nurse," was my slogan, and, of course, they did—and they still do.

With regard to moving nurse education into higher education, my hon. Friend the Member for Crawley mentioned her training. The training used to be like preparing for war most of the time, because nurses never knew what they were going to face on the ward. On night duty, first-year student nurses were left on their own with patients coming back from theatre. That was unsafe and dangerous practice, but such practice did not happen under a Labour Government. Opposition Members should reflect on some aspects of the past.

Academic snobbery about what a nurse's qualifications were worth was conveyed to me when we moved into higher education. I was told by one academic, who was in charge of the geography department, that my registered nurse qualification was not really worth one A-level. I suggested that if he was going to have a heart attack he should have it while I was around, because he would then probably welcome the fact that I was a cardiac nurse and would be unlikely to send for the professor of history to assist him. That measure of academic snobbery is still in existence. There are people who still say, "Why do nurses need diplomas or degrees?", and ask what was wrong with the old-fashioned type of preparation—preparation for duty, vocation, obedience and tolerating aspects of health care that should never have been accepted. I am proud of today's nurses and their nurse educators, who prepare them for practice in a totally different way. Midwifery has always had a different tradition; midwives have been accepted as practitioners in their own right. We might secure a debate on midwifery for another time.

The issues I am discussing are probably to do with the fact that nursing is a predominantly female profession, although I acknowledge that my hon. Friend the Member for Livingston bucked that trend and has made an impressive contribution to nursing. However, nurses are ideal MPs because we are good listeners and communicators, and problem solvers. We are all the things that an honourable Member of Parliament should be. I should say again in this context that we are trusted.

Nurses are also crucial for the future of health in our country. My right hon. Friend the Chancellor commissioned the first report—the Derek Wanless report—on the future trends and needs of health care in our country. Much of that is to do with chronic conditions and a growing population of frail older people who are experiencing such conditions. It is the nursing work force who are taking on that challenge in respect of cancer, chronic diseases, cardiovascular conditions, trauma and paediatrics.

We want to acknowledge the clinical excellence demonstrated by nurses. West Middlesex university hospital is in my constituency; I worked in it for many years, and I would like to thank Yvonne Franks, the director of nursing and midwifery, for helping me to prepare for this debate. Unfortunately, I cannot use all the material that she offered me. I could have taken up the whole morning in explaining the work that many of the leading nurse specialists in my trust are participating in, but I feel that I ought to mention a couple of examples.

We are all familiar with the changing clinical work in relation to heart disease, and rightly so. My hon. Friend the Member for Crawley mentioned the differences of some years ago, such as being told to go home and rest. That is certainly not the case now. I pay tribute to Phillip Eardley, acute coronary syndrome charge nurse, who works in association with Cas Shotter, a cardiology nurse specialist, in the accident and emergency department, leading the management of patients with chest pain. Those nurses prescribe diagnostic tests, implement treatments and deal with the transfer of patients. They decide whether patients are transferred to the Hammersmith hospital for primary angioplasty, and they also teach junior medical staff. That is the job of the advanced practitioner. I pay tribute to them, and apologise that, because of time restraints, I am unable to give examples of other nurses.

The advanced practitioner in the UK is well advanced. We are a model for other countries. Other nursing schools and universities come to the UK to look at how we are practising in that advanced way. However, the advanced practitioner needs continuing education and training. We need to evaluate the real contribution that nurses make. We have made an investment in them which must be looked after. They now have the opportunity for child care provision that they never had in the past, and flexible working and proper rota systems have been put in place. In West Middlesex university hospital, Yvonne Franks is doing pioneering work into matching the appropriate skill of nurses to particular patient need. That seems obvious, but sadly, it is not taking place in all areas of health care.

We have evidence of a better educated work force. The challenge is evaluating the payback from the investment. Professor Anne Marie Rafferty whom I know as a nurse, heads the Florence Nightingale school of nursing and midwifery at King's college, London. I cannot end on a better note than quoting her words:

"Educated and well trained health workers save lives."

That is what the nursing profession in our health service is doing. They are on duty 365 days a year, 24 hours a day, giving care. I know that the House supports them, and I hope that we always demonstrate that with all-party support, and that we continue to recognise the work of people in the nursing profession and the quality of care that they give.

10.27 am

Dr. John Pugh (Southport) (LD): I congratulate the hon. Member for Crawley (Laura Moffatt) on her opening speech in this important debate, to which she contributed a good deal of expertise. I marvel at her commitment—there is hardly a health meeting that I go to in this building to which she does not show up and make a valuable contribution.

I am not an expert, like the hon. Lady, but I have something in my CV that is vaguely relevant. In a gap year, when I was a student, I worked as a nursing assistant in an old-fashioned mental hospital in Maidstone, Kent called Oakwood hospital. I started

[Dr. John Pugh]

there with not a day's training and no secondment. I was simply given a white coat and set off, and I ended up on refractory and block wards. There must be few other MPs who have shown people into padded cells, administered electroconvulsive therapy and seen a straitjacket used.

In those days, I was familiar with the division between state-enrolled nurses and state registered nurses—one could tell them apart by their varying epaulettes and colour-coding—and the further division between them and the lower grade of nursing assistant, which I was. As such, I was completely unqualified and untrained, and I muddled through as best I could. We were aware that SRNs were the crème de la crème, who were going somewhere. They would become the charge nurses and, for those who were very fortunate, the matrons. However, my impression was that the training then was not anything like as intensive as it now is and that monitoring of performance was somewhat weak. I was aware at only one stage in my work of being inspected, and that was when the boards of hospital visitors, or whoever they were, trooped through from time to time and took more interest in the state of the floors than in the condition and happiness of the patients. That seemed to be their major and fundamental preoccupation.

In those days, one was aware of the clear demarcation between the nurses, who saw the patients very often, knew a great deal about them and could do much for them, and the doctors, who were of course the experts without whom nobody could move, who none the less saw patients relatively infrequently.

My brief experience of nursing before going off to study philosophy at university was intensely interesting and enjoyable. It was also a good preparation for other career moves. I say that because someone recently described this place as the last Victorian asylum. That may be a little unfair, but this place is full of people talking out loud to no one in particular.

Things have changed radically in nursing. I start on a good note by saying that the Government and the profession are to be congratulated. We have an increased supply of nurses—more than ever before—and we depend less on foreign staff, who ought to be working and providing health services in their own countries. We have increased salaries and improved career paths for nurses and others in the nursing profession. We also have improvements in the quality and variety of nursing education, and the link with higher education is an important boost in status, which the hon. Lady said was much needed and which is firmly to be welcomed. Nursing training also encourages career development and builds on nurses' skills.

I warm to the concepts of nurse practitioners and of nurses being able to prescribe. Those long overdue and necessary reforms will break down the strict divisions that hitherto existed between nurses and doctors and their relevant areas of expertise. If we are to have decent medical care in the community, we need greater qualifications among the nursing profession. If we are to take pressure off the accident and emergency departments by having more minor injury units, we shall need nurses who can deal with a variety of unexpected conditions. If we are to advance the healthy living agenda and have flexible and effective care we will need expert and skilled nurses, and we are getting them stage by stage.

The Government's strategy is essentially correct. I doubt whether anyone would speak against it. The strategy is correct and the profession is to be congratulated on endorsing it. However, it is a long-term strategy, as evidenced by the comments that we remember hearing when we remember our own experiences, and my concern is that it will be blown off course by short-term financial needs, or that it will be cross-grained with other initiatives. I think specifically of payment by results, and the drive to turn every NHS unit, whatever it be, into a financially autonomous, solvent, trading and entrepreneurial unit almost overnight.

The system cannot bear that sort of stress, because it effectively asks organisations to wipe out in one year deficits that have been built up over many years. That is what led to the right hon. Member for Oxford, East (Mr. Smith) talking about feast and famine in nursing training in relation to recent resource cuts. It was also referred to as stop-go in a briefing that we all received. They are all phrases that will be familiar to the Minister after his Treasury experience. Boom and bust is another. I assume that he is agin it.

It is clear that SHA training budgets are often raided, that they are sometimes underspent, and that they are only notionally ring-fenced. They can therefore become a source of brokerage, top-slicing or centre-saving. Whatever one calls it, the money just goes—especially in those areas that have the biggest problems. It is in those areas with larger deficits that existing staff are most fearful, job security is declining and additional training prospects are worsening. To cite a personal example, the acute trust in my constituency has a substantial deficit. It has announced 200 redundancies, but it has said that nurses will not be made redundant, which is welcome. I should declare an interest. My son's partner, who has trained as a children's nurse, cannot gain employment and is looking for a job outside nursing that will use her considerable talents.

Setting that against the general complaint of the royal colleges and the strategic liaison group about the lack of clinical academic pathways, one can begin to see a problem emerging. They complain about the difficulty of combining the service and the education roles. That can only bring about a reduction in effective mentoring. People's experiences cannot easily be traded in both areas as effectively as they might. They also complained—this point, too, was made by the right hon. Gentleman—about a lack of work force planning and the fact that we have not linked training places to needs, as has happened for the medical profession.

What is happening is not something that could be dressed up in tabloid headlines as a meltdown, collapse or crisis in nursing; however, it is a genuine and serious problem, which can and should be tackled, and which calls into question the coherence of what the Government are doing and the haste with which they are acting. Hon. Members have spoken warmly about the Government's support of the nursing profession

and nurse training, but they are in danger, on this issue in particular, of snatching defeat from the jaws of victory.

What is required is a broad view, consistency and sensible pragmatism—all of which I associate with the Minister and elements of the ministerial team. The strategy can be right, and we agree that it is, but if the tactics are wrong we end up with a bit of a mess.

10.36 am

Mr. John Baron (Billericay) (Con): I, too, congratulate the hon. Member for Crawley (Laura Moffatt) on securing this important debate, and I welcome the Minister to his new post.

As we all know—we have all mentioned it—nurses perform an invaluable role. The NHS could not run without the hard work and dedication of its work force. Nurses more than anyone else are on the front line of patient care. However, I suggest to the Minister that there is growing frustration in the nursing profession. That was particularly brought home at the recent rally and lobby of Parliament. Many nurses are questioning what is happening. We all accept that extra money has been put into the NHS and welcome it, but not enough has reached front-line services and nurses increasingly point to the administrative burdens that they must undertake and the fact that the number of managers in trusts has grown faster than nurses' numbers.

One cannot dispute that the number of nurses has increased, and we welcome it, but nurses make the point that not enough of the new money reaches front-line services. They feel they labour under an increasing burden of bureaucracy and political interference from a Government who insist on micro-managing the NHS through targets and red tape. I suggest that a fair number of the current frustrations and concerns are inevitably linked to NHS deficits. I ask the Minister not just to dismiss that point as party political, but to take on board those concerns expressed by nurses, and deal with them in the debate.

Nursing training has been mentioned a few times in the debate so far. The concern is that places on courses are being cut and that clinical placements are being cancelled.

Ann Keen: Does the hon. Gentleman agree that in the 1990s nurse training was dramatically reduced, which caused the shortage that we inherited in the late 1990s? Will he at least acknowledge that that is what happened?

Mr. Baron: Yes, there were cutbacks at times. There is no doubt about it. Yet what seems not to be accepted is that over the entirety of that period there were real-terms inflation-beating increases in the budget of the NHS.

By way of illustration of that, and to deal with one of the points that the hon. Member for Crawley made about improvements in cancer provision, the improvements that have been made since 1997 have not, despite all the extra money that has been put into the NHS, broken the trend of decreasing mortality rates that goes back to the early 1980s. Yes, improvement has continued, but despite all the money, there has been no marked improvement on decreasing cancer mortality rates. That is one example of how the money has indeed been provided, but not enough has reached front-line services, because much has been soaked up by the bureaucracy that has been created in the NHS.

Ann Keen *rose—*

Mr. Baron: May I make some progress? The hon. Lady may want to intervene again later, although I want to leave the Minister some time to respond.

Let me give an example. According to *Nursing Standard* magazine, half of all the SHAs in England that responded to the survey admitted to cutting training posts, and the average reduction in England as a whole was 10 per cent. That must cause concern, because it means that fewer student nurses will get the practical experience that they need to qualify and the NHS will be poorer for not having fresh talent to replenish an increasingly ageing work force. That is a particular concern given that the RCN's own study has shown that about 100,000 nurses are due to retire in the next five to 10 years. Meanwhile, the Council of Deans and Heads has suggested that the reduction in the number of students who are being commissioned is greater in areas where SHAs report large deficits, so there can be no dispute that deficits are having an impact on training places.

In addition to the cuts imposed by SHAs, there is already a high drop-out rate among trainee nurses, and about one in four students are thought not to be completing their courses. Perhaps the Minister will be kind enough to outline what studies, if any, have been done of nurses' reasons for walking away from training opportunities. I expect that inadequate access to bursaries has something to do with it, but the flexibility and family-friendliness of training hours are also important, because the average age of nursing students is about 29, and many of them have young children. Those problems must be addressed, although difficulties at the NHS student grants unit last year did not help matters.

However, the problems in nursing are not confined to students. Even when nurses do qualify, many find it difficult to get jobs, because NHS trusts are riddled with deficits, as we have heard. The Royal College of Nursing regional director recently claimed that, in the west midlands alone, about 4,000 student nurses who were due to graduate in the next two months will not have jobs to go to. That is symptomatic of the growing problem of graduate unemployment in the NHS as a whole, of which physiotherapists are another example. Indeed, the problem of vacancy freezes seems to be getting much worse. Given that it costs about £100,000 to train a nurse, it is a great waste of public money and a missed opportunity to enhance patient care if nurses do not find work in the NHS soon after graduating.

Vacancy freezes and graduate skills going to waste are one concern, but to return to a point made by the hon. Member for Crawley, it cannot be denied that the nurses who heckled the Secretary of State last month were also worried by the prospect of redundancies. The RCN has estimated that at least 13,000 posts are due to be lost as a result of the financial pressures on the NHS.

Mr. Devine: Does the hon. Gentleman agree that the language used is important? If someone is given compulsory redundancy, they know that they have been told that they are going, but I have looked at the figures and I do not see 13,000 redundancies—I see a freeze on vacancies, a reduction in the number of agency nurses and management of the financial problems.

Mr. Baron: The hon. Gentleman makes a valid point. The problem is that we do not know for sure what the number is. Locally, we are seeing job cuts and people being made redundant, but I agree with him about the validity of the 13,000 figure. I have not checked that figure, but have the Government come up with figures that reflect the true state of affairs? At the moment, nobody knows, and all we hear are headline figures for job cuts. Broadly speaking, therefore, I agree with the hon. Gentleman and I ask the Minister to give us a better estimate, rather than just relying on the RCN figure.

When the scale of the deficits crisis did become known—this is where I will take the Government to task—the Government argued that job losses in NHS trusts and acute hospital settings were broadly justified by the shift in emphasis towards care in the community. However, perhaps the Minister would care to explain how—taking the RCN figure—13,000 job losses can be made up when there 4,000 fewer full-time equivalent district nurses in the NHS than there were in 1997, with a 3 per cent. fall last year alone? Those weaknesses in primary care must be addressed before acute nursing posts are cut.

The Government White Paper "Our health, our care, our say" argues for transferring NHS activity from acute to primary care. There is much in the White Paper to be commended, but the Government will not be able to make good their pledge unless they develop capacity in the community, and at the moment that is not happening. Instead, the number of district nurses is decreasing; there is a shortage of school nurses; and birth centres and community hospitals are closing. Capacity is being shut down without any proper assessment of whether it is required. I suggest to the Minister that that could be storing up problems for the future and I would appreciate his response on that point.

Those problems illustrate nurses' concerns about the security and status of their profession within the NHS. The bottom line seems to be that many nurses are still leaving the profession because their expertise and hard work are not being respected. An RCN survey published last year showed that more than a quarter of nurses' time was spent on clerical or administrative duties. Half of all nurses who left the NHS in the previous year cited stress and the work load as reasons for changing job, and those problems are likely to become more acute as the work force contracts. Is it any wonder that 30 per cent. of all respondents to a recent RCN survey—up from 27 per cent. in 2003—said that they would leave their employer within the next two years? That is the RCN's own survey.

Conservative Members have long called for a different approach—one that would reverse the recent rapid growth in the number of managers and administrators and force politicians to withdraw from the day-to-day running of the health service. We would reduce the need for central control and leave hard-working nurses to get on with the job. In short, we would seek the re-emergence of nursing as a respected and largely autonomous health care profession.

Nurses deserve our support, but the crisis in NHS finances has placed burdens on staff. We can do a great deal to promote nursing in the medium and long term, but the immediate task is to assess the damage caused by the consequences of deficits and to address the concerns of nurses themselves.

10.47 am

The Parliamentary Under-Secretary of State for Health (Mr. Ivan Lewis): It is always a pleasure to serve under your chairmanship, Mr. Cook. I congratulate my hon. Friend the Member for Crawley (Laura Moffatt) on securing this Adjournment debate and on the passionate and knowledgeable way in which she described the development of nursing over a relatively short period. She described experiences that she had when she was a front-line nurse in the national health service and some of the challenges and difficulties that nurses faced. She also described the sense of reward that she got from being a nurse and recognised how significantly things have changed in recent times.

It was good to hear it highlighted that it is the Labour party that, since 1997, has welcomed the election of not only my hon. Friend the Member for Crawley, but my hon. Friends the Members for Brentford and Isleworth (Ann Keen), for East Lothian (Anne Moffat) and for Livingston (Mr. Devine)—all serving nurses who have been elected to the House of Commons. That is a step forward for democracy. When my hon. Friends the Members for Crawley and for Brentford and Isleworth were elected, it was the first time in history that nurses had been elected to Parliament. I am very proud that all of them are Labour Members of Parliament. They are some of the best colleagues in the parliamentary Labour party, as I am sure everyone agrees.

My hon. Friend the Member for North-West Leicestershire (David Taylor) always turns up to make a contribution. However much he goes on about my talents as a Minister, I am not in a position to make announcements today on additional resources for midwifery bursaries, but I take on board the general concern that he expressed about retention of midwives, particularly on some courses. What are the obstacles getting in people's way and what issues do I need to address in my new role to deal with that?

My right hon. Friend the Member for Oxford, East (Mr. Smith) made a very important contribution to the debate. I think that the last time we both participated in a debate in Westminster Hall, we were discussing cash machines and access to cash. This is a slightly different subject—such is the nature of government. He referred to health care assistants and secondment programmes. As I understand it, that is very much left to local discretion, depending on the market and on supply and demand. However, I am willing to look into secondment programmes for health care assistants—that specific opportunity to get into nursing—and into what is happening and what we want to happen.

My right hon. Friend also drew attention to the important role that Oxford Brookes university plays. It is a centre of excellence for social and health care and has been for some time, offering significant training opportunities. He also referred to the sad news that some of his constituents will receive today at John Radcliffe hospital. Although I cannot comment on the specific circumstances, I am sure that he will be making very strong representations about the decisions made by the hospital management, particularly in the context of any impact on patient care, and that he will maintain a dialogue with members of the ministerial team on those issues.

My right hon. Friend and others talked about cuts in training in certain areas and asked what the pattern was. We should begin by saying that there has been a massive increase in the number of training places made available since the Labour Government came to power. As a consequence, there is a massive number of new entrants into nursing. The hon. Member for Southport (Dr. Pugh) was good enough to acknowledge that. However, in every public service there is a tendency to regard the training budget as the first to go—the soft target—and as former Minister with responsibility for skills, I am highly aware of that. We need to monitor the impact of decisions on training budgets, and we will do that, but it would be wrong to use words such as crisis and decline; we have to adopt a measured approach and should always look at the issues in context.

My hon. Friend the Member for Brentford and Isleworth talked from personal experience about the realities of nursing in the past. What she said about academic snobbery is absolutely true of the way that this country treats vocational education and training generally. Frankly, if we are to be successful in our public service ambitions and in the economic challenges that we face, we have to change that almost uniquely English snobbish approach to vocational education and training—I can feel myself making one of my speeches as a former Minister with responsibility for young people and adult skills. That is a real problem that is endemic in the culture of this country, and we have to attack it in every way that we can.

My hon. Friend also referred to the Chancellor's role in ensuring unprecedented levels of investment in the national health service, year on year. Frankly, it was an act of political leadership for him to tell people not long ago that increasing national insurance by 1 per cent. was merited and morally right if we wanted the kind of national health service that this country deserves. What was interesting about that decision and that leadership is that—if we remember the political climate at the time and the electoral consequences of that decision—people actually endorsed it. It was right to be honest and to say that to achieve the growth in NHS investment required, difficult decisions would be necessary. People in this country cherish and value the national health service and believe that there is nothing more important than investing in it and ensuring that it continues to be something that we can be proud of in any international context.

Dr. Pugh: The Minister is multi-talented. He referred to his time at the Department for Education and Skills, so he will be aware of the need to ensure that training places fit the needs of industry and commerce. In nursing, there is a question whether the commissioning of places actually reflects hospital needs. That has not been touched on so far; will the Minister do so?

Mr. Lewis: It is common sense to look into that and make sure that the content of training reflects the needs of the health service, not just now but in future. That links to the point that the hon. Gentleman made about primary and community care, which I shall address in a moment.

My hon. Friends the Members for Brentford and Isleworth and for Crawley talked about the heroes and heroines who work on the front line of our national health service every day, making a difference to the quality of people's lives, and indeed saving lives, and it is important to mention them in an abstract, general debate such as this. We cannot possibly mention them all today. However, for family reasons, I have recently experienced what they do, so I know that not only their expertise and specialist knowledge, but their sensitivity and compassion make a tremendous difference when a person has health difficulties. We are very fortunate with the quality and calibre of the people who nurse on the front line in this country.

The hon. Member for Southport described this place as the last Victorian asylum, and most of us would agree, although inmates—at least some of them—are allowed home at weekends. The hon. Gentleman was good enough to acknowledge the Government's and the profession's success in work force development in the context of nursing. He said that it would be disingenuous not to welcome the long-term strategy, but expressed concerns about what is happening now and how that might undermine it. I certainly regard one of my responsibilities as keeping a close eye on ensuring that the challenges that we face do not end up undermining that long-term strategy, which, as the hon. Gentleman said, enjoys a tremendous amount of consensus.

I thank the hon. Member for Billericay (Mr. Baron) for welcoming me to my new position. That is probably where we part company; I do not think that we shall agree on much else. It is difficult for Labour Members to hear Conservative spokespeople talking about financial and resourcing difficulties in the national health service. It sticks in the throat a little, not because of naked, tribal party politics, but because of the real-life history of the national health service between 1979 and 1997.

There were real-terms cuts, a dramatic decline in morale and a belief that people who worked in public services were leaching the public purse rather than making a massive contribution to the well-being of this country. The criticisms and challenges from the Conservative party do not have the same credibility and legitimacy as genuine concerns expressed by trade unions, members of the professional bodies and Labour Members of Parliament. As a Government, we have been willing to match rhetoric, passion and a belief in the health service with hard, real additional resources—and reform and modernisation—to recognise the needs of patient care in the 21st century.

The hon. Gentleman talked about the Government's micro-managing the NHS and so on. Actually, under

[Mr. Ivan Lewis]

the NHS reforms, we have been devolving more and more responsibility and power to the front line. Equally, I do not believe that we should take politics entirely out of the national health service; in my view, it is one of the great dividing lines of British politics. No wonder the Conservative party wants to take politics out of the national health service.

Mr. Baron: Will the Minister give way?

Mr. Lewis: I cannot give way, as I do not have enough time. The hon. Gentleman mentioned micro-managing the national health service. When we say to trusts and managers, "You have deficits, and it is about time you brought them under control. You have to make difficult decisions. We cannot allow the situation to go on because it destabilises the national health service," we get criticised. We leave people to make some of those difficult choices at a local level in local circumstances.

We shall take no lessons on the national health service from the Conservative party. I shall listen to constructive suggestions, comments and even criticisms. However, to pretend that the NHS is in some kind of meltdown or crisis is disingenuous and dishonest from a party that starved the service of resources and demoralised it.

The hon. Gentleman says that there has been a decrease in the number of primary care and community care nurses. I shall correct that for the record. The number of nurses in primary and community care in this country has increased by 37 per cent. since 1997.

The health service is in a good position. There are daily challenges; demography itself means that we face an ever-growing elderly population with acute health needs. However, we can be proud—

Frank Cook (in the Chair): Order. We must turn our attention to the next debate.

Animal Welfare

11 am

David Taylor (North-West Leicestershire) (Lab/Co-op): It is a pleasure to lead this debate under your chairmanship, Mr. Cook. I am on the Opposition side of the Chamber because of the defects of this room: only from here can one look straight into the eyes of the Minister to assess the reaction to the comments that one has made. The possibility of my having defected is roughly equivalent to that of Lord Adonis making warm and complimentary comments about community comprehensives.

I am glad to have secured this debate. Animal welfare is perhaps my highest personal political priority, and indeed this Government have a good track record on it in the legislation, regulation and changes that they have introduced since 1997. Nevertheless, there is more to be done in respect of laboratory animals and especially animal husbandry, which is at the core of today's debate.

The Government's position on the common agricultural policy is rightly to move away from direct payments to farmers, which reward them for production, towards setting incentives for the delivery of public goods. England is to be congratulated as the only one of the four devolved regions to have moved immediately to a system of decoupled payments to farmers under pillar one of the common agricultural policy, but it is difficult to reconcile that position with the proposals in the draft England rural development programme, which aims to deliver public goods, but in which the ability to make payments for better animal welfare has not been utilised.

The Government say repeatedly that the United Kingdom is the leading country in Europe on animal welfare, and I go along with that view to a considerable extent. If that is the case, however, the ERDP ought to present an opportunity to demonstrate that leading position in Government policy, and to provide further incentives to continue to improve welfare standards.

Let me review the background to opportunities for RDPs. New rural assistance measures were agreed by the European Union in June last year under regulation 1698. There are six elements in axis 1—membership of food quality schemes, food quality promotion, training, farm advisory services, investment in agricultural holdings and meeting Community animal welfare standards—and one in axis 2: payment for higher animal welfare standards. Under the European regulation, member state Governments can include those seven measures in their RDPs.

The first ever European animal welfare strategy was agreed by Farming Ministers as recently as January this year. It set down, for the first time, how the EU believes animal welfare should develop in the 2007-13 period, and the goals for the Commission and Farming Ministers. The strategy sets five areas of action, including updating minimum standards for animal welfare, introducing animal welfare indicators so we can measure progress and better informing animal keepers and handlers of current standards.

At the UK level, the Department for Environment, Food and Rural Affairs set itself two public service agreement targets on animal welfare: PSA 5, to deliver

a more competitive and sustainable farming industry, and PSA 9, to improve the health and welfare of kept animals. I strongly support both those targets. Additionally, strategic indicators relating to animal welfare are being developed in the DEFRA animal health and welfare plan and in the Curry commission plans. In other words, there is an overarching commitment at the European and domestic levels to drive forward improved animal welfare standards, and of course I welcome that.

So what features in the draft ERDP, which is currently out to consultation? It includes only one reference to improving animal welfare, and that one, which deals with training, has existed under pillar two opportunities since 1999. I am sad to say that DEFRA has apparently ignored measures central to the theme of making agriculture more competitive, which would provide crucial links with other opportunities while being measurable and providing value for money, which are both important characteristics.

There appears to be a manifest misunderstanding of animal welfare and what seeking improved standards can achieve, as there is no joined-up thinking between the animal welfare part of DEFRA and the team responsible for drawing up the ERDP, whose expertise appears to be in environmental measures only. Animal welfare has been ignored, even in areas where it could be easily incorporated. For instance, paragraph 47 of the draft lists

"innovation for marketing of high value products"

as a priority, but it does not list any scheme or incentive to achieve that priority for animal welfare. That could simply be rectified by including the words "and those promoting higher welfare standards". I hope that the Minister will undertake to consider that point with a view to rectification or explain why DEFRA has decided to ignore almost all the measures available to improve animal welfare standards in that regard, in a misunderstanding of what improved animal welfare can deliver and a failure to match up with its own public service agreement targets.

Of course, we need to measure animal welfare objectively and assess outcomes before they can feature effectively in the ERDP. Measurable indicators and outcomes for animal welfare do exist. The EU is funding a €5 million academic project involving centres from the member states, including those in Scotland, Wales and England, to establish single indicators to measure good welfare, which will report in 2009 and form the basis of future EU legislation. It is an integral part of the Commission's action plan.

Indicators have been drawn up by Bristol university for pigs, cattle and laying hens and they are already used on Royal Society for the Prevention of Cruelty to Animals freedom food farms to assess welfare. I contend that objective measures exist that could be used to measure animal welfare improvements, ensure value for money and provide a goal-oriented approach. We are told that England is a continental leader for animal welfare, so let us see how the draft ERDP measures up against the RDPs of other countries.

Mr. David Drew (Stroud) (Lab/Co-op): Will my hon. Friend give way?

David Taylor: I am happy to give way to a fellow member of the Select Committee on Environment, Food and Rural Affairs.

Mr. Drew: It is a pleasure to intervene on my hon. Friend. Does he agree that part of the problem is that at the time of the last European budget round, every country, including the UK, made some of the cuts from rural payments and at the expense of some of the changes that we need to see in the rural economy? Is it not right that the Government should reconsider those cuts and lead the charge to say that if the CAP means anything, it should mean a different CAP that will invest in the rural economy rather than on production subsidies?

David Taylor: I agree. When DEFRA is seeking cuts and reallocating resources, it tends to concentrate too heavily on rural payments—a point that I shall refer to later.

I was considering how the ERDP measures up against other RDPs. With devolution, probably more than 50 RDPs will be drawn up in the EU. Most are still in consultation, but some have been announced and show how innovation can help. The Scottish RDP has three budget lines for encouraging animal welfare, including membership of an assurance scheme, completing a veterinary health plan and training. The response to those measures has been extremely positive, and they form the second most popular of all incentives given under the development plan.

The existing Welsh RDP has animal welfare measures such as payments to reduce stocking levels, membership of an assurance scheme, improving knowledge of animal welfare through training and investing through the farm improvement grant to improve welfare standards in holdings. Finally, it has measures to improve the marketing of farm products that adhere to minimum animal welfare standards. The consultation on the Welsh RDP highlights the animal welfare pyramid scheme and the intention to give incentives to farmers who enter into agreements committing to higher welfare standards than the baseline ones under agri-environmental schemes.

Finally, to deal with our third fellow country, the Northern Ireland draft plan has three measures for animal welfare, including marketing and processing grants and grants to change over to higher standards of animal welfare. In Germany, the RDP provides intensive grants for investment costs in nine sectors: laying hens, turkeys, pigs, beef and dairy cattle, broilers, suckler cows, goats and sheep—this sounds like a farming report—providing that higher welfare standards are met. Those standards include not exceeding stocking densities of 25 kg per square metre for broiler chickens, as opposed to the proposed 38 kg per square metre under the draft directive.

Another example is Austria, which recently submitted its RDP for agreement with the Commission and highlighted a number of ways to promote innovation and the marketing of higher welfare products. As a final exemplar, the RDP budget in France has rewarded farmers who have produced a higher welfare standard. The animal welfare measures that have been used have again included reducing

[David Taylor]

stocking density, enlarging pig stalls, reducing live transport times and giving access to green pastures. Incidentally, all those measures have proved successful and—this is an important characteristic—cross over into promoting French produce.

I feel that the ERDP as drafted is unimaginative in comparison with many others in Europe and the UK, and that it risks putting English farmers at a competitive disadvantage. We would expect the draft ERDP to align closely with DEFRA strategy, would we not? So let us just see whether it does. One of the measures in the DEFRA animal welfare strategy is higher animal welfare incentives. The strategic policy driver is the sustainable food strategy PSA 9. What action is mentioned in the ERDP? None. The second of the four measures is a more competitive farming sector, as set out in the sustainable food strategy PSA 5. How much reference is there in the ERDP? None. The third of the four measures is sustainable farming, including animal health and welfare, which is again a DEFRA strategic priority, addressed in PSA 5. What reference is made in the ERDP? None. Fourthly, encouraging innovative approaches to farming, such as knowledge transfer, skills training and so on is part of the UK sustainable development strategy, in article 201. What ERDP action is there? Not none, but it is unclear whether any will be animal welfare specific. The ERDP as drafted is a poor match with the strategic drivers for animal welfare policy.

What other drivers are there? The ERDP has no measures for supporting animal welfare, yet there are many other drivers for improved standards that have economic implications for farmers. Many directives have started to phase out certain intensive methods of farming, such as 1999/74 and 2001/88, which phase out the battery cage system and sow stall respectively, and directive 1997/2, whose prohibition of the veal crate system is finally fully operational in member states. It is important that we measure and ensure cost-effectiveness. All those changes have economic implications for farmers. They have all been costed, but the legislative drivers are currently missing from the consultation.

I conclude with the tightness of the budget, to which my hon. Friend the Member for Stroud (Mr. Drew) referred. For the ERDP, the provisional figures show that £1.48 billion of payments are committed for 2007-13, and that £1.8 billion is available. There is therefore still some scope, despite a cut of 22 per cent. for the pillar 2 budget, as announced and agreed in December 2005, which means that some €19 billion will not be available. There is a tight budget, but there are still some incentives that have win-win consequences for more than one issue, and which deliver measurable goals against the national agricultural strategy.

There is no section in the ERDP that shows how the measures will have more than one positive consequence. I fear that no imaginative thinking has gone into establishing how that could occur. Naturally, any policy suggestions must be carefully costed if they are to be proposed as effective measures. The RSPCA has provided costed figures for four measures that have been proposed as indices for inclusion in the ERDP. I will only list those indices, and not indicate the nature of the costings. They are as follows: first, the animal health plan; secondly, training for stockmanship; thirdly, conversion of slatted floors to solid; and fourthly, improved forage for pigs. So there are clear economic data on which to base policy.

Do the public care? EU citizens regard animal welfare as an important part of rural development responsibilities. A recent survey showed that 88 per cent. of the public regard animal welfare as a priority issue of funding for RDPs. In the UK, protecting animal welfare was seen as the most important issue for the public under the RDP. Farmers also want the measures. They are not being dragged into this unwillingly. The review of the Welsh RDP scheme, Tir Mynydd, found that schemes concerning two of the three animal welfare objectives—stocking density and assurance—had the highest numbers of uptake of the seven options available. That is a small example to show that farmers are seeking such measures, and will warmly sign up to them.

What will the Minister say in a moment or two? Of course, he might now be tempted to say, "Well sit down and let me say it." He will probably argue that England already has excellent standards of animal welfare—I have not seen his civil service brief lying on a photocopier on an upper floor—and that further improvements will be delivered by the market. He may claim that English farmers already exceed EU baseline standards. In anticipation of those remarks, I ask him to address three key points. First, I ask the Minister, who has a highly urban seat—I know that he will get out a lot from now on—what is the evidence that farmers exceed baseline standards? Secondly, does he agree that there is a significant risk that the ERDP as drafted will disadvantage English farmers? Finally, does he agree that it is important that policy should continue to develop under his stewardship, with his talents, perception and energy, to demonstrate a commitment to higher welfare standards to join the pantheon of successes that we have proudly witnessed under this Government in the past nine years?

11.16 am

The Parliamentary Under-Secretary of State for Environment, Food and Rural Affairs (Barry Gardiner): I congratulate my hon. Friend the Member for North-West Leicestershire (David Taylor) on securing this debate, which is timely given the end of the consultation and the importance of animal welfare to the Government and all hon. Members present.

I am encouraged that our consultation on the priorities for the next rural development programme in England, which closed on Monday, has provoked a debate about the best way to use the funding available to tackle the challenges facing rural communities in England. In addition to the feedback that we have received from regional events during the consultation, I understand that at the last count we had received about 150 written submissions. Of course, we will carefully analyse those responses, and we will make our decision on the priorities for the next programme in the light of the comments received and my hon. Friend's remarks today.

In the consultation, we set out a number of key principles for the use of rural development funding.

What I want to get across today is that one of the most important of those principles is that programme funding should demonstrably add value. I am sure that the budget available for the next programme will be limited, as budgets always are, so we must be aware of the need to spend money where it will have maximum impact.

We are still not clear exactly how much will be allocated to the UK, and we have yet to take decisions on what use to make of voluntary modulation and associated match funding. My hon. Friends the Members for North-West Leicestershire and for Stroud (Mr. Drew) both asked about the December budget. I have received the RSPCA briefing on that issue, which I know other hon. Members have also received, but it does not take into account the fact that the budget is to be supplemented by compulsory modulation and the EU budget for rural development in the EU15. Because of that supplement, which must be co-financed by member states, we expect that the amount of EU funding available for the next RDP in England will be slightly higher than for current programmes. I want to correct any misunderstanding on that situation, because the briefing was perhaps misleading in that respect, although not intentionally, I am sure.

The key point to stress is that we acknowledge that December was the occasion for cutting a deal and, as my hon. Friends suggested, whenever a deal is cut there are compromises to be made, but we must not lose sight of the great victory that we won then: the review of the common agricultural policy in 2008 and all that that will mean for the pattern of spending in rural communities that we have piloted. We are establishing the approach and we are at the forefront in Europe in trying to pull money away from pillar 1 and into pillar 2 precisely on the areas of spending that we have all said are so important.

As my hon. Friends have highlighted, the framework for the next programme—the rural development regulation—is broadly drawn, allowing for a wide range of activities. That flexibility recognises that rural development needs vary across the EU. New member states may need to focus the available funding on achieving basic community standards, including those on animal welfare, but that may not represent the best value for money in other member states.

I take up the challenge that my hon. Friend the Member for North-West Leicestershire laid down in his three final points. I am happy to write to him on the first point: what evidence there is that farmers exceed baseline compulsory legal minimum standards of animal welfare in England. In my discussions with ministerial colleagues in the Department who have responsibility specifically for animal welfare, I was assured that they are confident that many farmers in England achieve higher—in some cases substantially higher—standards of animal welfare.

David Taylor: I do not want to condense the Minister's reply, but may I ask whether he acknowledges that in our fellow countries of Scotland, Wales and Northern Ireland those higher-than-baseline standards exist, but those countries have also found it possible within their own draft suggestions to incorporate animal welfare, which is incredibly difficult to value as a public good? I acknowledge that that is the case.

Barry Gardiner: My hon. Friend leads me on to my next point. I recognise another point that was made clearly in the RSPCA briefing: in the programmes put forward in Scotland and Wales there are variations in emphasis. I stress that I believe that they are variations in emphasis and, in some cases, variations in decision. That is what I would seek to explain.

One should not be surprised—certainly not in this Chamber—that the outcome of devolution is that each part of the United Kingdom determines its own priorities and takes account of the evidence of need, farming practices and environmental circumstances that is specific to them. Our countries are different and our rural development programmes will be different. Exactly how we use the new programmes to support animal health and welfare objectives is, of course, one of the areas where there may be a divergence, not because we have a different view of the importance of the objective, but because we may have different ways of reaching it.

As I said to my hon. Friend the Member for Stroud in the House last week, we recognise the importance of good animal health and welfare standards in the farming industry, but we are confident that farmers in England achieve animal welfare standards that meet and sometimes exceed the minimum legal requirements. We therefore want to target the resources that we have not towards existing good practice, but on new ways of making agriculture more competitive and sustainable, through a focus on skills and innovation. In line with that approach, we proposed that we could use funding—

David Taylor: Will the Minister give way?

Barry Gardiner: I shall do so in a minute. If my hon. Friend allows me to finish the point, he may find that it pre-empts him.

We proposed that we could use funding available under the next programme to provide increased opportunities for training and knowledge transfer aimed specifically at improving animal health and welfare standards. This is one area where we are clear that we want to use the funding that we have under the programme to improve good practice.

Mr. Drew: After foot and mouth, specific moneys were put in to do the very things that the Minister is speaking about. Will he give a guarantee that there will be moneys in the new budgets that will do the sort of things that that foot and mouth money was supposedly there to do?

Barry Gardiner: It would be difficult to do that within the parameters of this debate, but I shall certainly write to my hon. Friend and elaborate on his point.

I think we all agree that we face major environmental challenges, such as protecting and enhancing biodiversity, protecting the quality of our waterways and mitigating the effects of climate change. The agri-environment schemes have a proven track record, but they must cover a greater proportion of farmland if we are to meet those future challenges. Aside from rural development programme funding, there are no

[Barry Gardiner]

alternative sources of funds available in sufficient quantity to meet those major challenges. Our focus for the next programme is therefore to sustain our commitment to environmental stewardship as a scheme that is open to all farmers.

My hon. Friends will recognise that the environmental stewardship programme and the funding that it will make available will have an impact on stocking levels—a point that my hon. Friend the Member for North-West Leicestershire said was specifically mentioned in other countries' programmes. The fact that that may not be specifically mentioned here does not imply that it will not be achieved.

We decided to focus on those key environmental challenges. An independent report conducted for DEFRA in 2004 found that the cost of a national animal welfare scheme was likely to be high due to various factors, such as diversity among livestock farmers, variability of welfare incidents and the need for assessment and monitoring. We decided not to divert our rural development funding away from that core environmental priority. However, we recognise that there are potential links between particular agri-environment measures such as stocking densities and animal welfare outcomes. Indeed, colleagues referred to the proposal made by the Welsh Assembly in its consultation to consider animal welfare issues in its forthcoming review of agri-environment schemes.

In England in 2007-08, we will review progress under environmental stewardship. The RSPCA has considered how incentives for animal welfare could be provided under the rural development programme. It has done so in its report, "Into the fold", and that work will provide valuable input to our thinking, but to return to where I began, we must be able to demonstrate the added value of what we are spending. I am sure that colleagues will recognise that not only we, but the EU as a whole, have a significant amount of work to do on animal welfare and we must work together to take that forward.

My hon. Friend the Member for North-West Leicestershire referred to the support provided under farm assurance schemes. Farmers who participate in food quality schemes generally do so either with a view to obtaining a price premium, when their participation is rewarded through the market, or because they need to do so to sell to a specific market, as is often the case with baseline assurance schemes and which is also rewarded through the market. The RSPCA's freedom food scheme is an assurance scheme that promotes high animal welfare standards and is a good example of what can be achieved without Government intervention. Given that fact and the high proportion of farmers who already belong to assurance schemes, we believe that relatively little additional public benefit would be gained from supporting such schemes financially through the programme for England. That has been our thinking. It is not that we think the schemes are not valuable ways of achieving animal welfare outcomes, but that we think we should put our money where it will achieve added value and where there is a market failure. In this case, we do not believe that to be so.

Encouraging innovation aimed at developing new markets and new value-added products is one way of helping to make our farming industry more competitive. That could include support for marketing on the basis of higher animal welfare standards, either alone or in combination with other innovative ways of improving farm competitiveness. We have proposed that support for such innovation could be an area of focus for the next programme.

I have been speaking about animal welfare in the context of the rural development programme, but I want to remind colleagues of the wider picture in England on animal health and welfare issues, which we feel is important, and our approach to addressing those issues. We are working in partnership with industry to promote wider use of a proactive approach to health planning on farms, including management of livestock diseases that have welfare implications. We are doing that by supporting a culture change in the industry with consistent messaging and better communication about the benefits of a risk management-based approach at farm level. Our approach supports greater use of the farm health and welfare plans, to which the codes of recommendations for the welfare of livestock refer.

My hon. Friend said that the proposals for the next programme are a missed opportunity as they focus on limited traditional areas and do not look widely enough at Government objectives—

Mr. Frank Cook (in the Chair): Order.

11.30 am

Sitting suspended.

Community Hospitals

2.30 pm

John Bercow (in the Chair): I shall judge the debate by the Annunciator, the clock on which is accurate, unlike the one ahead of me.

Peter Viggers (Gosport) (Con): Thank you, Mr. Bercow, for this opportunity to raise the issue of community hospitals. First, I would like to pay tribute to workers in the national health service, especially those who are involved in patient care. I am sure that anyone who has been directly involved personally or through a family member will wish to join in that tribute to NHS workers.

A local journalist asked me on the telephone, "Will this be your usual Haslar speech, Peter?" I said that it would not be my usual Haslar speech, but I would of course be referring to Haslar, specifically the Royal hospital Haslar, which I would claim has become one of the best known hospitals in Parliament.

The background is that the Royal Naval hospital Haslar, which had become the only hospital within the armed forces, became the Royal hospital Haslar. It was, in effect, operating as a second district general hospital in the Gosport area when in 1998, to everyone's astonishment, it was announced that it would close not earlier than 2000. That caused serious problems in the armed forces. They studied various sites where they might locate a hospital and eventually settled, not with great enthusiasm, on the Selly Oak site in Birmingham. They were cheered by the fact that £200 million would be spent on an all new, all-singing and dancing centre that would provide them with messing, sports and other facilities in Birmingham. Unfortunately, however, that project was cancelled. Within the armed forces now, there are serious shortages in most of the important faculties. I shall return to the issue of armed services medicine later in my speech.

The reaction in the south Hampshire area to the closure was one of anger and disbelief. I shall not recount all the facts, as they are very much on the parliamentary record, but there was an unprecedented march of some 22,000 people demonstrating against the closure of the hospital. We demonstrated in every way we could think of to catch the public eye. We had "Save Haslar" in lights photographed from a helicopter, we had a relay taking a petition to Downing street, we had demonstrations outside Downing street, and we had many debates in Parliament. After much pressure was applied, a deal was cobbled together with the health authorities whereby Haslar would indeed be saved and would continue to be used for local medical facilities and for the armed forces as well.

Unfortunately, in what I regard as a shameful chapter in the history of health care in south Hampshire, the primary care trust went back on the agreement. It "consulted". Whenever one uses that word in connection with the NHS, one has to put it in inverted commas, because the result of a consultation is usually well known before the consultation takes place. There was local discussion, aided by the consultation, of whether Haslar or Gosport War Memorial hospital should continue as the local community hospital. The votes for Haslar were overwhelming, but at a meeting in a church in Fareham, the PCT unanimously voted against popular wishes and decided to close Haslar and continue the Gosport War Memorial hospital, on the basis of what I have to say was some very unreliable information on matters such as costings, car parking and so on.

Later, I chaired a packed meeting in St. Mary's church, Alverstoke, in Gosport. I believe that 800 people were present, with many standing at the back of the church. We took a vote on whether we wished Haslar or Gosport War Memorial hospital to continue. To my disbelief, every single hand went up in favour of Haslar. I remember asking, "Is there no one here who wishes to say anything in favour of the primary care trust's proposals?" but not a single soul supported the PCT.

We went through the statutory procedure. Hampshire county council's overview and scrutiny committee referred the matter to the Minister for reference to the Independent Reconfiguration Panel. I went to see the Minister, who turned down reference to the IRP. The Minister's veto means that Gosport is the only place in the whole of the United Kingdom that the IRP cannot investigate. It has widened its brief, but the only place in which it cannot take an interest is Gosport.

So there we stand. The Royal hospital Haslar is to have its Ministry of Defence support withdrawn with effect from 31 March 2007. Arrangements are in hand for the local hospitals trust to take over responsibility for the hospital until summer 2009, when the private finance initiative bid at Queen Alexandra hospital will be completed, and the plan is that Haslar will close thereafter. However, the plan was that Haslar would close in 2000; it is now 2006 and Haslar is still there.

I turn now to the general picture in the national health service as it relates to hospitals. Spending has increased—it has almost doubled—from £40 billion to £76 billion, but most of that increase has gone on salaries, drugs and compensation, and there has been a 66 per cent. increase in the number of managers. There have been various problems: we all know, for example, that it is much easier to admit someone to a district general hospital than to transfer them out of one, particularly because the Government, in their wisdom, have changed the standards for nursing homes and required them to widen their doors, raise their ceilings, put in en-suite bathrooms and so on. As a result many nursing homes have closed, and the loss of nursing home places has made it difficult to get people out of district general hospitals and into nursing homes. The Government have therefore resorted to the rather shabby process of fining councils that do not have enough nursing home places. Hampshire county council, to give one example, has had to build places in nursing homes.

David Taylor (North-West Leicestershire) (Lab/Co-op): Although I do not agree with all the hon. Gentleman's preliminary comments, does he agree that one of the problems is that the market has, in a sense, been created the wrong way round? It does not give PCTs sufficient powers or resources and does not allow them to be big enough to be comparable in power to acute hospitals. Where acute hospital trusts have had problems, they have, in their enfeebled position,

[David Taylor]

transferred financial pressures into areas over which they have more control, such as community hospitals. Perhaps the Government have now addressed that by allowing larger PCTs to emerge, similar to the one that has always been present in North-West Leicestershire, which is more comparable to the acute hospitals in the area. Does the hon. Gentleman agree?

Peter Viggers: I do agree. PCTs have been required to pay so much of their budget to hospital trusts that it has been difficult for them to develop the community facilities that are needed.

I would describe some of the difficulties in the national health service as tactical problems, which derive from the Government's obsession with micro-management. Let me give three examples of that micro-management in the setting of targets. A cancer specialist was sitting in her consultation room, when a manager burst in and said, "You must see the woman in the waiting room immediately." The cancer specialist said, "I cannot possibly see her. She hasn't been referred to me by a GP. I haven't got her notes. She has not been given any tests. It would be absolutely pointless for me to see her." The manager said, "You must see her immediately. She's been booked in. Every minute that she sits there runs against our averages. You must see her now." I can vouch for the truth of that story because I am married to the doctor in question.

I can also vouch for the truth of my second example, although I will spare the blushes of the person involved. I went to see a hospital manager, who told me, "I know, Mr. Viggers, that you have not received the service that you need from this hospital group, but I can assure you that the situation will change. We have doubled the size of our complaints department and put three new people in the public relations department, so I am sure that you will get a much better service in future." People simply do not understand.

I can vouch for the truth of the third example, as well. An accident and emergency unit had to meet its targets and set a period in which to do so. For weeks in advance and for weeks afterwards, there was distortion and difficulty and the unit was all over the place, but it met its targets during the relevant period. The important thing, however, is not meeting the target, but giving a good service.

Let me also give an example of the manner in which the Government have messed around with primary care trusts. In my area, we had Gosport primary care trust, Fareham primary care trust and East Hampshire primary care trust. Then Fareham and Gosport were merged. Then, in an incredible move, it was decided that the two primary care trusts should share management facilities with another primary care trust. Then both were merged with East Hampshire. Now there is to be a merger for the whole of Hampshire. That is very bad management.

I also have serious reservations about the PFI process. I was in the Treasury as a Parliamentary Private Secretary many years ago when the PFI process was first thought up. The point then was to bring private sector skills into the public sector. Now, however, the Government use the PFI process to get borrowing off balance sheet. It is a notable fact that about £2 of borrowing is off balance sheet compared with every £1 on balance sheet. That is very worrying.

Another point is that the contractor who takes the risk under a PFI scheme is in the private sector—he is there to make money, not to lose money. Therefore, in assessing the risk over the 30 years or whatever the period is, he has to assume the worst from his point of view. Almost by definition, that means that the price will be at the higher rather than the lower end of the range. It would take a great deal of skill to make up for that higher price.

David Taylor: Hearing "PFI" triggers in me a sort of Pavlovian response. Does the hon. Gentleman agree that, despite all the wonderful things that the present Government have done in the NHS in the last nine years—I mean that seriously—the PFI is a blemish on that record? It is prohibitive in cost, flawed in concept and intolerable in consequence for taxpayers and the patients and staff in the NHS. More traditional and conventional forms of financing would have avoided some of the difficulties that the hon. Gentleman is illustrating so effectively.

Peter Viggers: Although I am spiritually in tune with some of the criticism made by the hon. Gentleman, I have to say that the PFI inevitably has some disadvantages. I remember attending a meeting addressed by Sir John Bourn, the head of the National Audit Office. He pointed out that contractors who had undertaken PFI arrangements over the past 30 years had done so before the invention and use of the MRI scanner, which blew all the estimates sideways. None of us knows how medical technology will evolve in the next 30 years, so it is impossible to take a clear and firm view about the next 30 years. There is much to be said for PFI schemes if they are properly administered, but they need to be reviewed every five years or so.

Mr. Christopher Fraser (South-West Norfolk) (Con): Does my hon. Friend agree that if cottage hospitals such as Swaffham and Thetford in my constituency are to continue their excellent work, Government funding must take into account their position in relation to county hospitals? In Norfolk, the Queen Elizabeth hospital in King's Lynn, the Norfolk and Norwich hospital and others used by constituents in my area face a shortfall in funding. That has a profound effect on the services that they deliver and in turn puts more pressure on the cottage hospitals that serve the same community.

Peter Viggers: My hon. Friend is an assiduous campaigner on behalf of his local hospitals and he makes a fair point on behalf of his constituents, for which I thank him.

On a strategic basis, because there will always be unlimited demand for medical care, a mechanism is needed to govern its use. The present Government will never be able to get that right: their commitment is to central control, including central control of spending, which will always hamper them. The Government ranks are notably short of business skills and

experience and notably full of those who have only spent rather than ever earned money. Conservative principles will be to seek harmonious arrangements with the national health service and an integration of the private sector. We need to choose good managers and then to trust them.

As it is, we have a cash crisis. The health services in Hampshire overspent by £80 million in the year before the election, and we are told by Sir Ian Carruthers that after adjustments they will need to recover some £160 million, preferably during the current year. That leads to intolerable pressures and the closure of hospitals. At present, there are about 350 community hospitals and 80 or 90 are under threat.

That brings me to January 2006 and the document "Our health, our care, our say: a new direction for community services". I am sure that I and my hon. Friends would support many of the principles that are articulated in it. To quote a statement from that document:

"Some community hospitals are currently under threat of closure... we are clear that community facilities should not be lost in response to short-term budgetary pressures".

It goes on:

"We will...invite interested PCTs...to bid for capital support"—

2.46 pm

Sitting suspended for a Division in the House.

3 pm

On resuming—

Peter Viggers: To continue my quotation from "Our health, our care, our say":

"We will further invite interested PCTs...to bid for capital support... This will provide the opportunity to create many new community hospitals".

I very much welcome that, and I would like to fold in another reference to the armed forces, which I mentioned earlier.

In 1998, the Government decided to sever the link between armed forces personnel and the armed forces medical services, so that instead of persons in the Army, Navy and Air force automatically being treated by Army, Navy and Air Force doctors, nurses and paramedicals, they are now given initial primary care at the front by their own personnel and then shipped back, after which they are reliant on the national health service. There is therefore no necessary link between armed forces personnel and those who are injured, which can have some extremely disadvantageous effects.

To cite an example from a newspaper on Sunday, a reservist who had severe spinal injuries was given a walking stick and told to find his way to his own general practitioner. He has had nine operations on his back, which is still causing him extreme difficulty. That has happened because although personnel in the regular armed forces have priority in the national health service, reservists do not.

3.1 pm

Sitting suspended for a Division in the House.

3.16 pm

On resuming—

Peter Viggers: I was pointing out that armed service personnel are no longer treated within the armed forces but are treated within the national health service, where they are supposed to receive priority. There are two problems with that. First, reservists, when they are dismissed from active service, do not get priority. Secondly, there is no point in having priority if there is no service to have priority within. I specifically cite mental health services. A significant number of service personnel, particularly reservists who have served in Iraq, are suffering from post-traumatic stress disorder but there are no facilities within the national health service to treat them and the only residential unit has closed. Within the Hampshire Partnerships NHS Trust, which treats mental health patients in the south of Hampshire, there were no new consultations at all for many months last year. For both those reasons, I maintain that the present arrangement is not satisfactory. I know that service chiefs are seriously worried about the medical provision for armed services personnel.

There is such a difference between the Americans' attitude and ours. In America, the attitude is, "If we put our boys and girls in harm's way, we will do anything to put them right if they are injured." The attitude in the British armed forces is that if someone is injured, facilities are available in the national health service and one must go and seek them. It is not satisfactory and service chiefs are worried.

There is a model that we could develop. The Aldershot centre for health is a partnership between the Army and Blackwater Valley and Hart primary care trust. It provides excellent facilities, including GP practices and nursing teams, health promotion, diagnostics, counselling services, and drug and alcohol teams. It also has an Army medical reception ward, general practice and psychiatric services, and a standing medical ward. That is the kind of facility that I believe should be used as a model for the constituency hospital of Haslar in Gosport.

I tabled a question last week asking the Secretary of State

"whether his Department has assessed the Aldershot Centre for Health as a model which could be followed at The Royal Hospital Haslar."

Rather encouragingly, the Ministry of Defence states that it

"will be assessing options for innovative partnerships...particularly in the light of NHS developments and future military basing. However, it would be premature"—

not wrong, but premature—

"to model another facility on the Aldershot Centre for Health until the functional success of the project has been evaluated and any lessons have been identified."—[*Official Report*, 17 May 2006; Vol. 446, c. 958W.]

I hope that the Ministry of Defence and the Department of Health will work together and, even now, find a way ahead for the Royal hospital Haslar.

Several hon. Members *rose—*

John Bercow (in the Chair): Order. If there are no further Divisions, the debate will conclude at 4.30 pm. It might help hon. Members if I explain that I intend to call the first of the Front-Bench speakers at or close to 4 o'clock. Right hon. and hon. Members will be able to do the arithmetic for themselves, and if they tailor their contributions accordingly it will be possible to maximise the number of Back-Bench contributors.

3.19 pm

Mr. David Drew (Stroud) (Lab/Co-op): I take careful note of what you say, Mr. Bercow. I will keep my remarks as brief as possible.

I congratulate the hon. Member for Gosport (Peter Viggers). I, like him, want to talk about local problems. That is the best way to approach the difficult debate on how we can save our community hospitals and enhance our community services. I have a series of questions for my hon. Friend the Minister that relates largely to how "Our health, our care, our say" is to be implemented, about which the hon. Gentleman spoke.

I am the fortunate possessor of a document that was sent to all strategic health authority chief executives and directors of performance. It is a public document, so I am in no way leaking information, and it is entitled "Moving care closer to home". It takes up two sides of paper, which is wonderful, because the issue does not need to be spelled out any more clearly, and it highlights community hospitals. I shall read two paragraphs from it:

"In many parts of the country, community hospitals are an important part of the strategy of moving care closer to home. This vision for the future of community hospitals was set out in chapter 6 of the White Paper and the new generation of community hospitals could be either new or refurbished existing facilities. Further guidance will be available in the summer."

It would be nice to hear from the Minister when that further guidance will come. The letter goes on:

"Where reconfiguration proposals of existing community hospitals relate to facilities that are clinically not viable, or which local people do not want to use, or which cannot economically be raised to modern standards, then local reconfiguration is right but we need to ensure that all such proposals are consistent with the long term strategy of the White Paper to move care closer to patients' homes. This is why the White Paper makes a commitment that"—

this is the important bit—

"'PCTs taking current decisions about the future of community hospitals will be required to demonstrate to their SHA that they have consulted locally and have considered options such as developing new pathways, new partnerships and new ownership possibilities. SHAs will then test PCT community hospital proposals against the principles of this White Paper.' (para 6.43)"

That is an important mechanism for primary care trusts, and in Gloucestershire all the trusts are facing cuts as a result of problems that I would argue are not of our making. *[Interruption.]* Well, that is not entirely true of my own primary care trust; I shall be very careful. However, I have always argued that it was wrong to create three primary care trusts in Gloucestershire; there should have been two, and we are now moving to one. Cotswold and Vale primary care trust—my local PCT, which I share with the hon. Member for Cotswold (Mr. Clifton-Brown)—was created with a deficit. That deficit has not got any worse; the problem is that we are in the strategic health authority from hell, and I look at the hon. Member for Northavon (Steve Webb) as I say that. It is continually overspent, and I could share some of my problems with the hon. Member for Westbury (Dr. Murrison) as well.

It is because of those problems that Gloucestershire, which has largely kept in balance, is being penalised. It is being asked to make good some of the problems of the strategic health authority and to come into balance very quickly. There is an argument going on—and I shall advance it with the Secretary of State—about how quickly we are expected to get into balance. That is a key debate, but I shall not say much more about that now. In my area, there is a proposal to shut Berkeley hospital. That proposal has been round the circuit before, but it is being eagerly progressed now.

Dr. Andrew Murrison (Westbury) (Con): I have been following the story closely in the *Stroud News and Journal* and read the hon. Gentleman's remarks assiduously. I am sure that he is as confused as I am about whether his trust is required to balance the books in-year or over three years, because there appears to be conflicting advice coming from his hon. Friends on the Front Bench. Has he considered that, particularly in the context of Stroud maternity hospital?

Mr. Drew: Absolutely; I shall come to Stroud maternity hospital in a minute, because I want that clarified. I have certainly made it clear to my right hon. Friend the Secretary of State that there is confusion about the difference between being brought into balance this year, and being brought into balance while dealing with historical problems, of which there are some in Gloucestershire, although they are nothing compared with those elsewhere in the strategic health authority. That is part of the debate.

Shutting Berkeley in the south of my constituency and trying to relocate those facilities would be a highly dangerous path to take. I can see Berkeley being shut but there still being no money available to create new facilities in the Cam and Dursley area. I want to maintain Berkeley hospital. I am willing to look at the argument for a community hospital with a changed series of objectives. Berkeley hospital has done that well over the past decade and more but, for a population of 50,000 people, we cannot shut a facility until we open something else. I accept that Berkeley serves a smaller proportion of the population in the southern part of my constituency, but it can still fulfil a number of key objectives. If Berkeley were to close tomorrow, that would cause dramatic pressure elsewhere, on Stroud general hospital and, again, the acute facilities.

The cuts are being driven forward at a relentless rate—we are talking signed, sealed and delivered in five weeks, which is abhorrent. People cannot consult and come up with alternatives in that time. I intend to bring forward alternatives and we will test the model.

It is good that the hon. Member for Westbury has gone to Stroud maternity hospital. I am glad he reads my local paper regularly—it usually quotes me correctly, so that is all well and good. The maternity unit is also being sacrificed, so my simple question for my hon. Friend the Minister is this: do the same criteria—which basically say that a better way forward

has to be proven—apply to maternity units or are they purely to do with community hospitals? I am trying to elicit a reply because I have tabled a parliamentary question to that effect. I hope that the same criteria do apply and that we go through the same process, because there is a huge amount to do in Stroud already.

We must know by which criteria we are to judge whether it is right to close and what the alternatives are. I state categorically that the proposals are wrong. We have defeated them before and I think that we will defeat them this time. Now things are more difficult, because of the backcloth of huge cuts, but I want clarification on whether those cuts are real and necessary, and have to be met within the time scale that some are suggesting. That is the basis of the case.

"Moving care closer to home" is a useful document. It expresses in very precise terms what I think the Government want to happen. They want more facilities devolved to more local areas. However, the problem is that if facilities do not exist in a local area, it is difficult for services to be devolved to them. That is why I want some clarification about what we are doing and why. I want clarification about the funding streams and the alternatives if we lose the facilities. I would argue that funding and provision in Stroud are imbalanced, yet we are still being asked to lose vital facilities. Consideration is even being actively given—although this is not part of the formal cuts—to hiving off Stroud hospital to a private enterprise.

As someone who has worked through a health mutual, which I did for the Standish hospital site, I know a bit about the issue. I am not against looking at alternative models; what I am against is salami-slicing the NHS and saying, "That's all well and good", when in fact we are losing facilities and nothing is being put in their place. I would want to test out the model and the notion that the surgical work at Stroud hospital can be removed and replaced with medical beds. They might be needed, because people have to go somewhere, but that would have a huge knock-on effect on what the Gloucestershire royal hospital and Cheltenham general hospital can cope with. More particularly, if we are talking about choice, there is not much of it when the choice is between the acute hospital and nothing, because that is what most people face.

Those are my questions. I have written to my right hon. Friend the Secretary of State, but have not had an answer, although I have managed to talk to her privately about some of the issues. I shall continue to do so. We are lucky; the hon. Member for Forest of Dean (Mr. Harper) has secured an Adjournment debate for Thursday on health services. If business works as it might, some of us will say more about this issue then.

Community hospitals really matter. Stroud in particular has a wonderful league of friends, which is offering hundreds of thousands of pounds to rebuild the maternity unit, or parts thereof, and to work on other parts of the Stroud hospital estate. It seems contradictory—on the one hand, we say that we want partnership with the community; on the other, when the community brings forward such a partnership, the facilities in which it is prepared to invest are cut.

The Government have to get a grip. They must be clear that such cuts are not necessary. There has to be some balancing of the books, but I want the Government's case to be proved to me. We should not be losing community hospitals, because they are the very things that we should enhance. I hope that my hon. Friend the Minister has good things to say, at least about how the arguments on the health service in my area and the area around it should be taken forward. People should not just relentlessly drive the cuts forward over a short period. That is unacceptable.

3.31 pm

Mr. Philip Dunne (Ludlow) (Con): I congratulate my hon. Friend the Member for Gosport (Peter Viggers) on securing this debate; it is the second in which I have participated that emphasises the importance of our community hospitals.

In January, I joined the trustee group of community hospitals acting nationally together, which is chaired by my hon. Friend the Member for Beverley and Holderness (Mr. Stuart); a number of other hon. Members have also joined. The group identified that of 322 hospitals in England, 80 were at risk of service cuts or closure at the point when it did that work. Three of those hospitals were in my constituency, and I want to draw the Minister's attention to what has happened in them so that he gets a picture of what is going on in some of the more remote parts of the country, where the issues are particularly relevant.

As we have heard, the Government published their White Paper in February. It gave considerable comfort to those of us who are concerned about our community hospitals, as it suggested that the Government were listening to the concerns of the people who used those hospitals. Many of the arguments that we had put forward in the months leading up to the White Paper's publication coincided with those of the Government, so we had some sense that our message was getting through. It was disappointing, to say the least, that very little of the Government's message seemed to filter down to the bureaucrats who run strategic health authorities and primary care trusts that are responsible for running our community hospitals.

David Taylor: I endorse the hon. Gentleman's remarks about the initiative taken by the hon. Member for Beverley and Holderness (Mr. Stuart), on which I congratulate him, to ensure that fragmented voices were turned into an organised chant.

Some months ago, we were reassured about the apparent new direction for community hospitals; effectively, 5 per cent. of general hospital expenditure was to be transferred over 10 years. However, there is, was and will be a risk that the finances of those acute hospitals will be destabilised by the proposal. Perhaps the funds should not be top-sliced from their expenditure. Does the hon. Gentleman agree?

Mr. Dunne: Actually, the experience in Shropshire has been the reverse: the primary care trusts are helping to fund the acute hospital deficits. In Shropshire, the deficits have been created in the acute trusts. To repair their budgets, they are looking to extract money from the primary care trusts.

[Mr. Dunne]

In March, the primary care trust in my area eventually announced that it would not close any of the three hospitals in my constituency. That was a great relief to the community. The primary care trust then produced a document at the beginning of May. As I said directly to the trust when it presented the document to the overview and scrutiny committee, the service plan for Shropshire County primary care trust is a thin, weak document. It fails both to give the context in which the savings are supposed to be made and to provide any clear guidance about whether the proposed savings will be sufficient to meet the deficits that it seeks to identify.

Bridgnorth community hospital has had a great deal of investment by the NHS over the previous 12 months and is currently in the process of being rebuilt, which is welcome. The document said that it would be saved and that it would face no job or bed cuts. That is a great tribute to the people of Bridgnorth, who campaigned actively to save it. The leader of Bridgnorth district council is listening to this debate, and I pay tribute to Councillor Elizabeth Yeomans for the work that she and many others did to save their hospital. That is the good news.

The bad news relates to the other two hospitals. Ludlow community hospital is threatened with the closure of two of its wards, with the loss of more than 30 beds and many jobs—as yet, the detail has not been enunciated by the PCT. The hospital is faced with the closure of the final mental health ward in the Shropshire community, with the exception of a small number of beds in Whitchurch in north Shropshire. Bishop's Castle community hospital—the third hospital—will close; at least, there are plans for that to happen. The site will be handed over to a nursing home operator who currently operates on part of the site. The number of NHS-funded beds will be reduced from 24 this time last year to 12.

The mental health aspect particularly worries me and many of my constituents in Ludlow. The primary argument is that this is a value-for-money exercise, as the mental health ward has not been operated in Ludlow at full capacity and should therefore be closed. The director of mental health in Shropshire County PCT has admitted in public meetings that it is not his preference to have to close the ward and that the decision is entirely driven by efficiency savings required by the PCT to help shore up the financial deficits in the remainder of the Shropshire health economy.

One of the reasons why the mental health division in the PCT has operated so successfully within budget in recent years is that its primary provision is at the Shelton hospital. I understand that it is the second to last Victorian mental health asylum still operating in the UK; and it will be the last remaining one, because there are no plans to redevelop it for some time. While its staff do the best that they can, the provision is acknowledged to be substandard. The impact on patients who require acute care of going to that facility is likely to be significant and the impact on the carers who look after them is likely to be even more so, because the geography involved in travelling from the Ludlow catchment area to Shrewsbury is significant.

I shall briefly illustrate that point. Yesterday, a group of concerned residents led by John Nash undertook a journey from Ludlow to Shelton for a theoretical one-hour visit by public transport. The six of them caught the 435 bus from Ludlow to Shrewsbury at 11.50 am. They had to change in Shrewsbury to catch the bus to take them to the hospital at Shelton. One of the group is a frail lady in her 80s who is a former physiotherapist, and she got home to Ludlow at 5.40 pm, which represents a journey of almost six hours for a one-hour visit. She would currently be able to walk around the corner to her local community hospital. The ability for the carers of our most vulnerable mental health patients to continue to provide such family contact, as it were, will be severely reduced.

I should like to dwell briefly on the impact of the closure of the other rehabilitation wards. The NHS has argued that it should justify the closures on the basis of an equity audit. The equity profile of primary care and community services for Shropshire County PCT, published in May 2005, argues that

"NHS improvement, expansion and reform should narrow the health gap by ensuring that service planning is performed by an equity audit."

The equity audit that has supposedly been carried out to justify the reduction of rehabilitation beds has not been made public. It has been argued that attempts are being made to provide a fairer allocation of beds across the county, which is why beds are being cut in Ludlow and Bishop's Castle. Yet the document also covers the question of need, which was not addressed in the PCT's latest analysis, among the 18 catchment areas in Shropshire. Four of them serve the Ludlow community hospital area, and they all have a higher need for the 65 to 74-year-olds, as identified in the summary, and all bar one are in the higher category for the 75-plus group. Three of the four catchment areas have the highest dependency ratio per catchment area in Shropshire. Three of the four have the lowest ratio of GPs per head of population in Shropshire, and two of the four have the lowest number of patients per practice nurse.

There is a clear need for beds to be available in Ludlow, and for long-term beds in Bishop's Castle. I have been pressing the PCT to commit itself to a 10-year contract for NHS-funded beds. Experience elsewhere in Shropshire shows that it will commit to much shorter contracts, but that once they end, the number of beds is cut. That salami slicing cannot continue, or our community hospitals will all be closed within a short time.

Several hon. Members *rose—*

John Bercow (in the Chair): Order. Time is running out, and I appeal for short contributions.

3.42 pm

Tony Baldry (Banbury) (Con): Thank you, Mr. Bercow. I will try to be brief.

The NHS in Oxfordshire is in freefall. Today, the Oxford Radcliffe NHS Trust is telling its staff that between 650 and 700 posts will be lost—the exact number will be known tomorrow. By my calculation,

that is equivalent to about 8 per cent. of the work force. The loss is occurring as a consequence of £33 million of savings imposed on the trust, in addition to the £17 million of savings that Oxfordshire PCTs have been obliged to make. As a result, the new and enlarged Bicester community hospital promised by the right hon. Member for Darlington (Mr. Milburn) when he was at the Department of Health has now become a complete fantasy.

The White Paper was another fantasy. "Our health, our care, our say" repeated the promise made at the previous general election about having a new generation of community hospitals. Can the Minister tell the House where that new generation of community hospitals is? It is figment of the Minister's and the Department's imagination. There are no community hospitals. Then we are told that community hospitals no longer need beds and that the Government's new concept of primary care centres—better, larger GP practice centres—are somehow new community hospitals. It will not wash.

Last week, I met the acting chief executive of the PCT, who said that because of the enormous squeeze on its budget it is concerned only about acute care. Anything that can be moved off into social care—anything that can be means-tested by the county council—will be moved. An article in one of the Sunday newspapers referred to a new kind of nursing home in Hampshire, in which people are moved from NHS beds simply to die under the responsibility of social care.

We will see an increasing number of people who would have expected in the past to be treated at community hospitals shunted off to somewhere else in means-tested social care, because the NHS no longer has the funds to manage such cases. The PCTs say that they no longer wish to look after such patients. Somehow, they will become lost in the community. It is a disgrace. We are not going to see a new community hospital in Bicester. If we were to have a new generation of community hospitals of the sort that was promised at the Dispatch Box by the Secretary of State in the mid-1990s, one would have expected it to have been delivered. It is a fantasy.

I want to know this from the Minister: what from this White Paper has ever been delivered? It is a public policy disgrace that Ministers come along and waste taxpayers' money with a fake consultation. No public meetings were ever organised in Oxfordshire on "Our health, our care, our say"; what the Government had was a fake meeting in Birmingham with a hand-picked audience. People are becoming increasingly cynical about what the Government are delivering, and I say to the hon. Member for Stroud (Mr. Drew) that the part of the Stroud newspaper that he ought to start reading is the appointments page, because given the way the Government are cutting—he used terms such as cuts and sacrifices—come the next election I fear he will be looking for another job. Clearly, as is evidenced in our debate, across the country, county by county, this Government are waging war on community hospitals and community medical services.

3.46 pm

Andrew George (St. Ives) (LD): I congratulate the hon. Member for Gosport (Peter Viggers) on securing the debate. Many useful points have already been made. The hon. Gentleman said that the Royal hospital Haslar is one of the best known in Parliament. That is true; it comes a close second after West Cornwall hospital.

I wish to raise a single issue, which I hope the Minister will respond to. It is to do with the thesis—or, as I would argue, mantra—that has been coming from the NHS Confederation, which is, as I understand it, the provisional wing of the NHS; it certainly puts out a lot of the arguments that Ministers might not be prepared to argue. Its argument is that the acute sector requires fewer hospital beds. It is a thesis that has become a mantra in the style of the management consultant culture that seems to have pervaded the NHS.

What worries me is the way in which that approach relates to the future of community hospitals, which is a very pertinent question. When I have debated this matter with GPs nationally and locally and with the trusts that argue that we should push for such an approach, I can understand the frustration of those running the acute sector about large numbers of patients going into acute hospitals who, they argue, should not even be going through their front doors. In other words, they are saying that there are unnecessary admissions to acute hospitals. That may well be the case, and there is also another argument that has been made today and which is repeated regularly with regard to the difficulty of discharging patients once they have come into acute hospitals.

The approach taken by the NHS Confederation—and supported by Ministers, I would argue—is causing a great deal of difficulty for acute hospitals and nursing staff, who have to cope with other Government targets on communicable diseases. In many acute hospitals, bed pressures mean that there is a lot of hot-bedding. Severely and acutely ill patients are being moved around hospitals or discharged from them, and other patients are moved in. One of the best ways of getting on top of infection control issues is to manage beds so there are surplus beds in acute hospitals, not too few.

In order to achieve the outcome of fewer acute hospitals, which may be desirable in the longer run, the Government need to address such issues, many of which they have in fact contributed to. The way in which the primary care GP out-of-hours service is currently managed means that many patients are not seen by their GPs out of hours. Given an environment in which there is an increasingly litigious public, ambulance-chasing lawyers and so forth, on the precautionary principle many patients are admitted to acute hospitals when they do not need to be. That trend will inevitably continue, and it may get worse.

Mr. Dan Rogerson (North Cornwall) (LD): As my hon. Friend will be aware, the out-of-hours service in our county of Cornwall has recently changed from a locally based service to a service provided by a much larger company. Does he agree that there are concerns in communities that the provisions under the new contract perhaps do not deliver as local people expect them to?

Andrew George: I agree with my hon. Friend, although in view of the time available I shall not

[Andrew George]

elaborate. There is a scenario in which clinicians appear to be overruled by bed managers, while chronic conditions are still not well managed in the community and many patients who could be managed in the community therefore go into acute hospitals. Crucially, in the light of social services and primary care funding, it is not possible to discharge patients from acute hospitals to social services care or community hospitals, because beds have been cut. In my constituency and in many parts of the country it is becoming impossible to discharge such patients.

To achieve the desired outcome I urge the Minister to recognise those factors and reflect on the need to front-load the argument by ensuring that investment is made in primary care and community hospitals and that there are sufficient social services resources to enable patients to be discharged safely to community hospitals or the community, away from acute hospitals.

3.51 pm

Mr. Edward Vaizey (Wantage) (Con): I am grateful for the opportunity to contribute to the debate and to my hon. Friend the Member for Gosport (Peter Viggers) for ensuring that it was called. As my hon. Friend the Member for Banbury (Tony Baldry) has said, the survival of community hospitals in Oxfordshire is a huge issue—probably the most important in my constituency.

There are three community hospitals in my constituency: one in Wallingford, one in Didcot and one in Wantage. My constituents are also served by a fourth, in Abingdon. As the people of Oxfordshire are now well aware, we are suffering an acute financial crisis. Oxfordshire is part of the Thames Valley strategic health authority, which has the lowest funding per head in the country. By contrast, I understand that the strategic health authority that covers the Prime Minister's constituency is among those with the highest funding per head. I wonder whether that is a coincidence.

The Oxford Radcliffe Hospitals NHS Trust is the most efficient large hospital trust in the country, yet it is being asked to make £33 million-worth of cuts. My hon. Friend the Member for Banbury alluded to job losses. I understand that it may tomorrow also announce up to 150 bed closures. What will the result be? The answer is obvious: more pressure on our community hospitals.

The reason why those hospitals are called community hospitals is that they were built by the people who used them. They were built 70 or 80 years ago, by their communities, to serve their communities. Now they serve as an overspill for the John Radcliffe hospital, and just as they are under threat they are being asked to take on yet greater burdens.

Every hon. Member who has spoken in the debate and has alluded to a sham consultation process is right. People who have made their feelings known and want community provision and a community hospital are completely fed up with the fact that every year a consultation is held to try to persuade them to want something that they do not want. The debate that goes on between the high-ups—the professionals who claim to know what they are talking about—and the people is about whether community care should be closer to home or in the home. It is put about that care in the home will be superior and better. I do not buy that. Most people in community hospitals are grateful for ready access to medical care and grateful to be with other patients.

The vital thing, to which my hon. Friend the Member for Ludlow (Mr. Dunne) alluded, is that those hospitals remain in their communities. Particularly in predominantly rural counties, the idea that elderly relatives can easily visit relatives in a hospital that is 10, 12 or 15 miles away is ludicrous. The mayors in Wantage, Wallingford and Didcot did the same exercise as that in Shropshire, and they spent six hours getting from A to B and back again. Such easy visits are simply not possible. Two weeks ago, the A34, the main trunk road in my constituency, was closed after an accident. The scene was like something from a disaster movie. People took four hours to travel from Wantage to Didcot. We need community hospitals in our communities.

It all comes down to money, I am afraid, and nothing angers people more than when the Government put out a White Paper saying that they will not close hospitals for financial reasons and that the money is there if the clinical case can be made. It is quite clear that these hospitals are being closed for financial reasons—there is no other reason. What particularly sticks in the craw of the people of Wantage is that they have just bought the land from the PCT to build a nursing home for £800,000. It is being built and paid for by the community. The money has gone to the PCT, which is now going to use it for what? The PCT will try to close down their community hospital.

The idea that a county such as Oxfordshire can be served by one huge hospital and nothing else is laughable, and I have told my PCT again and again that it could have a far more reasonable debate with the people of Wantage, Wallingford and Didcot if it accepted the principle that people want a community service. Instead of saying, "We are closing your hospital—let's consult about it", it should give some clear, credible, alternative proposals that people can sign up to.

3.56 pm

Mr. Graham Stuart (Beverley and Holderness) (Con): There have been a number of interesting contributions to the debate and I hope that the new Minister will take on board the strength of feeling of Members from all parties. As Members have mentioned, I am the chairman of CHANT—Community Hospitals Acting Nationally Together—which is an umbrella group for Members of all parties in the House of Commons, and those in the House of Lords, who are concerned about the future of community hospitals. They are concerned because they share precisely the aspirations of Government policy.

Many hon. Members have already referred to "Our health, our care, our say", but we do not just need to consider that document. The new Minister may have seen the previous primary policy instrument for this Government on health, the 2003 document, which was called—believe it or not—"Keeping the NHS local".

Before that, in 2000, we had the NHS plan, in which there was a commitment to bringing care closer to home. For six years, the Government have espoused views that Labour Back Benchers, Liberal Democrats, independents and Conservatives all agree make up precisely the vision that we need.

However, when we look around the country, we find that the very community facilities needed to make the change from acute hospital-centred care to care given much closer to home—either in the home, where appropriate, or in the community close to home—are being closed down. Hundreds and hundreds of beds have been closed in community hospitals during the past six years, while the Government are espousing a need for care closer to home.

The NHS Confederation has been mentioned. A few days ago, bizarrely, it issued a slim document called "Why the NHS Needs Fewer Beds". In Hornsea community hospital in my constituency, the number of beds has been cut from 22 to 12 and there have been regular waiting lists. An elderly lady who could see the community hospital from her front room in Hornsea could not be admitted because there was a waiting list. Meanwhile, the chief executive and chairman of the acute trust in Hull told me that the hospital is often running at more than 100 per cent. capacity.

We have a bizarre conflict between stated Government policy and the reality on the ground. The Government should make good their position on health; all hon. Members recognise the near doubling of expenditure on the NHS. I hope that the new Minister might be like the new Home Secretary, coming to the Department with fresh eyes and able to see that it needs serious change. Members throughout the House want the Minister and the Department to defend our community hospitals and support them, because they will deliver the Government's policy for them. Until now, we have questions that have not been answered.

John Bercow (in the Chair): To make a very, very short contribution, I call Dr. Julian Lewis.

4 pm

Dr. Julian Lewis (New Forest, East) (Con): It is a privilege to follow my hon. Friend the Member for Beverley and Holderness (Mr. Stuart), who has done an outstanding job in setting up the national co-ordinating campaign. All those of us who were fighting our individual campaigns knew that that needed to be done, and I take my hat off to him—he has done an excellent job and a service to us all.

Earlier today, Mr. Bercow, you renewed your efforts to save the Nuffield speech and language unit in Ealing. A couple of days ago, I received a delegation of mental health users from the emergency clinic at the Maudsley hospital in south London who were desperate that their specialist centre should not be closed down. Every so often a collective, pseudo-ideological mania seems to take over some of our public services, and it can be seen in the way in which children are taught to read or taught through play; in the wholesale closure of mental hospitals and the decanting into the community of far too many people who are unable to cope; in the closure of special schools, which has been gathering pace; and in the current determination to say that the NHS needs fewer beds.

I have time to make only one point to the Minister, and it is this: when he winds up the debate, will he please not tell us that it is for local decision takers to take responsibility? The Government are at the top of the tree, the community is at the bottom, and the so-called local decision takers, who staff the PCTs' bureaucracies, are in between. Which group is the odd one out? It is the one in the middle—the one that is not elected. It is the Government's responsibility to ensure that the systems that they set up are responsive to the communities that they are supposed to serve.

Finally, the Minister should not tell us how much money he has been putting in. That is like saying that we are pouring more and more water into the bath when there is a great hole in the bottom of it. The bath will never be full, because the water will drain away faster than we can pour it in. We are interested not in the resources that are going in, but in the outcomes that are not coming out.

4.2 pm

Steve Webb (Northavon) (LD): It is appropriate that the final contribution before the winding-up speeches should highlight the issue that underlay many of the other contributions, but which was not made explicit: accountability. What has run throughout the debate is the notion that local people are clearly expressing their preferences—the term "sham consultation" keeps coming up in these Westminster Hall debates—but that we can do nothing about it when nobody listens.

That causes me to ask the fundamental question of whether we need to look at accountability in the national health service and decide whether we are satisfied with the present arrangement, whereby just one person—obviously, she is not present today—is accountable for the 1.3 million people who work in the NHS, or whether there needs to be closer, more local accountability. We have that in embryo form in local authorities' overview and scrutiny committees, but they are weak, and one of the few things that they can do—this links to the introductory remark made by the hon. Member for Gosport (Peter Viggers)—is to refer a decision to the Secretary of State and ask her, in turn, to refer it to the independent reconfiguration panel.

I was interested in the hon. Gentleman's remarks, because his experiences are identical to mine. I had a hospital closure in my area, and the local authority asked the Secretary of State to have it looked at independently, but she refused. There is history in that respect. Although there is an independent panel, it does not, on average, get asked to look at the things that local authorities want it to consider, because the Secretary of State stands in the way. We therefore have no serious local accountability, and the one bit of local accountability that we do have gets overridden by the Secretary of State, who refuses to let someone independent look at things.

We therefore need to look at serious local, democratic accountability in the NHS, and it will be interesting to find out in the Conservative winding-up speech whether there is anything in the Conservatives' plans, to the extent that they exist, to deal with local

[Steve Webb]

democratic accountability and to determine whether the people who make the decisions—it is rude to call them faceless, but they are the people whom we cannot get rid of—should be replaced or answerable to elected representatives, because, at the moment, they are not. That is the frustration.

We have heard some important points. The hon. Member for Gosport, who secured the debate—I congratulate him on that—gave some powerful examples of micro-management and of targets distorting the NHS. I met a woman only this morning who had a specific need to see a particular consultant. She said that she was happy to wait to see the right person, but was told that she could not wait because she would go past the target. She was told that she would be sent to someone else and said that that specialist would not know about her. She was told that which did not matter and that she had to see a consultant so that she would be off the list. She went to see the other consultant, who asked, "What are you doing here? I cannot help you." She said that she knew that but that she had been sent so that the box could be ticked. That is the sort of absurdity that arises.

I was interested to hear from my constituency neighbour, the hon. Member for Stroud (Mr. Drew), about the situation in his area. He came up with a criterion with which many of us have sympathy. None of us is emotionally wedded to bricks and mortar. Buildings that were once fit for purpose may no longer be so or may be in the wrong place. No one is saying that nothing must ever change, but we want proper public engagement without a preconceived agenda.

It was good to hear the hon. Gentleman and the hon. Member for North-West Leicestershire (David Taylor)—the Statler and Waldorf of the Labour Back Benches—pointing out that Government health policy rhetoric is fine, but the disjunction between the rhetoric and reality shows that the Department of Health is out of touch with what is really happening. The classic example is the White Paper on community hospitals. The disjunction is that when something goes wrong locally, the decision was made locally, but when 500 new or upgraded community hospitals are planned, they are the Government's responsibility. How can both be true simultaneously? The Government are responsible for good news and new hospitals, but bad news and closed hospitals are due to local decision making and nothing to do with the Government. Both cannot be true, so which is?

In this very Chamber the hon. Member for Ludlow (Mr. Dunne) properly raised the issue of his local community hospitals and the hon. Member for Banbury (Tony Baldry) raised another critical point about the absurd division between health and social care. While we have different budgets and something can be shunted into someone else's budget, the welfare of the individual will come second to the financial pressures. Again, the logic of the argument that we have heard today is that budgets should be merged and pooled with a single stream of health and social care funding and democratic, local accountability. Those are two big steps, but that is what I want and it would deal with many of the points raised. We would then have responsive public consultation and effective social and health care.

My hon. Friend the Member for St. Ives (Andrew George) properly raised the issue of capacity and the extraordinary situation that when beds are cut, occupancy rates rise well beyond the level at which even experts in infection control believe they can do a good job. There will then be another Government target, initiative and action plan to tackle MRSA or whatever the bug of the day happens to be. There is no joined-up thinking in the whole process.

The hon. Member for Wantage (Mr. Vaizey) made an important and incisive point about the difference between care closer to home and care in the home. People often slide between the two. It is assumed that we all want care closer to home, but many of us need specialist and local NHS facilities close to where we live which we can get to even when the A34 is blocked. The Government increasingly do not mean beds close to home; they mean people going from their homes to a super-GP clinic or something like that. There is no intermediate step.

What is it about community hospitals that we favour? It is localness. Being treated close to home has a medical benefit, because loved ones can pop in and friends and family are nearby. It is the human scale of such hospitals. People do not want one dirty great hospital for the whole county. They want local hospitals where they know the names of the staff and can build a relationship. Caring for people locally is evidence-based medicine on a human scale and takes pressure off the large acute trusts.

We must not allow the myth to continue that community hospitals are inefficient and bad value for money. Putting someone in a small community hospital instead of tying up an expensive acute hospital bed is good value for money and good for the individual.

We need a merger of health and social care budgets to avoid cost shunting and we need serious local accountability. We also need funding—funding is not irrelevant—and I have supported that, but we need more than funding and the Government should listen to what local people are saying because, at the moment, local people have no voice.

4.9 pm

Dr. Andrew Murrison (Westbury) (Con): We need to be clear about what we are dealing with. We are dealing with closures that have been prompted by deficits, which is the responsibility of Ministers. The hon. Member for Northavon (Steve Webb) asked what the Conservatives would do to improve accountability. Accountability rests squarely with the Secretary of State for Health who, ultimately, is responsible for the closures that we have seen. Most Conservative Members would, for reasons to which my hon. Friend the Member for Gosport (Peter Viggers) alluded, attribute the deficits to the actions of the present Government, and I would like the Minister to answer for the 80 or so closures that are threatened up and down the country.

I admit a constituency interest. On Friday, I visited the four community hospitals in my constituency, all of which are threatened with the axe. There was a

fifth—Bradford-on-Avon—but it has already closed. I also visited an EMI—elderly mentally infirm—unit for 26 in-patients in Trowbridge, which caters for a large part of Wiltshire. That, too, is threatened with closure, together with the maternity unit, so I have some sympathy for the hon. Member for Stroud (Mr. Drew). All those facilities will go.

The hon. Member for Northavon talked about evidence-based medicine. I do not think he really understands what evidence-based medicine is. There is no evidence that the plans that the primary care trust has produced would do anything other than destroy what we have traditionally enjoyed in my part of Wiltshire—good local health care. All the evidence suggests that we would lose a great deal and pick up very little in return. The PCT, in the spirit of the age, will talk about taking health care closer to patients, and of course we would all wish to be treated in our home if that were possible.

Mr. Geoffrey Clifton-Brown (Cotswold) (Con): I apologise for not being present for the whole debate—it is not possible to do everything in this place. My hon. Friend is aware of the announcement made in Gloucestershire on black Wednesday, as I call it, that 12 institutions would be closed or have their services severely curtailed. That was to involve a loss of 250 beds and more than 200 staff. In Gloucestershire, we will not have many health facilities left other than the two acute hospitals. That is what the present Government have reduced the health service to in Gloucestershire. Does he agree that what needs to be considered is people's welfare, not just bottom-line budgets to rake back last year's and this year's deficits?

Dr. Murrison: I agree. What my hon. Friend describes is what Ministers have told us should happen. It is clear from the White Paper that short-term budgetary fixes should not result in the closure of community hospitals, so he is right. I have visited a couple of his local community hospitals and I am as distraught as he is to hear of their closure. We are told that intermediate care teams will sally forth and look after people in their own homes. Come on, we live in the real world. We all know that people will not receive proper hospital care at home. The best that people can hope for is health care in homely settings in the community. That is what people have at the moment in areas that are blessed with community hospitals. I understood from the White Paper that the community hospital model would be expanded across the rest of the country, but it appears that that will not happen. We hear about new-generation community hospitals, but the reality is that well before they appear, we see hospitals such as Bradford-on-Avon and those in my hon. Friend's area closing. At the very least, we are putting the cart before the horse.

We have to accept that when those institutions close, a whole generation of health care workers will be lost. People who work in community hospitals are very special. They are often seen to be on the margins of health care, and often they are. They usually work in community hospitals for particular reasons. They choose to work in those hospitals, yet there seems to be an assumption that when the hospitals close, the workers will all march off and rebadge themselves as community nurses or district nurses, or perhaps work in acute centres. Clearly, many of them will not do so and many of the particular skills that they have will be lost. I do not think that the Minister has thought that through adequately.

I shall not dwell at length on sham consultations. Suffice it to say that I am as incensed as most other hon. Members who have spoken that a culture of cynicism should be built up around what should be a perfectly reasonable thing for us to do—ask people what they want in terms of health care delivery in their locality. I now have to say to my constituents, "Please respond to the primary care trust's consultation because it will take your silence as assent to the plans." However, most people are reluctant to take part, because they see themselves putting a great deal of time and effort into consultation in good faith and then finding the PCT simply proceeding with an agenda that it created beforehand.

The White Paper makes a number of references to community hospitals, and it actually refers to Trowbridge community hospital, which is interesting, because under the primary care trust proposals, that is one of the community hospitals that will close. It says, in bold, that

> "PCTs taking current decisions about the future of community hospitals will be required to demonstrate to their SHA that they have consulted locally and have considered options such as developing new pathways, new partnerships and new ownership possibilities."

There is very little room for weasel words there.

There is a delicious irony, because many of the hospitals had what I suppose, in retrospect, were new partnerships, which were created by the communities that they served. They were often the gift of a local benefactor and they have been supported royally over the years through local effort. I am intrigued and, in all candour, I am interested to hear the Minister's take on exactly what those words mean, and to hear how he will encourage new partnerships and new ownership possibilities. What does he have in mind, and how will he make sure that those partnerships happen? I actually think that partnerships are quite an imaginative solution for the future, but they will not happen if the Government do not support them, and they will certainly not happen if PCTs do not support them. His comments on that point would be most welcome.

On Monday, the NHS Confederation produced what is best described as a leaflet. It was much trumpeted but it contains very little apart from anecdote, and it does not mention community hospitals at all, really. The issue of what on earth will be done as the number of acute hospital beds continues to be reduced is left hanging in the air, but people will have to go somewhere.

Interestingly, a couple of months ago, Dr. Foster, a body that is in some level of partnership with the Department of Health, published a paper in the *British Medical Journal* that compared health care in America with health care in this country. Of course there are differences between the two countries, but it is instructive to note how much more reliance America puts on intermediate care, and how little time people spend in acute hospitals in America compared with

[Dr. Murrison]

people in this country. America also has greater reliance on intermediate care beds, which of course are cheaper.

Health maintenance organisations that manage health care in America are, of course, run by accountants, and they are very exercised by how much health care costs. Primary care trusts are getting it all wrong in trying to save costs by disestablishing the intermediate care level. The Minister looks surprised, but I am surprised that he has not been given the paper by members of Dr. Foster—they came to see the Opposition Front Bench team earlier this week—because it has a partnership arrangement with the Department of Health, and it seems that the research is crucial to what we are discussing today. I can send it to him, but I point out that it is in the BMJ of March this year, so he can look it up for himself. It seems that we have been given a false prospectus by primary care trusts, which hold that we will save money, as we will, of course, in the very short term, in terms of balancing the books in-year, but in the longer term the result will simply be more cost.

We are rusticating cost from one part of the public purse to another. We heard earlier about how social services will bear much of the burden for all this. Likewise, voluntary organisations will pick up the bill for things such as palliative care, and of course carers will pick up a lot of the burden, as well. So when we talk about cost, we must ask: the cost to whom? That is extremely important.

I apologise to the hon. Member for Stroud for intervening on him, but we take a particular interest in what is going on in Stroud. I am pleased that his contribution was so powerful, because it is all very well for my hon. Friends to debate the issue, but the fact that someone on the Labour Benches is doing so will, I hope, have more impact on the Minister than we have had hitherto. In connection with Stroud maternity hospital, it will be particularly interesting to hear which of the following holds: the January 2006 operating framework for 2006-07, which said:

"All NHS organisations should plan to recover deficits for previous years and balance their books for 2006-07

or the Secretary of State's letter dated 12 April to my hon. Friend the Member for South Cambridgeshire (Mr. Lansley), who was here earlier. That letter says that

"organisations which are overspending will be required to show improvement and by the end of 2006-7 be in monthly balance."

That is, monthly expenditure should cancel out or equal monthly income. It will be interesting to know which one of those propositions holds true, because clearly both of them cannot be true. There appears to have been something of a difference, and clearly Gloucestershire is working to the former proposition, not to the latter. That is important in the context of Stroud maternity hospital.

John Bercow (in the Chair): Order. I am sure that the hon. Gentleman will bring his remarks to a close very soon, as the Minister must have an opportunity to reply.

Dr. Murrison: Thank you, Mr. Bercow. I am indeed bringing my remarks to a conclusion. I hope that the Minister will address those points. In particular, I make no apology for underscoring my constituency interest, which informs my more general concern that stems back 25 years.

4.20 pm

The Minister of State, Department of Health (Andy Burnham): I congratulate the hon. Member for Gosport (Peter Viggers) on securing the debate. He raised a number of interesting and important issues that deserve a proper response. We have heard good contributions to the debate, particularly from the hon. Member for Ludlow (Mr. Dunne). The hon. Member for Northavon (Steve Webb), as always, made a good contribution and some important points. The good turnout this afternoon shows the depth of feeling about community hospitals in communities across the country.

I do not doubt the sincerity of the hon. Member for Gosport, but I doubt the quality of some of the analysis he gave us about what is happening in the national health service today and since 1992. I have doubts about some of the statements that have been made in the course of the debate, such as the suggestion that the Government are doing nothing to support community hospitals.

The hon. Member for Banbury (Tony Baldry) made something of a rant, which was uncharacteristic—if that helps, as I do not think he is normally associated with such speeches. He talked about the Government "waging war" on community hospitals. That is simply not borne out at all by the facts on the ground. I have a quote for him from the Community Hospitals Association, an organisation with which he will be familiar. On its website, it states:

"Despite common belief there are still, in Great Britain, over 470 Community Hospitals. And for every closure in recent years there has been a new hospital opened."

The hon. Gentleman's views are simply not borne out by the facts.

A number of hon. Members have mentioned the NHS Confederation's analysis that was put before us this week. I refer the Chamber to a table in that report that shows the number of hospital beds lost in the 20 years from 1984 to 2004-05. If we consider the figures for 1997-98, we see that there were 148,828 beds in the national health service. In 2004-05, there were 145,218. That is broadly the same figure, with a small reduction. If we look further down the table, we see in the period from 1984 to 1997-98 a reduction of 63,000 beds during those years of Conservative Government. A little more humility tempering the strident comments of Conservative Members might not have gone amiss.

Bob Spink (Castle Point) (Con): Will the Minister give way?

Andy Burnham: I do not have a great deal of time, so I will press on.

Our manifesto made absolutely clear our commitment to a new generation of community hospitals, rebuilt or refurbished, with state-of-the-art NHS facilities. Our commitment to the future of

community hospitals was further highlighted by the recent White Paper, to which many hon. Members have referred. "Our health, our care, our say" firmly placed community hospitals, old and new, at the heart of achieving the shift in care and resources that the White Paper signalled. I say to Conservative Members that during the period when they were in government it was very much the trend that the acute sites began to draw in more and more services. That is what we saw in communities up and down the country, not least in my own, where the accident and emergency department at Leigh infirmary was closed. That was the direction of travel in the '80s and '90s.

Mr. Vaizey: Will the Minister give way?

Andy Burnham: I will not. The reduction of 63,000 in the number of beds in our national health service is the evidence of that process. The direction that the White Paper has laid out—

Dr. Murrison: On a point of order, Mr. Bercow. Is it in order for the Minister not to have read the NHS Confederation's pamphlet, produced on Monday, to which I referred? He has completely misled us.

John Bercow (in the Chair): That is a point either of debate or of frustration.

Andy Burnham: I reject the suggestion that I have misled Members. I was giving figures from the NHS Confederation, issued this week, which show the true state of our national health service. Raising a frivolous point of order when I have been left with little time does not help our debate.

We made our commitment to community hospitals because that was what the public told us strongly in the consultation, "Your health, your care, your say". People want services to be available closer to where they live, and they want health and social care to become more seamless with more personalised and integrated care. That point was fairly made by the hon. Member for Northavon. It is true that people want to be treated in familiar, comfortable surroundings.

England is unusual among developed countries in that a high proportion of care is accessed through large, acute hospitals on-site, particularly for out-patients. That is why the White Paper laid out clearly our intention to move toward more local and community provision. We want the NHS to challenge the status quo that has seen care increasingly centralised in large institutions. If we are serious about shifting care, we need to make sure that the facilities out in the community are fit for purpose, and that they are not simply bricks and mortar that have been there for a long time, but modern, good quality facilities in which the kind of care for our constituents that we all aspire to can be provided.

Picking up on the NHS Confederation theme, there is a challenge for all elected politicians, in this place and locally, to get beyond some of the emotion. That is what it is challenging us to do. The NHS Confederation called for a well informed debate on these matters. It is incumbent on every one of us, as leaders within our communities, to lead that debate rather than follow it. We, too, should put informed positions into the public domain about hospital reconfiguration. Let us make no bones about it: from time to time there will need to be reconfiguration of services to reflect modern standards and aspirations. The duty to lead that debate is incumbent on us all.

I will now pick up on a point made by the hon. Member for Gosport. There is an onus on the NHS to listen to local opinion when it is expressed in a moderate and reasonable way, where local representatives have gone out to listen to their communities and taken the trouble to work through the detail of proposals. The NHS needs to be good at hearing that debate and the argument coming back the other way. I accept that it might not have done that well in the past, and that we need to make sure that our consultation within the NHS is true consultation, but that is a two-way street. All hon. Members should reflect on that.

A new generation of facilities is already being put in place. The hon. Member for Banbury asked where they are. Examples include Colchester and Tendring PCTs, which have recently seen a primary care centre and a community hospital open under the NHS LIFT—local improvement finance trust—initiative. There are other examples with a number of other services: Colchester primary care centre is providing a renal dialysis unit that will provide local facilities for patients who currently travel to London or Cambridge three times a week for treatment. Harwich hospital is a new facility constructed on the grounds of an outdated community hospital. It will provide numerous specialist primary care and diagnostic services, as well as an operating theatre, in-patient beds and a maternity unit. They are the evidence of the new generation of facilities that the hon. Gentleman asked for. It is there, on the ground, and it is benefiting patients across the country.

I was asked for evidence of the manifesto commitment. There is capital: a significant sum of money has been set aside to enable communities around the country to come forward with plans for new community provision. More information will be made available and a statement will be made soon as to how that capital can be accessed. It is not possible to build new hospitals within a year of our manifesto commitment, but the commitment will be honoured.

I shall pick up on some of the specific points raised by the hon. Member for Gosport, because he deserves a detailed response to them. I understand the concerns in his communities about the transition in service provision; we all acknowledge that that can be difficult to understand. The hub-and-spoke model that is proposed for his area—given the geography of his constituency—must respect all the communities in it. To be viable, the hub-and-spoke system needs to consider all the communities, not just one in isolation. A new facility is being constructed at Fareham. Seeing the health economy in the round is important, and it is crucial to ensure that one community's aspirations do not cut across the legitimate aspirations of another for modern health care facilities in their area.

I say to my hon. Friend the Member for Stroud (Mr. Drew) that we will make an announcement on the White Paper in due course, which will apply to all kinds of services, including maternity units; it will cover the breadth of services. We want PCTs to look carefully at

[Andy Burnham]

the White Paper; it is not just words, and we want them to see clearly the direction of travel and provide the kind of services that his constituents and mine want on the ground.

The hon. Gentleman—

John Bercow (in the Chair): Order. I am sorry to interrupt the Minister, but we must now move on the next debate.

Home Information Packs

4.30 pm

Mr. Greg Hands (Hammersmith and Fulham) (Con): I am pleased to have this short debate on home information packs, better known as HIPs. This is not the first time that they have been debated in this place and it will probably not be the last. Given the number of hon. Members who wish to speak, I shall try to be brief and not cover all the objections that I and others have to HIPs. Suffice it to say, they are included in early-day motion 2240, which is entitled "Introduction of home information packs" and was tabled by my hon. Friend the Member for Surrey Heath (Michael Gove). I also pay tribute to my hon. Friend the Member for Bridgwater (Mr. Liddell-Grainger) for his recent excellent ten-minute Bill on the subject.

Having spoken to a variety of groups from all sides of the HIPs debate in recent days, I have picked up a common theme, which is perhaps best described by an individual whose role it is to promote and sell HIPs but who unsurprisingly does not wish to be named this afternoon. He told me that doing something to help house buyers was long overdue but that with HIPs, like other new Labour policies, the execution was fundamentally flawed.

HIPs are a new stealth tax, dressed up as a proposal to help hard-pressed buyers in the housing market. However, rather like the huge stamp duty hikes seen in recent years, which were introduced in the name of cooling down the housing market, while netting the Chancellor huge amounts of additional funds, HIPs will create a whole new tax scheme for the Treasury. Assuming annual home sales of around 1.3 million, it will take an average HIP price of only £770 to create a new billion-pound industry in this country. That would result in an additional £175 million going to the Chancellor each year in VAT. Moreover, the tax is regressive, as it seems quite possible that the cost of putting together a HIP for a studio flat might be the same as for a mansion.

My first objection to HIPs is therefore that they add another part to the complex process of buying and selling a property and will probably not remove any of the other hurdles. Currently, some 80 per cent. of buyers do not have a formal or second-level survey. Those who are borrowing to fund the purchase—that is, the home buyers—consider the lender's valuation survey, which is, after all, designed solely to protect the lender's interest, to be sufficient. However, lenders are not compelled to accept the new home condition report as a basis for valuation, and many lenders have signalled that it will be no substitute for a full valuation.

The Government say that the pack will have "very little impact" on the number of completed sales taking place each year, yet research has suggested that up to 30 per cent. fewer properties would come to the market if the seller had to pay for a pack. Even if only 10 per cent. of properties were taken out of the supply side of the market, the likely result would be inflationary to house prices. In turn, the decline in the volume of homes coming to the market would doubtless exacerbate many of the problems in the housing market, such as having too many empty homes, and

increase the pressure for more new homes to be built, because of supply shortfalls of existing homes in the market.

It is tempting to think of the housing market as constantly rising, as it has been over the past decade, but even more alarmingly, HIPs will have a deeply negative impact in the event of a falling housing market. Liquidity will dry up. Those facing negative equity who might be forced by their financial circumstances to sell—thanks to a job loss during a recession, for example—will be hit with a charge of up to £1,000 to create the HIP, on top of all the other miseries involved in a distress sale of one's own home. Others affected could include those needing to downsize in the event of changed personal circumstances, such as job relocation or disability.

The potential cost of the HIP is made worse because the pack has no shelf life. As some of the information to be contained in it is date-sensitive, such as local authority searches, the pack will need to be updated, at further expense to the seller, especially in a slow market. No responsible estate agent, surveyor or lawyer would recommend that a purchaser should rely on a potentially outdated report. I foresee that when the market is slow, a lot of money will be spent on updating the pack.

As to enforcement, as we know, the duty to provide a HIP lies with the estate agent. However, the penalty for not doing so is only £200. If the transaction fee for the estate agent is a few thousand pounds, the temptation to skim the HIP or not provide it at all may be too great. That links to enforcement, which presents a further problem. According to my information, enforcement will be down to council trading standards officers, who are thin on the ground these days.

In my experience in Hammersmith and Fulham under the outgoing and very incompetent Labour council, it is tough to get such officers to investigate things such as prima facie examples of dodgy builders who, having given promises about loft extensions, make off with tens of thousands of pounds from old ladies. Generally, the trading standards officers are not interested in knowing. The fine for not providing a HIP is only £200, and my expectation—it is only that—is that many in trading standards will simply not bother to pursue the matter.

Mr. Ian Liddell-Grainger (Bridgwater) (Con): I thank my hon. Friend for his help in preparing my ten-minute Bill, which, as he is aware, comes back in October. I am sure that the Minister will be interested in one of the problems that we both faced—the number of HIPs providers there in the first place. There are so few. Does my hon. Friend agree that not only can we not enforce HIPs, but they cannot be provided in the first place? The people to provide them are not there, and such people cannot be trained before HIPs come into operation.

Mr. Hands: I agree absolutely. I was alarmed to see reports in *The Times* on Saturday about how few trained HIPs officers there are.

Bob Spink (Castle Point) (Con): Given that situation, does my hon. Friend not think that it would be eminently sensible for the Minister to delay the onset of HIPs by holding a meaningful pilot so that we can see their impact on the housing market and consider how we can develop more HIPs consultants?

Mr. Hands: I thank my hon. Friend for that intervention. It would be helpful to have a real pilot, although I was not going to go down that route, given the limited time available. My personal view is that HIPs should be abolished entirely rather than reformed.

I come back to trading standards. I have also not heard of any additional funding for local authority trading standards to finance effective policing. I bring another interesting consequence of the HIP to the attention of the Chamber. Statistically, the majority of properties in Britain will have changed hands in 20 to 25 years' time, and the Government will then have an extensive and detailed database of all those properties. It would be cynical to suggest that that could form the basis of a tax, but the temptation would be there; in the hands of the current Chancellor of the Exchequer, there would certainly be the potential for a new Domesday Book in this country, although I doubt whether he would have that job by then. On a similar issue, anybody—not only those genuinely interested in buying the property—will be able to access the information given in a HIP. I see a field day for snoopers intrigued by the homes of their outgoing or incoming neighbours.

Finally, I turn to the likely impact on my constituency of Hammersmith and Fulham. It has a huge number of flats, which make up 71 per cent. of its homes. That compares with a national average of 19 per cent. Even without HIPs, the young professional flat owner gets a very raw deal under new Labour; that is part of the reason why Hammersmith and Fulham turned a dark shade of blue earlier this month. In marginal wards, the number of flat owners is even more stark. In North End ward, 88 per cent. of homes are flats; in Avonmore and Brook Green ward, the figure is 86 per cent.; in Addison ward, it is 79 per cent.; and so on.

Such areas are characterised by people who have bought a one or two-bedroomed flat. They already pay hugely more in taxes generally, but when it comes to a home sale under HIPs, the buyer in my constituency will already be whacked by stamp duty of 3 per cent. or occasionally 4 per cent. on the price—cash that they need to find up front. The seller will now also be hit by an up-front tax of up to £1,000 to buy a HIP.

I spoke to one prospective HIP provider yesterday, who thought that for the larger firms, the turnaround time to build the HIP might be as short as four to five days. However, it would take weeks or even longer if the property were leasehold, as there is currently no provision to force a managing agent to supply the information. Yet that is crucial in my constituency and across London, where there are tens of thousands of leasehold properties.

The problems really begin when it comes to getting information out of a managing agent. I spoke to a London estate agent yesterday who told me that HIPs are particularly feared in London because of the large number of leasehold properties. Managing agents are

[Mr. Hands]

often notoriously unresponsive unless their financial interests are directly threatened; they have no real incentive to provide the relevant information for a HIP. Rightly, the big fear is that they simply will not deliver it on time, the market will get slowed up and the reputation of HIPs in general will start to suffer in London, which could have a disastrous impact on the reputation of the whole scheme.

There are well-rehearsed arguments against HIPs, and I have not detailed all of them, as I am sure my colleagues would agree. I am yet to see, other than directly from the new billion-pound-a-year HIP industry, any real answers from the Government to those concerns. I and my constituents want to see not more promises but, if hon. Members will excuse the pun, a complete HIPs replacement.

4.41 pm

Michael Gove (Surrey Heath) (Con): It is a pleasure to serve under your chairmanship today, Mr. Bercow. May I thank my hon. Friend the Member for Hammersmith and Fulham (Mr. Hands) and the Minister, who is in her place, for giving me permission to speak in this debate?

As my hon. Friend said, home information packs mark a significant state intervention in the property market, with potentially disruptive consequences for consumer confidence. That is why I would like to give the Minister the opportunity today to try to reassure consumers. Her work is formidable; if one examines the scale of opposition to HIPs, one will see that nearly every interested group in the property market has deep worries about the implementation of the scheme. Independent estate agents, and indeed the National Association of Estate Agents, have outlined deep opposition to the scheme. Only this week, 80 per cent. of building society chief executive officers have said that they believe that HIPs will have a negative impact on the housing market.

Why does the Minister believe that that is so? Building society chief executive officers say that HIPs will add costs to the home-buying process, not reassure prospective buyers or speed up the process, and reduce the number of properties in the market. If those with a direct stake in the effective functioning of the market are so worried, what can the Minister say to reassure them? It is not just building societies; the Law Society has also signalled its concern, as has the Royal Institution of Chartered Surveyors.

The Council of Mortgage Lenders has also tried its best to ensure that the scheme will work, but only this week it spelled out its concerns again. The majority of lenders have made it clear that in a significant number of cases the home condition report, to which my hon. Friend referred, will simply not be enough to guarantee a loan; an evaluation or survey will be required. There will be additional costs for both seller and buyer, additional taxation for the Chancellor and additional pain in the market.

The Minister is fond of saying that consumer groups favour the home information pack. Will she tell us which groups—in the plural—actually favour the pack? As far as we can see, only one organisation representing consumers has made representations in favour of the pack. Will she tell us on what statistical basis she can say with confidence that consumers welcome it?

Talking of a statistical basis, the evidence basis for the introduction of the HIP is, as I am sure we all know, the "Key research on easier home buying and selling" document produced by the Department of the Environment, Transport and the Regions in 1998. However, that evidence was based on fewer than 30 transactions. Will the Minister tell us what evidence base she has for her belief that HIPs will bring the benefits of which her Department has boasted?

Talking of rigorous evidence, my hon. Friend referred to the need for a dry run. In an answer that the Minister was kind enough to give me, she said that a dry run would operate on an entirely voluntary basis. Indeed, we understand that it will be overseen by the HIPs providers themselves. How can the providers sit as judge and jury in their own case?

In November 2004, the Lord Rooker indicated that a compulsory dry run would take place in a local area. Has that promise now been abandoned? Will clear benchmarks and criteria be published by which we can judge the success of the dry run or will providers of the packs simply be encouraged to give them to buyers, say they have been a tremendous success and allow the Department to proceed willy-nilly without the firm guarantee of consumer confidence that we need? If we are to have a successful dry run we need home inspectors. How many home inspectors are qualified? We know that there are only 200, because of the extensive investigative work of Valerie Elliott, the consumer affairs correspondent of *The Times*.

The Minister says that 4,000 home inspectors are in training. It takes only five days for someone who knows something about property to qualify. However, before Christmas 1,750 people were in training, and five months—not five days—later, only 200 have qualified. What guarantees do we have that there will be enough home inspectors and that those people will have any real background in the construction industry, surveying or any of the skills required to provide consumer confidence? Those matters go to the heart of ensuring that the housing market functions effectively.

The Minister will be aware that there is a new consensus, led by my right hon. Friend the Member for Witney (Mr. Cameron) and my hon. Friend the Member for Tatton (Mr. Osborne), on the need to increase housing supply and help first-time buyers. It would be a tragedy if that new consensus were disrupted by the introduction of an ill-thought-through intervention in the market. I invite the Minister to join me and the right hon. Member for Birkenhead (Mr. Field) and the hon. Member for Norwich, North (Dr. Gibson), who have signed my early-day motion, and to forge a new cross-party consensus to find a voluntary way forward.

Several hon. Members *rose—*

John Bercow (in the Chair): Order. The hon. Gentleman's elastic interpretation of two minutes must not be replicated by the hon. Member for Cotswold (Mr. Clifton-Brown).

4.46 pm

Mr. Geoffrey Clifton-Brown (Cotswold) (Con): I take your stricture absolutely, Mr. Bercow, and I am looking carefully at the clock. I congratulate my hon. Friend the Member for Hammersmith and Fulham (Mr. Hands) and declare to the House an interest in the matter as a chartered surveyor.

I want to raise one or two points that have not yet been raised in the debate. My hon. Friend the Member for Surrey Heath (Michael Gove) referred to Valerie Elliott's article quoting the figures obtained from the Minister's Department, showing that there are currently only 196 trained inspectors, and that 4,000 are in training and 7,000 are needed for the 1.5 million sales that take place each year. The problem is obtaining inspectors of the right quality.

That brings me to my next point. Many of the inspectors will be of low quality, and have low-quality training. It takes five years to train a chartered surveyor. The people involved will be trained in a year and will be required to carry out at least four home surveys a day, whereas I as a chartered surveyor would probably deal with only two a day, because I would be much more thorough.

The next question to arise is how the inspectors will obtain professional indemnity insurance, especially given that that is likely to be expensive because of their low quality and because purchasers will be able to sue them if their inspections are deficient. Also, how does the Minister think that the energy efficiency reports system will be ready to come into full operation for 1.5 million houses next year?

I end with a quote from Valerie Elliott, who says in her article that there could be

"a year of panic selling to avoid the extra costs that will be incurred with the pack"

which is

"likely to be followed by a stagnant market".

I recommend to my hon. Friend the Member for Surrey Heath that when he is in the Minister's place in four years' time he should drop sellers packs and instead concentrate on speeding up the efficiency of electronic searches and conveyancing. That will do more to help the market than the home sellers packs will ever do.

4.48 pm

The Minister for Housing and Planning (Yvette Cooper): I congratulate the hon. Member for Hammersmith and Fulham (Mr. Hands) on securing today's debate and choosing such an interesting and important subject.

Opposition Members are opposed to home information packs. That is obviously not news; I know that many of them have been opposed to them for a long time. It is perhaps a shame, however, that they have not taken advantage of their change of leader and change of direction to the compassionate conservatism that the hon. Member for Surrey Heath (Michael Gove) is very proud to proclaim at every opportunity to have a rethink about this policy issue. They may claim to be compassionate Conservatives, but they are still clearly not consumers' Conservatives. They are still, on this issue, the party of the vested interest.

The hon. Member for Surrey Heath said that there was concern on the part of interested groups. That is certainly right; there is concern from groups with vested interests. There is concern among groups that make money from the current process and do not want to innovate and to change the way in which they operate. We recognise that those concerns exist. However, it is also right for us to take consumers' interests seriously. The biggest consumer group in the country, Which?, has been campaigning for home information packs for a long time. Frankly, Opposition Members are unwise to set themselves against such a major consumer interest group, because that independent voice has been calling for the change for a long time.

Michael Gove: I asked the Minister directly if she could name more than one consumer group that supported the introduction of home information packs, and what the evidence base was. Apart from the Consumers Association, can she name any other groups?

Yvette Cooper: Let me give the hon. Gentleman the evidence base to which we refer. The Consumers Association conducted a survey in which it asked 1,000 people who had bought or sold their homes at the end of 2003 how useful they thought it would be to receive a HIP, including details about the condition of their property, and 82 per cent. said that they thought it would be very useful. A year later, in a follow-up survey, 1,824 people were asked for their views on HIPs, but on the assumption that they would have to pay for them. They were specifically asked whether they would be in favour of HIPs if they had to pay for them as sellers, and 78 per cent. said that they would be a good idea. Not only has Which? done its consumer research; it has considered the process in some detail.

I shall respond to some of the points made in the debate. We have to start from the perspective that the current system is not working. It is madness, as we waste £350 million a year on failed transactions. That is the case partly because people make an offer based on limited information. They then start paying for more information through searches and a survey, and the legal fees start ratcheting up—and then the sale falls through. Along comes another potential buyer who has to pay again for all that information. That can happen again and again. Such duplication is hugely inefficient.

Mr. Hands: Will the Minister give way?

Michael Gove: Will the Minister give way?

Yvette Cooper: I shall give way once more, but I have ensured that all hon. Members have had time to speak in the debate, and I want to respond to the points that have been made. I shall give way once now, but I shall not give way again until I have made some progress.

Mr. Hands: Does the Minister accept that her figure of £350 million is nevertheless massively less than the figure of anything between £700 million and £1 billion—the cost of the HIPs industry—and that the net loss to the consumer will be more than double?

Yvette Cooper: That is complete nonsense. The fact is that the information provided by HIPs is largely provided in the current process. However, it is now provided at the end of the process and only after a huge amount of money and time has been spent trying to get hold of information that may not be needed because the sale has fallen through.

That is a waste. It is a market inefficiency and a classic example of a market failure, with a lack of proper transparency and proper information. Let us try to imagine making an offer for a car without knowing whether it had passed its MOT. People would not do it. Why should we have a system in which someone makes an offer, the seller accepts it, but the deal is done on the basis of very limited information? With such a huge asset and when so much information is required before the deal can be completed, why should we use a system that causes inefficiency and protracted delays and that has such huge costs?

Those who seek to defend the existing system are trying to defend the indefensible. The question is how to improve it. *[Interruption.]* The hon. Member for Bridgwater (Mr. Liddell-Grainger) has started to list those who want to defend the current system, all of whom currently make money from it. It is important to consider the consumer's perspective. The approach is about preventing duplication, providing information up front and dealing with the lack of transparency. At the moment, when somebody is waiting for information, they do not know whether it is the fault of their solicitor or the other party's solicitor, or even whether it is the estate agent's fault. People can spend much of the time in a fog, but if the information is provided up front in a home information pack, they will know exactly what the information is, and also who will be responsible if it is not available.

The pack also makes it much quicker to get a mortgage valuation. I know that people are complaining that mortgage lenders will not use home condition reports, but those reports will be far more robust and comprehensive than the valuations and surveys on which mortgage lenders now base their valuations. In practice, mortgage lenders will take home condition reports seriously because they will be based on the work of home inspectors, who will be properly certified.

Hon. Members have made important points about the number of home inspectors, and it is clear that home inspectors need to be in place in time for the commencement of the home information pack system on 1 June 2007. The time that it takes surveyors to complete the courses is relatively limited. Hon. Members are right to say that we must ensure that home inspectors are in place, but it is now May 2006, and there are still 12 months to go before the new system is in place.

Another benefit is that home information packs will be free to first-time buyers. Opposition Members have expressed a sudden interest in the fortunes of first-time buyers. They are suddenly concerned and claim to want to represent and improve the lot of first-time buyers. First-time buyers will get for free the information that they currently have to pay for. Most of us are buyers and sellers, so there will not be that much difference for us, but the new system will make a difference to first-time buyers, because they will get the same information for free.

We will also prevent first-time buyers facing huge bills after the process, as many currently do, because of problems with the property of which they were not aware. That affects many first-time buyers. People may be prevented from taking on debts that they cannot sustain or afford because they did not know something about the property in advance.

Energy performance certificates will also be provided. The hon. Member for Cotswold (Mr. Clifton-Brown) referred to energy efficiency information. That is extremely important. The new system is a great opportunity to provide people with information about the energy efficiency of a home at the beginning of the process. Opposition Members are supposedly interested in the environment now, too. Is it their official policy to support energy performance certificates? If they do not, many of their warm words on energy—

Michael Gove: Is it not the case that those certificates are required under European law anyway and that there is no requirement to have home information packs in order to make them available?

Yvette Cooper: The hon. Gentleman is right. There is no requirement to have a home information pack in the European system, but under the European system we have to bring in energy performance certificates by 2009. Home information packs allow us to introduce them in 2007 and in a cost-effective way. Rather than expecting people to pay separately and additionally for energy performance certificates, we can incorporate them into the home condition report at a much cheaper cost for consumers. Perhaps the hon. Gentleman is saying that he is still in favour of energy performance certificates, although I notice that he did not take the opportunity to say whether his party is in favour of them. Perhaps he needs to clarify his position and tell us whether he believes that the certificates should be paid for separately and additionally, rather than incorporated cost-effectively into a home condition report, as we have advocated.

Opposition Members are right: this is about a transformation in the home buying and selling market. The new system is an important aspect alongside e-conveyancing and provides us with a way of making e-conveyancing more effective. Significantly, it is also about encouraging new entrants into the market and making it more transparent. Hon. Members may be aware that Asda has said that it wants to enter the estate agency market and will provide home information packs for consumers for free. The reason why Asda is saying that it can do so is that estate agents' fees have, in many cases, remained the same. The proportion has remained the same at a time when house prices have doubled, so estate agents have had big increases in the fee that they receive per transaction. Because of the lack of transparency in that area, it is right to encourage new entrants and to promote home information packs as an important part of creating greater transparency.

Hon. Members expressed concern about whether the new system will have an impact on the market. The

hon. Member for Bridgwater has quoted the Danish estate agents association as saying that the packs would have a big impact on the market. The man who was chief executive of Denmark's estate agents association until the end of February this year has written to the hon. Gentleman and has copied me into his correspondence. He says:

"I notice that you are quoting me"

as saying that

"'there are 25 per cent. fewer houses now on the market as a direct result of HIPs.'"

He continues:

"May I ask you from where you have got this rubbish?...The number of houses sold in Denmark has gone up all the time since the beginning of the 90s...I can inform you that IBM and Public Affairs Group published a huge report about the Danish HCR-system in January 2006...90 per cent. of the consumers were...pleased with the system and they came up with suggestions on how to make the system even better...I would only be pleased to send the report to you—it's only a couple of hundred pages...in Danish."

I concede that I have not read the report myself, because it is in Danish—

John Bercow (in the Chair): Order. I apologise for interrupting the Minister, but we must move on to the next debate.

Solvent Abuse

5 pm

Mr. John MacDougall (Glenrothes) (Lab): I am pleased to have secured this debate and to have this opportunity to raise the subject of solvent abuse, particularly abuse of cigarette lighter fuel.

I congratulate my hon. Friend the Minister on his new responsibilities. I wish him well and every success.

I welcome the document from the Home Office and the Department of Health, in partnership with the Department for Education and Skills, entitled "Out of Sight?...not out of mind" on children, young people and volatile substance abuse. It is difficult to work out the reason for trends, but I note from page 6 of the document that they seem to exist. In 1993, there was a tremendous amount of substance abuse, particularly in males, which increased slightly in 1994, but generally fell in 1997. I cannot say that that was because of the change in Government, because there seems to have been a dramatic increase from 1997—with the exception of 1998 when no male deaths were evident—when the trend increased again, as opposed to that from 1993 to 1997 when it fell. There must be a reason for that trend and that reason is important in trying to assess how we can deal with this serious matter more effectively.

I bring this Adjournment debate before the Chamber because of the tragic death of my constituent, Lee O'Brien, who died in January 2003 after inhaling lighter fluid. Lee was only 16. I pay tribute to Lee's father, John O'Brien, and his family who set up the Lee O'Brien Solvent Trust—LOST is, sadly, an appropriate name. I believe, as do Lee's family, that highlighting such tragic cases is educational for young people. The message—not just legislation—must go out to young people that solvent abuse, even the first time, can cost them their life, because it is a life-threatening practice.

Lee's family immediately started a campaign calling for a change in the legislation on the sale of solvents so that the terrible tragedy that happened to Lee would be less likely to happen to other young people. The family have campaigned tirelessly and have achieved a great deal. The Queen gave her seal of approval at a gala dinner not long ago to honour pioneers of the nation.

I was pleased to receive John O'Brien and the LOST campaign here in Westminster when we presented a massive petition with more than 15,000 signatures to the Prime Minister at No. 10 Downing street. I tabled an early-day motion, which, with no effort, instantly gained the support and backing of more than 70 MPs who wanted to show that we are dealing with a serious issue.

Lee's death was not an isolated incident. According to Re-Solv, a national organisation that was set up in 1994 to prevent solvent abuse, volatile substances kill more young people than any controlled drug. I would like to thank Re-Solv for all its work on this matter. It works hard with the all-party group on solvent abuse and was established because of the scale of the problem.

Figures from the European Monitoring Centre for Drugs and Drug Addiction reveal that one in seven 15 to 16-year-olds in Britain abuse solvents. Thousands of

[Mr. John MacDougall]

teenagers are putting their lives at risk by sniffing glue, lighter fluid and other substances. I have heard of some remarkable and inventive cases of youngsters setting fire to plastic bins because the make-up of the bins and the toxic fumes from them can give them a kind of high. Sadly, that inventiveness is all going to the wrong purposes—purposes that can bring about tragedies.

Some 1,700 deaths related to such substances were recorded among young people in the UK between 1983 and 2000. On average, more than one young person dies in the UK every week because of solvent abuse. More worryingly, great concern remains about the level of deaths among under-18s from the abuse of cigarette lighter fluid. Statistics gathered before 1999, prior to the introduction of regulations on cigarette lighter refills, show that the figures almost doubled in 2000. Butane cigarette lighter refills now account for 64 per cent. of all substance abuse deaths. The statistics go on and on. St. George's hospital medical school's current report provides figures for 2001 on deaths from solvent and volatile substance abuse. For the first time, there was strong evidence that disposable cigarette lighters were involved in substance abuse deaths.

For under-18s, there has been no sustained decrease in deaths since 1999. It is therefore clear that we face a nationwide problem. It is not confined to one area of the UK. Young people remain the group most associated with solvent abuse. Between 1971 and 2000, most deaths from substance abuse occurred in the 14 to 18-year-old range. There are even recorded cases of children under the age of 10 dying from the effects of solvent abuse.

The statistics in the graph show that solvent abusers can be male or female. There seems to be no connection, other than a general trend up and down over the years. However, the graph indicates higher numbers of solvent-related deaths among boys. There is no stereotypical solvent abuser. People who abuse solvents can come from any social, cultural or ethnic background, and we have to take that into account in addressing the problem. We cannot tackle the issue by targeting one problem area. It covers a range of areas and does confine itself to one location or type of person. We must therefore combat the problem nationally.

One of the most distinctive factors about solvent abuse is that the products involved have a legitimate everyday use. The age at which young people experiment with such substance abuse is generally much younger than for controlled substances. We all know that there have been many debates, questions and early-day motions in the House on solvent abuse, and it is time to ask the Government to strengthen the regulations even further, particularly on the sale of cigarette lighter fuel.

Re-Solv was started 10 years ago to combat the problem, and young people are still dying despite its best efforts. There are great antisocial behaviour problems, as well as crime-associated problems, with substance abuse. There are many reports of serious crimes being committed while people are high on lighter fuel. That is not to mention the impact that solvent abuse has on the people around those involved, such as their family, and the wider community.

In Scotland, the LOST campaign has already prompted the introduction of a test-purchasing scheme, which was piloted in my local region of Fife. It was aimed at stamping out the illegal sale of lighter fluid to young people. Test purchasing should be increased. One crucial method of preventing deaths by inhalation is to investigate vigorously the prospects of making the habit abhorrent. Reducing the cans' capacity would result in there not being enough lighter fuel to achieve a temporary high.

On the preventive side of the problem, a retail campaign working with the British Retail Consortium, the Government and schools is essential to make clear through educational programmes the dramatic and immediate threat that exists, even when someone is inhaling for the first time. It does not take a number of occasions to cause death, as Lee O'Brien showed, tragically.

Encouraging vigilance among shopkeepers not to sell several canisters of lighter fuel at once should be paramount in any campaign by the British Retail Consortium. We have to increase awareness of the tragedy behind the fact that a shopkeeper may make a profit from selling six tins of lighter fuel but the youngster who has purchased them has no intention of using the fuel for lighting cigarettes—although that in itself would kill them, never mind the inhalation of the fuel. It is quite clear why that purchase is being made, and through the British Retail Consortium we must seek co-operation with shopkeepers to ensure that they are vigilant and wise about discouraging such purchases.

The way forward is much tighter and stricter enforcement of the law. In Staffordshire, the council has three trading standards officers to police the sale of cigarette lighter fuel. Perhaps, therefore, consideration should be given to the nomination of an enforcement agency, which could well be trading standards. It would achieve a great deal if consideration were given to such a measure.

I am sure that the measures that I have outlined, taken together as a package, will make less likely unnecessary deaths such as that of Lee O'Brien. I re-emphasise that there are no safe levels with solvent abuse; as I said, it can kill the first time or the 100th time. As I mentioned, education is vital on the preventive side. With that in mind, I gave evidence to the Scottish Parliament's Public Petitions Committee, recognising, of course, the role of the devolved structures and the differences in terms of the educational role. However, solvent abuse is a UK issue, and consumer legislation is UK-wide. My efforts in Scotland and in Glenrothes have included working with the voluntary sector, and I congratulate all of those bodies on their important, unselfish and caring work.

I congratulate the Home Office and the Department of Health on their findings in the document "Out of Sight?...not out of mind", which recommends better education, and that we should deal with volatile substances locally and reduce their availability and accessibility. They are commendable areas to emphasise and concentrate on for the future. If we do so collectively, that will make a profound difference

in reducing the number of deaths from this appalling practice; young people do not realise the life-threatening nature of the experience that they are about to encounter.

I call on Government agencies and Departments to implement the recommendations as soon as possible. All too often, we reach an awareness stage, we collate and note the information and the drive is there to amass the information—I hope that that drive does not end and that the Minister, in his new position, will take the matter forward with great vigour. It is our task to make children and young people aware and to protect them from such dangers.

5.16 pm

The Parliamentary Under-Secretary of State for the Home Department (Mr. Vernon Coaker): I congratulate my hon. Friend the Member for Glenrothes (Mr. MacDougall) on securing this important debate, and on the way in which he presented his points. Before I forget, may I also thank him for welcoming me to my position? It is kind of him to give me his good wishes.

I acknowledge the work that my hon. Friend has done to highlight this important issue on behalf of his constituents and other families who have the experienced tragic consequences of volatile substance abuse, or VSA, as I shall call it. On behalf of the Government, I pay tribute to the O'Brien family for the way in which they have tried to do something following Lee's awful and tragic death.

Tackling the use of drugs and other substances by young people, including VSA, is a key element of the Government's national drug strategy. As my hon. Friend will know, some responsibilities for tackling VSA are devolved to the Scottish Executive and others are UK-wide. Broadly, the regulations under the Consumer Protection Act 1987 regarding offences of selling butane lighter refills are UK-wide, although there are some differences in Scottish law. Shopkeepers in Scotland can be prosecuted under common law if it can be proved that they knew that the product would be abused by the purchaser irrespective of age.

My hon. Friend made the point well that it is important that laws are enforced. I hope that, through this debate, the message will go out loud and clear that the law is there to protect people. Let us see that law enforced to prevent the tragedies that he talked about.

Education and health make important contributions to the comprehensive approach required to tackle this issue. Those areas are also devolved, but we work closely with the devolved Administrations, sharing experience and good practice, and where appropriate, achieving economies of scale with joint work. My hon. Friend will be aware that his work to secure the piloting and introduction of test purchasing in Scotland, which is a technique used successfully in England by trading standards officers to control the supply of volatile substances to under-18s, alongside other age-restricted products, has been quite successful. The Lord Advocate has announced that test purchasing can now be used in Scotland following a successful pilot involving under-age sales of tobacco. Alongside other action, the Scottish Executive are funding a training programme for trading standards officers on test purchasing. I hope that that training will make that action much more effective.

I shall outline the action that we have taken in England under the wider drugs strategy, as well as specific action on VSA in both parts of the UK. Helping young people avoid the harms and risks associated with drugs and other substances requires a comprehensive approach. I know from my work before I came to the House that that approach is important: I was a teacher with specific responsibilities for drug education, which involved trying to encourage young people to avoid the lure of substance abuse. A comprehensive approach was needed not only in what the school was doing, but more widely across all the agencies and including the family from which the young person whom one felt was at risk came.

We need tough action to crack down on dealers, particularly where young people are at risk. We need to provide effective substance misuse education and credible information to young people and their parents. We also need to ensure that those most at risk are identified and targeted early, and that specialist support and treatment are available for those already using drugs and other substances. Sometimes the joined-upness of the system could be improved.

We have made good progress in England through our young people and drugs programme, in which the Home Office is working hard with the Department for Education and Skills and the Department of Health to deliver evidence-based interventions designed to reduce the impact of drug and substance misuse on individuals and the community.

The use of class A drugs by young people is stable, with encouraging reductions in the use of some other drugs. For example, as compared with 1988, the proportion of 16 to 24-year-olds reporting the use of cannabis in the past year has fallen by 16 per cent. Acquisitive crime, to which drug related crime makes a significant contribution, fell by 12 per cent. in the year to April 2005. Therefore, within our overall approach to drugs, we are taking specific action on volatile substance misuse.

We introduced the Cigarette Lighter Refill (Safety) Regulations 1999, which banned the supply or sale of butane cigarette lighter refills to people under the age of 18. It is incumbent on us to ensure that people are aware of those laws and, as my hon. Friend pointed out, that the law is enforced and action is taken against offenders. Where we have training for trading standards officers, it is to be hoped that they will use the law to full effect.

Although VSA is not an offence in itself, the supply or sale of any product to a person under the age of 18 with the knowledge that they are going to inhale it for the purposes of abuse is an offence. We need to ensure that people are aware of the law as it stands and that that law is enforced.

We have also introduced a system of voluntary warning labels for aerosols and other abusable products. We published the first ever national framework for VSA in July 2005, which sets out an action plan aimed specifically at reducing deaths and harms associated with VSA. The action plan identifies new interventions and drives forward those for whose effectiveness we already have good evidence. There is

[Mr. Vernon Coaker]

not much point in having a strategy, for all its fine words, unless we think that it is going to work. That is the point. My stay in the Home Office will be related to trying to ensure that what we have written down in paper translates into action in communities.

The key priority areas identified in the framework include providing better information about VSA. The Frank campaign has become a credible source of information and advice for young people and their parents. More than 1.3 million calls have been made to the Frank helpline, and there have been 11.3 million visits to the talktofrank.com website and more than 82,000 e-mails sent to and replied to by Frank.

In 2005-06, about 4 per cent. of calls to the Frank helpline were about solvents. In response, the Frank website has increased the information that it provides on VSA. Frank leaflets are in the process of being revamped, with a greater emphasis on VSA. In addition, Frank helpline operators have received extra training on VSA better to equip themselves with calls from young people, parents and people working with those at risk.

The Scottish Executive also have a comprehensive programme of action under way. That includes providing advice on solvents through the "Know the score" information line, the distribution of materials to retailers in 2005 to raise awareness of the law governing sales of the items in question and the provision of drug education, including about solvents, in nearly all schools. The Scottish Executive have also supported the development of the Young Scot card, accredited under the British Retail Consortium's proof-of-age standards scheme. To date, 160,000 PASS-accredited cards have been issued. My hon. Friend will be interested to know that there will be a full roll-out of the scheme to all 32 Scottish local authorities in the next few months. As part of the package, the Scottish Executive have funded the production by the Scottish Retail Consortium of a leaflet that reminds retailers of the age restrictions applicable to the purchase of various goods, which covers the point we made earlier about people knowing about the law. The Scottish Executive have also provided Re-Solv with a three-year training grant with effect from 2005-06.

Schools have a key role to play. More young people need drug education in schools, including on VSA. Nearly 10,000 schools have achieved the national healthy schools standard, which includes substance misuse education. We need to ensure that drugs education is fully effective. The Home Office is funding the blueprint programme, which is the UK's biggest drug education research project. A key element of the blueprint programme is a health policy component designed to reduce the availability of age-restricted products, including volatile substances, where the programme was delivered. That included proof-of-age schemes, training for retailers and, where necessary, test purchasing activity. Final results from the research will be available by the end of 2007, and they will help to inform the future development of effective drug education.

We are ensuring that those whose work brings them into contact with VSA in the health, education, social care, community and youth justice sectors have the confidence and skills to identify and respond to VSA. We are also ensuring that those who need help with drugs and other substances can receive specialist support.

More young people are accessing targeted interventions through children's services and the youth justice system. More than 110,000 young people have engaged in "Positive Futures", a social inclusion programme that uses sport and leisure activities to engage with disadvantaged and socially marginalised young people. There are 116 "Positive Futures" projects running in high-crime and deprived areas. "Positive Futures" provides training for project staff on substance misuse, including VSA. It is important for us not only to have the enforcement, but to work to tackle some of the deprivation and other causes that may lead disaffected young people to abuse substances.

In England, 80 per cent. of local authorities have identified tackling substance misuse as a key priority in their plans for children and young people as part of the local delivery of "Every Child Matters". The VSA framework has identified butane as a priority. It is imperative that we make butane cigarette lighter refills as far as possible impracticable for abuse by inhaling, especially by children and young people, as that is still the biggest cause of VSA deaths among under-18s. Action in that area could have a dramatic effect, and I am pleased that the VSA framework has targeted it as a key priority.

It is important that all those working with vulnerable children and young people play their part in addressing the VSA needs of those in their care, and that all children and young people receive effective education about VSA. As my hon. Friend has pointed out, statistics from the St. George's hospital medical school show that deaths from VSA are at an all-time low.

However—this is the important point—51 deaths in 2003 are still far too many. That means that in our country, approximately one young person every week dies from VSA. Six of those deaths were in Scotland, which is the lowest number for several years—but it is still far too many. As my hon. Friend pointed out, VSA is responsible for more deaths in young people under 15 than illegal drugs.

To conclude, the Government take very seriously the points that my hon. Friend made. We will consider reducing the capacity of the fuel cans, as he mentioned. We are reviewing that. It is about enforcing the law and ensuring that we make our young people aware, and the message that has to go out from here today is that one death a week among our young people from VSA shows that this is an important debate. My hon. Friend was right to raise this subject and the Government are trying to give it the priority that it needs. Far too often, other illegal drugs are mentioned and VSA gets forgotten. That is something that we must ensure does not happen, and my hon. Friend's debate has given us the opportunity to put forward what we are doing. Working together, we can ensure that we reduce the number of deaths still further.

Question put and agreed to.

Adjourned accordingly at twenty-nine minutes past Five o'clock.

Westminster Hall

Thursday 25 May 2006

[ANN WINTERTON *in the Chair*]

West Coast Route Modernisation

Motion made, and Question proposed, That the sitting be now adjourned.—*[Mr. Watts.]*

2.30 pm

The Parliamentary Under-Secretary of State for Transport (Derek Twigg): It is a pleasure to serve under your chairmanship, Lady Winterton. The debate is timely given that this week we published the west coast main line progress report, which I commend to all hon. Members as good holiday reading. I am sure that most will find it fascinating. I am grateful for the opportunity to give details of the latest progress to be made on the west coast route modernisation project, and plans for action in the next few years.

I remind hon. Members that Britain has the fastest growing railway in Europe, and that over 1 billion passengers were carried last year—the highest number for more than 40 years. More than 40 per cent. of the trains and carriages have been replaced in the past 10 years, and Britain now has one of the youngest train fleets in Europe. The west coast main line, running between London Euston, the west midlands, the north-west, north Wales and Scotland is probably the busiest mixed-traffic railway in Europe. It carries 40 per cent. of the country's rail freight and handles both long distance and regional passenger services, as well as shorter distance commuter movements. It is certainly one of the oldest railways, with origins going back 168 years to June 1838, when passenger services commenced.

Since then, it has had mixed fortunes. It was once known as the premier line, partly because of the high volumes of traffic that it conveyed, but it was only partly modernised and electrified over core sections in the 1960s and 1970s. During the 1980s the then British Railways recognised that further renewal work was needed, and contemplated such action, but nothing was done at that time. The present west coast strategy on which the modernisation work is based was published in June 2003 after a period of extensive consultation and involvement with stakeholders, together with a considerable team effort within the railway industry. I congratulate Network Rail in particular on its role in turning round the project delivery and cost control.

The strategy emerged out of an urgent need to complete work that had started some years earlier, under a joint plan between the Virgin Rail Group and the defunct Railtrack company. That was developed during the period immediately after railway privatisation, when there was perhaps a great deal of naivety about how to achieve success in such an environment. The proposals at that time recognised the need to address the backlog in maintenance and renewals, as well as to increase capacity, but they were very reliant on new and unproven technology, such as moving block or in-cab signalling, which was found to be undeliverable. The plans were based on providing lots of express trains, but took little account of freight and local passenger train requirements. Costs were increasing at an alarming rate and delivery was slipping. Estimates of £13 billion or more were being quoted at that time.

An urgent review was necessary, as it was clear that the project was going nowhere. Railtrack entered into railway administration and shortly afterwards the Strategic Rail Authority was asked by the Government to review the whole project and to secure a clear way forward. That task is now led by the Department for Transport. The Government have been clear about exactly what is required—in particular, value for money. Through the strategy, the Government have defined the outputs, particularly in terms of train services, while Network Rail has the task of efficient delivery of the agreed specification and network operations. The passenger and freight train operators are responsible for service delivery and customer service.

The cornerstones of the 2003 strategy were quite simple and straightforward: first, to make up the backlog in maintenance and renewals while achieving value for money and addressing the decades of under-investment; secondly, to establish a sustainable maintenance regime that minimises disruption to passengers and freight traffic—once that work is over I expect the railway to be open seven days a week; and, thirdly, to provide extra capacity for anticipated growth in passenger and freight business. We are planning for 80 per cent. more passenger trains and capacity for up to 70 per cent. more freight business. Of course, all that is to be done on a busy working railway. Much has been done and there is more to come. I will speak about that in a moment.

A turnaround compared with the previous attempts to upgrade the line has been a reliance on proven technology, including, in one case, old block signalling. However, the new trains in particular have required new skills on the part of those looking after them day and night. At this stage I want to put on the record my thanks to all those involved in the rail industry for the way in which they have delivered and worked together.

What has been delivered? There have been line speed improvements throughout the route, including the ability to operate at 125 mph in tilt mode. Track renewals, overhead line overhaul and power supply upgrades have been carried out to handle the new business and resignalling schemes have included a new signalling centre at Rugby. There are also new platforms at Birmingham New Street, Wolverhampton and Stockport, with improved turn-back facilities at Tring, Birmingham International and Wigan, as well as platform extensions for the new Pendolino trains and the commuter services into London, and a flyover at Nuneaton and a new island platform.

Those developments have enabled new timetables to be introduced in accordance with the requirements of the strategy. To deliver the timetables two new fleets of trains have been successfully commissioned and are now in service. The core of operations is based on 53 nine-car Pendolino trains, operated by Virgin West Coast, but in close partnership with Alstom Trains. They are capable of working at 125 mph and of course

[Derek Twigg]

have the tilt mechanism to negotiate at high speeds the many curves on the line—I think that we have to thank our forefathers for designing the railway with so many curves. They are now working with considerable reliability and I am pleased that the hon. Member for Epsom and Ewell (Chris Grayling) has managed to get back in time from his previous engagement using the west coast line. Forty-six of the trains are required for service each day and that is what is provided. There has been a step change in technical demands on both depot and train staff; it can be said that they have moved successfully from the hammer to the lap top. There are also 30 100-mph Desiro trains for the regional and more local services. However, they are equally capable of providing some longer distance services. A new maintenance depot is shortly to open for such trains at Northampton.

To return to the subject of timetables and services, all main line west coast services are operated by the Pendolino fleet. On the Manchester-London route, prior to September 2004, there was only an hourly service, with a journey time of almost two and three quarter hours. It now gets a half hourly service with a journey time of two hours and 15 minutes, and there are some fast services with a journey time of two hours and five minutes. By early 2009 there will be three trains an hour—effectively a turn up and go service—with average journey times of about two hours. Similar improvements apply on the London-Birmingham route, where journey times have decreased from one hour and 43 minutes to one hour and 30 minutes; that improvement will continue during 2008 to achieve journey times of just over one hour and 20 minutes in 2009. Importantly, at that time, service levels will also increase so that there will be a train every 20 minutes.

Turning to the north and Scotland, 125-mph running has also reached Scotland. My hon. Friend the Member for Carlisle (Mr. Martlew) who chairs the all-party west coast main line group would have liked to be here today. He has been particularly active in bringing about better journey times to Carlisle and Scotland. Journey times on Anglo-Scottish services have already been reduced from more than five and a half hours to five hours, and on fast journeys four hours and 24 minutes; and in 2008 that will be reduced to four hours and 15 minutes.

The railway is regaining lost markets. Air travel previously dominated the London-Manchester corridor, but it no longer does. Before the 2004 timetable change, air had 60 per cent. of the total rail-air business between those points. Today, that position has been reversed and rail has 60 per cent. of the business and air the minority share. Rail travel is growing on the west coast route in terms of revenue as well as passenger numbers. In 2005-06 the figures were some 30 per cent. higher than in the year prior to the timetable change in September 2004. Performance is also much better. The strategy required 88 per cent. of trains to arrive within 10 minutes of their scheduled time. That has been more than achieved, with about 90 per cent. meeting the target. On the Silverlink County services, which provide commuter services from Northampton, Milton Keynes and London, the figure is over 95 per cent.

What is there to be completed? The bottleneck at Rugby is being removed and a much enlarged station is to be provided, which will also avoid the present conflicting movements at that busy junction. Maximum speeds will be raised from the present range of 60 to 75 mph to, in places, 125 mph. The station itself will get some improved services—for example, there will be increased frequencies to the west midlands and a new semi-fast Desiro service, giving new links along the Trent valley.

Four-tracking 14 miles of the Trent Valley line will remove another bottleneck and Milton Keynes station is to be enlarged. At this point, I pay tribute to my hon. Friend the Member for Milton Keynes, South-West (Dr. Starkey), who has been assiduous and redoubtable in her campaign for additional services, improvements and funding at Milton Keynes. I was pleased to visit her constituency the other day. Work at Weaver Junction and Wigan North Western will provide extra capacity. More car parking and passenger facilities are to be provided at the key west coast stations.

Costs are being kept firmly under control and well within the 2003 estimate of £9.9 billion. Once we get the work that I have outlined done, there will be more to be considered, such as removing the other bottleneck at Stafford and providing more train capacity. My hon. Friend the Member for Stafford (Mr. Kidney) takes a significant interest in what happens on the rail network as a whole, but particularly in Stafford, and he is committed to getting improvements there.

The project is about investing in the country as a whole, but the north in particular. It is helping to rejuvenate many town and city centres, such as Liverpool and Manchester. There are opportunities elsewhere—the Potteries is now linked by a half-hourly service to London and Birmingham, and there are four trains an hour to Manchester. At around two hours' travelling time from London, Liverpool and Runcorn, which is in my constituency, are now closer to the capital as a result of the work. The project is firmly on course to be completed on time and within spending limits, and I commend it to the House.

2.40 pm

Mr. David Kidney (Stafford) (Lab): Allow me to liken this debate to a journey by train, Lady Winterton. Let us imagine the journey from Euston to Stafford on a new Virgin Pendolino. Just like this debate, it will start on time, it is a comfortable ride and it has an unplanned stop at Milton Keynes. I am hoping that, like the Pendolino train to Stafford, this debate will end early.

That is today's railway on the west coast main line, after the upgrade that we are debating, but like my hon. Friend the Minister, I want to take a few minutes to go back to the situation that existed before. Let me start in 1997, when I was a new Member of Parliament who travelled to Parliament by train. One day, after one of the terrible disasters that we had in the south, I could not get to London by train until 9 o'clock in the evening, having set off for the station at 7 o'clock in the morning. On other occasions, trains were cancelled at short notice and journeys took an hour longer than timetabled to arrive into London. That was the kind of railway system that was inherited in 1997.

Before I was a Member of Parliament, I took an interest as a local councillor in our railway service from Stafford to London. At the beginning of the 1990s, British Rail told the world that the west coast main line was worn out and that a major upgrade was urgently needed. Major investment was called for, but we did not get it. Instead, we got a rail privatisation that delayed any decisions about investment for most of the 1990s. We then had Railtrack making the decisions, but its strategic and financial failings were arguably uncovered as a result of the west coast main line project. It was beyond Railtrack's ability to come up with a scheme that it could cost and deliver before it went the way that it did.

Then came Network Rail, and I am pleased to say that it was like a breath of fresh air. I welcomed the early commitment to bring maintenance work back in-house, which was a sign of things to come. Indeed, sure enough, the report before us today tells us that Network Rail got to grips with the need to upgrade the west coast main line and came up with a proper planned project. So far, it has delivered on all the targets that it was set and it has done so within budget. That is a commendable achievement, for which I, like many of my constituents, thank Network Rail. It is fair to say that Network Rail is not simply throwing money at the problem because it is urgent and that it is planning expenditure and getting good value for money.

The west coast main line is a constituency interest of mine, and I should like to concentrate on three points from the report that affect my constituency. The first, which my hon. Friend mentioned, is the Trent Valley four-tracking. It is amazing to think how long we have waited for Trent Valley to have four lines instead of two, given that it is the major artery for the entire west coast as far north as Scotland. Until now, we have had a blockage at Trent Valley every year that I have been an MP, because four lines reduce to two, which clearly affects train speeds and line capacity.

If we are to meet our ambitious plan of seeing present growth continue into the future, as my hon. Friend said, the Trent Valley line cannot stay at two lines. It is therefore a delight to read in the report—the relevant section starts at page 31—of the progress that is being made in delivering four tracks through Trent Valley. It is also interesting to read in the report of the innovations that have been necessary to deliver the project, and I see some of them from the carriage window as I pass by. One is the haul road, which gives all-weather access along the entire length of the track. It is a temporary road that has been put in especially so that earthmoving and engineering equipment can get to the site, whatever the weather, at any time, night or day. That is an impressive development.

I also read with interest about the soil nailing of the embankment. That is an important part of the development, which is intended to satisfy neighbouring landowners. Some people do not appreciate that the entire Trent Valley four-tracking development is contained in the width of the existing train corridor, and soil nailing is part of the process of enabling an embankment to be built between the rail land and neighbouring land, without the need to take more land from the neighbours.

Although I have not seen this, because my constituency is slightly north of the location, I was also impressed to read about the so-called 4D modelling that has been used to simulate the work that will need to be done, and which has helped the project team to plan it. I read from the report that the technique has also helped communities along the route where the work is being done. At consultation meetings, they have been able to see what will happen in all three dimensions, as they would want to. All that work has been very innovative, and it explains to me how the whole upgrade, which is such a magnificent and major project, has been kept within budget.

One last innovation that I notice from the report involves significant investment by the rail industry and relates to the use of a parallel widening form to widen bridges. An extra railway bridge is put in, the railway is moved across on to it and the first bridge is then taken away. That is an impressive way of proceeding.

The place where the four-tracking project joins the existing four tracks is Colwich in my constituency. Unfortunately for those of my constituents who live in that beautiful village, which is on the edge of Cannock Chase and Shugborough lands, just outside the town of Stafford, the line divides between the route to Stafford and the route to Stoke-on-Trent, which makes Colwich a very busy place. Being a very busy place, it had a little railway station once upon a time, but that station was closed many decades ago. Ever since, residents who remember the station have said that it would be helpful to have one again. Unfortunately, given the speed of modern trains and the demands on the track, there is no way of having another station. I mention that, however, because there is still a great love of the idea of having a station in Colwich and because I would like the people who plan these things to read the report of this debate and say, "We did reject Colwich, but do we have to reject it for ever? Is there anything we can do about it in the future?" I would be glad if they went away and thought about that.

The second of the three points that I want to raise relates to Stafford railway station. This is perhaps where the Minister will think of me as persistent or assiduous—or whichever adjective he cares to use—because we have had a long-running correspondence on this issue. For a long time, I have been asking for work to be done at Stafford station to make it modern, efficient and consumer friendly. I have campaigned for lifts to be installed there and I have been helped in that by a public consultation. I am pleased to say that we finally got new passenger lifts last year, and it was a pleasure to see them installed. They now work perfectly.

There are two things that we do not have, however, and I have been arguing for them for a long time in public meetings in my constituency, correspondence with the Minister and meetings with Network Rail and Virgin Trains. The first is a modern foyer, with all the modern services, in the station. I simply have no news about when the issue will be dealt with, but it has been on the cards for a long time. The other development is a car park.

For a very long time, it has been part of Virgin's business plan that with the new Pendolino train should come a doubling of passenger traffic at Stafford railway station, but there has not been a single extra car

[Mr. David Kidney]

parking space to accommodate all the customers who will be drawn from a wide area around Stafford, not just the town. The plans have been drawn up—as far as I know, they have even been submitted to the local council that decides planning permissions—but there is still no news of the investment to make a car park possible at Stafford station. The Department's progress report has a section on stations and car parks at page 39. There is a list of the next stations that will have some attention, and Stafford is not in that list. I would like the Minister to examine why. Will he remind himself of our correspondence over the past 18 months on this subject, and tell me when Stafford station will get those improvements?

Before I leave the subject of stations, I want to comment on another related aspect of the report. I am a strong supporter of the huge regeneration project at Birmingham New Street station. England's second city has a station that is well known to be inadequate in its design, in relation to its access at either end of the station for railway traffic, and inadequate for the passengers and other consumers who use the station premises. There are magnificent and ambitious plans to make it the kind of station that the second city of England deserves, and I support those plans wholeheartedly.

My third and last point regarding my constituency interest is that the report tells us of problems in and around the Stafford area on the network. Clearly, the biggest problem is just south of the railway station, where the lines from London and from Birmingham and Wolverhampton cross each other, causing congestion. They cross on a bit of a bend, which means that trains have to slow down twice as much—for the bend and the crossing of the lines. They have to slow down even if they are not stopping at Stafford station. I well understand the problem that that causes to the entire network, and I had meetings with the now defunct Strategic Rail Authority about a plan that was devised to solve that problem, which is discussed in the report at page 59. I read in the report that the plan for a "dive-under", which obviously means a bit of a tunnel on the approach to Stafford station to enable one side of the track to get under another without them crossing each other, has been dismissed.

The report discusses alternative works that are under consideration and being planned, but there is no detail in it; everything is vague. I ask the Minister—from the conversation that we had before the debate, I think that the answer will be yes—whether I can have meetings with those who are considering what should be done so that I can be involved in the discussions and learn what is planned for the area around Stafford station.

There are some points that I would like to be taken into account when the considerations are under way. First, not so long ago, an additional platform was built on the west side of Stafford station so that Royal Mail trains could load and unload mail at its immediate west-side neighbour, a Royal Mail sorting office, for sorting and delivery. I thought that that was a good, sustainable, green development. It is still quite a model development, but the rail mail journeys have stopped because of cost decisions taken by Royal Mail. I still have a fond desire for a resumption, one day, of rail mail at Stafford.

My second point about the development might conflict with my first. The land to the west of Stafford station is under serious consideration by landowners, developers and local councils for major redevelopment works in the not-too-distant future. It occurs to me that there might be opportunities for additional development involving railway land, and that that might be relevant to the funding and extent of the planned scheme. I would like Network Rail and other planners of the railway development to have regard to that.

Thirdly, I want to voice my support for the Institution of Civil Engineers and its campaign for a new, high-speed rail link from the north to the south of this country. I mention that point because it is likely that any route drawn on a map for such a high-speed link would probably include a line that passed through Stafford. Far from saying, "Draw the line somewhere else," I would welcome such a development. If we are talking about works that will need to be done in the not-too-distant future at Stafford for one purpose, perhaps we should have a weather eye to a possible future additional purpose and ensure that the plans are drawn up in such a way as to accommodate any such future additional development, which I would welcome and support. Those are my points about Stafford station.

I move to a general issue that is mentioned only briefly in the report: freight rail. I am a strong supporter of moving as much of our freight as possible around the country by train. I have always been disappointed that we never developed a system in which whole lorries could drive on to trains, be moved 300 miles across the country and then complete their journeys at the other end. We do not have much piggyback facility of that sort in this country, and many of the bridges and tunnels on our railway network would not allow it. As far as possible, when we carry out new works, we should plan for extra freight capacity, whether that means more lines—the report discusses a possible new line between Leicester and Birmingham—or making more of the existing network capable of carrying high-gauge traffic. The report also mentions the Felixstowe to Nuneaton line in that respect.

I urge the people responsible for the west coast upgrade to continue to think of ways to support and promote freight on our railway system as part of a package. Important though we the passengers might think our journeys are, freight journeys are also important to the future environment of our country and the world as a whole. We should therefore be determined to try to improve things.

The report rightly has a section that looks to the future and talks about how, after having made a huge investment, the wonderful improvement to the network will be sustained. That is a good section, and I hope that we will be able to hold future railways Ministers to account in delivering on it. My experience of using the railway system today is much better in terms of reliability, speed and comfort than it was in 1997. Much of that is thanks to the Pendolino stock of trains on the London to Stafford line, but of course, we now

also have the Voyagers from Virgin and the new electric trains used by Central Trains between Birmingham, Liverpool and Manchester.

If there is one fault that I find in today's system—this was again the subject of a report last week—it is the pricing of rail travel. There is a confusing array of prices, and staff sometimes appear to be unwilling to share with customers the price options for journeys. Those in the business community, with whom I often rub shoulders on a Monday morning when travelling to London on my very satisfactory Pendolino train, are a captive audience for paying high prices for their tickets. The current situation rather crowds out many people's ability to use trains as much as they would like.

On the whole, however, my message to the writers of this report, and to the people who are delivering the work about which the report tells us, is, "You are doing a good job; keep up the good work."

2.59 pm

Dr. Phyllis Starkey (Milton Keynes, South-West) (Lab): I start by endorsing the comments that my hon. Friend the Member for Stafford (Mr. Kidney) made about the enormous improvements on the west coast main line, particularly his point that all of this work should have been done about 20 years ago—certainly before privatisation. However, I am extremely pleased that it has now been done, and that it has been done by a Labour Government.

I congratulate the Minister and all his predecessors on bringing the project to such a satisfactory point—not a conclusion, because the project is ongoing—at which real improvements have been delivered in a cost-effective way. I hope to console him for the absence of crowds of Back Benchers wanting to harass him during the debate by saying that he should take it as a sign of success. I feel confident in saying that had the debate been held at almost any time during the preceding 15 years, regardless of the party of the Minister who would have been speaking, the room would have been crowded with Back Benchers who would not have been wanting to say complimentary things about the west coast main line. They would have been falling over themselves to explain its deficiencies and their constituents' need for progress to be made. It has now been made and the Minister should take the lack of speakers as a sign of his success. In that sense, I look forward to a debate that nobody attends because everything is so hunky dory that people cannot be bothered to turn up and say so.

The Minister can be reassured that, given the Government's successful response to my past harassment of them—that is an accurate way of describing it—I do not intend to repeat in mind-numbing detail all the reasons why Milton Keynes is so extremely important. I have clearly convinced him of the fact. I simply say that for my constituency, the issues have always been twofold.

First, we have wanted to ensure that we have good, reliable and fast inter-city services, because Milton Keynes is an extremely dynamic local and business community. The chamber of commerce in Milton Keynes has, rightly, always insisted that we need a good inter-city service and good inter-city links both north and south throughout the day, including at peak hours, to ensure that our businesses can get the business visitors that they require at all times of the day from both north and south. In that respect, I am extremely pleased that the progress report details improvements in peak time services as well as those during the rest of the day, including services from the north to Milton Keynes in the morning and in the opposite direction in the evening.

As well as business visitors, a significant and growing number of people work in Milton Keynes but live elsewhere, although a larger number live in Milton Keynes and commute to London and, of course, an even larger number both live and work in Milton Keynes. It is therefore important to us that the focus is not only on commuter services between Milton Keynes and London, but on commuter services to Milton Keynes from both London and from the north. The expansion of capacity mentioned in the progress report and the new timetables that are planned meet that need.

I pay tribute to the Milton Keynes chamber of commerce, which has been extremely constructive in working with me and the Government on the improvements to the service to Milton Keynes that we need to meet business needs. I also give credit to the Milton Keynes and Bletchley rail users group, which has effectively co-ordinated the views and needs of rail commuters and fed them into the debate on improvements to the west coast main line in Milton Keynes.

The improvements set out in the progress report are extremely welcome, particularly the planned extra platform for Milton Keynes Central station. That will greatly increase track capacity and enable the new timetable from 2008 to incorporate an increased number of trains at peak commuting times. It will also provide, through the turn-back facility, the ability for trains to turn round at Milton Keynes, which will increase the ability to fit in at peak times train services between Milton Keynes and London. That will be of enormous advantage to my constituents.

The extra capacity is particularly required because Milton Keynes is a growth area and we expect its population to have grown by 80 per cent. by 2030. I am hoping that most of those new people will live and work in Milton Keynes, but clearly a proportion of them will commute to London, so one can expect the number of commuters to increase, although perhaps not by as much as 80 per cent. The increased capacity is therefore extremely important.

I am also pleased that mention is made of the improvements in journey time and comfort that are being made to the Silverlink County rail services, which carry the bulk of commuters in the new Desiro rolling stock, which is far more comfortable than the older rolling stock that it replaced. The comfort level is important to regular commuters, who—however fast the journey is—spend a considerable proportion of their lives on trains. They appreciate the improved quality of the trains, not to mention the air conditioning, which is particularly important in the summer. The improved track reliability is also immensely important to everyone on both the Virgin and the Silverlink County services, in that the trains run on time and arrive as expected.

[Dr. Phyllis Starkey]

An issue raised in the west coast main line progress report relates to Milton Keynes Central station. It is an excellent station on the whole, but it has one defect: it does not have proper passenger lifts. Its lifts are essentially goods lifts and they have extremely heavy doors that are difficult for passengers to use, especially elderly passengers, who are exactly the people who are most likely to want to use the lifts. I hope that the passenger lifts are upgraded so that they are more suitable for the 21st century and the many more people who will wish to use the station.

The second issue involves both Bletchley station and Milton Keynes Central station. There is a welcome mention in the progress report of the fact that the planned improvements will not only be of benefit to the west coast main line, but be significant to the sought-after reopening of the Oxford to Bletchley rail link with the Aylesbury to Bletchley spur. At both Bletchley and Milton Keynes Central, the works have been carried out so that they will facilitate the future reopening of the east-west rail link and enable the east-west service to go up to Milton Keynes Central from Bletchley. That would enormously increase potential usage and hugely strengthen the business case for the reopening of the railway link. I am pleased that the Government have taken note of that.

However, I ask that in the remodelling of Bletchley station, which is also important for the regeneration of Bletchley, and the construction of the new high-level platform, enormous care is taken to ensure that the remodelling is passenger friendly. It should take particular account of the need to make the transfer of passengers from the east-west line—the Bedford to Bletchley line—to the west coast main line as easy as possible to encourage passengers to use it. It should also take account of some of the concerns that are being raised by the rail users group about whether the placing of that high-level platform is quite as convenient as it might otherwise have been for pedestrians, and in particular for disabled customers. Will the Minister keep a watching brief on those planned works and ensure that they are as friendly as possible to rail users?

I thank the Minister for listening so carefully to all the representations that I have made in the past and for delivering so effectively for the people of Milton Keynes. I also thank all those people in the various parts of the rail industry who have participated in those discussions and contributed to the scheme that will now be advanced. It will enormously improve life for my constituents.

3.10 pm

Paul Rowen (Rochdale) (LD): It is a pleasure to take part in this debate under your chairmanship, Lady Winterton.

Like others in the Chamber, I welcome the publication this week of the progress report on the west coast main line. Typically, the Minister understated some of the past problems and the progress that we have made since the publication of the west coast main line strategy in 2003. I am a former member of the Greater Manchester passenger transport authority and now a regular user of the service between Manchester and Euston. During the 12 months that I have been a Member of Parliament, I have seen a vast improvement in the quality and reliability of the service, so much so that it is easy to forget how poor it was prior to modernisation.

During the 1990s, I visited Kenya and travelled on the line from Nairobi to Mombasa. I told friends that the rolling stock on that line was newer than the rolling stock on the west coast main line at that time. Sadly for Kenya, that would not be true now. That is an example of the fact that one must continue to upgrade and improve not only the rolling stock, but the condition of the line. The modernisation of the west coast main line has been a long-held wish. The Minister referred to the upgrade in the 1960s and 1970s, which did not deal with many of the structural problems on the line that would have allowed the sort of speeds that people wanted.

When preparing for this debate I read a Westminster Hall debate of 23 October 2002 before the strategy that we are discussing was agreed. As the hon. Member for Milton Keynes, South-West (Dr. Starkey) said, the Chamber then was full of Members wanting to talk about the problems being experienced by their constituents. The debate was initiated by my former colleague, Patsy Calton, who said:

> "Where is the industry going? Where is the strategy to produce the railway industry that the north-west, the industry, the public and business want? Do the Government have a plan? Will they act to reduce the uncertainty crippling business? The north-west needs the upgrade, as do the midlands, Cumbria and Scotland, for local, national and, ultimately, international traffic. The country needs to hear from the Minister that the Government have at last got a grip on this out-of-control project."—[*Official Report, Westminster Hall*, 23 October 2002; Vol. 391, c. 97WH.]

She accurately underlined the problems at the time—for example, the cost overruns—and the fact that it looked as though we would never have the railway that the west coast main line deserved.

Savings were made by reducing the speed on the track from the 140 mph originally planned to 125 mph. At Stockport station, the signal box, instead of being replaced with modern electronic signals, was refurbished by Chinese engineers because no one in Britain could master the mechanical devices. Despite all that, this week, improvements to the service have been announced. Birmingham will have two to three trains an hour with a journey time of one hour 23 minutes instead of one hour 43 minutes, and Manchester will have a train every 20 minutes and a service that peaks at less than two hours. Those are remarkable achievements and, as a regular user, I understand why those services are popular. The Minister rightly said that the train is now beating the aeroplane in terms of passenger usage from Manchester to London. During the past 12 months, reliability and frequency on that line have improved considerably.

I am pleased that we have made good progress, and done so within the original cost estimate. In the past, we have criticised the Government for cost overruns, but I pay tribute to them for keeping the west coast main line project on budget and on time. That is a tribute to all who work in the rail industry.

I want to raise a couple of issues with the Minister about how we can further improve the service. The hon.

Member for Stafford (Mr. Kidney) mentioned Birmingham New Street station, where there are capacity issues. Plans are being drawn up to deal with that problem, but it is important to have some news soon about what will happen, not necessarily in respect of the long-distance fast trains, but to ensure that there is continued growth of commuter trains feeding into the fast trains. The same applies at Manchester Piccadilly station. As I have said, we need to know when platforms 12 and 13 will be upgraded because they are limiting capacity to improve services into and out of Manchester Piccadilly.

The hon. Gentleman also mentioned fares, which spoil the progress that has been made. It is now more expensive to travel first class from Manchester to London by rail than by air. As the Transport Committee said last week, the pricing system is complex and unintelligible to even the most intelligent person. It needs simplifying and sorting out.

On future issues, the hon. Gentlemen mentioned the bottleneck at Stafford, to which the report refers. That is a complex problem. The Trent Valley line has been sorted out and I understand that, given the original milestones and deadlines, everything cannot be done at once. However, I hope that by the time of the next debate that issue will have been resolved. It is important for people in Stafford and for regular rail users to develop the network line.

On freight, the report does not contain a resolution that achieves the original plans, which referred to 60 to 70 per cent. more freight on the line. The report refers to some of the fast mail services, but we have not been told how those will be provided. If we are to be green and environmentally friendly, it is important not only that we have more passengers, but that more freight is moved around by rail.

There are future issues. I hope that a plan will be introduced so that renewals of the line are built into the system and are not neglected, as happened in the past, and that speeds increase from the current maximum of 125 mph. I hope that we can have a proper dialogue on the development of the high-speed line between London and Scotland. The Northwest Development Agency rightly said that the west coast main line is the economic lifeline of the north-west. The next phase should be a high-speed line between London, the north-west and Scotland, which will be a further motor to the economic progress that we are seeing in the north-west and beyond.

I thank the Minister for initiating this positive debate. At last, we are seeing some of the long-sought-after benefits that we were promised back in 2003.

3.19 pm

Chris Grayling (Epsom and Ewell) (Con): It is a pleasure to serve under your chairmanship, Lady Winterton. I do not intend to delay Members for long, but there are a few issues I wish to raise with the Minister, and I have a couple of introductory points.

Those of us who use the west coast main line recognise that it is much better and that the project has transformed what was a pretty shaky part of our transport infrastructure into something that works well and appropriately. I congratulate the Government on their work on the project. It is one of two promises they made in their 10-year plan that they have kept—the other being the channel tunnel rail link. All the rest have gone by the board, such as Crossrail, the suburban improvements in London and Birmingham, Thameslink 2000, platform extensions on the South West Trains route and the upgrade to the east coast main line. It is good that at least some of the promises—commitments—of projects that would be finished by 2010 that were set out in the document of five years ago have come to fruition.

The hon. Member for Milton Keynes, South-West (Dr. Starkey) is right that the project has made a significant difference to people in Milton Keynes, as well as in Stafford and Manchester, but that has come at a price. I would be pretty worried—as I am sure would the Government—if after having spent £10 billion there had not been a transformation of the service. Bearing in mind the estimates that Iain Coucher of Network Rail made a couple of weeks ago of the potential cost of a high-speed line to the north, the truth is that the upgrade has not cost an awful lot less than building an entirely new line from scratch. It has been a big, significant and complicated project, and the Minister is right that the route is probably the busiest and has the biggest mix of traffic in Europe, but I would be worried if it had not made a big difference, because it is of a scale almost comparable to building an entirely new route.

I wish to raise a number of issues with the Minister about the west coast route and related matters. The first is the length of the trains. One of the absurdities over the past few years—it was quickly discovered to be such—has been that the original Pendolinos had eight coaches. They now have nine, although traditionally express trains on the route would have had 10, 11 or 12. Therefore, we have had shorter trains over the past few years, which has inevitably meant less capacity.

There is talk—it is mentioned in the document—of adding an additional coach to the Pendolino trains. Is that the case? If it is, will that be funded by the Government or from the additional passenger revenues that Virgin Trains will secure from such an expansion? Is it true that Network Rail is considering procuring those trains? If it is, that would represent a significant change in the procurement practices of the industry. I would be grateful if the Minister answered those questions.

There are still some big unanswered questions to do with the route—major bottlenecks and major issues that have not been addressed. The most obvious of them concerns Birmingham New Street station. After the Birmingham, Hodge Hill by-election, the Prime Minister promised that the station would be dealt with quickly. That has not happened. There is no sign as yet of confirmed funding. I would be grateful if the Minister told us what is happening about New Street station.

Also, given that the Government are open about their consideration of high-speed rail, what consideration has been made in thinking about station provision in central Birmingham of the potential capacity needs of a high-speed line? In the discussions that the Minister and his Department are having about Birmingham New Street, has any thought been given to where high-speed trains to central Birmingham could

[Chris Grayling]

be fitted in if bringing high-speed rail beyond London to the north of England is a part of the next stage of development on which this Government—or a future Government—decide?

Mr. Kidney: I wish to intervene because that is the second slightly negative comment about the Birmingham New Street project. It is true that we are waiting for decisions about the rail industry's contribution to the scheme, but I would like to put the positive side of the matter. The whole region has come together, with money, to back the plan. There is strong support for it, including from Advantage West Midlands, the regional development agency; Birmingham city council; the chambers of commerce; and the rest of us in the wider region, and a lot of money has already been identified.

Chris Grayling: The hon. Gentleman talks about slightly negative comments, but two weeks ago I met the West Midlands chamber of commerce to discuss the project, and I met the leader of Birmingham city council to discuss it yesterday, and the practical truth is that there is no money from central Government to make it a reality. There is no timetable, and there is no confirmed project; nothing is happening at present. Whatever good will for it there may be in the west midlands and whatever money that region may make available for it, this is a project in a siding. Given that Birmingham is Britain's second city, it is beholden on the Minister to make it clear what the Government are going to do. We are discussing a central part of the west coast main line.

My point about high-speed trains is that the Government would not be doing their duty in considering high-speed rail for the future if they were not to demonstrate a bit of joined-up thinking by asking this question: if we are going to rebuild the major station in the centre of Birmingham and we might build a high-speed rail line a bit further down the track, where would the trains actually go? Is there a part of the plan that shows where they could be added in?

The second big flaw is Manchester Piccadilly station. The suburban rail improvements around Manchester Piccadilly promised in the 10-year plan have not come to fruition. It is a bottleneck in the network. I would like to understand the Government's thinking on Manchester Piccadilly, and how they plan to take forward the various ideas for improving the situation there.

The issue of Stafford is explained in some detail in the document. It basically says, "Oh dear, big problem for the future, and not quite sure what to do about it." What are the Government planning to do about it, and when?

There is another significant capacity issue in the west midlands: four-tracking the stretch from Birmingham to Coventry. The lack of four-tracking is a major constraint on the ability of the rail network to take additional passengers in that part of the country. What work have the Government done on assessing the options for turning that stretch into four tracks? What estimates have they made of the cost? Do they have any plans to do so?

The document mentions a third platform at Manchester airport. Manchester airport is growing; it has a second runway and aims to increase significantly the number of passengers who arrive there by public transport, but it has a very small railway station and increasing demand. The document seems to be slightly equivocal about whether the third platform will be built. I would be grateful if the Minister set out whether it has been approved, whether the funding is in place, and whether he is committed to ensuring that it is in place by the time of the 2009 timetable.

I have looked carefully at the sections on freight-loading gauges. It is desirable that higher-gauge freight vehicles can make it through to Trafford Park, and it now appears that that is the case. I also note with interest that reference is made to the Felixstowe route:

> "Should the Felixstowe-Peterborough-Leicester-Nuneaton line be developed for high gauge traffic, this additional line would enable a conflict-free link with the West Coast route to be provided."

The improvement of the Felixstowe route to take high-gauge freight traffic is of course another commitment in the 10-year plan that has not happened.

The Minister and his Department have made quite a play over the past couple of months about double-decker trains. What steps has his Department taken as part of the project to provide for future introduction of double-decker trains on the west coast route? Is it practical to do so? Has that work been done, or was the west coast route shut off to the Government's plans for double-decker trains—as are many other parts of the network?

Will the Minister address the question of the future franchising arrangements on the west coast route? He will be well aware of the GNER experience, which has become doubly complicated with the Grand Central debate, and which is in the courts. Owing to the nature of the franchise renewal process—because the Government have taken such close control over the day-to-day operation of the rail network—the railways are in effect run by the Government, not by independent companies. The rail companies are subcontractors to Government who work to very tight specifications set out by the Department. The Minister has a team of civil servants working for him, who write train timetables to which the would-be bidders must conform in their bids. To meet the Government's aspirations to extract as much value from the franchise agreements as possible, the bidders then bid as high as they dare. It is a popular received view in the rail industry that GNER bid quite high for its franchise. We saw one of the consequences of that on 1 January, when unregulated fares on the east coast route went up by about 10 per cent. If one looks at GNER's future financing structure—the premium it has to meet over its franchise—it is difficult to see how the process of big increases in unregulated fares will stop.

I have a question for the Minister about the west coast route, which has been hugely costly for the Government. The route has built up a substantial debt burden for Network Rail to service over the next few years. Today,

Network Rail's debts are about £18 billion, and it will take well over £1 billion a year of public money to service that debt. Certainly half that sum has gone into the west coast project. What is the Government's policy on fares for the west coast route? When the franchise is renewed, do they expect to end up with an agreement comparable to the one for the east coast, under which it is clear that passengers who fall outside the scope of the regulated fares structure will pay ever higher fares to travel on the line? I would be grateful if the Minister addressed that.

Let us be clear: anyone who looks at the west coast route will say that there has been significant improvement, although it has cost a lot of money and taken a huge amount of engineering. We need a strong, good, effective rail network for the future, and we will need improvements in other parts of the country. We will need to work to address capacity problems; one of the big challenges that the Minister faces in the next few years is how on earth the Government will do that—and when they will do it, because it needs to happen now, not at some distant time.

The west coast story is a good-news story that has made a difference to the constituents of the Members here today and others on both sides of the House. Those who worked so hard on the project should take credit for transforming a decaying and declining route into one with a clear, strong and promising future.

3.31 pm

Derek Twigg: This has been an interesting debate, but I accept that a lot more people were present when the subject was debated three or four years ago—the hon. Member for Rochdale (Paul Rowen) referred to that occasion. I wondered for a minute whether that was just because I am speaking today, but that would be another issue.

The west coast route certainly is a good-news story. I might have understated the previous problems. I assure the hon. Member for Epsom and Ewell (Chris Grayling) that I have stood at Crewe station at 2 o'clock in the morning, having set out at half-past 6 from London Euston, so I am well aware of the tremendous difficulties that have occurred. I have travelled on the line for 26 or 27 years, and have seen the ups and the downs—there have been a lot of downs during that time—so it is pretty pleasing to see the significant improvements that have taken place in the past few years. I put on record my thanks to officials in the Department for Transport, who have been very much involved in taking the project forward, and who have worked tremendously hard on it.

My hon. Friend the Member for Stafford (Mr. Kidney) has been an absolute champion for Stafford and has been in regular contact with me. Of course I am more than happy to meet him to discuss the details of the report, and particularly to discuss how we can take forward the issues for Stafford. He made a point about the importance of work on the Trent Valley double-tracking; that line is a major artery. He mentioned lifts and improving Stafford station; he has been pursuing that point clearly. There is work under way on car parking, and we are hoping for improvement in 2008. We will provide some 5,000 extra spaces at main stations along the west coast, so there will be improved capacity.

Hon. Members mentioned freight. There has been significant growth, and more growth is taking place. By 2008, there will be 70 per cent. more capacity for freight. Improvements to the west coast route have meant improvements for freight, and we welcome opportunities and ideas for developing that further. My hon. Friend the Member for Stafford also referred to ticket prices, which I shall come to shortly.

My hon. Friend the Member for Milton Keynes, South-West (Dr. Starkey) has done tremendous work in lobbying me—and previous rail Ministers—about Milton Keynes Central. It has become a particularly important station because of the growth taking place in the area. That is partly why we are investing the amount that we are in Milton Keynes. I went there on Tuesday to see for myself the improvements that have been made and that will be progressed there. As my hon. Friend says, she would still like further improvements, and I recognise that she is not one to rest on her laurels. She will continue to pursue the issues. I take account of the issue of passenger lifts; she will be aware of our announcement a few months ago of the "Access for All" fund for improving access for disabled and other people. That is part of a longer-term programme.

My hon. Friend mentioned the important issue of Bletchley station. In relation to both Bletchley and Milton Keynes, we have done work on how we can take forward the east-west link to which she referred. There is the Bletchley platform issue, too, which I am happy to speak to her about further. As I said, I concur very much with what the hon. Member for Rochdale said about the problems that we all encountered when travelling on the west coast line.

On the future of Birmingham New Street, which the hon. Member for Epsom and Ewell mentioned, we have only recently received the business case. We are working on that and assessing it, but of course we will consider how it might, or might not, link into any high-speed line. The hon. Gentleman will not be surprised to hear that that is part of Eddington's work, which is taking place. Clearly, there would be a substantial cost, and we need to make sure that we look into the matter in some detail. Birmingham is important, as the hon. Gentleman says, and we recognise the need to do something; the issue is how we go about doing it.

The hon. Members for Rochdale and for Epsom and Ewell mentioned Manchester Piccadilly. Network Rail is undertaking work on the route utilisation strategy for the north-west, and that will be taken into account. Similarly, discussions about Manchester airport are ongoing, and we are trying to facilitate them and bring about the improvements to which hon. Members have referred.

The hon. Member for Epsom and Ewell made a number of important points about the longer-term strategy and where we are going. He made points about double-decker trains, Coventry, Manchester airport and Birmingham New Street. As I have always made clear, there have been significant improvements in the railway overall, in terms of increased reliability, record numbers of passengers and improved rolling stock. I agree with him that, given the money that we have spent, there should have been improvements, not least on the west coast line. However, clearly, the biggest

[Derek Twigg]

challenge for the future is that of capacity, as we continue to want to grow the railways, and as there is further growth. Indeed, growth on the west coast line could double in 10 years.

The hon. Gentleman talked about the increased length of trains. We want nine-car trains, possibly going up to 10 or 11 cars. Owing to increased passenger numbers and increased usage of the line, there will be significant extra income that can help to pay for those increases. In particular, he mentioned our negotiations with Virgin about the franchise. Those discussions are ongoing, and I would not want to prejudice them by talking in detail about what is happening, but clearly they are important, and we have to get that right for the future of the service on the west coast.

To come back to capacity, the hon. Gentleman referred to the high-level output specification. The Secretary of State—sorry, the previous Secretary of State—made a point about the long-term look a few weeks ago. For the first time in decades, there is a real long-term look at what the railway will need, what the capacity issues will be and how we might afford the changes and improvements to the railway that are needed, and get best value for money. That is important in terms of longer-term planning and high-level output specification. We are consulting widely on that, and on improvements such as double-decker trains and longer platforms.

Chris Grayling: I have not got used to the change of Secretary of State yet, either; I keep referring to the Secretary of State's predecessor.

Surely the point about double-decker trains is that if the west coast route cannot take them, the Minister can consult all he wants on them, but they will not work there. The previous Secretary of State made it absolutely clear that the Department sees double-decker trains as an important part of future strategy for the west coast route. Despite the most recent modernisation programme, that route is forecast to be one of the most congested on the network in the next few years. Have the Government ensured that the modernisation process has left gauge clearances of a scale sufficient to take double-decker trains in future?

Derek Twigg: The hon. Gentleman will not be surprised if I make the point that double-decker trains represent one of several solutions that the Department is considering; it is important to take a generic view of solutions for the railway. There is no one solution for the whole railway, and as he makes clear there are certain options. As I have said, perhaps following some minor infrastructure or route improvements, we believe that the west coast line has capacity for trains of 10 to 12 cars. There is the ability to build up the length of the trains and, of course, have longer platforms. In the longer term, we have to decide which high-level output specification we can afford and which the Secretary of State wants to take forward. I ask the hon. Gentleman to be a little patient at this stage.

Chris Grayling: The Minister knows that virtually all our rail network cannot take double-decker trains because of gauge constraints. Network Rail is implementing a major modernisation programme on one of our routes, which the Government are funding. If double-decker trains are being considered, the construction work taking place as we speak should surely make provision for such trains—if they are what the Government want. Is that provision being made?

Derek Twigg: I can see where the hon. Gentleman is trying to go. The announcement about what we want to look at was made last year, but that is part of the overall process of considering future capacity constraints.

Chris Grayling: So that is a no, then.

Derek Twigg: No. Much route modernisation has already taken place, as the hon. Gentleman well knows. I am just explaining some ways of considering capacity on the west coast route. He will have to be patient and wait a little longer until we finally decide on the high-level output specification—our future planning for the railway.

The hon. Gentleman also dealt with fares, as did the hon. Member for Rochdale and my hon. Friend the Member for Stafford. The west coast line is an interesting case to study. Let me make it clear: I agree that the ticketing is too complex. It should be simplified and information given to passengers should be improved. That is in the gift of the train operating companies. I know that some of them are already working on that, and we can bring about improvements and remove a lot of the complexity. If someone turns up wanting to know what the cheapest ticket is, they should be able to get that information.

Having said that, the debate has gone astray quite a bit. On the west coast line, there is clear competition for trains from aircraft, buses and cars. Despite that, the majority of people travel on the west coast line on lower price tickets, rather than the top prices for rail travel often quoted by the hon. Member for Epsom and Ewell and others. There are many excellent deals and good value tickets: I think the cheapest ticket from Manchester or Liverpool is £24. The competition is there, but since the issue of the 2004 timetable, there has been a 30 per cent. increase in usage of the route. I understand some of the concerns raised, but regulated fares are 3 per cent. cheaper in real terms than they were in the mid-1990s.

We need better transparency and we must improve ticketing information and access to the cheapest tickets, but there are already many good-value deals. We have a competitive service, and the west coast line is a good example of how rail travel can compete and provide a very good service.

In conclusion, there is still work to be done. I assure hon. Members that the Government will continue to focus strongly on the project to ensure that we achieve the improvements at the right cost and at the right time. There are still challenges, which my hon. Friend the Member for Stafford mentioned, such as how we can continue to bring about further improvements, not just for passengers but for freight.

It is clear that rail is becoming a much more attractive form of travel that continues to attract many more people. The Government want to continue investment in the railway to ensure that we improve capacity and grow the number of passengers, make further improvements in rolling stock and reliability, and focus strongly on improving performance. As I said earlier, the target for the reliability of trains was 88 per cent. and we are already running at about 90 per cent. However, the Government want to improve that figure further, and it is important that we keep focused on it to ensure further improvements.

Question put and agreed to.

Adjourned accordingly at fifteen minutes to Four o'clock.